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## **A Joint Statement by the Asian Legal Resource Centre and Odhikar on Universal Periodic Review on Bangladesh**

### **BANGLADESH: Government suppressed truth to the UPR Session**

Bangladesh participated in the Universal Periodic Review (UPR) process at the UN Human Rights Council on 29 April 2013 in the 16<sup>th</sup> Session of the UPR Working Group in Geneva, Switzerland. The Government's delegation led by Foreign Minister Dr. Dipu Moni presented Bangladesh's national report during the second cycle of the UPR process under the UN human rights mechanisms.

The Asian Legal Resource Centre (ALRC) and Odhikar participated in the UPR Session and found that the Government in its [national report](#) to the UPR process suppressed the truth to the UN and to the international community.

Foreign Minister Dipu Moni reiterated that her government maintains "zero tolerance" this time, as she did in 2009 during the first cycle of the UPR, without any substantiated proof and without the corroborating facts regarding the prosecution and conviction of the perpetrators of the law-enforcing agencies for committing gross human rights violations, such as extrajudicial killings and custodial torture. Odhikar's documentation records that at least 539 persons have been extrajudicially killed between the first cycle and second cycle of the UPR process. Not a single case of extrajudicial killings has yet been credibly investigated, leading to prosecution and trial, during the period between the two sessions of the UPR.

The Minister claimed that enforced disappearance does not take place in Bangladesh and there is no law defining 'enforced disappearance' in the country's legal jurisdiction. She claimed that there are incidents of kidnapping by 'criminals' personifying themselves as law enforcement agencies. This was the government's attempt to undermine the importance of administering justice to a number of families in the guise of legal jargon. In reality, enforced disappearance is increasing in Bangladesh. The number has reached up to 81 during this period. It has taken the form of a new pattern of violation perpetrated by the agents of the State. The families of the disappeared face constant denials by the law-enforcing agents whenever there are attempts to register complaints. The

Foreign Minister has, in fact, echoed the same type of denials at the UN regarding the fearful reality of enforced disappearance in the country. There is no remedy available for the alleged enforced disappearances from within the criminal justice system, due to the regrettable roles played by the state attorneys and the judiciary.

The Bangladesh government has claimed that the National Human Rights Commission (NHRC) is empowered to conduct investigations and to institute litigations. In reality, the NHRC's recommendations to the government do not have any binding effect, according to the law. Moreover, the recruitment of persons having loyalty to the government in the NHRC has made this rights body one of the most ineffective institutions of the country. The NHRC is incapable of conducting credible investigations in cases of human rights abuse. It has constantly failed to fight any human rights causes that could meet normative principles of internationally recognised human rights. For example, the NHRC's previous body compelled the Ministry of Home Affairs to conduct credible probe into only two cases of extra-judicial killings during its tenure. By the time the probe reports were prepared, the incumbent body assumed office. Since then, the reports have been shelved. The NHRC did not proceed with the reports leading to prosecution of the perpetrators of the Rapid Action Battalion. There has not been any credible investigation conducted by the current leadership of the NHRC regarding gross human rights violations, such as torture, enforced disappearance, and extrajudicial killings by committed by state agents, let alone filing litigation before any Court.

The Foreign Minister claims that the Parliament, in its 15<sup>th</sup> amendment to the Constitution, has made constitutional reforms. In reality, the Constitution's 15<sup>th</sup> amendment, has barred any future amendment to the constitution, and has made provisions for a set of parliamentarians to be elected before ninety days of the dissolution of the sitting Parliament, keeping it active, which is unprecedented and has caused tremendous constitutional and political crisis in the country.

The Bangladesh government's report claims that the 9<sup>th</sup> Parliament passed 196 legislations to address political, socio-economic, and cultural rights of the people, especially women, children, ethnic minorities, and workers. This claim is invalid as laws like the Anti-Terrorism Act (2009) has been used to curtail rights of personal liberty, freedom of association and assembly. Anyone who criticises the illegal actions of the government is subject to face repression by the State under the Anti Terrorism Act (2009), Cyber Crimes Act (2006) and fabricated sedition cases under the penal laws.

