



# General Assembly

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## Human Rights Council

### Fifty-third session

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2023]

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\* Issued as received, in the language of submission only.



## **Bangladesh: One-Party Authoritarian Rule is Incompatible with Independent Judiciary**

The Asian Legal Resource Centre (ALRC) wishes to raise the issue of independence of judges and lawyers and relevant human rights issues to the United Nations Human Rights Council focusing on its incumbent Member Bangladesh.

Bangladesh's incumbent Prime Minister Sheikh Hasina has established a de-facto 'one-party state'. In the given authoritarian state an independent judiciary is absolutely incompatible where abiding by the Basic Principles on the Independence of the Judiciary is illusive.

In Bangladesh access to justice and the right to fair trial is not universally guaranteed to everyone. Prompt and effective remedies are subject to the political identities of the litigants and the lawyers as long as either one or both of them have allegiance to the ruling party. The judiciary has adopted the characteristics of authoritarianism in its everyday institutional practice to such an extent that affording judicial remedy is an impossible option for the dissidents and the political opposition in Bangladesh.

The judiciary and the police-dominated complaint mechanism of the country offers unfettered access to the judicial system for registering cases against the dissidents and the political opposition. Regardless of the authenticity or verification of such complaints are instantly entertained by the police and the judiciary with retributive attitudes against the defendants. Registration of any complaint against any member of the political opposition or a dissident lead to, at least, arbitrary detention of the individuals for a prolonged period as all the tiers of the judiciary, in general, deny bail to the defendants.

On 7 December 2022, the police stormed the central office of the main opposition political party - Bangladesh Nationalist Party (BNP), at Nayapaltan in Dhaka prior to its massive rally scheduled on 10 December. The police fired gunshots at the leaders and activists of the BNP during a peaceful demonstration against the price hikes of commodities and fuel. The police firing killed a man named Mokbul Hossain, an unarmed activist of the BNP who took shelter inside the party's office building during the unwarranted gunfire. The ruling party activists and the police jointly vandalized the opposition's political office. Over five hundred opposition activists and two senior leaders were arbitrarily arrested and detained as the police registered several cases in the capital city. The arrested leaders – Secretary General Mirza Fakhrul Islam Alamgir and Standing Committee Member Mirza Abbas – were detained in prison for 33 days and were released on 9 January 2023 while the cases registered against them remain pending an investigation.

Regarding the incident of vandalism of the political party office, killing of an unarmed activist, and injuring over 50 activists the opposition political party approached to the Chief Metropolitan Magistrate's (CMM) Court of Dhaka to register a case on 22 January 2023. The BNP accused 10 people including the Additional Commissioner of the Dhaka Metropolitan Police Harun-Or-Rashid, who allegedly led the police crackdown on the opposition. The CMM Court outright rejected the case.

The Special Procedures of the United Nations Human Rights Mechanisms should have already been aware of the case of independent human rights group Odhikar, which has been facing reprisals for over a decade now. Odhikar's secretary Adilur Rahman Khan and director A S M Nasiruddin Elan have been facing prosecution at the Cyber Tribunal of Dhaka for conducting fact-finding missions to document the extrajudicial killings of 61 people in an overnight crackdown on demonstrators on 5 May 2013 and communicating that report with the UN Special Procedures mandates. After the completion of the examination of the prosecution witnesses the Cyber Tribunal judge has on 15 May 2023 ordered 'further investigation' of the case responding to the request of the State. Odhikar's lawyers submitted written objections against the prosecution's petition, which sought a 'further investigation'. The defense lawyers, who represent Odhikar, clearly stated that it is unlawful to seek further investigation after having completed the examination of the prosecution witnesses during the prosecution while the judge was supposed to pronounce the verdict after arguments of the both parties.

While ordering in favour of the prosecution to initiate ‘further investigation’ into the case the judge A. M. Julfiker Hayet in his order falsely claimed that ‘both the prosecution and the defense agreed to have a further investigation into the case’, which is a blatant untrue statement by the judge of the Cyber Tribunal.

The judges of Bangladesh are able to behave in such unfair manner due to the absence of accountability and their allegiance with the authoritarian government of Prime Minister Sheikh Hasina. The trend of entrenched injustice to the dissidents, human rights defenders, and the political opposition is unavoidable in the given circumstances.

The ALRC urges the UN Human Rights Council to engage the Special Procedures mandates to remind Bangladesh to accept the standing invitation for a country visit to learn about the situation substantively. The Members of the Council should raise valid questions to Bangladesh during the upcoming Universal Periodic Review (UPR) process regarding the subjective and subjugated nature of the country’s judiciary. The perpetrators of the judiciary and other institutions that deny universal access to justice and judicial remedies on merits to the victims of crime and human rights violations should be prevented to participate in the international duties of the multilateral bodies, including the UN Peacekeeping Missions.

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<https://defence.pk/pdf/threads/sheikh-hasina-is-asias-iron-lady-the-economist.768492/#post-14387373>>
  3. <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary#>
  4. <https://alrc.asia/bangladesh-victims-of-gross-human-rights-abuses-are-defenceless-in-absence-of-judicial-independence/>
  5. <https://netra.news/2022/police-shoots-at-activists-inside-bnp-office-killing-one-and-injuring-dozens/>
  6. <https://www.aljazeera.com/news/2022/12/9/top-bangladesh-opposition-leaders-among-hundreds-arrested>
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