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Country Policy and Information Note
Bangladesh: Actors of protection

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the Introduction section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies**:**

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Independent Chief Inspector of Borders and Immigration
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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

Contents

Assessment

Updated: 2 April 2020

1. Introduction

1.1 Scope of this note

1.1.1 Whether, in general, a person at risk of persecution or serious harm from non-state actors and/or rogue state actors is able to obtain effective state protection.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention and the Asylum Instruction on Restricted Leave.

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2.3 Protection

2.3.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.

2.3.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.

2.3.3 The police force comprises approximately 195,000 personnel organised into a number of specialised organisations, including the Rapid Action Battalion (RAB), Criminal Investigation Department, Special Branch, Armed Police Battalion, and Metropolitan Police. Police presence is reported to be very small (96 police personnel per 100,000 citizens as of 2017) and located

predominantly in large cities including Dhaka, Chittagong and Sylhet, with limited resources in rural areas (see Security apparatus).

2.3.4 Reports indicate that security forces, particularly the police and RAB, commit abuses with impunity, including torture (sexual, physical and psychological), arbitrary arrests and incommunicado detention, enforced disappearances and extra-judicial killings. Senior members, leaders and active members of opposition parties, or those who actively oppose, or are perceived to actively oppose, the ruling government, are especially vulnerable to abuse by law enforcement agencies (see Human rights violations).

2.3.5 Figures relating to human rights violations are likely to be under-reported (see Caution about using figures).

2.3.6 Torture and ill-treatment is endemic and there is reportedly an assumption that, if a person is arrested, they will face torture. It is reported to be widely used to extract confessions. The human rights NGO, Odhikar, recorded 300 incidents of torture between January 2009 and December 2017, 123 of which resulted in death. The NGO Ain-O-Salish Kendra (ASK) reported the deaths of 12 persons in 2019 as a result of torture by law enforcement agents (see Torture and ill-treatment).

2.3.7 Police sometimes abuse their powers of arrest and detention, making arbitrary arrests, which often appear to be politically motivated (see Arbitrary arrest and detention). There are consistent reports of arbitrary detention and enforced disappearances. The International Federation for Human Rights (FIDH) reported 507 cases of enforced disappearance between January 2009 and December 2018, noting 62 people were found dead and 159 persons were missing (see Enforced disappearances).

2.3.8 According to human rights groups, between 466 and 474 people were extra-judicially killed in 2018 by security forces. Between 368 and 391 EJKs were recorded in 2019. Such deaths were often described by police or in the media as ‘crossfire’ or ‘encounter’ killings – terms used to describe the exchange of gun fire between the RAB or other police units and criminal gangs (see Extra-judicial killings (EJKs) and excessive use of force).

2.3.9 Corruption is reportedly commonplace within the police service with one survey indicating that 72% of people have admitted to paying bribes to the police. Corruption is prevalent at all levels of society and bribery is viewed to some extent as making up for low salaries and resources within the police (see Corruption).

2.3.10 At the same time, according to the US Department of State, the government has taken steps to improve police professionalism, discipline, training, and responsiveness – and to reduce corruption. Police basic training incorporates instructions on the appropriate use of force as part of efforts to implement community-based policing. Further, a police complaints cell exists to report any grievance regarding police action or inaction. According to police policy, all significant uses of force by police, including actions that resulted in serious physical injury or death, trigger an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. However, human rights groups express scepticism over the independence of the professional standards units

conducting these assessments, and the government neither released statistics on total killings by security personnel nor took comprehensive measures to investigate cases. In the few known instances in which the government brought charges, those found guilty generally received only administrative punishment, although according to some sources, over 12,000 police personnel are handed punishment every year on various charges including misconduct and corruption (see Effectiveness, Corruption and Accountability and impunity).

2.3.11 Political and bureaucratic interreference impedes police efficiency and the lower ranks are poorly paid, trained and equipped, lacking forensic means to investigate a crime and produce evidence. Security forces fail to prevent societal violence (though the extent to which was not clear) and to investigate disappearances. Public distrust deters many from approaching the security forces for assistance or to report criminal incidents (see Effectiveness and Lynch mobs).

2.3.12 Corruption and bribes are prevalent throughout the police and court system, compromising a persons' ability to access effective justice. Bribes are demanded for registering or not registering a complaint for an investigation report, for arresting or not arresting a person, and for releasing a detainee from prison (see Effectiveness and Corruption). There is no witness protection (see Witness protection).

2.3.13 The law provides for an independent judiciary, but political interference compromises its independence. Politicisation of and pressure against the judiciary persists. Human rights observers maintained magistrates, attorneys, and court officials demand bribes from defendants, or their decisions have been influenced by their loyalty to political patronage networks. Observers claimed judges who made decisions unfavourable to the government risked transfer to other jurisdictions (see Independence and Effectiveness of the judiciary).

2.3.14 The justice system is racked by delays and a person's ability to access justice is compromised by severe backlogs. Pretrial detention is often lengthy, and many defendants lack counsel, possibly due to the high costs involved in litigation or a disinclination to fight against the state, although legal aid is available. Criminal cases against ruling party activists are regularly withdrawn on the grounds of 'political consideration', undermining the judicial process and entrenching a culture of impunity. There is a reluctance to bring charges against the police and the large number of human rights violations that go unpunished illustrates the general climate of impunity (see Fair trial, Effectiveness of the judiciary and Legal aid and other assistance).

2.3.15 Whilst there is a functioning criminal justice system, it is highly politicised. Police professionalism varies although measures are in place to address accountability for misconduct. The judicial system is plagued by backlogs and corruption. Endemic corruption severely compromises the state authorities ability to provide effective protection, particularly for active members of opposition political parties. The willingness of the authorities to protect will depend on the profile of the person, in particular their links with the ruling party. However, each case must be considered on its facts. The

onus is on the person to demonstrate that they would not be able to seek and obtain effective state protection.

2.3.16 For further guidance on assessing the availability of state protection, see the instruction on Assessing Credibility and Refugee Status.

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Country information

Section 3 updated: 23 January 2020

3. Security apparatus

3.1 Police

3.1.1 According to its website, the Bangladesh Police is the country's core law enforcement agency, administered by the Ministry of Home Affairs. Its role is maintaining law and order of the state and ensuring security of public life and property[1]. In 2017 it was reported by The Diplomat, an on line current affairs magazine for the Asia-Pacific region, that Bangladesh ranked among the 10 countries in the world with the smallest police presence, with 96 police personnel per 100,000 citizens. Due its centralised nature, most police personnel were stationed in major cities, such as Dhaka, Chittagong and Sylhet, leaving little police presence in rural areas[2].

3.1.2 The Australian Department of Foreign Affairs and Trade (DFAT) noted in its country information report on Bangladesh, dated 22 August 2019, 'The police force comprises approximately 195,000 personnel, organised into a number of specialised organisations that include the RAB [Rapid Action Battalion], the Criminal Investigation Department, the Special Branch, the Armed Police Battalion, Metropolitan Police, and multiple anti-terrorism units.'[3] (see Rapid Action Battalion (RAB) and Intelligence agencies).

3.1.3 The International Federation for Human Rights (FIDH) noted in its April 2019 report 'Each Metropolitan and District police division includes a specialised Detective Branch (DB). Although the specific mandate of the DB is not publicly available, the unit is responsible for gathering intelligence and conducting investigations, along with the Criminal Investigation Department and the Special Branch (both operating from the headquarters of the Bangladesh police).'[4]

3.1.4 For organograms and units of the police, see the Bangladesh Police website[5].

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3.2 Rapid Action Battalion (RAB)

3.2.1 The Rapid Action Battalion (RAB) was formed in 2004 and describes itself as 'an elite anti-crime and anti-terrorism unit of the Bangladesh Police. It consists of members of the Bangladesh Police, Bangladesh Army, Bangladesh Navy, Bangladesh Air Force, Border Guard Bangladesh and Bangladesh Ansar [paramilitary auxiliary force].'[6] The RAB has the following capabilities:

- 'Internal security duties;

[1] Bangladesh Police, 'History', n.d., url.
[2] The Diplomat, 'A Year of Bangladesh's War on Terror', 6 July 2017, url.
[3] DFAT, 'Country Information Report Bangladesh', (para 5.4), 22 August 2019, url.
[4] FIDH, 'Vanished without a trace', (page 20), April 2019, url.
[5] Bangladesh Police, 'About us - organogram', n.d., url.
[6] RAB, 'Home', n.d., url.

- ‘Recovery of unauthorized arms, ammunitions, explosives and such other articles;
- ‘Apprehension of armed gangs of criminals;
- ‘Assisting other law enforcing agencies for maintaining law and order;
- ‘Intelligence gathering in respect of crimes and criminal activities;
- ‘Investigation of any offence on the direction of the government;
- ‘Such other duties as the government may, from time to time, assign.’[7]

3.2.2 The FIDH noted in its April 2019 report ‘The RAB is comprised of 14 battalion-sized units located across the country, including five in Dhaka.’[8]

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3.3 Intelligence agencies

3.3.1 As noted in the European Asylum Support Office (EASO) report on Bangladesh, dated December 2017, intelligence agencies included the:

‘Directorate General of Forces Intelligence (DGFI), founded in 1977, is the main military intelligence agency in Bangladesh. Its subdivisions serve all branches of the armed forces. It reports directly to the Prime Minister and has offices in all parts of the country.

