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HUMAN RIGHTS COUNCIL  
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### **PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement\* submitted by the Asian Legal Resource Centre (ALRC),  
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.

[23 May 2008]

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\* This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

**BANGLADESH: Council member failing to take even minimal steps to address widespread torture within its borders**

Torture is a routine component of the methodology of law-enforcement in Bangladesh. Torture is used in a widespread manner by all of the various law-enforcement or security forces within the country including: the police; the Rapid Action Battalion (RAB), a paramilitary composite force comprising personnel seconded from the armed forces, the police and the Bangladesh Rifles; the border security force known as the BDR; and the military, which has been controlling the interim caretaker government that currently rules the country.

The use of torture does not engender any prosecutions against or punishment for those who perpetrate it. No-one is held accountable. Torture is not a crime in national legislation in Bangladesh. Any person serving in the law-enforcement forces are not prevented, and therefore tacitly encouraged, to use torture by default as part of their professional responsibilities. The perpetrators of torture are supported by their superior officers within their respective departments. The officers of the police, the RAB and the armed forces argue with human rights defenders that law-enforcement and maintenance of peace and security in society requires the use of torture. At the international level, the country's representatives have learnt to make utterances that hide this fact.

According to the documentation of the Asian Human Rights Commission (AHRC), the sister organisation of the Asian Legal Resource Centre (ALRC), the police justify their use of torture through various arguments. The officers of the Bangladesh Police claim that because there is only one policeman for every one thousand and two hundred citizens, torture is acceptable. They argue that the police force is very poorly financed and has inadequate logistical capabilities and is therefore required to work tirelessly. Under such circumstances, they claim that the police's performance cannot be faulted, justifying torture.

In reality, torture is a frequently-used tool to extract money. The police arrest people without warrants or orders from the legal authorities and beating them with sticks, batons, boots, fists and kicks during and following arrest. These persons are detained without registering any record and are intimidated with the threat of being killed in staged encounter killings often referred to as "crossfire" killings. All of this is done in order to extract bribes and enrich the police. Failure by the detainees to pay bribes leads to the use of torture. Methods typically include: beating a person that has first been hung from the ceiling or a tree; electrocution; pouring hot and cold water into the mouth and nostrils (in the summer or winter seasons respectively); inserting nails or needles under the fingernails or toenails or other sensitive parts of the body. Persons are also typically subjected to humiliating and abusive treatment during arrest.

There are no readily accessible avenues for victims of torture to seek physical, psychological and legal redress in Bangladesh. Detainees do not receive adequate medical treatment in custody. In public hospitals, torture victims are treated as being patients of assaults, and they do not receive treatment from professionals such as psychologists, physiotherapists, psychiatrists, nurses and counsellors, that are required to address the

complex repercussions of torture. Victims, who are normally from the poor, marginalized sectors of Bangladeshi society, cannot afford proper medical treatment themselves.

Furthermore, in most cases, torture victims are then denied access to the public hospitals as the result of death threats and other forms of intimidations, including the threat of implication in fabricated criminal charges, should they seek treatment. Threats are also proffered against their families and even medical professionals, by the alleged perpetrators or their accomplices within the authorities, in order to block attempts to collect medical certificates identifying that the victim has been tortured, as this is essential evidence for lodging complaints with the police or with the Courts.

Due to demoralisation, victims do not expect legal redress in Bangladesh. A police station, which is the initial place where victims are to lodge complaints, by default refuse to record complaints of torture when a member of the police or military is named as the alleged perpetrator.

The judiciary, rather than providing justice, create further obstacles for victims seeking redress. When victims lodge complaints with a magistrate's court regarding torture the magistrates by default ask the police to conduct investigations into the complaints, even if the police are identified as being the perpetrators of the torture. The lack of an independent investigating unit is at the source of this problem in the country. Such magisterial decisions, on one hand, bring about further harassment, threats and intimidation by the perpetrators for victims to withdraw the complaints. On the other hand, the police produce a distorted investigation report resulting in the complaint being deemed to be "false." Complainants with significant resources may become able to convince a court to get a further order for a judicial probe to be conducted by a committee headed by a magistrate. However, such judicial probes will most frequently be destined for failure, notably due to provisions of the Code of Criminal Procedure, such as Section 132 and 197, which stipulate that sanction from the authorities is required before public officials can be tried. Layer upon layer of threats, intimidation and obstacles prevent most victims of torture from even seeking redress.

The Bangladesh government's policy makers have effectively promoted torture and human rights abuses during all successive regimes since the birth of the country. The alleged perpetrators automatically enjoy impunity from the authorities, as the law-enforcement agencies play the role of "hired gunmen" for whichever government takes power. This is most clearly evidenced through the blatant impunity provided to perpetrators in legislation such as the Indemnity Ordinance of 1975 (Ordinance No. LX of 1975), the Joint Drive Indemnity Act of 2003 and the Emergency Powers Ordinance of 2007 (Ordinance No. 1 of 2007).

Bangladesh acceded to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) on November 4, 1998, (although with a reservation on Article 14 Paragraph 1). Despite this accession, torture has still not been made a crime in domestic legislation. Instead, torture has, since 1998, continued to be used as a prime tool for enabling corruption and abusing power, perverting the institutions that

are supposed to be responsible for upholding the rule of law in the country. The accession to international instruments is used cynically by Bangladesh to make itself appear to the international community to be making advances in human rights, while there is no actual political will within the country to make rights a reality. In fact, quite the contrary is true. The authorities make use of right abuses, notably torture, to instil fear in the population, in order to better control Bangladesh's citizens. Despite being a member in the Human Rights Council, Bangladesh has made no credible efforts to eradicate one of the most serious human rights violations.

The Asian Legal Resource Centre urges the Human Rights Council to insist that the Bangladesh Government criminalise torture in national legislation, in compliance with the CAT. The country's reservation concerning Article 14 of the CAT must be removed, enabling adequate compensation and rehabilitation to be provided to torture victims and their families, which has thus far been systematically denied by the authorities. The ALRC also urges Bangladesh to issue a standing invitation to all of the Human Rights Council's Special Procedures, including, as a priority, the Special Rapporteur on Torture.

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*About ALRC: The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at local and national levels throughout Asia.*

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