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Civil Society Joint Alternative Report on Bangladesh Submitted to the Committee against Torture

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Joint submission by:

Asian Legal Resource Centre (ALRC); Asian Federation Against Involuntary Disappearances (AFAD); Asian Forum for Human Rights and Development (FORUM-ASIA); FIDH - International Federation for Human Rights; Robert F. Kennedy Human Rights; Odhikar; World Organization Against Torture (OMCT)

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1. INTRODUCTION

This Alternative Report is submitted to the United Nations (UN) Committee against Torture (CAT) on the occasion of its review of Bangladesh's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Convention"). This submission focuses on the submitting organisation's concerns about Bangladesh's failure to implement the Convention. This submission is not an exhaustive account of violations and presents information that our organisations were able to document and verify.

Bangladesh ratified the Convention in October 1998. Since its accession to the Treaty, Bangladesh has not submitted the initial report for almost twenty years. Five periodic reports have been pending during this period. This attitude of successive Bangladeshi governments exposes their protracted lack of commitment to international human rights treaties. As a result, the measures that Bangladeshi authorities at the legislative, judicial, administrative, and executive level have taken to implement the Convention's provisions could not be known through the CAT's periodic review process.

In April and May 2019, OMCT, together with Odhikar, organised two national workshops prior to the preparation of the report, which were attended by human rights defenders, lawyers, academics, victims, and aggrieved families. The reports of the workshop are integrated into this report.

The information in this report is also based on collected data, cases documented and fact-finding missions carried out by OMCT's local, regional and international partners. Human rights defenders have been carrying out fact-finding missions into incidents of torture for over 20 years. Furthermore, OMCT in collaboration with Odhikar, conducted high-level missions in 2016 and 2017. The joint missions met with prison authorities, officials from the Ministry of Law, Justice and Parliamentary Affairs, members of the Judiciary, members of the National Human Rights Commission, representatives of embassies and international organisations, representatives of domestic and international non-governmental organisations, human rights and political activists, lawyers, and several torture victims and their families. Moreover, this report is complemented by the joint Odhikar and OMCT report "Cycle of Fear" published in July 2019 and also submitted to the CAT. FIDH also conducted several country missions to Bangladesh in last two decades. Those missions met with victims of torture, families of enforced disappearances and extrajudicial killings, human rights advocates involved in assisting the victims of human rights cases, professionals, and foreign diplomats in order to understand the human rights situation comprehensively. In April 2019, FIDH published its latest report titled "VANISHED WITHOUT A TRACE: The enforced disappearance of opposition and dissent in Bangladesh."¹ Robert F. Kennedy Human Rights also conducted a mission to Bangladesh in recent years to assess the ground realities regarding the human rights situation in the country.

Our organisations believe this report will contribute to giving justice to the victims of torture and other gross violations of human rights in Bangladesh.

¹ Available at: https://www.fidh.org/IMG/pdf/bangladesh735a_web.pdf.

2. BACKGROUND

Bangladesh emerged as an independent nation-state in 1971 after a liberation war against Pakistan. The country had a colonial past under British India for 190 years until 1947, when it became East Pakistan under the state of Pakistan. On 26 March 1971, due to various, serious acts of political repression by the Pakistan government, East Pakistan declared independence from Pakistan – which led to the war for liberation that ended on 16 December 1971.

In the ‘Declaration of Independence’ in 1971, the Provisional Government of the People’s Republic of Bangladesh declared three key principles of the emerging state: ‘equality’, ‘human dignity’, and ‘social justice’ in a ‘democracy’. Despite this, torture remained an integral part of the law-enforcement system in Bangladesh, as it was under the colonial era.

The country adopted its Constitution in 1972, laying down parliamentary democracy, which was changed to a presidential form of government² from 25 January 1975 to 6 August 1991³. From 24 March 1982 to 6 December 1990 Bangladesh was under military dictatorship, which was ousted in a people’s uprising, which paved the way for democratization through free-fair and participatory elections.

On 11 January 2007, a military-controlled caretaker⁴ government was imposed for two years following political violence over an electoral deadlock between the then ruling Bangladesh Nationalist Party (BNP) and the Bangladesh Awami League (AL).

Elections were held again in 2008 and the AL returned to power and has remained the ruling party ever since. Credible, inclusive, and participatory elections gradually ceased to exist. Law enforcement agencies are widely perceived as abusive and corrupt and the judiciary is regarded as lacking independence from the executive branch.

² The Fourth Amendment to Bangladesh Constitution was adopted to change the parliamentary form of government to a presidential system on 25 January 1975. The Fourth Amendment banned all political parties keeping only the ruling party of Bangladesh. For further details, please see: Banglapedia at: http://en.banglapedia.org/index.php?title=Constitutional_Amendments.

³ The 12th Amendment to Bangladesh Constitution brought the parliamentary system of governance back to the country on 6 August 1991.

⁴ The caretaker system was introduced in 1996, through Amendment to the Constitution whereby an interim government, made up of ‘Advisers’ would spend 90 days organising the forthcoming Parliamentary election and see to State affairs before the new government was formed. The outgoing elected government would hand over its power to the nonelected nonpartisan caretaker government. The caretaker government did not represent any political party; nor were they allowed to contest the elections. The main objective of the Caretaker Government (CTG) was to create a level playing field environment in which an election could be held in a free and fair manner without any political influence by the outgoing government. This system was pressed upon the government by the Awami League political party, which was then in Opposition. In 2011, this same party repealed the caretaker system through the 15th Amendment to the Constitution; and since 2009 to date, this Awami League regime rules the country. In 2007, Resident Coordinator of the United Nations to Bangladesh Ms. Renata Lok Dessallien facilitated the process of imposing the ‘state of emergency’ through the armed forces of Bangladesh.

3. LEGAL FRAMEWORK ON THE PROHIBITION OF TORTURE

Currently, Bangladesh is a party to 10 major international human rights treaties.⁵ It has acceded to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the Convention on the Rights of Persons with Disabilities (CRPD), and the Rome Statute of the International Criminal Court (ICC). It acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 5 October 1998. Furthermore, the State made voluntary pledges of extending cooperation to the Human Rights Council (HRC) and strengthening its constructive engagements⁶. During all three cycles of the Universal Periodic Review (UPR) of Bangladesh (3 February 2009, 29 April 2013, and 14 May 2018), the Bangladeshi government declared “zero tolerance” for torture and extrajudicial killings.⁷

Bangladesh has not ratified the Optional Protocol to the Convention against Torture (OPCAT) and the Optional Protocols to the ICCPR. Thus, there is no question of setting of National Preventive Mechanism (NPM) against Torture in accordance with the OPCAT. The country refrains from accepting the individual complaint procedure⁸ of CAT or other Treaty Bodies, except CRPD-OP and CEDAW-OP.

In domestic law, torture is prohibited in Article 35(5) of Bangladesh’s Constitution, which reads, “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment”⁹. Section 330 of the country's colonial-era Penal Code of 1860 punishes ‘voluntarily causing hurt to extorting confession, or to compel restoration of property’. However, this provision does not refer to torture and falls short of defining torture in accordance with Article 1 of the Convention¹⁰.

Jurisprudence has been produced by the High Court Division of the Supreme Court of Bangladesh in 2003 in the landmark judgment of Bangladesh Legal Aid And Services Trust (BLAST) v. Bangladesh on the abuse of police powers to arrest without a warrant (under Section 54 of the Code of Criminal Procedure) and the abuse of powers during police

⁵ Bangladesh's status of ratification of, and accession to, international treaties, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN.

⁶ Bangladesh's Voluntary Pledges to the General Assembly for its candidature for United Nations Human Rights Council Membership in 2018, available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90

⁷ Universal Periodic Review – Bangladesh, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BDIndex.aspx>

⁸ Bangladesh has not recognised the competence of the CAT Committee (Article 22)

⁹ Article 35 (5) of Bangladesh Constitution reads: “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.” For further details, please see: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367.

¹⁰ Section 330 of the Penal Code 1860, available at: http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11§ions_id=3182.

custody (under Section 167 of the Code of Criminal Procedure). The High Court Division gave seven recommendations and the following 15 directives¹¹.

- No police officer shall arrest anyone under Section 54 of the Code of Criminal Procedure (CrPC) for the purpose of detention under Section 3 of the Special Powers Act, 1974.
- A police officer shall disclose his/her identity and show his/her ID Card on demand to the person arrested or those present at the time of arrest.
- A record of reasons of arrest and other particulars shall be maintained in a separate register until a special diary is prescribed.
- The concerned officer shall record reasons for marks of injury, if any, on the person arrested and take him/her to nearest hospital or government doctor.
- The person arrested shall be furnished with reasons of arrest within three hours of bringing him/her to the police station.
- If the person is not arrested from his/her residence or place of business, the relatives should be informed over the phone or through messenger within one hour of bringing him/her to the police station.
- The person concerned must be allowed to consult a lawyer of his/her choice or meet nearest relations.
- While producing the detained person before the Magistrate under Section 61 of the CrPC, the police officer must present the reasons in a forwarding letter under Section 167(1) of the CrPC as to why the investigation was not be completed within 24 hours and why s/he considers the accusation and information to be well founded.
- On perusal of the forwarding letter, if the Magistrate is satisfied that the accusation and information are well founded and materials in the case diary are sufficient for detaining the person in custody, the Magistrate shall pass an order of detention and if not, release him/her forthwith.
- Where a person is released on the aforesaid grounds, the Magistrate shall proceed under 190(1)(c) of the CrPC against the Officer concerned under Section 220 of the Penal Code.
- Where the Magistrate orders detention of the person, the Officer shall interrogate the accused in a room in a jail until a room with glass wall or grille on one side within sight of lawyer or relations is constructed.
- In any application for taking accused in custody for interrogation, reasons should be mentioned as recommended.
- The Magistrate, while authorizing detention in police custody, shall follow the recommendations laid down in the judgment.
- The police officer arresting under Section 54 of the CrPC, or the Investigating Officer taking a person to custody or the jailor must inform the nearest Magistrate about the death of any person in custody in compliance with these recommendations.
- The Magistrate shall inquire into the death of any person in police custody or jail as per the recommendations.

However, these directives have remained largely unimplemented.

Torture is criminalised in the “Torture and Custodial Death (Prohibition) Act 2013¹²” as enacted in the *Jatiya Shangsad*¹³ on 24 October 2013, following decades of campaigns by

¹¹ High Court Division Judgment on BLAST vs. Bangladesh Public Interest Litigation published in Dhaka Law Report Volume 55, page 363, available at: <http://www.humanrights.asia/wp-content/uploads/2018/09/Judgment-with-Directives-on-Police-Remand-55-DLR-363.pdf>.

the human rights defenders and victims of torture. The Act criminalises the offence of ‘torture’ and ‘custodial death’ committed by the members of law-enforcement agencies and security forces, as defined in the Act, and other public servants. The minimum penalty for torture is five years of imprisonment or a fine, and the maximum punishment is life imprisonment in case of death due to torture. The definition of torture in the Act fails to incorporate the elements enshrined in Article 1 of the Convention.¹⁴ It includes “mental or psychological torture” without defining such acts.¹⁵ The Act’s definition of ‘law enforcement agencies’ does not mention several key agencies, such as the Prisons Authorities, Department of Narcotics Control, Anti-Corruption Commission.¹⁶ The Act also fails to define ‘custody’, ‘court’, and ‘government officer’ properly.

The law lacks an adequate system to protect victims, aggrieved families, and witnesses. Furthermore, the Act relies on the police for registering complaints and investigating cases of torture - despite the fact that the police systematically cover up the crimes committed by their colleagues. In the case of custodial death, the law does not provide any specific procedural guidelines or precautions for post mortem examinations and the process of collecting and filing the post mortem report from the forensic experts. The Act primarily entrusts the investigation of the crimes of torture and custodial death to the police, without making ‘judicial investigations’ mandatory, with the aim of guaranteeing independent investigations. In Bangladesh, the police officers, who have the statutory authority to investigate the crimes, are routinely unwilling or unable to conduct thorough and credible investigations into cases of torture.