‘National Security Intelligence (NSI), established in 1972, is the leading civil intelligence agency in Bangladesh, standing under the prime minister’s direct authority, and is predominantly responsible for monitoring political affairs. The NSI chief is usually a general of the Bangladesh Army and is considered one of the closest advisers to the prime minister on security and political affairs.

‘Criminal Investigation Department, a specialised wing of the Bangladesh Police who carries out investigations on crimes like terrorism, murders and organised crime.

‘Special Branch (SB) is the country's central intelligence agency and reports directly to the Bangladesh Prime Minister. They have offices in every district in the country.’[9]

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3.4 Bangladesh Ansar and Village Defence Party (VDP)

3.4.1 The website of the Ansar and VDP noted that the ‘Ansar Force’ is a civilian force, whilst the Battalion Ansar is a paramilitary force. The site added ‘Ansar and Battalion Ansar are also law enforcing agencies, vested with public security duties under the Public Security Division, Ministry of Home Affairs.’ The VDP was described as a voluntary force with a strength of approximately 5.8 million at village level[10].

[7] RAB, ‘About us’, n.d., url.
[8] FIDH, ‘Vanished without a trace’, (page 20), April 2019, url.
[9] EASO, ‘Bangladesh Country Overview’, (page 37), December 2017, url.
[10] Bangladesh Ansar and VDP, ‘History’, last updated 13 March 2019, url.

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3.5 Armed forces

3.5.1 The Bangladesh Armed Forces, which sits under the Prime Minister's Office, consists of the Army, Navy and Air Force[11]. The website of the Bangladesh Army noted that, as well as defending sovereignty and territorial integrity, the army also aides civil administrations in maintaining internal security and law and order, assists civil administrations in managing disasters and natural calamities and takes part in national development activities, as required[12].

3.5.2 In 2019, Global Fire Power (GFP), which provides analytical data on modern military powers, noted the total number of military personnel was estimated to be 160,000[13], although according to DFAT, 'The army has a force size of approximately 200,000 personnel; the navy, around 27,000 personnel; and the air force, around 20,000.'[14]

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Section 4 updated: 23 January 2020

4. Legal rights

4.1 Constitution

4.1.1 The FIDH April 2019 report on enforced disappearances, cited Articles in the Constitution aimed at protecting the rights of citizens:

'The country's 1972 Constitution, which was amended most recently in 2018, commits Bangladesh to being a "society in which the rule of law, fundamental human rights and freedom, equality and justice […] will be secured for all citizens" (Preamble). The Constitution also provides for the protection of fundamental rights, including equality before the law (Article 27), the right to protection of the law (Article 31), and protection of the right to life and personal liberty (Article 32).

'The Constitution also provides concrete safeguards with regard to arrests and detentions, including the provisions that no one shall be detained without being notified of the grounds for the arrest, and that individuals arrested are to be produced before a judge within 24 hours after the arrest (Article 33(1) and (3)). However, Article 33(4) of the Constitution allows for preventive detention exceeding a period of six months if authorized by an "Advisory Board consisting of three persons, of whom two shall be persons who are, or have been, or are qualified to be appointed as, Judges of the Supreme Court and the other shall be a person who is a senior officer in the service of the Republic".'[15]

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[11] Prime Minister's Office. 'Bangladesh Armed Forces', n.d., url.
[12] Bangladesh Army, 'About Bangladesh Army', n.d., url.
[13] GFP, 'Bangladesh Military Strength', 2019, url.
[14] DFAT, 'Country Information Report Bangladesh', (para 5.24), 22 August 2019, url.
[15] FIDH, 'Vanished without a trace', (pages 15-16), April 2019, url.

4.2 Criminal laws

4.2.1 The Penal Code 1860 refers to the laws concerning crimes and offenses and their punishment. The Code of Criminal Procedure 1898 regulates the procedures for the hearing of criminal cases.

4.2.2 However, the FIDH report noted that the Criminal Procedure Code '… provides significant immunity from prosecution to law enforcement agencies. Under Article 132, authorization must be obtained from the government before law enforcement officers can be prosecuted. In addition, when law enforcement personnel can show that they acted in good faith, they enjoy immunity from prosecution.'[16]

See Accountability and impunity.

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4.3 Counter-terrorism laws

4.3.1 The UN Human Rights Committee (UNHRC) noted in 2017:

'The Committee is concerned about the use of unclear terminology in counter-terrorism legislation, such as in the Special Powers Act, 1974, which grants the State broad powers of arrest and detention for the vague term "prejudicial acts", and the broad definition of "terrorist act" in the Anti-Terrorism Act, 2009, which can lend itself to arbitrary and abusive implementation. The Committee is concerned that the anti-terrorism amendment bill of 2012, which amended the Anti-Terrorism Act, increased the penalty for financing terrorism to allow for a maximum punishment of the death penalty. It is also concerned by reports that these laws are used to stifle speech of journalists and human rights defenders.'[17]

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4.4 Arrest and detention

4.4.1 As noted in the US Department of State's 2018 Country Report on Human Rights (USSD HR Report 2018) 'The constitution requires arrests and detentions be authorized by a warrant or occur as a result of observation of a crime in progress, but the Special Powers Act of 1974 grants broad exceptions to these protections.'[18]

4.4.2 Information obtained from lawyers, during a UK Home Office fact-finding mission (FFM) to Bangladesh in May 2017, indicated that arrest warrants were given directly to the accused and, if that was not possible, to the male head of the family. Failing that, the warrant would be posted in a public place or, as a last resort, published in a national daily newspaper on 2 occasions[19].

4.4.3 The USSD HR Report 2018 noted 'Under the constitution detainees must be brought before a judicial officer to face charges within 24 hours, but this provision was not regularly enforced. The government or a district magistrate may order a person detained for 30 days to prevent the

[16] FIDH, 'Vanished without a trace' (page 17) April 2019, url.
[17] UNHRC, 'Concluding observations …' (para 9) 27 April 2017, url.
[18] USSD, 'HR Report 2018' (page 9) 13 March 2019, url.
[19] Home Office, 'FFM Bangladesh' (para 3.2.3), September 2017, url.

commission of an act that could threaten national security; however, authorities sometimes held detainees for longer periods with impunity.'[20]

4.4.4 A joint report written and published in July 2019 by the World Organisation Against Torture (OMCT) and Odhikar (OMCT July 2019 report) noted:

'Contrary to the Code of Criminal Procedure, a person may typically spend several days, and not just the legally ordained 24 hours, in remand without having been presented before a Magistrate. Through fact-finding investigations by Odhikar, and other human rights organisations, it has been found that in many cases these provisions in the Criminal Procedure Code are ignored and a person may be in custody for days, undergoing torture or ill treatment.'[21] (see also Torture and ill-treatment).

4.4.5 The UN Committee against Torture (UNCAT) noted in its August 2019 Concluding Observations on Bangladesh that:

'Reports allege that individuals deprived of their liberty are not informed about the charges against them; not given prompt access to a qualified and independent lawyer from the very outset of their deprivation of liberty, nor access to legal aid immediately after arrest and during all stages of detention, including during interrogations and hearings; not given access to an independent medical examination within 24 hours of their arrival in a place of detention, free of charge and not in the presence of police officers, nor afforded the right to request and receive a medical examination conducted in confidentiality by an independent doctor of the detainee's choice; nor provided with the right to notify a family member or any other person of their own choice of their detention immediately after apprehension.'[22]

4.4.6 The UNCAT also noted its concern of reports of the failure to register cases of persons who were detained, that detainees were not brought before a judge within the prescribed legal time limits and that magistrates routinely authorise the detention of criminal suspects in interrogative custody for up to 15 days without access to a lawyer[23].

4.4.7 According to the USSD HR Report 2018:

'There is a functioning bail system, but law enforcement routinely rearrested bailed individuals on other charges, despite a 2016 directive from the Supreme Court's Appellate Division prohibiting rearrest of persons when they are released on bail in new cases without producing them in court.

'Authorities generally permitted defense lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred weeks or months after the initial arrest. Detainees are legally entitled to counsel even if they cannot afford to pay for it, but the country lacked sufficient funds to provide for this entitlement.'[24]

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[20] USSD, 'HR Report 2018' (page 9) 13 March 2019, url.
[21] OMCT, 'Cycle of fear', (page 26), July 2019, url.
[22] UNCAT, 'Concluding observations …' (para 19) 26 August 2019, url.
[23] UNCAT, 'Concluding observations …' (para 1) 26 August 2019, url.
[24] USSD, 'HR Report 2018' (page 9) 13 March 2019, url.

5. Capabilities of law enforcement agencies

5.1 Effectiveness

5.1.1 The DFAT report noted:

'Professionalism varies across the police. The national system of policing can be effective, and the force has often demonstrated an ability to track down suspects across the country. Political and bureaucratic interference is a significant impediment to police efficiency, however. Both AL [Awami League] and BNP [Bangladesh National Party] governments have used the police to undermine opposition forces, and many politicians have used the police to advance their personal interests. Police systems are heavily bureaucratic. While senior officers are relatively well trained and well paid, and occupy important positions within the bureaucracy, those in lower ranks are often poorly paid, trained and equipped. Low salaries encourage some police to supplement their income through demanding bribes from members of the public […].'[25]

5.1.2 According to the USSD HR Report 2018 'The government continued to take steps to improve police professionalism, discipline, training, and responsiveness – and to reduce corruption. Police basic training continued to incorporate instruction on the appropriate use of force as part of efforts to implement community-based policing.'[26] However, it also reported that 'Security forces failed to prevent societal violence'[27], with the report making reference to vigilante killings by public lynching, which were likely to be underreported[28].