The government's report claims that the Supreme Court is the highest judicial authority and its decisions are binding on all subordinate courts, executives, and judicial authorities. However, it has been proven that Bangladesh has a flawed and dysfunctional criminal justice system, which constantly fails to hold the country's coercive and lethal police and paramilitary forces accountable. The incapable criminal justice system continuously contributes to the disastrous human rights realities in the country.

The government claims that it demonstrated human rights commitment by adopting a number of policies for promotion and protection of human rights. For example, it claims that the National Labour Policy, 2011, protects and promotes the rights of the workers. If the government had any respect for the rights of the workers, state authorities would not have 'disappeared' Aminul Islam, a labour leader, whose dead body was recovered from a roadside ditch at Ashulia in Dhaka, for demanding increased wages and benefits for workers of ready-made garments sector, where the minimum wages of the workers is around \$ USD 45 per month. Hundreds of workers of the ready-made garment sector alone have been killed in fires and building collapses on several occasions, due to the collapsed rule of law system and entrenched corruption in Bangladesh.

The Minister, in her presentation, claimed that the Anti-Corruption Commission (ACC) has gained public confidence by summoning ministers, and members of parliament. It is publicly known in Bangladesh that the ACC summoned the ministers and parliamentarians' to certify them as 'non-corrupt persons' in the name of completing eyewash investigations. For example, in 2009, after assuming office, the current government began a spree of withdrawing criminal cases. The process started with withdrawing 12 criminal cases, including corruption cases, against the Prime Minister. On 22 April 2013, the ACC, through its prosecutor, submitted a petition to the Appellate Division of the Supreme Court seeking withdrawal of a pending corruption case against a member of parliament of the ruling party. This pattern of withdrawing the corruption cases reflects the level of commitment of combating corruption and establishing the rule of law maintained by the incumbent government and the ACC.

The National Election Commission is one problem center in Bangladesh, as every ruling party invests their best efforts to manipulate the weakness of the institution, which is still under the control of the Office of the Prime Minister.

The Minister has claimed that the authorities have given licence to 14 new private television channels and several community radio channels and that the media enjoys freedom of expression, which contradicts the facts on the ground. All the media that have received licence during the current government's tenure are entrepreneurs having direct attachments with the ruling political parties. The government has created such an atmosphere that the media has to maintain self-censorship in publishing reports and criticizing the authorities, while the dissident voices suffer closure and various forms of repression such as , threats over telephone or in person by the intelligence agencies, harassment in fabricated criminal cases, arbitrary detention, and extra-legal convictions by the judiciary.

The executive authorities neither implement the laws related to addressing the incidence of violence against women, nor do the victims get any recourse under the flawed and dysfunctional criminal justice system. There is no protection mechanism for victims and witnesses in the country.

The ethnic, religious and linguistic minority communities continuously remain vulnerable and at risk of attacks and harassment due to the absence of any mechanism to protect their fundamental rights as citizens.

The NGOs of Bangladesh that maintain and advocate for the normative principles and standards of universally recognized human rights often face serious threats and repression from the state. Human rights defenders and organizations, who document the cases of torture, extrajudicial killings, enforced disappearances, illegal arrests, and arbitrary detentions, face cancellation of government's approval followed by regular surveillance by state-agents, harassment, and telephone threats.

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*Odhikar*, meaning 'rights' in the Bangla language, is a human rights organization based in Dhaka, Bangladesh. A group of human rights defenders established this organisation in October 1994 to create a wider monitoring and awareness raising system on the abuse of civil and political rights in Bangladesh. The rights group contributes to policy advocacy aiming to address the contemporary human rights situation in Bangladesh. It is registered as an NGO with the NGO Affairs Bureau of the Government of Bangladesh, bearing registration no. 924, 1995. *Odhikar* has special consultative ECOSOC status at the United Nations.

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