The law fails to provide necessary instructions for the completion of investigation if the limit of 120¹⁷ working days is exceeded without the investigation being completed. The law only stipulates that the trial must be completed within 180 days, with a “possible” extension of 30 days. However, the Act is silent on how the court should proceed if the trial is not completed within the given timeframe. Furthermore, the law offers a meagre amount of compensation, which leaves no room for redress, reparation, and rehabilitation. The 2013 Act prescribes inadequate punishment (five years’ imprisonment or 100,000 Taka fine, or both) for the convicted. The law does not bar convicted perpetrators of torture or custodial death from seeking jobs in the public and private sectors.¹⁸ Lastly, the Act fails to prescribe any sanctions for those who fail to comply with its provisions.

¹² Unofficially translated full text of Torture and Custodial Death (Prohibition) Act 2013, available at: <http://www.humanrights.asia/wp-content/uploads/2018/09/Torture-CustodialDeath-ActNo50of2013-English.pdf>.

¹³ *Jatiya Shangsad* is the Bangla name for the National Parliament of Bangladesh.

¹⁴ Full definition of ‘torture’ is provided in Article 1 of the Convention Against Torture, <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>.

¹⁵ Bangladesh Legal Aid Services Trust (BLAST), Review of the Torture and Custodial Death (Prevention) Act, 2013,

[https://www.blast.org.bd/content/publications/Review%20of%20The%20Torture%20&%20Custodial%20Death\(Prevention\)%20Act,%202013.pdf](https://www.blast.org.bd/content/publications/Review%20of%20The%20Torture%20&%20Custodial%20Death(Prevention)%20Act,%202013.pdf).

¹⁶ *Ibid.*

¹⁷ An investigation of any offence under this Act must be completed within 90 working days from the date of recording of the first complaint. The court shall hear the victim(s)/aggrieved person(s) statement within 30 days to settle the matter relating to seeking extension of time.

¹⁸ Asian Legal Resource Centre's Written Statement to 37th Session of United Nations Human Rights Council, BANGLADESH: Law on Torture is useless in a broken justice mechanism, <http://alrc.asia/bangladesh-law-on-torture-is-useless-in-a-broken-justice-mechanism/>.

Recommendations:

- Define torture in full conformity with Article 1 of the Convention, and ensure that such offences are punishable by appropriate penalties that take into account their grave nature, in accordance with Article 4(2) of the Convention.
- Require that torture investigations be carried out by a judicial officer.
- Incorporate into law and practice judicial procedures that contain instruction on how authorities should proceed when investigations under the Torture and Custodial Death (Prohibition) Act 2013 are not completed within 120 days.
- Specify the provision of completing the trial beyond 210 days in cases of failure to finish the trial within the stipulated deadline currently laid down in the Torture and Custodial Death (Prohibition) Act 2013.
- Guarantee that victims of torture and ill-treatment benefit from effective remedies and can obtain redress, including adequate compensation, rehabilitation, and reparation.
- Provide specific procedural guidelines for post mortem examination and for the process of collecting and filing the post mortem report of the forensic experts.
- Implement in law and in practice the High Court Division's 15 directives that stemmed from the BLAST v. Bangladesh judgment.
- Withdraw the reservation under Article 14 of the Convention.
- Accept the individual complaint procedure under Article 22 of the Convention.

4. CULTURE OF IMPUNITY

The large number of cases of human rights violations that go unpunished illustrates the general climate and culture of impunity in Bangladesh. There are no publicly accessible official statistics from law enforcement and judicial authorities - or any other department of the government - regarding convictions for torture and other forms of gross violation of human rights in Bangladesh. Since the enactment of the Torture and Custodial Death (Prohibition) Act in 2013, we are aware of only 10 cases registered across Bangladesh. However, none of the cases were investigated and adjudicated in accordance with the Act or the Convention. The imposition of criminal sanctions on violators is rare.¹⁹As a result, the right to an effective remedy for torture remains unfulfilled.

The following cases illustrate the level of impunity:

Case study #1: Police arbitrarily detained a lawyer for 72 days

The Dhaka Metropolitan Police (DMP) illegally arrested Mr. Montu Ghosh, a lawyer and adviser to the Garment Trade Union Center, an organization of the workers of readymade garment factories of the country, on 31 July 2010. The police, in collaboration with the Magistrate Courts of Dhaka, arbitrarily detained him and filed 10 fabricated criminal cases with four police stations in Dhaka. They remanded him for nine days on different occasions and ill-treated him while in custody. After 72 days of arbitrary detention, Mr. Ghosh was released on bail on 11 October 2010 from the Metropolitan Sessions Court on special

¹⁹ An exception is the 'Narayanganj seven' murder case in which 26 people, including members of the Rapid Action Battalion were convicted to death for kidnapping. For more information on this case, please see: <https://www.ucanews.com/news/26-death-sentences-in-landmark-judgment-in-bangladesh/78115>.

ground for his serious sickness in prison. He had to pay a bond of 50,000.00 Taka (USD 715) for his release on bail in compliance with the Court's order. The police officers had enjoyed full impunity for violating the rights of Mr. Ghosh and no action was taken against them.²⁰

Case study #2: Police tortured and sexually abused a woman

On 1 October 2012, the police in Kushtia District arrested two women- Ms. Rozina Khatun and Ms. Rikta Khatun, for their alleged possession of Phensidyl.²¹ The police released Rikta Khatun after being bribed but produced Rozina before the Court and subsequently took her into remand. On 4 October 2012, Sub Inspector (SI) Joy Gopal Biswas physically tortured and sexually harassed Rozina Khatun while she was in custody during remand. Later, Rozina was sent to Kushtia District Jail. SI Joy Gopal took her to Daulatpur Police Station from Kushtia District Jail for interrogation. She was kept in a room. In the evening, SI Joy Gopal asked her who else was involved with her in the alleged drug peddling. When she replied that she did not know anything about it, the SI slapped her and removed her clothes. SI Joy Gopal left the room when Rozina started crying. After half an hour, SI Joy Gopal returned, blindfolded her, and took her to an unknown place where she was sexually abused by him.²² The perpetrators have neither been identified nor punished.

Case study #3: Court ordered investigation pending for five years

Mr. Nazrul Islam was arrested from Chittagong Port area on 16 September 2014, in connection with a murder case and subsequently brought to Sonaimuri Police Station in Chittagong. That night the police shot him in his left leg in order to forcibly extract a confession. The police left him seriously wounded in the corridor of Noakhali Medical College Hospital. He was later transferred to the National Institute of Traumatology and Orthopaedic Rehabilitation in Dhaka, where his leg had to be amputated in order to save his life. On 14 October 2014, Abul Kashem, Nazrul Islam's father, filed a case with the Noakhali District and Sessions Judge Court, under Section 15 of the Torture and Custodial Death (Prevention) Act 2013, against police for the attempted murder of his son. The Court ordered the District Superintendent of Police to take necessary action. A total of 17 police officers, including the then Officer-in-Charge (OC) of Sonaimuri Police Station, Ashraf Ul Islam, were named as accused.²³ On 21 November 2014, the investigating officer submitted a Final Report (FRT No. 28).²⁴ On 24 December 2014, Abul Kashem filed a Naraji (no confidence) petition before the Cognizance Court-1 of Noakhali and subsequently another Naraji petition was filed on 26 January 2015 before the Sessions Judge's Court of Noakhali District. On 10 February 2015, the Session Judge of Noakhali accepted the Final Report, rejecting the "no confidence" and petition for a judicial probe, and released the accused police officers from the case. On 21 May 2017, Abul Kashem filed a criminal appeal before

²⁰ For further details, please see: Asian Human Rights Commission's Urgent Appeal, BANGLADESH: Police illegally arrest a lawyer-cum-politician and detain him for months on fabricate charges, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-169-2010/>.

²¹ Phensidyl is an Indian cough syrup which is banned in Bangladesh as many people use it here as a hallucinogen.

²² Odhikar Human Rights Monitoring Report, October 2012, available at: <http://odhikar.org/wp-content/uploads/2012/11/human-rights-monitoring-monthly-report-Oct-2012-eng.pdf>.

²³ For more information, see Odhikar, 'Annual Report 2014', p. 74, available at: <http://odhikar.org/annual-human-rights-report-2014-odhikar-report-on-bangladesh/>.

²⁴ Final Report is a common term used by the police in Bangladesh. It is a police investigation report, which claims that evidence was not found against the alleged offenders for committing the crime referred in the complaint, and thus, the charges might be dropped by court.

the High Court Division of the Supreme Court to challenge the order of the Session Judge of Noakhali. This case is still pending at the High Court Division Bench five years after the incident.

Case study #4: No investigation for arbitrary detention and torture

On 14 April 2016, Parvez, an employee of the Chief Metropolitan Magistrate's Court (CMM) in Dhaka, registered a case with the Metropolitan Sessions Judge's Court.²⁵ According to the complaint, on 13 April 2016 at around 8 pm, Police Sub Inspector Maniruzzaman called Parvez to meet him in front of the Bangladesh Television Station at Rampura in Dhaka. As soon as Parvez arrived, Police Sub Inspector Moniruzzaman ordered his colleagues to beat him. Police constable Baharul handcuffed Parvez and snatched his wallet, cell phone, and national identity card. Then, the police pushed Parvez into a vehicle and drove around the city. At around midnight, the police brought Parvez to the office of Police Inspector Mostafizur Rahman at Rampura Police Station and detained and tortured him. On 14 April 2016, when Parvez's colleagues learned about his overnight detention and torture they insisted that the police release him immediately. The police forced Parvez to sign blank pages before releasing him from custody. After his release, Parvez filed a complaint against the policemen under the Torture and Custodial Death (Prevention) Act 2013.²⁶ As a result of the complaint, the Metropolitan Session Judge of Dhaka, Md. Kamrul Hossain, ordered a judicial investigation. Since then there has been no progress in this case.

Case study #5: No investigation into police torture and corruption

On 15 January 2017, Bashir Uddin filed a case with the District and Sessions Judge's Court in Narsingdi District against police officers of Raipura Police Station for torturing him. The case was registered under Section 15(1) and 15(3) of the Torture and Custodial Death (Prohibition) Act 2013.²⁷ According to the complaint, the complainant's three brothers had filed a case regarding the theft of money from their shops in Malaysia by three employees who happened to be Bangladeshi. Regarding the overseas crime, one of the defendants' brothers, Abdul Hashim, approached Bashir Uddin for settling the matter in Bangladesh. Later, Hashim refused to pay back the money stolen by his brother.

On 7 March 2015, Police Inspector Azharul Islam, the Officer-in-Charge (OC) of the Raipura Police Station, demanded 500,000 Taka as bribes from Bashir to recover the money from one Abdul Hashim. However, Bashir did not agree to give bribes to police. As a result, the OC Azharul Islam, together with Sub Inspector Mozammel and Sub Inspector Mujibor, tortured Bashir in Raipura police custody. The following day, Bashir sent a complaint to the Superintendent of Police of Narshingdi District to seek punishment against the three police officers. Bashir also went to the District and Sessions Judge's Court of Narsingdi and registered a case against the three police officers but no progress has been made on the case.²⁸

Torture and other forms of ill-treatment are routinely practiced by law enforcement officers in order to solve cases and extract confessions. Forensic means of investigations are almost completely absent and confessions remain the main source of evidence for law enforcement agencies and prosecutors. Moreover, in the few cases in which a court did order an

²⁵ The daily Prothom Alo, 14 April 2016, available at: <https://goo.gl/QMw2o9>.

²⁶ *Ibid.*

²⁷ For further details, please see NTV online, 16 January 2017, available at: <http://www.ntvbd.com/bangladesh/105967/print>.

²⁸ *Ibid.*

investigation into an alleged torture case, it failed to set a deadline for an investigation. As Case Studies #1 and #2 illustrate, torture cases remain pending for years.

The 2015 annual report of the National Human Rights Commission of Bangladesh reported that 70% of complaints they received alleged a human rights violation of law enforcement agencies and about half of all complaints concerned torture allegations.²⁹ In the vast majority of cases, no information on investigations into the torture allegations was available. There were very few cases in which the Magistrate (the court of first instance) ordered an investigation and where perpetrators were sanctioned. In cases that did lead to a departmental investigation within the law enforcement agency concerned, the punishment was of disciplinary nature only, meaning that the perpetrator was fined, transferred, or suspended from duty temporarily. Cases like the so-called ‘Narayanganj seven’ murder case,³⁰ in which 35 police officers, including members of the RAB, were found guilty and punished are an exception.