See also Lynch mobs.

5.1.3 The OMCT July 2019 report noted, in regards to confessions obtained through torture, that 'Because of corruption, lack of funds and capacity of the police, and because the purpose of prosecution is often to stop critical voices, statements by an accused do not need to be corroborated by investigation and evidence. In addition, the police lack relevant training and modern forensic means to investigate a crime and produce evidence.'[29]

See also Torture and ill-treatment.

5.1.4 The US Department of State (USSD) Country Report on Terrorism 2018 noted, in regard to countering violent extremism (CVE) 'The police also are continuing community policing efforts. Law enforcement authorities are working with local universities to identify missing students and curb radicalization to violence among university students. Local research institutions, including private think tanks and both public and private universities, continued to engage in CVE-related research.'[30]

[25] DFAT, 'Country Information Report Bangladesh' (para 5.5) 22 August 2019, url.
[26] USSD, 'HR Report 2018' (page 8) 13 March 2019, url.
[27] USSD, 'HR Report 2018' (page 8) 13 March 2019, url.
[28] USSD, 'HR Report 2018' (page 41) 13 March 2019, url.
[29] OMCT, 'Cycle of fear' (page 37) July 2019, url.
[30] USSD, 'Country Report on Terrorism 2018', 1 November 2019, url.

5.1.5 However, the OMCT July 2019 report noted that, whilst the government had 'enacted laws and policies in view of making the fight against violent extremism more efficient […] the rules and regulations are often questionably used, and the mere definition of "terrorism" in Bangladeshi law, section 6 of the Anti Terrorism Act 2009 to be precise, is too broad – which has resulted in its arbitrary and abusive implementation.'[31]

5.1.6 The FIDH report on enforced disappearances stated that 'Relatives of victims of enforced disappearances told FIDH that their attempts to file General Diaries (GD) at local police stations were often hindered by the authorities. In almost all cases, police officers only agreed to file a GD if it did not mention the alleged involvement of personnel from law enforcement agencies. If relatives insisted on including mentions of potential law enforcement personnel - particularly RAB and DB - as suspects, the police officers refused to record a GD.'[32]

5.1.7 Furthermore:

'Even when complaints were led, cases of disappearances were rarely investigated by police officers in an adequate manner. Many relatives of individuals who disappeared told FIDH that police officers, when going to their houses, usually questioned relatives about the victim's political activities, religious leanings, or other personal details, without providing any information on leads they might have pursued or indicating that they were making concerted efforts to find the missing persons. When specifically asked by family members about the progress of their investigations, police officers often evaded the questions or simply answered that there had been no progress, without providing any specific details. In some cases, family members were never contacted by the police again after filing a GD'.[33]

See Enforced disappearances.

5.1.8 Transparency International reported in a February 2019 report that:

'There is a high risk of corruption when interacting with Bangladeshi police. Businesses ranked the Bangladeshi police as one of the least reliable in the world and noted business costs due to crime and violence [...] . Law enforcement agencies were likewise found to be the public bodies with whom citizens are most likely to experience corruption according to the National Household Survey 2017 conducted by Transparency International Bangladesh [...]. Police harassment in exchange for bribes is common. Public distrust of police and security services deters many from approaching government forces for assistance or to report criminal incidents.'[34]

See Corruption.

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5.2 Lynch mobs

5.2.1 The USSD HR Report 2018 noted:

[31] OMCT, 'Cycle of fear' (page 22) July 2019, url.
[32] FIDH, 'Vanished without a trace', (page 55), April 2019, url.
[33] FIDH, 'Vanished without a trace', (page 57), April 2019, url.
[34] TI, 'Overview of corruption and anti- corruption in Bangladesh' (p.9), 15 February 2019, url

'Vigilante killings occurred. Local human rights organizations acknowledged the number of reported cases probably represented only a small fraction of the actual incidents. Illegal fatwas and village arbitration, which a prominent local NGO defined as rulings given by community leaders rather than religious scholars, also occurred. According to Odhikar 45 individuals suffered from vigilante killings from January through October, primarily by public lynching.'[35]

5.2.2 In its 2018 report, the national human rights NGO, Human Rights Support Society (HRSS), noted that according to its statistics, based on information received through its district representatives and 12 prominent national newspapers[36], incidents of public lynching [the practice of an extrajudicial killing by a group] 'have grown at an alarming rate'. The report stated '… due to lack of respect for law, distrust of the police force and instability in the country, oridnarly [sic] people often resort to taking the law into their own hands, fearing that they will not get justice in any other way.' According to HRSS data, 74 cases of lynching took place in 2018, resulting in 64 injuries and 44 deaths[37].

5.2.3 In its 2018 Annual Human Rights Report, the national human rights NGO, Odhikar, which based its report on its own fact finding, data collection and reports sent by associated local human rights defenders across the country; and information and statistics published in different media[38], cited 48 deaths as a result of public lynching, adding 'Mob beatings occur due to a lack of public trust in the criminal justice system, existence of impunity, lack of implementation of laws, loss of faith and confidence in law enforcement agencies and social unrest. As a result, ordinary citizens are taking the law in their own hands and the tendency to resort to public lynching is quite common.'[39]

5.2.4 Ain O Salish Kendra (ASK), a human rights NGO, recorded (from the media and its own sources) 65 deaths by lynching in 2019[40].

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5.3 Corruption

5.3.1 The OMCT July 2019 report noted 'According to the 2013 Global Corruption Barometer by Transparency International, 64% of those who took part in the survey thought that the police were corrupt or extremely corrupt, and 53% thought the judiciary was corrupt or extremely corrupt. The same survey shows that 72% reported having to pay bribes to the police, while 63% reported paying bribes to the judiciary.'[41] Furthermore, 'Corruption in the judiciary and law enforcement is also a serious impediment to accountability for torture and ill-treatment. Bribes are taken by clerks who register and

[35] USSD, 'HR Report 2018' (page 41) 13 March 2019, url.
[36] HRSS, 'Human Rights in Bangladesh 2018' (Executive summary) September 2019, url.
[37] HRSS, 'Human Rights in Bangladesh 2018' (page 80) September 2019, url.
[38] Odhikar, 'Annual Human Rights Report on Bangladesh 2018' (page 2) 8 August 2019, url.
[39] Odhikar, 'Annual Human Rights Report on Bangladesh 2018' (page 26) 8 August 2019, url.
[40] ASK, 'Mob beating (Jan-Dec 2019)', 6 January 2020, url.
[41] OMCT, 'Cycle of fear' (page 36) July 2019, url.

process a case or are solicited by a lawyer from the defendant or plaintiff and are then passed to the judge to influence the outcome of a case.'[42]

5.3.2 According to GAN Integrity's Business Anti-Corruption Portal, updated May 2018, and the Bertelsmann Stiftung's Transformation Index (BTI) 2018 Bangladesh report, covering the period from 1 February 2015 to 31 January 2017, corruption was prevalent at all levels of society[43] [44].

5.3.3 The DFAT report noted 'Political interference and corruption operate to constrain the rule of law in Bangladesh. While some state institutions continue to work to enforce the fundamental rights of citizens, insufficient funding and a lack of political support hamper their efforts. Other organs of state protection, including the military, police, and lower courts, can be heavily politicised, under-resourced, and subject to corruption.'[45] Moreover, 'all major ranking institutions routinely rate Bangladesh as a highly corrupt country – Transparency International, for example, ranked Bangladesh 149th out of 180 countries in its 2018 Corruption Perceptions Index (in which 180 is the most corrupt). Corruption is pervasive at all levels of society, and is endemic in the judicial system, police, and public services (see relevant sections). Low salaries for employees in these sectors frequently lead to these employees demanding facilitation payments to supplement their income. Anti-corruption legislation is inadequately enforced, and prosecutions for corruption are rare.'[46]

5.3.4 The Freedom House Freedom in the World report for 2019 noted 'Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process. In particular, the Anti-Corruption Commission (ACC) has become ineffective and subject to overt political interference. The government continues to bring or pursue politicized corruption cases against BNP party leaders.'[47]

See also Rule of law and the judiciary.

5.3.5 Transparency International reported in a February 2019 report that 'Corruption has an in-built bias against the poor, disadvantaged and low-income sections of society. They are directly affected by the increased cost of public services for bribery and have limited or even lack access to services because of they cannot pay a bribe.'[48]

5.3.6 The OMCT July 2019 report noted:

'The link between corruption and torture is clear in Bangladesh. There are numerous cases where police has sought money in order not to torture a detainee. Those who have been arrested but are unable to pay have been tortured and implicated in cases under police investigation. Bribes are also demanded for registering or not registering a complaint, for a tailor-made

[42] OMCT, 'Cycle of fear' (page 36) July 2019, url.
[43] GAN Integrity, 'Bangladesh Corruption Report', May 2018, url.
[44] BTI, '2018 Country Report Bangladesh' (page 11) 2018, url.
[45] DFAT, 'Country Information Report Bangladesh' (para 5.1) 22 August 2019, url.
[46] DFAT, 'Country Information Report Bangladesh' (para 2.14) 22 August 2019, url.
[47] Freedom House, 'Freedom in the World 2019' (section C2) 4 February 2019, url.
[48] TI, 'Overview of corruption and anti- corruption in Bangladesh' (p.10), 15 February 2019, url

investigation report, for arresting or not arresting a person, and for releasing a detainee from prison. Police further demand protection money from street-hawkers, shopkeepers and traders and take 'collections' from buses and trucks. Sometimes, if they are unable to pay they too are arrested and tortured or ill-treated by police. In spite of the fact that more resources were allocated to the Police in 2016-2017, corruption is a major income for the police because they still lack adequate financial resources and are paid low salaries and provided difficult working conditions.'[49]

See also Accountability and impunity.

