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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 ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status

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

[3 February 2019]

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



Bangladesh: Government using enforced disappearance to silence critics and dissenting voices

Odhikar draws the attention of the Human Rights Council and the Special Procedures to the escalation of enforced disappearance occurring in Bangladesh. Enforced disappearances have become almost a regular phenomenon and an accepted reality, and the media which are still struggling to maintain their independence are reporting about such cases in Bangladesh. While enforced or involuntary disappearance is considered a “crime against humanity and an international crime” by the United Nations, it is not an unusual occurrence in Bangladesh. Odhikar believes both government-imposed restrictions and self-censorship in the media plays a major role in the lack of coverage of enforced disappearances in Bangladesh. Since most of the cases of enforced disappearance are reported to be committed by the state agencies and, therefore, the government does not want these to be reported.

The underlying problem of finding the truth behind enforced disappearances remain the silence and lack of reports about victims’ experiences, as enforced disappearance generates great fear. Victims of enforced disappearance who resurfaced or returned alive are the most valuable sources in finding the underlying reasons behind this heinous crime. However, they have been found to be traumatized, reluctant and fear of reprisals. For example, academic Mubashar Hasan and journalist Utpal Das were picked up by some unidentified men and went missing for 44 and 71 days respectively before they reappeared in December 2017.¹ Both were reluctant to disclose the truth as the state has created a “culture of fear” and the law enforcement agencies are using enforced disappearance systematically to silence critics and dissenting voices.

Several victims of disappearance or abduction, who were released throughout the year and could return home were unable to shed any light on why they had been taken. The government use to claim that they had gone into hiding voluntarily, despite such abductions were made by men claiming to be members of law enforcement agencies. Although denials of such incidents are made by the government and law enforcement agencies, it has been proved in different inquiry reports and statements by members of law enforcement agencies, that enforced disappearances existed in Bangladesh and systematically continue to occur.² On the other hand, according to witnesses, the way these abductions took place indicates that the abductors are very organised and professional. Although some of the victims have been returned, the law enforcing agencies have showed very little interest in solving the cases.

A highly visible and worrying number of enforced disappearances have been committed during the period of the incumbent Awami League government. A large majority of victims of enforced disappearance are political activists belonging to the Opposition parties. They had expressed their concern and fear that leaders and activists of the opposition might face disappearance in the run up to the national elections on last 30 December.³

In 2018, as reported, 90 persons were allegedly disappeared after being picked up by members of law enforcement agencies. Among them, the bodies of eight disappeared persons were recovered, 51 were showed arrested or returned alive after a few days/months of their disappearance and the whereabouts of 31 persons remain unknown.

One of the problems in dealing with this crime is that in Bangladesh, no criminal laws have yet recognized enforced disappearance as an offense. The International Convention for the

¹ The Daily Star, 22 December 2017. <https://www.thedailystar.net/city/north-south-university-nsu-teacher-mubashar-hasan-returns-home-banasree-dhaka-missing-forced-disappearance-abduction-bangladesh-1508770>

² The families of the disappeared and witnesses claim that members of law enforcement agencies arrested and took away the victims and since then they have disappeared. Statements of many witnesses in this regard show that members of law enforcement agencies are involved in disappearance. In some cases, although law enforcement agencies deny the arrest; days or months later, the arrested persons are produced before the public by the police; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are found.

³ Many leaders and activists of the opposition parties, particularly the BNP, became victims of enforced disappearance before and after the controversial 10th Parliamentary elections in 2014. Of them, many have still not returned.

Protection of all Persons from Enforced Disappearance ensures that the perpetrators of enforced disappearance – no matter whether it is a state authority or not – can be tried. Bangladesh, however, is not a signatory of that Convention. Meanwhile, several UN member states recommended Bangladesh to ratify the Convention during the second and third cycle of the Universal Periodic Review (UPR) of Bangladesh and the concerned authority accepted recommendations of considering the ratification of the Convention. Regrettably, Bangladesh has taken an idiosyncratic stand in the third UPR cycle, deviating from a normative position regarding ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

During the 3rd cycle of UPR, the Bangladesh government disagreed that enforced disappearances occurred in Bangladesh. Bangladesh Delegation headed by Law Minister Anisul Huq said that the legal system of Bangladesh does not recognize any term, such as, ‘enforced disappearance.’ Often, cases of possible abduction of individuals were reported as enforced disappearances. The Law Minister said that it was done with the obvious intention of maligning the Government and its achievements. In many cases, the perceived victims had reappeared, proving the allegations of the so-called enforced disappearance false. He stated that Bangladesh would have to make a detailed analysis of the provisions of the Convention and of their implications on the existing legal system. Thereafter, a decision would be made about whether ratification of the Convention was necessary.⁴

Regrettably, Bangladesh has been elected a third time as a member of the UN Human Rights Council (HRC) for the 2019-2021 despite its terrible human rights record during the reigns of the incumbent government. The government is not following human rights obligations of the HRC and has not been cooperating with the Special Procedures of the human rights mechanism and in most of the cases has not responded to their invitations. Many requests, including from the Working Group on Enforced or Involuntary Disappearances, are kept pending for a long time without response from the authority.⁵

The High Commissioner for Human Rights has urged the government of Bangladesh prompt implementation of the recommendations accepted in the UPR on enforced disappearance. The High Commissioner also urged the authority to take urgent measures to observe human rights in criminal justice and law enforcement officials and address serious allegations of enforced disappearance.⁶

The victims’ families demand that the government form an independent probe body headed by an independent Supreme Court Judge to investigate each incident of enforced disappearance. Odhikar requests the Human Rights Council to urge the government of Bangladesh that it must take appropriate measures to enhance efforts to prevent cases of enforced disappearances through prompt and unbiased investigation of all allegations of abductions and forced disappearances by law enforcement agencies, while ensuring that the perpetrators are brought to justice. The Council should ask the government immediately accede to the International Convention for the Protection of All Persons from Enforced Disappearance and criminalise enforced disappearance in its domestic legal framework.

⁴ Report of the Working Group on the Universal Periodic Review of Bangladesh. A/HRC/39/12

⁵ https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=BGD

⁶ Letter from OHCHR on implementation in 3rd cycle of UPR. https://www.upr-info.org/sites/default/files/document/bangladesh/session_30_-_may_2018/hc_letterbangladesh_30session.pdf