Recommendations:

- Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively, and impartially by an independent body.
- Ensure that perpetrators and their superiors are punished in accordance with the gravity of the acts committed, as required by Article 4 of the Convention.
- Unambiguously reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties.
- Ensure that all alleged cases of torture and ill-treatment are promptly medically documented in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).
- Guarantee that forced confessions or statements are inadmissible, both in law and in practice, except when invoked against a person accused of torture as evidence that the statement was made.

5. TORTURE AND ABUSE BY THE RAPID ACTION BATTALION

In March 2004, the Government formed a special law enforcement agency, called Rapid Action Battalion (RAB) by an Amendment to the Armed Police Battalions Ordinance 1979, aimed at fighting serious crimes including terrorism, kidnapping and organized crime. The RAB is an ‘elite force’ comprising of specially trained members of police and members from the Army, Navy and Air Force, with modern weapons, logistics and special powers to conduct anti-crime operations. There are numerous allegations about systematic killing, torture, enforced disappearances committed by RAB members with complete impunity.³¹

²⁹ National Human Rights Commission Bangladesh, Annual Report 2015, p. 24, available at: http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/annual_reports/5116283f_1970_4f1d_9c37_19602f176436/Annual%20Report%20English-%202015.pdf.

³⁰ BD News 24 Dot Com, ‘Narayanganj seven-murder sentences at a glance: 26 get death penalty’, 16 January 2017, available at: <http://bdnews24.com/bangladesh/2017/01/16/narayanganj-seven-murder-sentences-at-a-glance-26-get-death-penalty>.

³¹ BBC News, 16 January 2017, available at: <https://www.bbc.com/news/world-asia-38634227>.

Odhikar documented the death of 1,120 persons allegedly killed in a ‘crossfire’ or in ‘encounters’ with the RAB in the period between March 2004 to May 2019.

Case study #6: RAB tortured two young men in incommunicado detention

On 5 and 6 April 2011, members of the RAB picked up Nahidul Haque Sajib and his cousin Kawasar Hossain Rajib from Chankharpul area in Dhaka. Rajib and Sajib alleged that RAB officers tortured them with electric shocks and by piercing the skin under their nails with needles while in custody. When both victims fell seriously sick due to torture, the RAB handed them over to Lalbagh police on 9 April 2011 and the police then admitted them to the Dhaka Medical College Hospital for treatment. Both victims later faced intimidation and threats from the RAB officers.³² The victims were not able to register complaint against the officers of the RAB due to continuous threats and intimidation.

Case study #7: RAB officers tortured a man to death

On 29 April 2014, RAB officers from the Bhoirab RAB Camp arrested Shahnur Alam from Boghdohor Village of Nabinagar Upazila in Brahmanbaria District. That night the RAB officers of Bhoirab RAB camp beat Shahnur on his waist, feet, and elbows for two and half hours. Due to his serious injuries, the Brahmanbaria District Jail authorities subsequently admitted Shahnur to Brahmanbaria Sadar Hospital and, when his condition deteriorated, Shahnur was transferred to Comilla Medical College Hospital. On the evening of 6 May 2014, Shahnur succumbed to his injuries at the hospital.

On 1 June 2014, Shahnur's brother Mehedi Hassan filed a case in the Court accusing the Head of Bhoirab Camp Major AZM Sakib Siddique, Sub Inspector Mohammad Enamul Huq, and nine other members of the RAB for the death of his brother.³³

On 4 June 2014, the Senior Judicial Magistrate of Brahmanbaria District, Nazmun Nahar ordered the Officer-in-Charge of Nabinagar Police Station to register the case with the police station. The next day, the government removed Magistrate Nazmun Nahar from her office.³⁴ On 8 June 2014, Mohammad Kawsar, District and Session Judge of Brahmanbaria, amended the order given by Nazmun Nahar and ordered the Officer-in-Charge of Nabinagar Police Station to “take action following investigation.”³⁵ There has been no progress on this case until date.

Bangladesh receives criticism for its abusive law enforcement system. The victims of human rights abuses, human rights defenders, and international rights organizations have consistently advocated for the reform of this system.³⁶ In addition, Bangladesh’s development partners have been calling for and supporting such reform. Unfortunately, such support has sometimes fueled abuses. For instance, the United Nations Development Programme (UNDP) and the United Kingdom’s Department of International Development

³² Asian Human Rights Commission Urgent Appeal, BANGLADESH: Rapid Action Battalion fabricated charges against two cousins after four days of incommunicado torture, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-082-2011/>.

³³ Prothom Alo, 4 June 2014; “Court orders murder case against B’baria RAB”, available at: <https://en.prothomalo.com/bangladesh/news/48551/Court-orders-murder-case-against-B-baria-RAB>.

³⁴ Dhaka Tribune, Court issues order to accept murder case against RAB, 4 June 2014, available at: <https://www.dhakatribune.com/uncategorized/2014/06/04/court-issues-order-to-accept-murder-case-against-rab>.

³⁵ Daily Star, 11 December 2014 (last update on 9 March 2015), They want justice, available at: <https://www.thedailystar.net/they-want-justice-54772>.

³⁶ Asian Human Rights Commission’s Statement, BANGLADESH: Rebuilding justice institutions a must for realising rights, available at: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-199-2015/>.

(DFID) provided 25 million US dollars for the ‘Police Reform Programme Phase II’ between 2009 and 2015.³⁷ As a result, concerns have emerged that members of law enforcement agencies have become more capable of inflicting torture with sophisticated and modern torture apparatus imported from abroad.³⁸

Despite multimillion-dollar investments into training and reform of the RAB and other law enforcement agencies,³⁹ the RAB has systematically carried out torture, enforced disappearances, and extrajudicial killings with almost complete impunity. The RAB operates outside the law and beyond effective civilian control. Furthermore, the RAB has been maintained under various governments as a tool to repress dissent.

Recommendations:

- Dismantle RAB;
- Take all necessary measures to ensure that all allegations of torture, extrajudicial killings, enforced disappearances and other forms of ill-treatment by the RAB are thoroughly and impartially investigated by an independent body;
- Ensure that perpetrators are duly prosecuted, and, if found guilty, receive appropriate punishments.

6. ARBITRARY DETENTION AND HARRASSMENT OF HUMAN RIGHTS DEFENDERS AND DISSIDENTS

Human rights defenders (HRDs) and journalists often face reprisals by the Bangladeshi government in the form of arbitrary detention, torture, and acts of harassment, including physical and digital surveillance, intimidation, and trumped-up charges.

In recent years, the government passed several laws that limit the work of HRDs and are used to silence government critics, including HRDs, journalists, lawyers and political opponents. The Foreign Donation (Voluntary Activities) Regulation Act 2016 enables government officials to inspect, monitor, and evaluate the activities of NGOs and its members, and requires anyone receiving foreign contribution to get approval from the NGO Affairs Bureau. As a result, many organisations had to close down or stop their activities and there remain very few activists and NGOs working on torture in the country.

The Information and Communication Technology Act 2006 (amended 2009 and 2013) (ICT Act) has been used to suppress and silence activists, journalists and government critics as publishing or transmitting defamatory or false information, with a view to prejudicing the state or hurting religious sentiments or cause deterioration of law and order, is criminalized. Consequently, media reporting on torture and other abuse faced closure and editors have

³⁷ United Nations Development Programme, Police Reform Programme Phase II, available at: http://www.bd.undp.org/content/bangladesh/en/home/operations/projects/democratic_governance/police-reform-programme-phase-ii.html.

³⁸ Guardian, UK linked to notorious Bangladesh torture centre, available at: <https://www.theguardian.com/world/2011/jan/17/uk-link-bangladesh-torture-centre>.

³⁹ United Nations Development Programme, Police Reform Programme PhaseII, available at: http://www.bd.undp.org/content/bangladesh/en/home/operations/projects/democratic_governance/police-reform-programme-phase-ii.html; Guardian, Bangladeshi MP tortured by British trained paramilitary unit, available at: <https://www.theguardian.com/law/2011/feb/25/bangladeshi-mp-tortured-rapid-action-battalion>.

been arrested. Furthermore, rallies or demonstrations for more rights and against abuse are met with the use of excessive force by the authorities.

Odhikar was regularly harassed and its access to foreign funding has been blocked for more than five years. In August 2013, after Odhikar published a report on extrajudicial killings, the police issued a statement warning that activities that harm the reputation of the security forces would be considered acts of subversion. Criminal charges remain pending against the organisations' Secretary, Adilur Rahman Khan, and its Director, ASM Nasiruddin Elan, for allegedly publishing false information.

It has been observed that the Bangladesh's police have started to fabricate serious criminal cases involving arson attacks, bomb blasts, damage of public property and violence, by citing incidents that have never actually taken place. The local and international media have reported on such cases, terming them 'sabotage cases'⁴⁰ or 'imaginary cases' or 'fictitious cases'⁴¹. Registering criminal cases about imaginary incidents of 'sabotage' that, in fact, have not occurred in real life is an innovation of the police, used for large-scale harassment and persecution of opposition political activists. A huge number of innocent civilians and opposition supporters were implicated in such fake cases prior to the parliamentary election of 30 December 2018.⁴² Police even named people who were deceased and expatriates who left Bangladesh years ago, as perpetrators.⁴³

The activists and supporters of the political opposition are made the obvious targets of the law-enforcement agencies for arbitrary detention and systemic torture in custody, without any affordable remedy being available in the country's dysfunctional criminal justice system. In contrast, the government awards the officers of the law-enforcement agencies with Bangladesh Police Medal (BPM) and President Police Medal (PPM) for arbitrarily detaining protesters and prominent citizens.⁴⁴

The government even rewarded police officers for filing imaginary cases. It was reported that SM Mehedi Hasan was awarded with the BMP (services) for recording 'sabotage cases' when he was posted as the Superintendent of Police in Kushtia District. According to the publication of the Bangladesh Police, Mehedi arrested around 263 people in over 44 cases filed against suspects.⁴⁵ Furthermore, Kazi Shafikul Alam, Additional Deputy Commissioner (North) of the Detective Branch of Dhaka Metropolitan Police (DMP), was given the BPM Medal (Service) for his role in arresting prominent photographer and

⁴⁰ The daily Prothom Alo, 9 October 2018; "Police sue another dead man for 'sabotage'", available at: <https://en.prothomalo.com/bangladesh/news/184686/Police-sue-another-dead-man-for-sabotage>.

⁴¹ Voice of America, By Maaz Hussain,, 13 March 2019; "Bangladesh Police Accused of Harassment With Fake Cases", available at: <https://www.voanews.com/south-central-asia/bangladesh-police-accused-harassment-fake-cases>.

⁴² The 11th Parliamentary Elections, as scheduled on 30 December 2018, were systematically rigged by the Election Commission, civil bureaucrats, and the law-enforcement agencies of Bangladesh to facilitate Awami League's bid to retain power. For further details, please see: The Daily Star, Polls anomalies in 47 of 50 seats - Finds TIB survey on Dec 30 polls; election commissioner dismisses it as imaginary, available at: <https://www.thedailystar.net/bangladesh-national-election-2018/bangladesh-election-2018-irregularities-47-out-50-seats-tib-1687840>.

⁴³ The daily Prothom Alo, Police sue another dead man for 'sabotage', available at: <https://en.prothomalo.com/bangladesh/news/184686/Police-sue-another-dead-man-for-sabotage>.

⁴⁴ The daily New Age, 8 February 2019, "Police week awards trigger criticism – ADC awarded for arresting Shahidul Alam, DC for quota reform leader", available at: <http://www.newagebd.net/article/64173/police-week-awards-trigger-criticism>.