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Section 6 updated: 23 January 2020

6. Human rights violations

6.1 Caution about using figures

6.1.1 In its 2018 Annual Human Rights Report, Odhikar observed 'Due to the extreme disruption of freedom of opinion and expression, incidents of various human rights violations have not been widely reported in the news media; and victims have been afraid to disclose many serious incidents for their own safety and security. As a result, the number of human rights violations might well be much higher than the figures, reported here.'[50]

6.1.2 Similarly a joint report written and published in July 2019 by the World Organisation Against Torture (OMCT) and Odhikar (OMCT July 2019 report) noted 'There is a widespread fear of reprisals [by law enforcement agencies against civilians] when reporting torture so these reported acts are only the tip of the iceberg.'[51]

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6.2 Arbitrary arrest and detention

6.2.1 The USSD HR Report 2018 reported:

'Arbitrary arrests occurred, often in conjunction with political demonstrations or as part of security force responses to terrorist activity, and the government held persons in detention without specific charges, sometimes in an attempt to collect information about other suspects. The expansiveness of the 1974 Special Powers Act grants a legal justification to arrests that would often otherwise be considered arbitrary, since it removes the requirement that arrests be based on crimes that have previously occurred. This year experienced a significant increase in arrests of opposition party activists. According to figures provided to the Dhaka Tribune by the BNP, 434,975 criminal charges in 4,429 cases were lodged against BNP members from September 1 through November 14. Law enforcement also arrested at least 100 students, most of whom participated peacefully in the quota reform and road safety protest movements.'[52]

[49] OMCT, 'Cycle of fear' (pages 35-36) July 2019, url.
[50] Odhikar, 'Annual Human Rights Report on Bangladesh 2018' (page 4) 8 August 2019, url.
[51] OMCT, 'Cycle of fear', (page 33), July 2019, url.
[52] USSD, 'HR Report 2018' (page 9) 13 March 2019, url.

6.2.2 The Freedom House Freedom in the World 2019 report, covering 2018, noted 'The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant. A 2009 counterterrorism law includes a broad definition of terrorism and generally does not meet international standards.'[53]

6.2.3 The USSD HR Report 2018 cited examples when police reportedly abused their powers of arrest and detention:

'On September 5, DB [Detective Branch] officers in Dhaka arrested numerous students from their student residences late at night, allegedly for their roles in the road safety protests in July and August. While authorities later released some of the students, 12 of the students were kept in custody for days before being brought before a judge. Human rights activists criticized the DB for its initial denial of the arrests and failure to produce them before the court within 24 hours of arrest, as mandated by the law. Some of the students released by DB alleged physical abuse during their informal detention.

'In a September 11 article, the Daily Star newspaper published a listed of allegedly false criminal charges by police against opposition party BNP activists. The list included charges against an 82-year bedridden man in a hospital, a person who was abroad on the day of the alleged incident, and an individual who died approximately two years before the alleged crime. On November 7, the BNP submitted to the Prime Minister's Office what it claimed to be a partial list of 1,046 "fictitious cases" filed against its leaders and activists.

'Police routinely detained opposition activists in their homes, in public places, or when commuting to and from their respective parties' events. On September 10, multiple newspapers reported police in Dhaka apprehended dozens of BNP supporters as they were returning home after participating in a peaceful human chain in front of the National Press Club to demand the release of incarcerated party chair Khaleda Zia.'[54]

6.2.4 Furthermore, '… arbitrary and lengthy pretrial detention continued due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption. In some cases the length of pretrial detention equaled or exceeded the sentence for the alleged crime.'[55]

6.2.5 In its 2018 Annual Human Rights Report, Odhikar observed:

'Mass arrest operations were conducted on various pretexts in order to prevent protest meetings organised to denounce the arrest and sentence of BNP Chairperson Khaleda Zia on 8 February 2018; to suppress opposition party activists and dissidents; and to unilaterally dominate the parliamentary elections on 30 December. During such operations, police arrested opposition party leaders-activists on the pretext of "planning sabotage" or "secret meetings". There were allegations of torture in remand after arrest. During this period, numerous cases were filed against leaders and activists

[53] Freedom House, 'Freedom in the World 2019' (section F2) 4 February 2019, url.
[54] USSD, 'HR Report 2018' (pages 9-10) 13 March 2019, url.
[55] USSD, 'HR Report 2018' (page 10) 13 March 2019, url.

from central and grassroots levels; many cases were filed for mere harassment and were fabricated.'[56] (see Torture and ill-treatment).

6.2.6 Human Rights Watch (HRW) reported that during the lead up to the December 2018 elections 'Thousands of cases had been filed in recent months against leaders and supporters of opposition parties. "The police are indiscriminately arresting people," a newspaper columnist told Human Rights Watch. According to a law professor, "They do not bother with legal formalities, these police. They are arresting people just to harass and put pressure on the politicians".'[57]

6.2.7 The FIDH report noted that 'In most of the cases of enforced disappearance in Bangladesh documented by FIDH, victims were arbitrarily arrested and abducted by law enforcement officers after nightfall. A RAB informant explained to an FIDH interviewee that "RAB officers who conduct enforced disappearances generally do it after midnight." Nevertheless, some abductions took place in broad daylight.'[58] (see Enforced disappearances).

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6.3 Torture and ill-treatment

6.3.1 Bangladesh ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) on 5 October 1998. Despite being obliged to submit a report to the Committee against Torture by 4 November 1999, the State party's report was submitted 20 years late, on 23 July 2019[59].

6.3.2 The OMCT July 2019 report noted that, in 2013, the Bangladesh Parliament passed the Torture and Custodial Death (Prohibition) Act 2013, which criminalises custodial death and 'the act of torture by law enforcement agencies including the Police, Rapid Action Battalion, Border Guard Bangladesh, Customs, Immigration, Criminal Investigation Department (CID), Detective Branch (DB), Special Branch (SB), Intelligence Agencies, Ansar Village Defense Party, Coast Guard and any other State agency engaged in enforcement and implementation of the law in the country[60].

6.3.3 The same source stated '[…] government bodies have attempted to repeal the Torture and Custodial Death (Prohibition) Act 2013 or to exempt several law enforcement bodies from the Act's jurisdiction. They argued that "law enforcers will lose their dedication to work if this law remained in force which might hamper security of the State and the people" and the police "would be demoralized".'[61]

6.3.4 Despite various legal provisions, the DFAT report noted:

'… domestic and international NGOs report that law enforcement agencies routinely use both physical and psychological torture as a tool of

[56] Odhikar, 'Annual Human Rights Report on Bangladesh 2018' (pages 13-14) 8 August 2019, url.
[57] HRW, '"Creating panic"…' (Targeting political opposition), 22 December 2018, url.
[58] FIDH, 'Vanished without a trace' (page 28) April 2019, url.
[59] UNCAT, 'Concluding observations …' (para 2) 26 August 2019, url.
[60] OMCT, 'Cycle of fear' (page 13) July 2019, url.
[61] OMCT, 'Cycle of fear' (page 34), July 2019, url.

interrogation or punishment. According to in-country sources, torture is so endemic that there is an assumption that once a person is arrested he or she will be tortured, and that detainees are certain to face torture unless there are exceptional reasons why they would not, such as the torture attracting wider attention. Human rights groups report that methods of physical torture used by authorities include severe beating, suspension from the ceiling, sexual assault, and electric shock.'[62]

6.3.5 The HRSS noted in its 2018 report that the media and human rights groups frequently reported torture committed by security forces, particularly by the RAB and police, who 'inflict severe torture, physical and psychological abuses after arrests and during interrogations.'[63] The HRSS cited methods such as indiscriminate beatings, pouring boiling water, removing fingernails and administering electric shocks[64]. The FIDH report also reported that acts of torture and sexual abuse were committed against detainees[65]. Furthermore, 'acts of torture and sexual crimes that were committed by law enforcement agents against victims of enforced disappearance included: Severe beatings; Suspension by the hands from the ceiling; Exposure to loud music and sounds; Mock executions; Electric shocks on ears and sexual organs; and Forced nudity.'[66]

6.3.6 The USSD HR Report 2018 stated that:

'local and international human rights organizations and the media reported security forces, including the intelligence services and police, employed torture and cruel, inhuman, or degrading treatment or punishment. Security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. Security forces reportedly used threats, beatings, kneecappings, and electric shock, and sometimes committed rapes and other sexual abuses.'[67]

6.3.7 The HRSS cited numerous incidents where law enforcers used excessive force against people and property during clashes at various demonstrations, including the use of batons, rubber bullets and teargas[68].

6.3.8 The OMCT July 2019 report stated 'Of the over 300 incidents of alleged torture reported on and/or documented by Odhikar between January 2009 and December 2017, 123 relate to persons tortured to death in custody.'[69] Ain O Salish Kendra (ASK), a human rights NGO, reported 12 deaths due to torture by LEAs in 2019[70].

