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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.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Bangladesh: Victims of Gross Human Rights Abuses are Defenseless in Absence of Judicial Independence

The Asian Legal Resource Centre (ALRC) wants to update the Human Rights Council of the United Nations about the situation of Bangladesh's human rights in relation to the mandate of independence of judges and lawyers.

The situation of the judicial independence of Bangladesh has been widely discussed in the Written Statements and Oral Interventions that the ALRC keeps submitting since the inception of the Council. At the 50th Regular Session of the Human Rights Council the ALRC reiterates that the people suffer in the absence of judicial independence in Bangladesh under a despotic rule.

Bangladesh's judiciary undermines the basic principles on the independence of judiciary and the norms of strengthening basic principles of judicial conduct in handling the politically motivated cases against the dissidents. The State's obligation of upholding the Article 2 of the International Covenant on Civil and Political Rights (ICCPR) in terms of providing effective remedy for violation of freedoms determined by competent judicial, administrative, and legislative authorities.

The Council and the Independent Human Rights Experts of the Special Procedures of the United Nations may understand the judiciary's complicity in the case of Nusrat Shahrin Raka, whom the incumbent Bangladesh Government arbitrarily detained in two trumped up cases for her exiled brother Kanak Sarwar's journalistic work. New York based Bangladeshi exiled journalist Kanak Sarwar hosts critical talk shows in his YouTube channel that exposes corruption and abuse of power of the high profile political leaders and military bureaucrats of the Bangladesh Government. In order silence Kanak Sarwar's freedom of expression the government started its mission of retaliation. A fake Facebook account was created in the name of Nusrat Shahrin Raka on 29 September 2021. After observing the fake virtual platform with her name and photo Raka registered a General Diary Entry (GDE) with the Uttara Pashchim police station of Dhaka on 1 October 2021. In the GDE she reported to the police that photos and information were copied from her private fashion business company's Facebook page to create a fake account in her name. Later, the fake account was used for publicizing contents critical of the government while she had no connection to those unwarranted social media activity. The Rapid Action Battalion (RAB) raided Raka's flat at Uttara of Dhaka on 4 October in the late night. By midnight the RAB detained Raka together with her three children. After around 30 hours' arbitrary detention the children were released Raka remained in detention. The following day, 5 October in the evening, the RAB registered two cases against Raka. One case referring to the alleged Facebook post in the fake account was registered under Digital Security Act-2018. The other case was filed under the Narcotics Control Act-2018 in which the RAB claimed that drugs were allegedly seized from Raka's house. The ALRC recalls that the law-enforcement agencies of Bangladesh, including the RAB, has reputation of planting evidence to frame innocent people in criminal offences. Without credible investigations into the cases, the Chief Metropolitan Magistrate's Court of Dhaka handed Raka over to the police on ten days' remand in the two cases. Meanwhile, the Facebook authorities reportedly removed the fake account due to 'inauthentic behaviour'. The use of the fake Facebook account by the RAB to fabricate case against Raka, ignoring her GDE made it clear that the agents of the government set-up that account for using as an 'evidence' against her. On 14 March 2022, a High Court Bench granted bail to Raka. After 176 days' arbitrary detention, she was released from the prison on 30 March. Prior to her release the RAB and the Police have brought charges in two cases against Raka; one in the Digital Security Act and the other on Narcotics Control Act. On 21 March, the two cases were transferred to the Metropolitan Sessions Court of Dhaka for trial based on the trumped-up charges. The judiciary, including the Sessions Court and High Court, refused Raka's bail petitions on six occasions while the Attorney General's Office played a key role in connivance with Supreme Court in denying Raka's bail and delaying her release from jail.

The judiciary colludes with the executive authorities of Bangladesh to deny legal remedies to the dissidents, victims of enforced disappearances, extrajudicial killings, and custodial torture. Instead, the judiciary consistently guarantees impunity to the perpetrators of the

human rights crimes. The death of writer Mushtaq Ahmed in prison last year is one of the many evidences of denying legal remedies to the dissidents by the judiciary in Bangladesh.

Bangladesh's judiciary has positioned itself amongst the judicial institutions that awards most death sentences in the world.

Bangladesh's degenerated judicial institutions consistently complicit with the incumbent government in curbing freedoms of peaceful association and expression and the freedom of press. The opposition political activists, the dissidents, independent human rights defenders, and the victims of human rights abuses of Bangladesh have become defenceless and their vulnerability is increasing day by day.

As the United Nations High Commissioner for Human Rights is scheduled to go for her official country visit to Bangladesh in mid-August 2022 the ALRC recommends that the visit should be utilized by meeting the families of victims of enforced disappearances and extrajudicial killings. The High Commissioner needs to listen to the dissident human rights defenders who have been facing reprisals under the incumbent government for cooperating with the UN human rights mechanisms. There needs to be comprehensive knowledge brought back to the international community on how and why the basic functional capacity of Bangladesh's justice mechanism cease to exist. The High Commissioner's report should be able to reflect on why the opposition political activists, the dissidents, and the victims of human rights abuses of Bangladesh have become defenceless and what the UN should do immediately to end impunity and afford justice to the victims.

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