⁴⁵ *Ibid.*

journalist Shahidul Alam. The Prime Minister handed over this award to the police officer in an official ceremony held on February 4, 2019 at Rajarbag Police Line in Dhaka.⁴⁶

Case study #8: Police arbitrarily detain a human rights defender, torture and fabricate case in Digital Security Act

Mohammad Abdul Kaium is a journalist and member of the human rights defenders' network of Odhikar, who actively campaigned against torture, extrajudicial killings, and enforced disappearances, was arbitrarily detained and charged under the Digital Security Act, 2018. It was alleged that on 11 May 2019, one Idris Khan⁴⁷ summoned Abdul Kaium to his office to receive payment in relation to an agreement Kaium's company had with Idris' to provide web-development service. Their bilateral agreement was worth BDT 120,000 (USD 1,394). Upon Kaium's arrival Idris Khan offered USD 200, which Kaium refused to receive. As he left Idris Khan's office in Kristopur, Mymensingh town two plain-clothed officers of the Detective Branch (DB) Police arrested Abdul Kaium without a warrant. The police officers also seized his cell phone at the time of arrest. The DB police pressured Abdul Kaium to give them 'the USD 200' and searched him. Failing to find the money, the police tortured him and ordered Kaium to confess that he extorted money from Idris Khan. On the same evening, Idris Khan allegedly bribed the police officers to torture Kaium.⁴⁸ In police custody, Kaium was slapped, kicked, beaten with a belt and a chair and punched on his head when he refused to confess.⁴⁹ On 12 May, Idris Khan filed a case against Kaium with Trishal Police Station in Mymensingh district. The case accused Abdul Kaium for committing crimes under the Digital Security Act of 2018 and the Penal Code 1860.⁵⁰ The Chief Judicial Magistrate Court, on 14 May, and the Sessions Court of Mymensingh, on 23 May and 17 June, rejected Kaium's bail petitions. At the time of writing this alternative report, Abdul Kaium remains detained in Mymensingh Central Jail.

Case Study #9: Arbitrary detention and judicial harassment of Human Rights Advocate Adilur Rahman Khan

Odhikar Secretary Adilur Rahman Khan was arrested in August 2013 in front of his house at Gulshan by about 10 plainclothes men from the Detective Branch (DB) police and taken to the DB custody facility on Minto Road in Dhaka. No arrest warrant was presented at that time. He was later charged with publishing false images and information and "disrupting the law and order situation." The charges against Mr. Khan were related to a fact-finding

⁴⁶ *Ibid.*

⁴⁷ Mr. Idris Khan is a close relative of a Member of Parliament of the ruling party. Kaium's news portal's reports had criticised Khan's actions in the past, and thus, both had an enmity, which was reportedly resolved.

⁴⁸ Asian Human Rights Commission and CIVICUS Joint Statement, BANGLADESH: Human Rights Defender tortured while in arbitrary detention must be released and charges be dropped, available at: <http://www.humanrights.asia/news/ahrc-news/AHRC-JST-001-2019/>.

⁴⁹ The Observatory for the Protection of Human Rights Defenders, Bangladesh: Arbitrary detention of Mohamed Abdul Kaium, member of Odhikar's HRDs network available at: <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-arbitrary-detention-of-mohamed-abdul-kaium-member-of>.

⁵⁰ Allegations under the Digital Security Act of 2018 were: Section 23 – digital or electronic fraud; punishable by five years' imprisonment and a BDT 500,000 (USD 5,809) fine; or seven years' imprisonment and BDT 1 million (USD 11,619) fine; Section 25 – publishing, sending of offensive, false or fear inducing data-information punishable by imprisonment of three to five years and a BDT 300,000 to one million fine; Section 29 – publishing, broadcasting, etc., defamatory information, punishable by imprisonment of three to five years and a BDT 500,000 to 1 million fine.

The charges under the Penal Code of 1860 were: Sections 385 – putting a person in fear of injury in order to commit extortion punishable by five to 14 years' imprisonment with fines; and, Section 386 – extortion by putting a person in fear of death or grievous hurt, punishable by 10 years' imprisonment with fine.

report about human rights violations that occurred during the police crackdown against the Hefazate Islam rally at Motjiheel in May 2013.

In September 2013, the DB police submitted a charge sheet against Mr. Khan for allegedly violating Section 57 of the Information and Communications Technology (ICT) Act 2006 (amended in 2009) for “publishing of false images and information” and “disrupting the law and order situation of the country.”⁵¹ The charge sheet also included the name of the director of Odhikar, Mr. Nasiruddin Elan. Mr. Rahman Khan was released on bail in October 2013. Criminal charges against Mr. Rahman Khan remain pending.⁵²

Case Study #10: Torture and detention of a journalist

Mr. Mahmudur Rahman editor of the now defunct newspaper the daily Amar Desh, was arrested in April 2013. As an editor of the daily Amar Desh, Mr. Rahman published articles exposing corruption involving ruling party politicians including the Prime Minister and her family members. He also denounced the killing of 172 civilians by police during in February 2013. He remained detained for three and a half years and was released on bail in November 2016. While in detention, Mr. Rahman was severely tortured and upon his release was immediately been brought to a hospital. Mr. Rahman is still facing prosecution under at least 80 different criminal cases that are widely regarded to be fabricated and politically motivated.

Case Study #11: Torture and detention of prominent photographer

Mr. Shahidul Alam, photographer and founder of Drik and the Pathshala South Asian Media Institute, has been documenting the nationwide student protests over road safety, which took place for more than a week in July 2018 and were violently repressed by the government, with more than 100 students injured. In August 2018, Mr. Alam was forcibly taken from his house in Dhanmondi, Dhaka, by a group of men in plain clothes, who identified themselves as officers of the Detective Branch (DB) of police. Mr. Alam’s house was searched and all the CCTV cameras were destroyed. The day after his arrest he was produced before court where he was interrogated regarding allegations that he gave false information to the media and for so-called “provocative comments”. These accusations were related to an interview that Mr. Shahidul Alam gave to Al Jazeera on the situation in Bangladesh and to his Facebook posts over the ongoing student protests. Mr. Alam was subsequently remanded for seven days in a case filed under Section 57 of the Information and Communication Technology (ICT) Act, 2006 (Amended 2009 and 2013), which over the past years has been used to arrest and prosecute several journalists who have criticized the Government. Mr. Alam alleged he was tortured while in custody.⁵³

⁵¹ The charge sheet is a police investigation report that declares that the alleged complaint against a defendant is found true in the investigation. The police recommend the Court to frame charge against the defendant.

⁵² Asian Forum for Human Rights and Development (Forum Asia), Bangladesh: Stop judicial harassment of Adilur Rahman Khan and A.S.M Nasiruddin Elan of Odhikar, available at: <https://www.forum-asia.org/?p=22818>; OMCT, Bangladesh: Arbitrary arrest of Mr. Adilur Rahman Khan, Secretary of Odhikar and a member of OMCT General Assembly, 10 August 2013, <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2013/08/d22343/>; OMCT, Bangladesh: Slanderous accusations against the human rights NGO Odhikar, 13 November 2018, available at: <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2018/11/d25110/>; OMCT, Bangladesh, Further acts of administrative and judicial harassment against Odhikar and its Secretary, Mr. Adilur Rahman Khan, 27 May 2016, available at: <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2016/05/d23782/>.

⁵³ OMCT, Bangladesh: Release on bail of Mr. Shahidul Alam, available at: <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2018/11/d25113/>.

Case Study #12: Arbitrary detention of protesting student

University students had been demanding reforms of the existing 56 per cent reserved quota system in public sector jobs. The quota system allegedly guarantees employment opportunities for the aspirants having allegiance with the ruling party, regardless of their merit. Students of various universities formed the Bangladesh Sadharan Chhatra Adhikar Sangrakkhan Parishad⁵⁴ to press their demands for reforming the quota system. The police arrested Muhammad Rashed Khan, joint convener of the student group, on 1 July 2018 from a house where he was hiding, after having been physically attacked by the goons of Bangladesh Chhatra League (BCL) – the student wing of the ruling party. The police detained Rashed in a fabricated cyber crime case and took him to remand for five days⁵⁵ where he had allegedly been tortured⁵⁶. The government chose Ashikur Rahman, Deputy Commissioner of DMP, for President Police Medal (Services) for his role in the arrest of Muhammad Rashed Khan. The Prime Minister handed over the medal to the police officer.⁵⁷

Recommendations:

- Immediately release all arbitrarily detained HRDs, including Abdul Kaium.
- Immediately drop all false charges against HRDs, including Adilur Rahman Kahn, Mahmudur Rahman, Abdul Kaium, and Shahidul Alam.
- Take all necessary measures to protect human rights defenders from harassment, attacks, and surveillance, and investigate all reported instances of such acts, prosecute, and punish the perpetrators, and guarantee redress, including effective remedies and adequate compensation, to victims and their families.
- Ensure that human rights defenders are not subjected to reprisals, including administrative harassment, for their communication with, or provision of, information to the United Nations treaty bodies, including the Committee Against Torture.

7. TORTURE AND ILL-TREATMENT IN POLICE DETENTION AND AT ARREST

Torture and other ill-treatment are particularly rampant in remand, which is the process of keeping a detainee in the police station instead of in jail. ‘Police remand’ has therefore become synonymous with torture. The police officers submit applications requesting the Magistrates’ Court to handover the arrested persons to the police, under ‘remand’, for interrogation for extracting information regarding a particular criminal case.⁵⁸ A Magistrate is authorised to grant such requests under Section 167 of the Code of Criminal Procedure by

⁵⁴ Bangladesh Ordinary Students Rights Protection Council

⁵⁵ The daily New Age, 8 August 2018; “Quota reform protesters tortured in custody: families, lawyers”, available at:

<http://www.newagebd.net/article/47896/quota-reform-protesters-tortured-in-custody-families-lawyers>.

⁵⁶ For details, please see: <https://www.tritiyomatra.com/news/22909/local/2018/07/quota-reform-movement-we-are-in-fear-of-enforced-disappearance,-arrest,-torture-leader>.

⁵⁷ New Age, 8 February 2019, “Police week awards trigger criticism – ADC awarded for arresting Shahidul Alam, DC for quota reform leader”, available at: <http://www.newagebd.net/article/64173/police-week-awards-trigger-criticism>.

⁵⁸ Asian Human Rights Commission’s Urgent Appeal, BANGLADESH: Police tortured a man to death in custody and authorities cover it up as suicide to provide impunity to perpetrators, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-167-2010/>.

noting the specific reasons, if the police officer reasonably fails to complete the investigation of the relevant case within 24 hours.

The police, in almost all criminal cases, seek ‘remand’ under Section 167 of the Code of Criminal Procedure.⁵⁹ In fact, the term ‘remand’ does not exist in the Code of Criminal Procedure. Rather, ‘remand’ is derived from the Police Regulation of Bengal (PRB)-1943, subject to specific procedures followed by the police.⁶⁰ There are specific directives given by

⁵⁹ Section 167 of the Code of Criminal Procedure-1898, *Procedure when investigation cannot be completed in twenty-four hours: 167. (1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station or the police-officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the 1[nearest Judicial Magistrate] a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.*

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or 2[send] it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Government shall authorize detention in the custody of the police.

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

3[(4) If such order is given by a Magistrate other than the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, he shall forward a copy of his order, with his reasons for making it to the Chief Metropolitan Magistrate or to the Chief Judicial Magistrate to whom he is subordinate.]

4[(4A) If such order is given by a Chief Metropolitan Magistrate or a Chief Judicial Magistrate, he shall forward a copy of his order, with reasons for making it to the Chief Metropolitan Sessions Judge or to the Sessions Judge to whom he is subordinate.]

5[(5) If the investigation is not concluded within one hundred and twenty days from the date of receipt of the information relating to the commission of the offence or the order of the Magistrate for such investigation-
(a) the Magistrate empowered to take cognizance of such offence or making the order for investigation may, if the offence to which the investigation relates is not punishable with death, imprisonment for life or imprisonment exceeding ten years, release the accused on bail to the satisfaction of such Magistrate; and
(b) the Court of Session may, if the offence to which the investigation relates is punishable with death, imprisonment for life or imprisonment exceeding ten years, release the accused on bail to the satisfaction of such Court:

Provided that if an accused is not released on bail under this sub-section, the Magistrate or, as the case may be, the Court of Session shall record the reasons for it:

Provided further that in cases in which sanction of appropriate authority is required to be obtained under the provisions of the relevant law for prosecution of the accused, the time taken for obtaining such sanction shall be excluded from the period specified in this sub-section.

Explanation- The time taken for obtaining sanction shall commence from the day the case, with all necessary documents, is submitted for consideration of the appropriate authority and be deemed to end on the day of the receipt of the sanction order of the authority.] available at:

http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=20861.