6.3.9 The OMCT July 2019 report stated:

'The most common forms of torture include keeping the detained standing for long periods of time; beatings with wooden or iron rods on the body or the soles of the feet; suspension from the ceiling by the wrists; or upside down

[62] DFAT, 'Country Information Report Bangladesh' (para 4.11) 22 August 2019, url.
[63] HRSS, 'Human Rights in Bangladesh 2018' (page 92) September 2019, url.
[64] HRSS, 'Human Rights in Bangladesh 2018' (page 92) September 2019, url.
[65] FIDH, 'Vanished without a trace', (page 31), April 2019, url.
[66] FIDH, 'Vanished without a trace', (page 31), April 2019, url.
[67] USSD, 'HR Report 2018' (page 5) 13 March 2019, url.
[68] HRSS, 'Human Rights in Bangladesh 2018', (pages 93-96), September 2019, url.
[69] OMCT, 'Cycle of fear' (page 23) July 2019, url.
[70] ASK, 'Death by Law Enforcement Agencies (Jan-Dec 2019)', 6 January 2020, url.

by the ankles; inserting chili powder in eyes, nostrils or open wounds; and pouring water mixed with chilli powder up nostrils; electric shocks to fingers, genitals or toes. More extreme forms include using a drill machine on legs and arms, burning with cigarettes, breaking bones, tearing out nails with pliers, inserting needles under nails, and water boarding. Psychological forms of torture include intimidation, mock executions, sleep deprivation, continuous verbal abuse, threats to harm family members, and threats of death in "crossfire" (i.e. staged extrajudicial killings), or keeping the detained in an unsanitary holding cell.'[71]

6.3.10 The same report noted that torture was used to extract confessions[72]. The UNHRC noted ill-treatment and torture, committed by law enforcement agencies during interrogations to obtain confessions, was widespread and led to deaths in detention, despite the state attributing these to natural causes[73]. The Human Rights Forum Bangladesh (HRFB) submitted a joint stakeholder report to the UNCAT in June 2019, which stated '… routine reports continue to be made of torture and ill-treatment, particularly in the context of custodial situations where law enforcement agencies seek confessional statements following arrest or detention.'[74]

6.3.11 According to the Civil Society Joint Alternative Report on Bangladesh Submitted to the Committee against Torture, '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.'[75]

6.3.12 The UN Committee against Torture (UNCAT) noted in its August 2019 Concluding Observations on Bangladesh that it was '… concerned at information it has received alleging the widespread and routine commission of torture and ill-treatment in the State party by law enforcement officials for the purpose of obtaining confessions or to solicit the payment of bribes.'[76]

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6.4 Enforced disappearances

6.4.1 The DFAT report noted:

'Bangladesh is not a signatory to the Convention for the Protection of All Persons from Disappearance (CED). International and local rights groups both report that enforced and involuntary disappearances occur frequently in Bangladesh. In February 2017, the United Nations Working Group on Enforced or Involuntary Disappearances (the Working Group) issued a press release calling upon the Government to halt the increasing number of

[71] OMCT, 'Cycle of fear' (page 23) July 2019, url.
[72] OMCT, 'Cycle of fear' (page 23) July 2019, url.
[73] UNHRC, 'Concluding observations …' (para 21) 27 April 2017, url.
[74] HRFB, 'Stakeholders' submission to the UNCAT' (page vii) 22 June 2019, url.
[75] Civil Society, Joint Alternative Report .... ' (p.8), July 2019, url
[76] UNCAT, 'Concluding observations …' (para 7) 26 August 2019, url.

enforced disappearances in the country. The Working Group expressed its concern about continuing reports of the use of enforced disappearance as a tool by law enforcement agencies, paramilitary and armed forces; and its regret that the Government had not provided any response or information to any of the specific cases the Working Group had raised with it. The Government has also not responded to the Working Group's request for an invitation to visit the country, first raised in March 2013.'[77]

6.4.2 In its concluding observations on the initial report of Bangladesh, dated August 2019, the UN Committee against Torture (UNCAT) expressed its deep concern '… at numerous, consistent reports that the State party's officials have arbitrarily deprived persons of their liberty, subsequently killed many of them and failed to disclose their whereabouts or fate.' Government officials denied the allegations[78].

6.4.3 The HRSS report noted that during 2018, many political activists were 'forcefully disappeared', some of whom were found shot dead, noting that the pattern of abductions and profile of victims indicated the government used disappearances as a tool to silence political opponents[79]. The DFAT report noted that BNP leaders claimed disappearances increased in the run-up to the December 2018 elections[80]. According to the April 2019 FIDH report, enforced disappearances have significantly increased since the Awami League took power in 2009[81], and further still since the 2013, despite the passage of the Torture and Custodial Death (Prevention) Act 2013[82]. FIDH noted 'The substantial rise in enforced disappearances has also been accompanied by an increased pattern of targeting of political opponents and other dissidents through violations of freedoms of expression, association, and peaceful assembly.'[83] DFAT also noted that journalists and activists were subject to enforced disappearance[84].

6.4.4 FIDH reported 507 cases of enforced disappearance between January 2009 and December 2018, noting 62 people were found dead, 286 returned alive, and 159 persons were missing[85]. HRSS recorded 92 people were disappeared by law enforcement agencies in 2018, noting that 14 were found dead, 17 returned home, 38 were brought before the court and 23 remained missing[86]. Odhikar reported the disappearances of 97 people in 2018, of whom 24 remained missing[87]. The Diplomat reported in August 2019 that many people were held in custody, often in secret detention, for weeks or months before being released or charged[88]. ASK recorded 34

[77] DFAT, 'Country Information Report Bangladesh' (para 4.4) 22 August 2019, url.
[78] UNCAT, 'Concluding observations …' (para 14) 26 August 2019, url.
[79] HRSS, 'Human Rights in Bangladesh 2018' (page 21) September 2019, url.
[80] DFAT, 'Country Information Report Bangladesh' (para 4.7) 22 August 2019, url.
[81] FIDH, 'Vanished without a trace' (page 7) April 2019, url.
[82] The Diplomat, 'Enforced Disappearances Met With Denials From Bangladesh', 22 August 2019, url.
[83] FIDH, 'Vanished without a trace' (page 7) April 2019, url.
[84] DFAT, 'Country Information Report Bangladesh' (para 4.5) 22 August 2019, url.
[85] FIDH, 'Vanished without a trace' (page 7) April 2019, url.
[86] HRSS, 'Human Rights in Bangladesh 2018' (page 21) September 2019, url.
[87] Odhikar, 'Annual Human Rights Report on Bangladesh 2018' (page 24) 8 August 2019, url.
[88] The Diplomat, 'Enforced Disappearances Met With Denials From Bangladesh', 22 August 2019, url.

disappearances in 2018, 19 of whom were subsequently found[89], and 13 enforced disappearances (as told by the media and its own sources) reported by family members or eye witnesses, between January and December 2019, of whom 8 were still missing at time of recording[90].

6.4.5 The April 2019 FIDH report noted that:

'The vast majority of enforced disappearances in Bangladesh are believed to be committed by several units operating under the purview of the Bangladesh police. The Detective Branch (DB) and the Rapid Action Battalion (RAB) have been identified by witnesses and family members as the perpetrators of most cases of enforced disappearances, with the Industrial police (a specialized unit tasked with maintaining order in industrial zones) and the Ansar (a paramilitary auxiliary force) accounting for a small number of cases of enforced disappearances. In interviews conducted by FIDH, other actors were implicated as playing a role in enforced disappearances, including personnel from the Directorate General of Forces Intelligence (DGFI) and the National Security Intelligence (NSI).'[91]

6.4.6 The same report noted:

'In a majority of the cases documented by FIDH, victims of enforced disappearance had been subjected to threats, surveillance and judicial harassment, including through the use of politically motivated arrests and charges, prior to their disappearance. […]

'Numerous eyewitnesses reported that perpetrators of these abductions generally forced the victims into a microbus or minivan, in which sometimes there were already other abductees, suggesting that several "pick-ups" were executed during the same night. Mobile phones, ID cards, and wallets of the disappeared, and in some cases those of some of the family members present during the arrest and abduction, were also usually taken.'[92]

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6.5 Extra-judicial killings (EJKs) and excessive use of force

6.5.1 The USSD HR Report 2018 commented:

'The constitution provides for the rights to life and personal liberty. There were numerous reports, however, that the government or its agents committed arbitrary or unlawful killings.

'Law enforcement raids occurred throughout the year, primarily to counter terrorist activity. Suspicious deaths occurred during some raids, arrests, and other law enforcement operations. Security forces frequently accounted for such deaths by claiming when they took a suspect in custody to a crime scene to recover weapons or identify coconspirators, the suspect was killed during an exchange of gunfire when accomplices at the location shot at police. The government usually described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms used to characterize exchanges of gunfire between the Rapid Action Battalion (RAB) or other

[89] ASK, 'Human Rights Situation in Bangladesh in 2018' (page 7) 30 June 2019, url.
[90] ASK, 'Enforced Disappearance (Jan-Dec 2019)', 6 January 2020, url.
[91] FIDH, 'Vanished without a trace' (pages 18-19) April 2019, url.
[92] FIDH, 'Vanished without a trace' (pages 24 and 28) April 2019, url.

police units and criminal gangs. The media also sometimes used these terms to describe legitimate uses of police force. Human rights organizations and media outlets claimed many of these crossfire incidents actually constituted extrajudicial killings. In some cases human rights organizations claimed law enforcement units detained, interrogated, and tortured suspects, brought them back to the scene of the original arrest, executed them, and ascribed the death to lawful self-defense in response to violent attacks.'[93]

6.5.2 In its 2018 Annual Human Rights Report, Odhikar stated that, in 2018, 466 persons were extra-judicially killed by security forces including police, RAB, Detective Branch Police, Border Guard Bangladesh (BGB), and Coast Guard. The majority (458) were reported to have been killed in 'crossfire / encounter killings'[94]. ASK also reported 466 EJKs in 2018[95]. The HRSS noted that, according to its statistics, at least 474 people were killed in EJKs in 2018, 429 of whom were killed in 'crossfire / gunfights'[96].

