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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 2019]

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

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Bangladesh: Seised state power and institutional collapse key behind continued enforced disappearances

Despite continued outcry of the victims' families to return their loved-ones Bangladesh's law-enforcement agencies continue committing the crime of enforced disappearances. Under the incumbent government of Sheikh Hasina 532 people became the victims of enforced disappearances between January 2009 and July 2019.

The Asian Legal Resource Centre (ALRC), in its Written Statement to the United Nations Human Rights Council prior to the 39th Regular Session in September 2018, reported that 432 people were disappeared under Sheikh Hasina's government till July 2018. In last 12 months, between the 39th and the 42nd Regular Sessions of the Council, an additional 100 people have become victims of enforced disappearances in Bangladesh.

The ALRC has determined the above number of the enforced disappearances by documenting the cases only when the individual families have specifically accused the law-enforcement and intelligence agencies of the State for disappearing the victims. The agencies of the State, specially, the Detective Branch (DB) and the Counter Terrorism and Transnational Crimes Unit (CTTCU) of the Bangladesh Police, the Rapid Action Battalion (RAB), and the Directorate General Forces Intelligence (DGFI) are found actively engaged in disappearing people.

The victims of enforced disappearances, who have returned alive after prolonged periods and left Bangladesh for safety of their life, have confirmed that they were allegedly held incommunicado in solitary confinements at secret detention facilities operated by the DGFI, RAB, DB, and CTTU. These secret detention facilities are mostly located in the capital city, Dhaka, while few are maintained in other parts of the country. The top floor of the military staffs' quarter building near the official residence of the Chief of Army Staff in the Dhaka Cantonment is being used as a solitary confinement detention facility for several years. The DGFI operates secret detention facilities at its office buildings in the Dhaka Cantonment area as well. The RAB operates secret detention facilities at its headquarters adjacent to the international airport in Dhaka and almost at all the camps of its 14 battalions located across the country. These agencies allegedly operate 'Safe House' at different posh residential districts of the capital city for the purpose of detaining people whose whereabouts remain undisclosed to their families. Likewise, the DB and the CTTU of the Bangladesh Police operate their secret detention facilities in public and private buildings across the country. Several victims have confirmed the ALRC that they were relocated from one facility to another during the period of their disappearances.

The incumbent government engaged these law-enforcement and intelligence agencies to rig the general election of 30th December 2018 in collaboration with the Election Commission of Bangladesh. As a result, ballot boxes were allegedly found full with stamped ballot hours before the voting began in many constituencies in the country.¹ And, Sheikh Hasina retained power through the sham election, which attributed 90 per cent seats of the national parliament to her ruling party while the allies were given the rest except six of a total of 300 parliamentary seats.²

Since the general election of December 2018, the law-enforcement agencies enjoy appeasing by the incumbent government. For example, in early January in 2019 the government

¹ The Daily Star, 24 January 2019, Bangladesh Election 2018 Irregularities in 47 out of 50 seats: TIB, retrieved on 22 August 2019: <https://www.thedailystar.net/bangladesh-national-election-2018/bangladesh-election-2018-irregularities-47-out-50-seats-tib-1687840> Please see also, BBC Bangla report, 30 December 2018, Parliamentary Elections 2018: The way the BBC journalist's camera found ballot box full with stamped ballots prior to the start of voting, retrieved on 22 August 2019: <https://www.bbc.com/bengali/news-46720707>.

² REUTERS, 2 January 2019, Western powers call for probe into Bangladesh election irregularities, violence, Retrieved on 22 August 2019: <https://www.reuters.com/article/us-bangladesh-election/western-powers-call-for-probe-into-bangladesh-election-irregularities-violence-idUSKCN1OV1PK>.

allocated special funds for the police to host feast across the country.³ The officials of the Election Commission enjoy impunity for corruption.⁴ The field level executive officers of the government were given various facilities including flats and public money to buy vehicles.⁵ The government also rewarded a large number of officers of the police who had specific allegations of human rights abuses.⁶

The incumbent government's absolute reliance on the law-enforcement agencies and the bureaucracy for retaining power made the dissidents, human rights defenders, independent journalists, online activists, and opposition political supporters more vulnerable in the given circumstances. Bangladesh's judiciary has records of abdicating its own independent authority and function as a tool of the incumbent government, which the ALRC has analytically exposed in several written and oral statements submitted to the Council in the past.⁷ In fact, there is no institution to hold the perpetrators accountable for their human rights abuses.

The highly worrying human rights situation is reflected in the Concluding Observations made by the Committee against Torture (CAT) of the United Nations in its review of Bangladesh on the State Party's initial report after 20 years of accession to the treaty. The CAT recommended the government to set up an independent body to investigate the crimes being committed by the law-enforcement agencies.⁸

The ALRC requests the Member States and Observer States of the United Nations Human Rights Council and the Working Group on Enforced or Involuntary Disappearances (WGEID) to hold Bangladesh accountable consistently at the Council for the country's catastrophic human rights realities. The Members and Observer States of the Council need to consider imposing international travel bans on those perpetrators of the law-enforcement and intelligence agencies who have allegations of committing enforced disappearances and other gross violations of human rights, including the heads of the perpetrating agencies mentioned above for their command responsibilities. The recruitment of Bangladeshi law-enforcement and security personnel must go through a rigorous scrutiny for their participation in the UN Peacekeeping Missions leading to exclusion of the perpetrators and their commanders having alleged records of human rights abuses.

The Council needs to ask itself whether Bangladesh is eligible to walk free for a 'crime against humanity' by hiding behind another such crime committed by a neighbouring state. The ALRC urges the Council to create a mandate of Special Rapporteur on Bangladesh to monitor the human rights situation of the 160 million people facing serious forms of human rights abuses.

³ The Daily Star, 7 January 2019, Feasts for cops after 'fair polls', retrieved on 22 August 2019, <https://www.thedailystar.net/frontpage/news/cops-celebrate-countrywide-helping-hold-fair-polls-1683994>.

⁴ Dhaka Tribune, 6 August 2019, TIB demands CEC's resignation over allegations of widespread corruption, Retrieved on 22 August 2019: <https://www.dhakatribune.com/bangladesh/corruption/2019/08/06/tib-demands-cec-s-resignation-over-allegations-of-widespread-corruption>.

⁵ Dhaka Tribune, 15 July 2019, PM: Govt officials being given facilities for Bangladesh's development, retrieved on 22 August 2019: <https://www.dhakatribune.com/bangladesh/2019/07/15/pm-government-officials-being-given-facilities-for-bangladesh-s-development>.

⁶ Civil Society Joint Alternative Report on Bangladesh to the 67th Session of the Committee Against Torture, Retrieved on 22 August 2019: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BGD/INT_CAT_CSS_BGD_35328_E.pdf.

⁷ Asian Legal Resource Centre's Written Statement to the 41st Regular Session of the Human Rights Council, BANGLADESH: Judiciary abdicates independence, retrieved on 22 August 2019: <http://alrc.asia/bangladesh-judiciary-abdicates-independence/>.

⁸ Concluding Observations of Committee Against Torture of the United Nations: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BGD/CAT_C_BGD_CO_1_35737_E.pdf.