⁶⁰ According to Rule 458(a) of the Police Regulations of Bengal (PRB)-1943 the police shall submit an application by filling up Bangladesh Police (BP) Form No. 90 to the Court for “remand” of the detained person with pending result of police inquiry into the detained person and the application shall remain with record of the Court. As per Rule 458(b) of the PRB the Superintendent of Police, shall be informed if the “remand” is not granted by the Court due to insufficient reasons and, shall report to the District Magistrate regarding the matter. For further details, please see: Asian Human Rights Commission’s Urgent Appeal, BANGLADESH: Police tortured a man to death in custody and authorities cover it up as suicide to provide impunity to perpetrators, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-167-2010/>.

the High Court Division regarding the application of Section 167 of the Code of Criminal Procedure.⁶¹

A cruel and inhuman form of treatment is the practice of shooting in the leg or knee⁶² (kneecapping) of arrestees from close range, which often leads to infection and amputation due to delays in treatment or life-long disabilities. This is perpetrated by both the police and the Rapid Action Battalion (RAB). According to Odhikar documentation, between January 2014 and May 2019, a reported number of 78 persons were shot in the limbs by law enforcement officers, mostly by the police.

Death due to custodial torture is another serious problem in Bangladesh.⁶³ Fact-finding missions on 72 cases of torture and custodial death between 2009 and 2016 suggested that several people have been victims of torture and ill-treatment by the members of law enforcement agencies. From January 2009 to May 2019, at least 127 people were tortured to death⁶⁴ in custody by law enforcement agencies. The actual number of custodial deaths as a result of torture is probably much higher, as most cases are not reported in public because of fear of reprisals.⁶⁵

Case study #13: Army officers burn the body of an ethnic minority youth after torturing him to death

On 5 April 2017, Mr. Romel Chakma, an 18-year-old resident of Nanarchar in Rangamati Hill District of the Chittagong Hill Tracts, left his home to go to the Naniarchar Bazar to buy groceries for his family. At around 10:00 am, a group of soldiers of the army camp of the 7th East Bengal Regiment of Rangamati Hill District picked Romel up. The army personnel took Romel to their camp where they tortured him until he became unconscious. In the evening, the soldiers tried to hand Romel over to the Naniarchar Police, who declined to receive him after observing his critical condition. Later, the soldiers took Romel to the local Upazila Health Complex hospital, which declined to treat him. As a result, the soldiers took him to the Chittagong Medical College Hospital (CMCH), where he was also admitted. The police prevented Romel's relatives from seeing him and monitoring his treatment at the CMCH. Romel's father, Mr. Kanti Chakma, submitted an application to the National Human Rights Commission (NHRC) on 6 April 2017 to seek immediate intervention regarding his son's case and appropriate punishment of the perpetrators. However, the NHRC failed to assist him. On 19 April, Romel succumbed to his injuries at the CMCH. On 20 April, the police handed Romel's body over to his relatives for the funeral. However, at Burighat Bazar boat pier, the soldiers seized the body from the relatives. Local journalists claim that the body was first kept in a municipal counselor's house overnight and on the

⁶¹ High Court Division of the Supreme Court of Bangladesh, Directives on Police Remand in the Judgment in BLAST vs. Bangladesh, published in the Dhaka Law Report (DLR) 55, page 376, available at: <http://www.humanrights.asia/wp-content/uploads/2018/09/Judgment-with-Directives-on-Police-Remand-55-DLR-363.pdf>.

⁶² Human Rights Watch, 'No Right to Live': 'Kneecapping' and Maiming of Detainees by Bangladesh Security Forces, available at: <https://www.hrw.org/report/2016/09/29/no-right-live/kneecapping-and-maiming-detainees-bangladesh-security-forces>.

⁶³ International Federation for Human Rights (FIDH), Bangladesh: Civil society decries mass arrests amidst worsening human rights situation, available at: <https://www.fidh.org/en/region/asia/bangladesh/civil-society-decries-mass-arrests-amid-worsening-human-rights>.

⁶⁴ Documentation Report of Bangladesh based independent human rights organization *Odhikar* confirms the figure of death due to torture.

⁶⁵ Joint UPR Submission on Bangladesh by Solidarity Group for Bangladesh, available at: https://www.fidh.org/IMG/pdf/joint_upr_submission_solidarity_group_for_bangladesh.pdf.

following morning (21 April) moved to a second house. The soldiers allegedly poured petrol on the body and burned the body while the area was under military surveillance. No complaint has been registered against the perpetrators since the incident.⁶⁶

Case study #14: Police gouged out eyes of a vendor over bribes

On 18 July 2017, at around 6:30 pm, Khalishpur police arrested Mr. Shah Jalal from the street near Boalkhali of Khulna city when he went out to buy milk powder for his child. The police detained Shah Jalal in a cell of the Khalishpur Police Station and demanded a 150,000 Taka (USD 1,860) bribe, which his family could not afford. At around 11:30 pm, the police took Shah Jalal out of the police cell, boarded him to a police van and drove around the city. The police van went to Khulna Bishsho Road area around midnight. There, the police tied Shah Jalal's hands and legs and stabbed his eyes with a screwdriver. As a result, both of his eyes were gouged out. After midnight, the police sent him to the Khulna Medical College Hospital while he was seriously bleeding from his eyes. In the early hours Shah Jalal's family received a phone call from a police officer, who informed that Shah Jalal was admitted to the Khulna Medical College Hospital where the relatives found that Jalal was bleeding from his eyes that were gouged. On 19 July, Shah Jalal was referred to Dhaka Medical College Hospital where a doctor said that his both eyes had been gouged with something sharp and metallic.⁶⁷

Case study #15: Two brothers arbitrarily detained while one tortured to death

On 7 February 2014, Ishtiaq Hossain Johnny and his brother Imtiaz Hossain Rocky were attending a wedding ceremony at Pallabi in Dhaka city. Police informer Sumon, who was drunk, was harassing girls at the party and this caused an altercation between the brothers and Sumon. Sumon left the place with a threat that he would 'see both brothers soon'. In about half an hour, a police team led by a Sub Inspector came to the venue and picked up Johnny and Rocky.⁶⁸ The police brutally tortured them in custody. Johnny succumbed to his injuries while Rocky remained in detention in prison.⁶⁹ On 20 February, after his release from prison Rocky filed a case (No. 6171/14) under Section 15 of the Torture and Custodial Death (Prohibition) Act, 2013 with the Metropolitan Session Judge Court of Dhaka against three police officers.

On 7 August, Metropolitan Sessions Judge of Dhaka ordered the Chief Metropolitan Magistrate to investigate the accusation and on 13 November, 2014, an investigation by the Metropolitan Magistrate found prima facie authenticity of the involvement of three Sub Inspectors, two Assistant Sub Inspectors of police and two informers of police in this case. Sessions Judge ordered the police officers be detained in prison. In February 2016, the High Court Division of the Supreme Court granted 6-month bail to the Sub Inspectors. In April 2016, a charge was framed under Section 15 of the 2013 Torture Act.⁷⁰ In January 2018, the Assistant Sub Inspectors of police filed a petition to quash the proceedings. In February

⁶⁶ Asian Human Rights Commission, Urgent Appeal, Bangladesh: Ethnic youth tortured to death by Army Officers who burned the body and enjoy impunity, 24 April 2017, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2017/>.

⁶⁷ Asian Human Rights Commission's Urgent Appeal, BANGLADESH: Police gouge eyes of a man in custody, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-095-2017/>.

⁶⁸ The Daily Star, 25 May 2016; "Protectors turn predators thru' loopholes of law", available at: <https://www.thedailystar.net/frontpage/protectors-turn-predators-thru-loopholes-law-1228912>; Odhikar's Documentation Reports from 2014 to 2018; on file with Odhikar.

⁶⁹ The Daily Star, 17 April 2016; "3 Dhaka cops indicted over custodial death of youth", available at: <https://www.thedailystar.net/city/3-dhaka-cops-indicted-over-custodial-death-jonny-1210108>.

⁷⁰ Ibid.

2019, the High Court Division refused the defendants' application and ordered that the trial be concluded within 180 days. In March 2018, the High Court Division issued a stay order for six months, after the defendants petitioned against the 180 – day time period. According to the Torture and Custodial Death (Prohibition) Act of 2013, the medical examination has to be conducted by a registered doctor within 24 hours. In the case of Johnny's custodial death, the medical examination was done after 19 days. The same Act says, a judicial investigation must be made immediately, however, the Sessions Judge ordered a judicial investigation five and half months after Johnny's death. Magistrate submitted the judicial probe report after three months while the legal provision for submitting it is 'immediately'. According to the Act, the trial must be completed within 180 days since the registration of a complaint and allows an extension for 30 days on reasonable grounds. Ironically, in this case, charge was framed against the perpetrators after two years and two months and trial is still ongoing even after more than five years. The perpetrator police officers have been trying their best to take the advantage of the loopholes of the legal provision to enjoy impunity.⁷¹

Case study #16: Police shot a Hindu student in the leg

On 4 February 2015, at around 8:30 pm, Nayan Bachhar, a student of Philosophy at Jagannath University in Dhaka, boarded a bus from Victoria Park in old Dhaka to go to Mir Hazirbagh. His bus was set on fire by miscreants and Nayan left the bus with other passengers. The Kotowali Police of Dhaka arrested Nayan and asked whether he was involved with (Islami Chhatra) Shibir.⁷² Nayan gave the police his name and asserted that he was Hindu, who had no reason to be part of Shibir. The policemen ignored Nayan's arguments and shot him in the leg. Nayan was admitted to the National Institute of Traumatology and Orthopedic Rehabilitation with severe injuries.⁷³ The police implicated him in an arson case and accused him of being an activist of the Bangladesh Nationalist Party (BNP), the main opposition party.

Case study #17: Police shot a teenaged shopper in the leg

On 3 March 2015, Mohammad Noman, a 19-year-old young man, went to Sadarghat in Dhaka for shopping. At that time, several hand bombs exploded near Victoria Park. The police caught Noman when he ran in fear to find a safe place. Later, police tortured him and shot him in his left leg. He was admitted to the National Institute of Traumatology Orthopedic and Rehabilitation under police custody.⁷⁴

Case study #18: Police shot a human rights defender in the leg

On 31 March 2016, police shot Md. Afzal Hossain in the leg from close range. Afzal is a journalist affiliated with the human rights organisation Odhikar. He is also Bhola District correspondent of the private TV channel NTV. Mr. Afzal was observing the local government (Union Council) elections at a polling centre set up in a local primary school. When he found that the candidates of the Bangladesh Awami League (AL), the ruling party, were rigging the votes he began filming the scene of ballot box stuffing with his camera.

⁷¹ Information gathered by Odhikar from Bangladesh Legal Aid Services Trust (BLAST)

⁷² Islami Chhatra Shibir is the student front of Bangladesh Jamaat-E-Islami political party

⁷³ The daily Manabzamin, 18 February 2015, available at: <http://mzamin.com/details-archive2014.php?mzamin=64286>.

⁷⁴ *Ibid*, 15 March 2015, available at: <http://mzamin.com/details-archive2014.php?mzamin=67821>. See also FIDH, BANGLADESH: Call for justice after another police shooting of a human rights defender, available at: <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-call-for-justice-after-another-police-shooting-of-a-human>.

Moments later, as he was compiling all the information for his next media report, violence ensued between the activists of various candidates. Afzal got a phone call from the Police Superintendent of Bhola district asking for his location. After a while, a police Constable named Zulhaj attacked Afzal and shot him in his left leg, Afzal was taken to a local hospital. After being transferred from hospital to hospital due to lack of proper treatment and concerns over his personal safety, he was finally taken for recuperation to a private hospital in Dhaka.⁷⁵ There has been no credible investigation into the matter.⁷⁶

Recommendations:

- Amend the Torture and Custodial Death (Prohibition) Act 2013 to make it more effective in giving justice to victims of torture. Furthermore, incorporate the recommendation given by the High Court Division and upheld by the Appellate Division of the Supreme Court of Bangladesh in the 2003 case of BLAST Vs. Bangladesh, into the Code of Criminal Procedure to put a check on the misuse of the procedure of remand.
- Ensure that all allegations of excessive use of force, torture, ill-treatment, and all other forms of police brutality as well as extrajudicial killings are investigated promptly, thoroughly, and impartially.
- Increase efforts to provide systematic training to all law enforcement officials on the use of firearms, in accordance with the Basic Principles on the Use of Firearms by Law Enforcement Officials.
- Take immediate and urgent measures to eradicate corruption in the police force.