6.5.3 Amnesty International stated that there were three times as many EJKs recorded in 2018 compared to 2017[97], HRSS cited 212 in 2017[98], and, according to Odhikar statistics, EJKs in 2018 were the highest since 2001[99]. FIDH noted that civil society organisations documented at least 1,920 EJKs between 2009 and December 2018[100].

6.5.4 According to the HRSS, the main perpetrators of EJKs in 2018 were the police (254), followed by the RAB (132) and the DB Police (44). The HRSS[101] also gave a breakdown of the alleged extra-judicial killings by law enforcement agencies in the region they occurred between January and December 2018:

Region	Extra-judicial killing	Number of incidents
Dhaka	107	87
Chittagong	116	97
Rajshahi	43	36
Sylhet	6	6
Kulnar	117	96
Rangpur	28	25
Mymensingh	39	32
Barisal	17	14
Total	**474**	**393**

[93] USSD, 'HR Report 2018' (page 2) 13 March 2019, url.
[94] Odhikar, 'Annual Human Rights Report on Bangladesh 2018' (page 22) 8 August 2019, url.
[95] ASK, 'Human Rights Situation in Bangladesh in 2018' (page 8) 30 June 2019, url.
[96] HRSS, 'Human Rights in Bangladesh 2018' (page 11) September 2019, url.
[97] Amnesty International, 'Killed in "crossfire"' (page 4) 4 November 2019, url.
[98] HRSS, 'Human Rights in Bangladesh 2018' (page 11) September 2019, url.
[99] Odhikar, 'Total Extra-judicial killings from 2001 – 2019', February 2020, url.
[100] FIDH, 'Vanished without a trace' (page 13) April 2019, url.
[101] HRSS, 'Human Rights in Bangladesh 2018' (page 12) September 2019, url.

6.5.5 The NGO Ain O Salish Kendra (ASK) recorded a total of 368 EJKs, which it described as 'crossfire' and 'shootouts' allegedly committed by law enforcement agencies between January and December 2019[102]. Odhikar recorded 391 EJKs in 2019[103].

6.5.6 The OMCT July 2019 and UNCAT both cited the recording of an anonymous senior RAB officer, which was broadcasted by Swedish National Radio in 2017. The officer claimed that RAB personnel regularly abducted, tortured and killed individuals, who were selected by high-ranking officials, before disposing of their bodies and going to great lengths to avoid leaving trace evidence, or planted weapons to support claims that they were killed in self-defence[104] [105].

6.5.7 The UN Committee against Torture (UNCAT) noted in its August 2019 Concluding Observations on Bangladesh that it 'is deeply concerned at persistent allegations of excessive use of force by members of the security forces, intelligence services and the police, including the practice of shooting persons at short range in the knee, leg or elbow called "kneecapping", which often results in permanent disability, including amputation'.[106]

6.5.8 Between 15 May and the end of December 2018, Odhikar noted that 285 people were reportedly killed in so-called 'gunfights' or 'shoot-outs' during a 'war on drugs' campaign[107]. The USSD HR Report 2018 stated that, according to local media, an estimated 230 alleged drug dealers were killed between May and June 2018[108]. According to Amnesty International, in a report published November 2019, at least 373 people were killed in the anti-drugs drive since 3 May 2018, allegedly by security forces, including police and RAB. The report added 'The common narrative promoted by police that the deaths of suspected drug dealers are a result of "gunfights", in many cases after victims have been taken into police custody, raises concerns that many of those killed have been extrajudicially executed by the authorities'.[109]

6.5.9 The USSD HR Report 2018 noted 'Human rights organizations and civil society expressed concern over the alleged extrajudicial killings and arrests, claiming many of the victims were innocent and contended the antinarcotics drive was a government effort to exert increased political control over the populace in advance of the [December 2018] national election.'[110]

6.5.10 In November 2019, Amnesty International expressed its concern at the alleged EJKs of at least 7 Rohingya refugees in Cox's Bazar in August and September 2019, who were suspected of murdering a local youth party leader of the ruling Awami League. The report noted that each of the deaths

[102] ASK, 'Death by Law Enforcement Agencies (Jan-Dec 2019)', 6 January 2020, url.
[103] Odhikar, 'Total Extra-judicial killings from 2001 – 2019', February 2020, url.
[104] OMCT, 'Cycle of fear' (page 28) July 2019, url.
[105] UNCAT, 'Concluding observations …' (para 17) 26 August 2019, url.
[106] UNCAT, 'Concluding observations …' (para 34) 26 August 2019, url.
[107] Odhikar, 'Annual Human Rights Report on Bangladesh 2018', (page 22), 8 August 2019, url.
[108] USSD, 'HR Report 2018' (page 2) 13 March 2019, url.
[109] Amnesty International, 'Killed in "crossfire"' (page 22) 4 November 2019, url.
[110] USSD, 'HR Report 2018' (page 2) 13 March 2019, url.

bore the same pattern, whereby the suspect was arrested, then killed in 'gun-fight', adding that the stories resembled other allegations of EJKs[111].

6.5.11 The US State Department (USSD) Country Report on Terrorism 2018 noted:

'The Rapid Action Battalion and the Counter-Terrorism and Transnational Crime Unit of the Dhaka Metropolitan Police, as well as other elements of the Bangladesh police, continued a campaign of arrests and raids against suspected militants. Many suspects died in these operations, sometimes described as the result of "shootouts" or "crossfire," often euphemisms for extrajudicial killings. Observers questioned the veracity and significance of some of the reported counterterrorism operations, describing them as either staged by law enforcement or inaccurately portrayed by the media.'[112]

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Section 7 updated: 23 January 2020

7. Rule of law and the judiciary

7.1 Structure

7.1.1 The DFAT report noted:

'The judiciary models the British system, and comprises the Supreme Court and subordinate courts including the High Court and district and local courts and tribunals. The Supreme Court comprises an Appellate Division and a High Court Division. The Appellate Division decides appeals against High Court decisions. It has the power to draft new amendments or additions to the law, overriding Parliament if necessary. The High Court has authority over all subordinate courts and tribunals. Subordinate courts form the backbone of the Bangladeshi judicial system, and comprise criminal and civil courts. Tribunal courts include (but are not limited to) those dealing with income tax, administrative, election, and public safety issues.'[113]

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7.2 Independence

7.2.1 The BTI 2018 Bangladesh report noted 'The judiciary remains beholden to the executive in spite of the separation of power as envisaged in the Supreme Court decision of 2007 [when the judiciary was separated from executive control[114]]. At the lower level, the judiciary remains heavily politicized.'[115] The USSD HR Report 2018 noted that corruption and political interference jeopardised the independence of the judiciary[116].

7.2.2 The DFAT report concurred and stated 'Corruption and politicisation are significant issues for the judiciary. Human rights observers report that, in many cases, magistrates, attorneys, and court officials have demanded bribes from defendants, or their decisions have been influenced by their

[111] Amnesty International, 'Stop Extrajudicial Executions of Rohingya…', 4 November 2019, url.
[112] USSD, 'Country Report on Terrorism 2018', 1 November 2019, url.
[113] DFAT, 'Country Information Report Bangladesh', (para 5.7), 22 August 2019, url.
[114] Daily Star, 'Judiciary freed from the executive', 1 November 2007, url.
[115] BTI, '2018 Country Report Bangladesh' (page 10) 2018, url.
[116] USSD, 'HR Report 2018' (page 11) 13 March 2019, url.

loyalty to political patronage networks. Judges who rule against the government reportedly risk transfer to other jurisdictions.'[117]

7.2.3 The same source noted:

'Although the law provides for an independent judiciary, a constitutional provision according the executive branch authority over judicial appointments to lower courts and over compensation and assignments for judicial authorities undermines full judicial independence. In August 2017, the High Court ruled that a 2014 constitutional amendment giving parliament impeachment power over high court judges was unconstitutional. In issuing the judgment, the Chief Justice strongly criticised the government's actions in introducing the amendment, describing it as 'narrow parochialism'. In response, the government publicly condemned the judgement, interpreting the Chief Justice's comments as an attack on the Prime Minister and her father and demanding that he resign. In October 2017, the government announced that the Chief Justice had applied for leave due to health reasons, and that he was facing 11 criminal charges including graft and money laundering. The Chief Justice subsequently tendered his resignation on 11 November 2017 and subsequently left the country. The Law Minister later accused the Chief Justice of attempting to stage a "judicial coup".'[118]

7.2.4 The Freedom in the World 2019 report noted:

'Politicization of and pressure against the judiciary … persists. In 2017, the Chief Justice of the Supreme Court retired; he left the country and said, in an autobiography published in September 2018 that he had been forced to retire after threats from Bangladeshi military intelligence because of rulings he had made against the government. In 2018, other allegations of political pressure on judges continued to emerge, as did allegations that unqualified AL loyalists were being appointed to court positions.

