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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 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.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Bangladesh: Government Uses Arbitrary Detention and Degenerated Judiciary Against Dissidents

The Asian Legal Resource Centre (ALRC) brings the issue of arbitrary detention and the degenerated justice mechanisms to the United Nations Human Rights Council focusing on the situation in Bangladesh, which is a Member of the Council.

The ALRC has exposed the feature of the judicial independence of Bangladesh time and again in its Written Statements and Oral Interventions since the inception of the Council. Each time the Council sits for its Sessions the authorities of Bangladesh sets new records of abusing the country's judiciary.

The country's incumbent Chief Justice Syed Mahmud Hossain was virtually presiding over an Appellate Division Bench for hearing a case filed against a citizen under the Digital Security Act-2018 on 7 March 2021. The Chief Justice reportedly remarked with a warning that, "All should remember that the country's image is the first. If the country's image is tarnished by one's write-ups, his or her bail prayers will not be considered." The Chief Justice's warning clearly indicates that the basic principles on the independence of judiciary or the norms of strengthening basic principles of judicial conduct does not exist in the judicial mindsets of the judiciary of Bangladesh.

The ALRC's sister organisation - the Asian Human Rights Commission - has made submission to the Special Procedures about Nipun Roy Chowdhury, a lawyer and opposition political leader, who was arbitrarily detained for 83 days - from 28 March to 18 June 2021 - in conspiracy and subversion case. Pro-opposition newspaper journalist Ruhul Amin Gazi remains detained since 21 October 2020 in sedition charge. Investigative reporter Rozina Islam was arbitrarily detained for six days in a spying charge from 17 May 2021 to 23 May for exposing scandalous corruption of Bangladesh's COVID-19 handling by the Ministry of Health.

Numerous dissidents, including student leaders of newly floated political entity, are languishing in jail after being arbitrarily detained in repressive laws without having universal access to justice and the right to fair trial under the subjugated judiciary of Bangladesh. The law-enforcement agencies have arbitrarily detained, at least, 1230 Islamic preachers as suspects - between 26 March and 28 May 2021 - for the protests that sparked across country against the official visit of India's apartheid Prime Minister Narendra Modi. Iqbal Hossain (55), a leader of Khelafat Majlish, died in custody on 20 May 2021 while he was allegedly tortured after his arrest on 11 April by the Rapid Action Battalion and was under remand for two days that triggered his immediate hospitalisation. All the victims and their families have to carry the burden of unbearable costs of litigation, social stigmatisation, physical and digital surveillance, harassments, intimidation, and threats for indefinite period of their life, individually and collectively.

The degenerated judicial institutions complicit with the incumbent government in curbing freedoms of peaceful association and expression and the freedom of press. The judiciary abdicates its power of ensuring accountability of the government, which systematically denies the people's right to liberty and the right to universal access to justice. Fighting against the trumped-up charges has become inseparable part of life of the dissidents in Bangladesh. Every detainee has to spend a prolonged period of their life in prison coupled with a huge amount of financial resources for obtaining release on bail while the cases against them continue for years. The opposition activists, the dissidents, and the victims of human rights abuses of Bangladesh have become defenseless and their vulnerability is increasing day by day.

Apart from theorising and adopting programmes the UN should launch effective programmes to achieve the Goal 16 of SDG so that institutions are redesigned in countries like Bangladesh where authoritarian dictator has destroyed the basic functional capacity of the justice mechanism, which was already flawed by nature.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) needs to appoint a special investigating mandate to check the ground realities regarding the gross human rights violations taking place everyday in Bangladesh. The Council deserves to be

reported back by such mandate with substantive evidence and subsequent actions must follow.