8. CONDITIONS OF DETENTION

Bangladesh's prison system has a record of using cruel, inhuman, and degrading treatment and punishments against prisoners. The United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the 'Mandela Rules')⁷⁷ is not reflected in the relevant rules and regulations, including the colonial Jail Code of 1864.⁷⁸ Bangladesh's British colonial-era penal laws have provisions of two types of imprisonments: i) rigorous imprisonment, which requires mandatory labour while in prison; and ii) simple imprisonment, which offers options of work. The Jail Code categorizes the inmates into three 'Divisions' based upon the socio-economic-political and educational status of the inmates. For example: Division I and Division II inmates are those who "by social status, education, and habit of life have been accustomed to superior living standards". Prisoners who are not included in the first two categories are placed into Division III as "ordinary class".⁷⁹

Currently, Bangladesh maintains two categories of prisons: Central Jails and District Jails. A Central Jail has an official capacity of between 1,000 to 2,000 inmates, while the District

⁷⁵ Department of State of United State of America, Bangladesh 2016 Human Rights Report, Page 5, available at: <https://www.state.gov/documents/organization/265744.pdf>.

⁷⁶ FIDH, OMCT, Asian Human Rights Commission Joint Statement, BANGLADESH: Call for Justice after another police shooting of a human rights defender, available at: <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-call-for-justice-after-another-police-shooting-of-a-human>.

⁷⁷ United Nations Standard Minimum Rules for the Treatment of Prisoners, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>.

⁷⁸ Jail Code, available at: <https://bit.ly/2KbldWB>.

⁷⁹ Mitchel P. Roth, Prisons and Prison Systems: A Global Encyclopedia, page 26.

Jail's official capacity is between 200 to 300 inmates.⁸⁰ The official total capacity of the country's 55 District Jails and 13 Central Jails is 36,614. These 68 prisons are hosting 88,371 inmates as of 30 April 2019.⁸¹ Among them, over 80% are pre-trial and remand detainees.

Prison conditions have worsened to such an extent that in April 2018 authorities were considering establishing makeshift sheds within the jails.⁸² Overcrowded jails are the result of mass arrests of people, especially the activists of the opposition political parties.⁸³ The detainees and inmates sleep on the floor in shifts due to overcrowding. Prison conditions are further worsened by the scarcity of food and drinking water, insufficient toilet and bathroom facilities, inadequate light, ventilation, and fresh air amidst the chain of corruption maintained by the prison officials.⁸⁴ Inmates are often deprived of health care, medicine and access to medical facilities, as only 12 prisons have prison hospitals.⁸⁵ Moreover, minors are incarcerated with adults in most of the prisons.⁸⁶ Most of the inmates who stayed in prisons and later shared their experiences with journalists and independent human rights defenders confirmed that almost all the detainees come in contact with communicable and non-communicable diseases in prison.⁸⁷ Visiting the prisons of Bangladesh is restricted. In practice, the District and Sessions Judge and the Deputy Commissioner, who heads the administration in districts with ex-officio status of District Magistrate, select the members in the team for visiting prisons once in a month.

Recommendations:

- Alleviate overcrowding in prisons, in particular through the use of alternatives to custodial sentences.
- Improve existing prison facilities and apply the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);
- Improve prison conditions, and address in particular the lack of beds, lack of food, and inadequate hygiene.
- Provide detainees with proper medical and health care.

⁸⁰ *Ibid*, page 25.

⁸¹ World Prison Brief, available at: <http://prisonstudies.org/country/bangladesh>.

⁸² The daily New Age, 20 August 2018; "Makeshift sheds proposed as jails overcrowded", available at: <http://www.newagebd.net/article/48895/makeshift-sheds-proposed-as-jails-overcrowded>.

⁸³ The daily New Age, 3 June 2018; "Prison overcrowding means abuse of rights, legal and human", available at: <http://www.newagebd.net/article/42694/prison-overcrowding-means-abuse-of-rights-legal-and-human>.

⁸⁴ The Daily Star, 4 September 2014, Rotting Behind Bars, available at: <https://www.thedailystar.net/star-weekend/spotlight/rotting-behind-bars-137293>.

⁸⁵ Joint NGO Alternative Report to Human Rights Committee on Bangladesh, available at: http://www.omct.org/files/2017/02/24220/bangladesh_iccpr_report.pdf.

⁸⁶ The Daily Star, 20 October 2017, Prison babies: childhood behind bars - Growing up with an incarcerated mother, available at: <https://www.thedailystar.net/star-weekend/spotlight/prison-babieschildhood-behind-bars-1478830>.

⁸⁷ The daily Independent, 2 February 2018, Comilla jail crammed with 3,029 prisoners, available at: <http://www.theindependentbd.com/post/135519>.

9. GENDER-BASED VIOLENCE

The State is also responsible for acts committed by non-State actors when the State has failed to act with due diligence to prevent, protect, and respond to the violation. The CAT has applied the due diligence standard in relation to violence against women (domestic violence, rape, and trafficking).

In Bangladesh, many women and girls have become victims of gender-based violence, including rape, sexual harassment, dowry-related violence, and domestic violence. Human rights documentation shows that from January 2009 to May 2019, a total number of 7,372 females were reportedly raped. Among them, 2,616 were women, 4,614 were girls below the age of 18 and the age of 142 victims could not be determined.⁸⁸ Furthermore, a total of 2,994 girls were victims of sexual violence from 2010 to May 2019. Moreover, 3,556 females were subjected to dowry violence between January 2009 and May 2019. Among the 3,556 victims of dowry related violence, 1,757 were killed, 1,681 were physically abused and 118 committed suicide over dowry demands. In addition, 555 females were victim of acid violence during the same period.

According to a report from the Ministry of Home Affairs, most of the accused of acid violence were acquitted, as the allegations in the cases relating to acid violence could not be proved. Only 9% of the accused were given punishment. In the last 16 years, 2,169 cases in relation to acid violence were filed against 5,837 accused persons, but only 343 accused were convicted.⁸⁹

Despite widespread incidents of violence against women and girls, trials and punishment of perpetrators rarely delivers justice.⁹⁰ There are more girls becoming victims of rape than adult women. Women are even being subjected to sexual violence on public transport, but there are no preventive measures or action against such violations.

The CAT has explicitly highlighted the importance of taking measures to facilitate the lodging of complaints by victims and addressing barriers that may prevent women from reporting acts of violence. It also stressed that all victims should have access to sufficient and adequately funded medical and legal aid, psychosocial counseling and social support schemes, and access to adequate shelters and safe houses.

Police are particularly reluctant to take action and conduct investigations on the complaints filed by victims of rape perpetrated by the ruling party members. For instance, on 30 December 2018, Bangladesh's election day, leaders and activists of Subarnachar Awami League gang raped a BNP activist's wife due to her voting for a BNP nominated candidate in Noakhali's Subarnachar.⁹¹ Police failed to conduct any investigation into this matter.

⁸⁸ Human rights documentation of Odhikar on gender based violence from January 2009 to May 2019

⁸⁹ The daily Prothom Alo, 24 January 2019; available at: <https://www.prothomalo.com/bangladesh/article/1575905/>.

⁹⁰ The daily Prothom Alo gathered primary information of 7,864 cases of rape, gang rape, attempt to rape, killings and provocation to suicide in dowry violence and sexual harassment filed under five Tribunals of Dhaka District between 2002 to October 2016. Among them, 4,277 cases were resolved but punishment is given in only 110 cases. Only in 3% of the cases were perpetrators punished. On the other hand, in 97% cases, accused either withdrew before the trial or were acquitted after the trial.

⁹¹ The daily Naya Diganta, 18 January 2019, available at: <http://www.dailynayadiganta.com/first-page/381463>

Case study #19: Rape victim committed suicide after being raped by ruling party activist

On 1 March 2019, ruling party-affiliated Juba League activist Alauddin raped a woman in Subarnachar of Noakhali District. At that time, hearing screams of the woman, the people around the area apprehended Alauddin and took him to Mohammadpur Union Parishad member Nuru Mia. However, Nuru Mia released him for 60,000 Taka instead of handing him over to the police. The woman committed suicide on 2 March after failing to get justice. Police arrested Alauddin after a week due to public pressure.⁹²

Case study #20: Police gang-raped a widow at shrine

On 22 September 2014, a widow of Parkul Village under Nabiganj Upazila in Habiganj District went to doctor at Popular Hospital in Sylhet town. Her visit took a long time and it had become quite late in the day. As a result, she could not return home as it was unsafe to travel.⁹³ She took shelter at the Hazrat Shah Jalal shrine at night. At around 10:00 pm, two women came and told her that Nayek Kamal of the police camp asked her to go to the camp. Hearing this, the woman went to Nayek Kamal's room at Mazar police camp where she was raped by Kamal. Later Kamal's associates, the clerk of the shrine Mosabbir, security guards Selim, Dudu Mia, Selim (2) and Rubel raped her by turns. She was admitted to the One Stop Crisis Centre (OCC) of the Sylhet Osmani Medical College Hospital. On 25 September, a police officer stationed at the OCC took her signature on a first information report (FIR) and sent the FIR along with other documents to Sylhet Kotwali Model Police Station. A case was filed under the Prevention of Women and Children Repression Act 2000 based on the FIR signed by the victim. On 26 September 2014 at night, the woman went to the police station and learnt that the main accused whom she mentioned in the FIR had been replaced. At that time she saw the rapist Kamal at the police station and accosted him, but the police did not arrest Kamal and let Kamal free from her grip.⁹⁴

Recommendations:

- Prevent, combat, and eradicate all forms of violence against women, including by strengthening legal provisions in national and provincial legislation that address and criminalize violence against women.
- Ensure that all cases of violence against women are thoroughly, effectively and promptly investigated, that perpetrators are prosecuted and convicted with penalties commensurate with the gravity of the crime, and that victims obtain redress, including adequate compensation.
- Guarantee in practice that women who are victims of violence have immediate access to legal remedies, and ensure that they are able to access effective protection, including shelters, medical care, and psychological support.
- Conduct awareness-raising campaigns and training for public officials concerning their due diligence obligation under the Convention to protect women from violence.

⁹² The daily Jugantor, 8 March 2019, available at: <https://www.jugantor.com/todays-paper/second-edition/152629/>. Also see: BD News Dot Com 24, Woman commits suicide after being raped in Noakhali, available at: <https://bdnews24.com/bangladesh/2019/03/02/woman-commits-suicide-after-being-raped-in-noakhali>.

⁹³ In Bangladesh, it is unsafe for women (and men too) to stay out at late night due to the deteriorating law and order situation.

⁹⁴ The Daily Observer, 29/09/2014, Cops gang rape a widow at shrine!, available at: <https://www.observerbd.com/2014/09/29/46179.php>.

10. EXTRAJUDICIAL KILLING AND ENFORCED DISAPPEARANCE

Arbitrary deprivation of life continues in Bangladesh at the hands of law enforcement agencies, as extrajudicial killings are rampant. According to Odhikar documentation, from January 2009 to May 2019, at least 2,088 extrajudicial killings were committed by the police, Rapid Action Battalion (RAB), and other paramilitary and security forces. In 2018 alone, law-enforcement agencies killed 465 people.⁹⁵ The government typically alleges self-defense and justifies the killings on the pretext of ‘fighting terrorism’, ‘war on drugs’, ‘self-defense in gunfight’.⁹⁶

The crime of enforced disappearance has been another form of torture and arbitrary deprivation of life. Law enforcement agencies, such as police, RAB, DB Police, and intelligence agencies are also allegedly responsible for the enforced disappearances.⁹⁷ From January 2009 to May 2019, at least, 526 people have been victims of enforced disappearance.⁹⁸

The actual number of victims of extrajudicial killings and enforced disappearances are most probably much higher than the documented cases. Many families do not dare to speak out due to constant intimidation, physical and digital surveillance, and threats of dire consequences by the agencies of the State. The victims do not seek remedies from the judiciary given the widespread culture of impunity. The perpetrators within the law enforcement agencies are almost never investigated. If there is any form of ‘investigation’, it only happens for the purpose of clearing the perpetrators’ name.⁹⁹

Case study #21: Teknaf Municipality Councillor killed extra-judicially in ‘war on drugs’

On 26 May 2018, a Ward Councillor of Teknaf Municipality Mr. Ekramul Haque, was killed in a ‘gunfight’ between the RAB and drug peddlers in Cox’s Bazar. Ekramul’s brother Ehsanul Haque Bahadur told the media that some plainclothes men from ‘an intelligence agency’ picked his brother up from their house at around 9:30pm on Saturday, saying they wanted to talk to him over the purchase of a plot of land. He was never involved in any way in drug peddling. Ekramul’s wife Ayesha Begum said that the RAB claim that her husband was a drug dealer is false.¹⁰⁰

Before his death, Ekramul Haque had three brief phone conversations with his daughter. He made the first call from his phone. His daughter – keen to know when her father would return home – made the second and third calls from her mother Ayesha Begum’s smartphone, which has an app that records all incoming and outgoing calls. There was a fourth recorded call made by Ayesha Begum herself, trying to reach her husband.¹⁰¹ There

⁹⁵ On file with Odhikar.