'Separately, the opposition alleged that the slew of corruption cases lodged against Zia [BNP Chairperson], and the sentences handed down in 2018 in connection with her convictions, had been designed to prevent her from running for a seat in the year's elections. The justice system is racked by delays, and Zia noted that her cases were adjudicated far more rapidly than other prominent criminal cases.'[119]

7.2.5 The HRFB June 2019 report to the UNCAT noted:

'The Judiciary has been separated from the executive but has not yet become independent. Especially in case of lower judiciary, judges and magistrates reportedly enjoy little independence and serve according to the will of the executive. Public Prosecutors' appointments are highly politicized. Frequent government interference with lower court proceedings on political grounds and their use as a political weapon through undue favour in promotions and transfers, adjournment of hearings, release of accused persons, and withdrawal of cases on political grounds are rampant. The higher judiciary often played its due role against extra-judicial killings or

[117] DFAT, 'Country Information Report Bangladesh' (para 5.9) 22 August 2019, url.
[118] DFAT, 'Country Information Report Bangladesh' (para 5.12) 22 August 2019, url.
[119] Freedom House, 'Freedom in the World 2019' (section F1) 4 February 2019, url.

torture and has passed necessary orders to secure justice. But in recent times, it has also been felt that the Judiciary has been failing to play the appropriate role in protecting the citizens when the political activists are involved.'[120]

7.2.6 The OMCT July 2019 report noted that 'Magistrates […] are vulnerable to government influence as judicial appointments and promotion are overseen by the Ministry of Law, Justice and Parliamentary Affairs. Corruption and political appointments within the judiciary are a serious impediment to accountability for torture and ill-treatment and undermines the credibility of the entire justice system.'[121]

7.2.7 The UNCAT noted 'In view of the continued effort by the Government to amend the Constitution to give the parliament the power to remove Justices of the Supreme Court, the Committee remains concerned about the independence of the judiciary.'[122]

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7.3 Fair trial

7.3.1 The USSD HR Report 2018 noted that, although the constitution provided for the right to a fair and public trial, this right was not always protected due to corruption, bias and weak human resources[123]. The same source added:

'Defendants are presumed innocent, have the right to appeal, and have the right to be informed promptly and in detail of the charges against them. The accused are entitled to be present at their public trial. Indigent defendants have the right to a public defender. Trials are conducted in the Bengali language. The government does not provide free interpretation for defendants who cannot understand or speak Bengali. Defendants also have the right to adequate time to prepare a defense.

'Accused persons have the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They also have the right not to be compelled to testify or confess guilt although defendants who do not confess their guilt are often kept in custody. The government frequently did not respect these rights.

'Mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms to defendants who were not afforded the opportunity for legal representation.'[124]

7.3.2 The DFAT report noted:

'The court system faces a number of major challenges. Case backlogs are a particular problem: in April 2019, the Chief Justice reported that there were over half a million cases pending in the Supreme Court alone, and that the case backlog had reached a critical point. The problem of case backlog is greater at lower levels, and has been exacerbated further by the large

[120] HRFB, 'Stakeholders' submission to the UNCAT' (page viii) 22 June 2019, url.
[121] OMCT, 'Cycle of fear' (page 6) July 2019, url.
[122] UNCAT, 'Concluding observations …' (para 27), 26 August 2019, url.
[123] USSD, 'HR Report 2018' (page 12) 13 March 2019, url.
[124] USSD, 'HR Report 2018' (page 12) 13 March 2019, url.

number of cases brought in relation to the 2018 campaign against drugs […] In some cases, the length of pre-trial detention for accused persons has equalled or exceeded the maximum sentence for the alleged crime. Vexatious defendants may use this process by introducing continuous interlocutory applications to delay processes indefinitely.'[125]

7.3.3 The Freedom in the World 2019 report noted:

'Individuals' ability to access justice is compromised by endemic corruption within the court system and severe backlogs. Pretrial detention is often lengthy, and many defendants lack counsel. Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police. Criminal cases against ruling party activists are regularly withdrawn on the grounds of "political consideration," undermining the judicial process and entrenching a culture of impunity.'[126]

See also Legal aid and other assistance.

7.3.4 According to the USSD HR Report 2018 'Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials.'[127]

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7.4 Effectiveness of the judiciary

7.4.1 As noted in the USSD HR Report 2018:

'Human rights observers maintained magistrates, attorneys, and court officials demanded bribes from defendants in many cases, or they ruled based on influence by or loyalty to political patronage networks. Observers claimed judges who made decisions unfavorable to the government risked transfer to other jurisdictions. Officials reportedly discouraged lawyers from representing defendants in certain cases.

'Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials.'[128]

7.4.2 The USSD Country Report on Terrorism 2018 noted:

'The judicial sector is under-resourced for carrying out prosecutions and obtaining convictions in complex financial and material support cases. The Evidence and Criminal Procedure Codes date back to the nineteenth century and there is no provision for plea bargaining. Government of Bangladesh counterparts agree that the lack of a career civil service prosecution unit remains a serious problem. Civilian attorneys are appointed ad hoc to prosecute cases. There is little coordination between law enforcement and prosecutors. Consequently, the overall conviction rate is below 20 percent,

[125] DFAT, 'Country Information Report Bangladesh' (para 5.8) 22 August 2019, url.
[126] Freedom House, 'Freedom in the World 2019' (section F2) 4 February 2019, url.
[127] USSD, 'HR Report 2018' (page 12) 13 March 2019, url.
[128] USSD, 'HR Report 2018' (page 12) 13 March 2019, url.

and a case can take as long as seven years from the filing of charges to sentencing.'[129]

7.4.3 The DFAT report noted that lower courts '… can be heavily politicised, under-resourced, and subject to corruption. DFAT assesses that victims of abuse have limited avenues for effective recourse in cases where the perpetrator belongs to a state agency.'[130]

7.4.4 The DFAT report also noted:

'Courts are largely paper based and bureaucracy is slow, requiring papers to be physically moved between officers or buildings, a process that also attracts demands for bribes for each movement of documents. Court infrastructure (buildings, equipment), especially of lower courts, is generally poor, resulting in poor storage and access to records. Higher courts may have well-qualified judges, but lower courts are less likely to apply the law fairly or consistently.'[131]

7.4.5 The UNCAT stated '… daily pressure on members of the judiciary reportedly results in judicial officials having to accept arrests without warrants, extend custody without oversight and accept other measures which undermine the fundamental legal safeguards that can protect a person from such abuses as ill-treatment and torture.'[132]

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7.5 Informal justice systems

7.5.1 See the Home Office FFM Report for information on shalish (local, informal justice mechanism) and village courts[133].

7.5.2 The DFAT report noted:

'There are around 1,000 active village courts located throughout Bangladesh. Village courts operate under the Village Court Act (1976), and play a vital role in providing access to justice for a significant portion of the population – more than 70 per cent of disputes in Bangladesh are resolved outside of the formal justice system. These quasi-judicial local courts deal with petty cases such as land disputes, family disputes, and money lending cases. Village court verdicts are appealable in the civil courts at the district level, but DFAT understands that judgements are generally respected. Village courts apply a broad range of traditional rules, often heavily influenced by traditional religious or customary law. Their decisions on personal status issues tend to be biased against women […] NGOs have reported instances of religious leaders imposing flogging and other extrajudicial punishments on women accused of violating strict moral codes.'[134]

For further information on the treatment of women see the Country Policy and Information Note Bangladesh: Women fearing gender-based violence.

[129] USSD, 'Country Report on Terrorism 2018', 1 November 2019, url.
[130] DFAT, 'Country Information Report Bangladesh' (para 5.1) 22 August 2019, url.
[131] DFAT, 'Country Information Report Bangladesh' (para 5.11) 22 August 2019, url.
[132] UNCAT, 'Concluding observations …' (para 27), 26 August 2019, url.
[133] Home Office, 'FFM Bangladesh' (sections 4.9-4.10), September 2017, url.
[134] DFAT, 'Country Information Report Bangladesh' (para 5.17) 22 August 2019, url.

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7.6 Legal aid and other assistance

7.6.1 The BTI 2018 Bangladesh report noted '… the process of seeking justice is lengthy and costly for the common man and people are generally not inclined to fight against the state or state machineries responsible for violating civil rights.'[135]

7.6.2 Several sources consulted during the Home Office FFM to Bangladesh in May 2017 noted that the Government provides legal aid, although not everybody is eligible. Several sources mentioned that certain NGOs have legal aid functions. The FFM report added 'BLAST [Bangladesh Legal Aid and Services Trust] provide legal aid services to certain vulnerable groups such as the poor, women and children, disabled people, religious minorities and indigenous peoples. TI [Transparency International] said that the NGO legal aid was more effective than that provided by the Government.'[136]

7.6.3 The DFAT report also noted the high costs of accessing the justice system:

'In-country sources report that the very poor are unlikely to be able to access justice through the court system due to the high costs involved in litigation and the need to pay bribes to various court officials. The National Legal Aid Organisation provides free legal services to those who cannot afford other forms of legal representation. According to local NGOs, there has been a steady increase in the number of state-supported legal aid cases since the passing of the Legal Aid Law (2000), amended in 2002. Some NGOs also run legal aid schemes (funded by donors), which supplement services provided by the government. Most NGO legal aid cases concern family disputes.'[137]

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Section 8 updated: 23 January 2020

8. Avenues of redress

8.1 Judicial remedy

8.1.1 The USSD HR Report 2018 noted 'Individuals and organizations may seek judicial remedies for human rights violations; however, lack of public faith in the court system deterred many from filing complaints. While the law has a provision for an ombudsman, one had not been established.'[138] Moreover, 'Judicial vacancies hampered legal challenges to cases of detention.'[139]

8.1.2 The UN Committee against Torture (UNCAT) noted in its August 2019 Concluding Observations on Bangladesh that it was:

'… concerned at the lack of information provided by the State party concerning the redress that has been provided to victims of torture and ill-treatment and at reports that very little redress has been provided by the

[135] BTI, '2018 Country Report Bangladesh' (page 11) 2018, url.
[136] Home Office, 'FFM Bangladesh' (section 4.4), September 2017, url.
[137] DFAT, 'Country Information Report Bangladesh' (para 5.10) 22 August 2019, url.
[138] USSD, 'HR Report 2018' (page 13) 13 March 2019, url.
[139] USSD, 'HR Report 2018' (page 10) 13 March 2019, url.