⁹⁶ See Asian Legal Resource Centre's Written Statement to 38th Session of UN Human Rights Council, BANGLADESH: Government escalates extrajudicial executions declaring 'war on drugs', available at: <http://alrc.asia/government-escalates-extrajudicial-executions-declaring-war-on-drugs/>.

⁹⁷ Asian Legal Resource Centre's Written Statement to 39th Session of UN Human Rights Council, BANGLADESH: Inaccessible domestic remedies for enforced disappearances requires intervention, available at: <http://alrc.asia/inaccessible-domestic-remedies-for-enforced-disappearances-requires-intervention/>.

⁹⁸ Documentation report of Odhikar on enforced disappearances from January 2009 to May 2019

⁹⁹ Radio Sweden, Exclusive: Officer Exposes Brutal Killings by Bangladesh's Elite Police Unite RAB, available at: <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6665807>.

¹⁰⁰ The Daily Star, 28 May 2018, “Poura councillor killed in Teknaf”, available at: <https://www.thedailystar.net/frontpage/teknaf-al-leader-killed-crackdown-1582528>.

¹⁰¹ The Wire, 16 June 2018, “In Recording, Chilling Proof That Hasina’s War on Drugs Involves Extra-Judicial Killing”, available at: <https://thewire.in/south-asia/in-recording-chilling-proof-that-hasinas-war-on-drugs-involves-extra-judicial-killing>.

were police sirens and whistles in the background and gunshots. Ekramul was heard screaming in pain and then there were more gunshots. The killers (RAB members) kept shooting at the dead body from different angles (which presumably would be registered in a ballistic report and during post-mortem). They then scattered some empty bullet shells on the crime scene and put some Yaba (methamphetamine) tablets into the dead man's pockets.¹⁰²

The family of Mr. Haque gave several audio clips to journalists that recorded sounds of gunfire and the groans and cries of a dying man, prompting human rights activists to question the method and legality of the anti-narcotics drive. Just after Ekramul's death, Home Minister Asaduzzaman Khan informed the media that a Magistrate would be tasked with investigating the killing and those responsible for his death would be brought to book if any evidence of wrongdoing was found. It has been a year since the death of Mr. Haque and, no progress has yet been made into the investigation.¹⁰³

Case study #22: Disappearance of a homeopathic physician reflects the struggles of the families of the disappeared

The Satkhira Sadar police, led by Sub Inspector Mr. Himel Hossain, picked up Mr. Sheikh Mokhlesur Rahman a.k.a. Johny, a homeopathic physician at around 9:00 pm on 4 August 2016 from the New Market area in Satkhira district town. The police raided Mokhlesur's house after that at midnight, with no warrant. His wife Jesmine Nahar and father Sheikh Abdur Rashid found Mokhlesur detained in the police cell at the Satkhira Sadar Police Station the following day, 5 August. The police arbitrarily detained Mokhlesur without producing him before a Magistrate. They did not record the arrest and detention. From 5 to 7 August, the family served food to Mokhlesur by bribing the police. On 8 August, the family found Mokhlesur missing from the police cell. The police did not produce him before the court nor had he been sent to any prison. The police officers refused to disclose the whereabouts of Mokhlesur to his family. The police officers insisted that the family must not reveal any information to the media regarding the arbitrary detention and disappearance. The police also refused to register any complaint or General Diary (GD) entry regarding the arrest, detention and subsequent disappearance. The victim's wife repeatedly attempted to register a GD entry for months and was refused by the police officers.¹⁰⁴

In March 2017, Jesmine Nahar held a press conference and exposed the matter in public. She also filed a Habeas Corpus Writ before the High Court Division of the Supreme Court of Bangladesh. In May 2017, a Division Bench heard the writ and ordered a judicial probe into the matter. Upon the High Court's order, the Chief Judicial Magistrate of Satkhira district assigned Mr. Habibullah Mahmud, a Senior Judicial Magistrate, to probe the case. The police officers lied to the Magistrate during the investigation while the eyewitnesses and former co-detainees who stayed in the same police cell with Mokhlesur confirmed that Mokhlesur had been detained for days in the Satkhira Sadar Police Station. The judicial probe report was submitted to the High Court Bench, which has not yet taken any action against the police officers. The judicial probe on Mokhlesur's disappearance is the first ever

¹⁰² *Ibid.*

¹⁰³ The daily Dhaka Tribune, 25 May 2019, "One year on, no progress on Ekramul murder investigation", available at: <https://www.dhakatribune.com/bangladesh/nation/2019/05/25/one-year-on-no-progress-on-ekramul-murder-investigation>.

¹⁰⁴ South Asia Journal, 2 September 2017, BANGLADESH: Unbridled state power and a collapsed justice framework behind enforced disappearances, available at: <http://southasiajournal.net/bangladesh-unbridled-state-power-and-a-collapsed-justice-framework-behind-enforced-disappearances/>.

*publicly known investigation in any case of alleged disappearances in last eight years in Bangladesh.*¹⁰⁵

*On July 16, 2017 the High Court Division Bench after hearing the judicial inquiry report, ordered the Police Bureau of Investigation (PBI) to find Mokhlesur Rahman and asked the Inspector General of Police (IGP) to take necessary measures in this regard.*¹⁰⁶ *The PBI conducted an investigation and in its report stated that the mystery of the incident of Mokhlesur's going missing could not be unearthed as the police personnel including the then officer-in-charge of Satkhira Sadar Police Station Md Emdadul Haque Sheikh and Sub Inspector Himel and Emdaddul's successor OC Firoz Hossain Mollah had not carried out the duties vested in them. The report further added that the image of police has seriously been damaged due to their inefficiency and negligence. The PBI recommended 'department action' against the said police officer for their negligence and incompetence.*¹⁰⁷

Recommendations:

- Take all necessary steps to ensure that all cases of enforced disappearances and extrajudicial killings are investigated thoroughly and impartially and that those responsible are prosecuted and, if they are found guilty, receive a punishment that is commensurate with the crime.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and incorporate its provisions into Bangladesh's domestic legislation.

11. 'COUNTER TERRORISM' AND 'EXTREMISM'

While Bangladesh initially did not consider 'terrorism' a major concern, it was compelled to reconfigure its internal legal regime to address the question of 'terrorism' and related offences the era of 'war on terror'. However, in the absence of a credible democratic system and lack of an accountable government, the transparency of anti-terrorism operations, which have resulted in the death of women and children and have often targeted political opponents, has been questioned.¹⁰⁸

In 2002, Bangladesh enacted a Speedy Trial Tribunal Act to facilitate quick trials of defendants accused of certain serious crimes through the establishment of special courts. On 24 February 2009, Bangladesh's Parliament enacted the Anti-Terrorism Act (also known as ATA), without any public consultation. The definition¹⁰⁹ of a 'terrorist act' is too broad and

¹⁰⁵ *Ibid.*

¹⁰⁶ The daily Manabzamin, 17 July 2017; available at: <http://mzamin.com/details-archive2016.php?mzamin=74385&cat=10>.

¹⁰⁷ The Daily Star, 22 January 2018, "Cops showed serious negligence in Mokhlesur missing case: PBI", available at: <https://www.thedailystar.net/country/satkhira-police-showed-serious-negligence-in-mokhlesur-missing-case-says-police-bureau-of-investigation-1523590>.

¹⁰⁸ The daily New Age, 29 April 2017, Extremism tackling narrative warrants transparency, available at: <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrantstransparency>.

¹⁰⁹ Definition of 'terrorist activities', according to Bangladesh's Anti-Terrorism Act -2019 (Amended in 2013): "If any person by creating fear amongst the public or segment of the public in order to jeopardize the territorial integrity, solidarity, security or sovereignty of Bangladesh, for the purpose of compelling the government or any other person to do or refrain from doing an act -

the law has been used against large segments of the population, including opposition activists, teachers, journalists and human rights defenders. ATA was amended twice, in 2012 and 2013, to make crimes committed under this Act punishable by death. The 2013 amendment allows the courts to accept videos, still photographs and audio clips used in Facebook, Twitter, and other social media, as evidence.

The emergence of violent extremism has been observed in the country due to conflict, suppression and lawlessness. However, in the absence of a credible democratic system and lack of an accountable government, the transparency of the operations to prevent extremism have been put to question. Moreover, operations carried out in the name of ‘countering extremism’ have resulted the deaths of women and children and have targeted political opponents.¹¹⁰

The government has created a situation where a section of society have been pushed towards extremism due to the instability created in society as a result of various extreme human rights violations, including torture, extrajudicial killings, enforced disappearances, interference on the rights to freedom of expression and media and hindrance to rights to freedom of peaceful assembly and association.

Reports of acts of extremism have significantly increased in the past decade. For example, since 2013, eight bloggers have been killed in acts of extremism. In July 2016, 22 persons, both Bangladeshi and foreign, were killed by extremists at a restaurant ‘Holey Artisan Bakery’ in Gulshan, Dhaka. Under the pretext of eradicating extremism, between July 2016 and May 2019, law enforcement agencies carried out operations in different districts of the country, which resulted in 75 persons, including eight women and eight children, being killed.

Case study #23: Nine young men were summarily executed under the pretext of fighting militancy

On 26 July 2016, at around 5:50 am, the Dhaka Metropolitan Police launched ‘Operation Storm-26’ against suspected ‘extremists’, which resulted in the killing of nine men. The police operation was conducted in collaboration with the local police station police, the Detective Branch, and a SWAT team. The police claimed that all the deceased, who were aged between 20 and 25 years, were members of the banned Jamaat’ul Mujahedin Bangladesh (JMB). The medical officers who conducted the autopsy confirmed that most of the deceased had been shot from behind, which suggested an ‘execution-style’ summary execution.¹¹¹

(a) causes death, inflicts grievous hurt, confines or abducts any person or causes damage to any property of a person; or (b) uses or keeps any explosive, ignitable substance, firearms or any other chemical substance with a view to effect the purposes enumerated in clause (a): shall commit the offence of ‘terrorist activities.’” For further details, please see: FIDH Report, BANGLADESH: Criminal justice through the prism of capital punishment and the fight against terrorism, Page-29, available at: https://www.fidh.org/IMG/pdf/Report_eng.pdf.

¹¹⁰ The daily New Age Editorial, 29 April 2017, Extremism tackling narrative warrants transparency, available at: <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrantstransparency>.

¹¹¹ The Daily Star, 27 July 2016, 9 militants killed in Dhaka hideout, available at: <http://www.thedailystar.net/frontpage/9-militants-killed-dhaka-hideout-1260082>.

Case study #24: Seven people, including four children and two women, killed in a police operation

On 28 March 2017, at around 1:30 am, SWAT and Counter Terrorism and Transnational Crime Unit of Police teams cordoned off a two-storied house at Borohat Abushah Dakhlil Madrassa Road at Nasirnagar in Moulvabazar for 34 hours under 'Operation Hit Back'. Police alleged the house was an 'extremist's den'. Later, police recovered the bodies of seven persons from the house. Police said that in the afternoon of 29 March, the 'extremists' might have killed themselves by blowing up their suicide vests. Four children were among the seven bodies recovered. One of them was a 10-month-old infant, and the other three were aged between two and 10 years. Among the deceased, there were also two women and one man. The police officers who conducted the operation could not confirm the names and identities of the seven casualties.¹¹²

Case study #25: RAB's anti-terrorism operation killed three minors

The RAB media unit claimed that three alleged extremists were killed during an operation that commenced on 12 January, 2018 at around 2:00 am in a house named Rubi Villa at Nakhalpara, Dhaka. The RAB claimed that the deceased were members of the outlawed organisation JMB. Although the RAB claimed that the ages of the three were between 25 and 27, it was later found that two of them were aged 16 and 17.¹¹³

Case study #26: Suspect in a murder case killed in 'gunfight' with police

On 24 June 2018, police said they arrested a man named Abdur Rahman, the prime suspect in the murder of poet and freelance writer Shahjahan Bachchu, from Gazipur.¹¹⁴ On 28 June 2018, Abdur Rahman was killed in a 'gunfight' with police in the Baluchor area of Sirajdikhan.¹¹⁵

The explanations that the law enforcement agencies have given regarding their operations against "religious extremists" are similar in almost all the cases. Law enforcement agencies have routinely described the deaths of crime suspects as 'gunfight', 'crossfire' and 'encounter.' Furthermore, report emerged that some of those who were arrested during such operations later died in the custody of law enforcement agencies. As a result, what actually happened in such operations remain unclear.¹¹⁶

Recommendations:

- Take the necessary legislative measures to adopt a more precise definition of 'terrorist act' and ensure that all counter-terrorism and national security legislation, policies, and practices are in full compliance with the Convention's provisions.
- Ensure that adequate and effective legal safeguards are in place for people accused or suspected of terrorism.

¹¹² The daily Prothom Alo, 1 April 2017, Operation Heat Back: Four of the seven dead bodies of the blast were children, available at: <http://www.prothom-alo.com/bangladesh/article/1130046/>.

¹¹³ The Daily Star, 22 January 2018, NAKHALPARA RAID: Last of three militants identified, available at: <http://www.thedailystar.net/city/last-3-militants-identified-1523158>.

¹¹⁴ On 12 June 2018, Shahjahan Bachchu was shot dead in Kakaldi Village under Sirajdikhan Upazila in Munshiganj District. His relatives said that he had received death threats from Islamist extremists because of his writings.

¹¹⁵ The Daily Star, 28 June 2018, Bachchcu murder suspect killed in 'gunfight', available at: <https://www.thedailystar.net/country/writer-publisher-shahjahan-bachchcu-murder-suspect-killed-in-gunfight-1596685>.

¹¹⁶ The daily New Age, 28 April 2017, Extremism tackling narrative warrants transparency, available at: <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrants-transparency>.

12. DEATH PENALTY

Bangladesh is one of the world's 57 retentionist countries.¹¹⁷ Right to life and equality before the law are enshrined in the Constitution of Bangladesh. However, the amount of death sentences awarded in Bangladesh remains a major concern for the human rights community. Although the government does not share statistics on the death penalty in public, Odhikar was able to gather data through jail officials. According to figures collected by Odhikar, from January 2010 to May 2019, at least 1,838 people were sentenced to death and at least 29 persons were executed. In the Bangladesh Rifles (BDR) mutiny case,¹¹⁸ 154 people were sentenced to death in November 2013.

Bangladesh acceded to the International Covenant on Civil and Political Rights (ICCPR) in 2000. The ICCPR expressly states in Article 6(2) that in retentionist countries a death sentence may be imposed only for the "most serious crimes." The Human Rights Committee has stated that "the expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure."¹¹⁹ However, in Bangladesh the death penalty can be imposed for economic and non-lethal crimes such as selling goods on the black market, smuggling, and forging currency.¹²⁰ Bangladesh has never imposed an official moratorium on the death penalty.

The death penalty for children is prohibited by Section 33 of the Children Act of 2013. According to Section 4 of the Children Act, "Notwithstanding anything contained in any other law existing, for all purposes of this Act, all persons shall be considered as children under 18 (eighteen) years of age". However, in practice, it is not clarified whether the law guarantees that no child will be subjected to the death penalty as the minimum criminal responsibility in Bangladesh varies in different laws.¹²¹ As per Section 82 of the Penal Code of 1860, the age of criminal responsibility is above seven years of age. Moreover, many children have difficulty proving their age and therefore accessing age-related protection because birth registration rates remain low. As per section 2(8) of the Bangladesh Labour Act, 2006 (amended in 2013 and 2018), a person who has attained the age of 14 but below the age of 18 is considered to be an 'adolescent' and as per Section 2(LXIII), a person not attaining the age of 14 is defined as a 'child'.

¹¹⁷ Death Penalty Information Centre (DPIC), available at: <https://deathpenaltyinfo.org/abolitionist-and-retentionist-countries?scid=30&did=140>.

¹¹⁸ The Bangladesh Rifles revolt was a mutiny staged on 25 and 26 February 2009 in Dhaka by a section of the Bangladesh Rifles (BDR), a paramilitary force mainly tasked with guarding the borders of Bangladesh. The rebelling BDR soldiers took over the BDR headquarters in Pikhana, killing the BDR Director-General and some army officers. They also fired on civilians, held many of their officer's hostage, vandalised property and looted valuables. By the second day, unrest had spread to 12 other towns and cities. The mutiny ended as the mutineers surrendered their arms and released the hostages after a series of discussions and negotiations with the government. In November 2013, the Dhaka Metropolitan Sessions Court sentenced 154 people to death and 161 to life imprisonment; another 256 people received sentences between three and 10 years for their involvement in the mutiny. The court also acquitted 277 people who had been charged. The trials were condemned as unfair mass trials without timely access to lawyers and "seem designed to satisfy a desire for cruel revenge", as reported by Human Rights Watch, the United Nations High Commission for Human Rights, and others. For further details, please see: Deutsche Welle, 7 November 2013, Rights activists slam Bangladesh's mutiny trial, available at: <https://www.dw.com/en/rights-activists-slam-bangladeshs-mutiny-trial/a-17210826>.

¹¹⁹ Human Rights Committee, General Comment 6, Para 7.

¹²⁰ As contained in the Special Powers Act 1974.

¹²¹ Child Rights International Network, Campaign Report, Inhuman sentencing of children in Bangladesh, available at: https://archive.crin.org/sites/default/files/inhuman_sentencing_children_bangladesh_2015.pdf.

Due to the backlog of cases and a weak criminal justice system in Bangladesh, prosecutions can take years and children are often imprisoned as pre-trial inmates in the prisons.

In May 2015, the Supreme Court of Bangladesh ruled that mandatory death sentences are unconstitutional.¹²² The case centred on various appeals for people sentenced to death where the court had no discretion to impose another sentence. This includes the case of Sukur Ali, who was sentenced to death for a rape and murder committed when he was 14. The offence was committed before the Children Act 2013 came into force and the court did not consider the prohibition on the death penalty under that Act in reaching its decision. As a result, it is possible that the death penalty could still be carried out for an offence committed prior to the entry into force of the Children Act 2013.

The Special Powers Act (SPA) 1974 states that it overrides all other laws,¹²³ although this has been challenged through the courts. In 2006, the Supreme Court ruled that where an offender is a child, he or she must be tried under the provisions of the Children Act.¹²⁴ The SPA provides for the death penalty for offences relating to sabotage, dealing in the black market, counterfeiting, smuggling, and contamination of food, drink, drugs or cosmetics.¹²⁵ The SPA applies to all persons, including those under 16 – as it contains no age limit for offences nor does it refer to age specific sections of the Penal Code.

Recommendations:

- Establish an immediate official moratorium on executions, with a view to abolishing the death penalty, and commute all death sentences to prison sentences.
- Guarantee in law and practice that children are not sentenced to death.
- Reform the criminal justice systems, especially the complaint mechanism, crime investigation, forensic medicine examination, prosecution, and adjudication, to ensure it meets international standards for upholding justice in accordance with the universal norms of justice.
- Allocate adequate financial and human resource for the criminal justice institutions so that each component can function with competence.

¹²² Civil Appeal No. 116 of 2010, available at:

http://www.supremecourt.gov.bd/resources/documents/808470_CivilAppealNo.116of2010.pdf.

¹²³ Special Powers Act, Section 34B, Laws of Bangladesh, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=462.

¹²⁴ State v. Mondal [2006] 26 BLD (HCD) 549; ILDC 886(BD 2006). Summary available at:

<https://www.crin.org/en/library/legal-database/state-v-mondal>.

¹²⁵ Special Powers Act, Sections 15, 25, 25A, 25B, 25C.

13. ABOUT THE SUBMITTING ORGANISATIONS

Asian Federation Against Involuntary Disappearances (AFAD)

Rooms 310-311 Philippine Social Science Center Bldg. Commonwealth Ave., Diliman, Quezon City, Philippines; Tel: +63 2 456 6434; Fax: +63 2 454 6759; Contact person: Ms. Mary Aileen DiezBacalso, E-mail: afad@surfshop.net.ph; Website: www.afad-online.org

AFAD is a federation of human rights organisations working directly on the issue of involuntary disappearances in Asia. Envisioning a world without desaparecidos, AFAD was founded on June 4, 1998 in Manila, Philippines. AFAD was the recipient of the 2016 Asia Democracy and Human Rights Award conferred by the Taiwan Foundation for Democracy.

Asian Forum for Human Rights and Development (FORUM-ASIA)

S.P.D Building 3rd Floor, 79/2 Krungthoburi Road, Khlong Ton Sai, Khlong San, Bangkok, 10600 Thailand; Tel: +66 (0)2 1082643-45; Fax: +66 (0) 2 1082646; Contact person: Mr. John Samuel, E-mail: john@forum-asia.org, Website: www.forum-asia.org

FORUM-ASIA is a network of 81 members in 21 countries across Asia. It was founded in 1991 in Manila, the Philippines. Its Regional Secretariat was established in Bangkok, Thailand in 1992. Since then, offices have been opened in Geneva, Jakarta, and Kathmandu. It works to promote and protect human rights, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond. FORUM-ASIA is actively involved in human rights advocacy at the national, regional and international levels, including the UN Human Rights Council.

Asian Legal Resource Centre (ALRC)

Ground Floor, 52 Princess Margaret Road, Ho Man Tin, Kowloon, Hong Kong, China; Tel: +852 26986339; webpage: www.alrc.asia; Contact person: Mr. Md. Ashrafuzzaman, E-mail: zaman@ahrc.asia, Website: www.alrc.asia

ALRC works towards the radical rethinking and fundamental redesigning of justice institutions in Asia, to ensure relief and redress for victims of human rights violations, as per Common Article 2 of the International Conventions. Sister organisation to the Asian Human Rights Commission, the ALRC is based in Hong Kong & holds general consultative status with the Economic & Social Council of the United Nations.

FIDH - International Federation for Human Rights

Headquarters– 17 Passage de la Main d’Or 75011, Paris, France; Tel: +33 1 43 55 25 18; Contact person: Mr. Dimitris Christopoulos, E-mail: dchristopoulos@fidh.org; Website: www.fidh.org

FIDH is a non-governmental federation of human rights organizations around the world. Founded in 1922, FIDH is the oldest international human rights organization in the world, and today brings together 184 member organizations in 112 countries. Its core mandate is to promote respect for all the rights set out in the UDHR.

Odhikar

House No. 35 (3rd Floor), Road No. 117, Gulshan, Dhaka 1212, Bangladesh, Tel: +88 029888587, Contact person: Mr. Adilur Rahman Khan, E-mail: odhikar.bd@gmail.com, Website: www.odhikar.org

Odhikar meaning ‘rights’ in Bangla is a registered human rights organisation based in Dhaka, Bangladesh established on October 10, 1994 by a group of human rights defenders,

to monitor human rights violations and create wider awareness. It holds special consultative status with the ECOSOC of the United Nations.

Robert F. Kennedy Human Rights

1300 19th Street, NW / Suite 750 / Washington, DC 20003 Phone: +1.202.463.7575 /
Contact Person: Mr. David McKean, Email: mckean@rfkhumanrights.org /

Website: www.rfkhumanrights.org

Robert F. Kennedy Human Rights is a non-governmental organization based in Washington, D.C. Founded in 1968 as a living memorial, it strives to achieve Robert F. Kennedy's vision of a more just and peaceful world. Robert F. Kennedy Human Rights' core programs focus on the power of the individual and providing sustained advocacy, litigation, and capacity-building support to grassroots leaders to advance social justice movements around the globe.

World Organization Against Torture (OMCT)

PO Box 21, 8, rue du Vieux-Billard, CH-1211 Geneva 8, Switzerland; Phone: +41 22 809 4939, Fax: +41 22 809 4929, Contact person: Ms. Nicole Buerli, E-mail: nb@omct.org,

Website: www.omct.org

OMCT is the main coalition of international nongovernmental organisations (NGOs) fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. OMCT has more than 200 affiliated organisations in its SOS-Torture Network and many tens of thousands correspondents across the world.

END OF THE REPORT