State in practice. It is further concerned that the Torture and Custodial Death (Prevention) Act provides for very low levels of compensation for victims and makes no provision for rehabilitation, and that compensation awards have not been made under the Act in practice as there have been no convictions under the Act.'[140]

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8.2 Witness protection

8.2.1 Sources consulted during the Home Office FFM to Bangladesh in May 2017 stated there was no witness protection programme[141]. The OMCT July 2019 report noted there were no victim or witness protection schemes or legislation[142].

8.2.2 The UNCAT noted that it 'appreciates the statement by the delegation that it is considering enacting victim and witness protection legislation and consulting with stakeholders to that end, but notes with concern reports that a draft proposal by the Law Commission on this issue has been under consideration for many years but has not been taken forward.'[143]

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8.3 Accountability and impunity

8.3.1 The Daily Star (of Bangladesh) reported that a police complaints cell, under the Inspector General of Police (IGP), was opened in November 2017, allowing anyone to lodge complaints against the police by phone or email[144], as well as in person[145]. According to The Business Standard, reporting on 1 September 2019, as of 21 August 2019, the cell had received a total of 3,493 complaints. The report noted the most common allegations were about manipulation of cases, detention of people without any ground, intimidation, extortion, bribery and corruption. Although the police did not provide information on how many allegations were true, The Business Standard were told, by an additional superintendent of police at the Police Headquarters, that '1,000 low-ranking policemen had been found guilty of various misdeeds, and that departmental action has already been taken against them.'[146]

8.3.2 According to the Bangladesh Government's report to the UNCAT, October 2019:

'Bangladesh Police has put in place a well-established administrative mechanism to take departmental actions against police officers responsible for any kind of misconduct (including those amounting to torture). Any aggrieved person may lodge complaint to the superior police officials about custodial or non-custodial torture. The laws concerning administrative actions against police members include the Police Officers (Special

[140] UNCAT, 'Concluding observations …' (para 9) 26 August 2019, url.
[141] Home Office, 'FFM Bangladesh' (para 4.3.1), September 2017, url.
[142] OMCT, 'Cycle of fear' (page 42) July 2019, url.
[143] UNCAT, 'Concluding observations …' (para 44) 26 August 2019, url.
[144] Daily Star, 'IGP's complaint cell opened', 13 November 2017, url.
[145] Business Standard, 'Complaints against police piling up at IGP's cell', 1 September 2019, url.
[146] Business Standard, 'Complaints against police piling up at IGP's cell', 1 September 2019, url.

Provisions) Ordinance, 1976; the Police Regulations, Bengal–1943; and the Government Servants (Discipline and Appeal) Rules, 1985. The aforesaid laws set out comprehensive procedures for taking disciplinary actions against the guilty police personnel. The Police Officers (Special Provisions) Ordinance,1976 has incorporated disciplinary measures including (i) dismissal from service; (ii) removal from service; (iii) discharge from service; (iv) compulsory retirement; (v) reduction to lower rank.'[147]

8.3.3 The Independent (of Bangladesh) reported in January 2020 on a new draft law, The Police Officers (Special Provisions) Act (to replace the 1976 Ordinance), aimed at bringing 'more discipline and dynamism' in the police force. The report also noted:

'Sources in the Police Headquarters said the police authorities were getting a lot of complaints including those of bribery, harassment, torture and extortion against their members. The complaints were being filed to the "IGP Complain Monitoring Cell" by e-mails, text messages, and phone calls. On average, over 12,000 police personnel are handed punishment every year on various charges including misconduct and corruption, according to sources.'[148]

8.3.4 The USSD HR Report 2018 stated:

'According to police policy, all significant uses of force by police, including actions that resulted in serious physical injury or death, triggered an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. The government neither released statistics on total killings by security personnel nor took comprehensive measures to investigate cases. Human rights groups expressed skepticism over the independence of the professional standards units conducting these assessments. In the few known instances in which the government brought charges, those found guilty generally received only administrative punishment.'[149]

8.3.5 The HRFB June 2019 report to the UNCAT stated:

'The Government has failed to introduce credible mechanisms for accountability of LEAs [law enforcement agencies] with respect to the systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons. There is a general consensus within the human rights community in Bangladesh that, there is no independent monitoring of places of detention and no systematic disaggregated data available regarding this issue.'[150]

8.3.6 According to the Civil Society Joint Alternative Report on Bangladesh Submitted to the UNCAT:

'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

[147] UNCAT, 'Initial report submitted by Bangladesh…' (para 15), 3 October 2019, url.
[148] The Independent, 'Law on cards for more discipline in police', 22 January 2020, url.
[149] USSD, 'HR Report 2018' (page 8) 13 March 2019, url.
[150] HRFB, 'Stakeholders' submission to the UNCAT' (page 22) 22 June 2019, url.

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. As a result, the right to an effective remedy for torture remains unfulfilled.'[151]

8.3.7 In respect of punishments, the UNCAT noted:

'While appreciating the information provided by the delegation that disciplinary punishments "for various offences" were handed down against members of the law enforcement agencies in 2017 by internal oversight bodies, the Committee is concerned that in those cases the most severe punishments were dismissal from service and demotion, which are not appropriately grave punishments for the offences of torture and ill-treatment.'[152]

8.3.8 The same source noted that, with the exception of one case, no members of the RAB had been held accountable for committing human rights violations, which included 'torture, arbitrary arrests, unacknowledged detention, disappearances and extrajudicial killings of persons in their custody.'[153]

8.3.9 Although the Torture and Custodial Death (Prevention) Act of 2013 permitted complainants to apply directly to the courts to seek a judicial inquiry into allegations of torture, the UNCAT expressed concern that, in practice, the procedure was not effective[154].

8.3.10 The USSD HR Report 2018 noted:

'Security forces continued to commit abuses with impunity. Plaintiffs were reluctant to accuse police in criminal cases due to lengthy trial procedures and fear of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity. Officers with political ties to the ruling party occupied many of the key positions in the law enforcement agencies.

'The government continued support of the Internal Enquiry Cell that investigates cases of human rights abuses within the RAB, which did not widely publish its findings and did not otherwise announce significant actions against officers accused of human rights abuses.'[155]

8.3.11 Human Rights Watch (HRW) noted in its World Report 2019, covering 2018 events, that 'Despite allegations of violations, including an audio recording of an extrajudicial execution by members of the Rapid Action Battalion (RAB), authorities failed to investigate and prosecute those responsible.'[156]

[151] Civil Society, Joint Alternative Report .... ' (page 8), July 2019, url
[152] UNCAT, 'Concluding observations …' (para 11), 26 August 2019, url.
[153] UNCAT, 'Concluding observations …' (para 17), 26 August 2019, url.
[154] UNCAT, 'Concluding observations …' (para 11), 26 August 2019, url.
[155] USSD, 'HR Report 2018' (page 8) 13 March 2019, url.
[156] HRW, 'World Report 2019', 17 January 2019, url.

8.3.12 The OMCT July 2019 report noted '… the fact that there are extremely few investigations into torture cases reinforces the concern that torture is accepted and viewed as a normal part of law enforcement.'[157]

8.3.13 The UNCAT expressed its concern that '… section 13 of the Armed Police Battalion Act, which exculpates members of the [RAB] force for actions "done or intended to be done in good faith", has in practice given the impression that members of the force enjoy legal immunity from prosecution for torture or extrajudicial killing.'[158] The same source noted there was 'no independent body authorized to carry out investigations into allegations of torture by officials, so investigations are carried out by officers from the same units or within the same official hierarchy as the alleged perpetrators, resulting in conflicts of interest.'[159]

8.3.14 The FIDH report on enforced disappearances stated that 'The absence of both political will and a credible criminal justice system to hold personnel of law enforcement agencies to account for enforced disappearances has allowed this State policy to continue. The widespread impunity of State agents has not only permitted this rise in enforced disappearances and associated crimes, but it has also greatly eroded the rule of law in Bangladesh'.[160] The same source further noted that families of victims of enforced disappearances, who sought to enquire about the whereabouts of the disappeared person, as well as journalists or human rights defenders who highlighted cases of the disappeared, faced violence, threats and intimidation by law enforcement agencies[161]. Similarly, the UNCAT noted its concern that 'victims of torture and their families who seek to complain about or publicize incidents of torture are reportedly frequently subjected to harassment, threats and retaliation by the perpetrators.'[162]

8.3.15 The DFAT report noted that the military and police 'can be heavily politicised, under-resourced, and subject to corruption.' DFAT considered that, where the perpetrator belonged to a state agency, opportunities for effective recourse for victims of abuse was limited[163].

8.3.16 The DFAT report noted 'Human rights organisations have expressed concern over persistent use of excessive force by police, and by the general culture of impunity surrounding police behaviour. Investigations into police misconduct are internal, and generally lack either transparency or credibility. DFAT assesses that most Bangladeshis, and particularly those with connections to opposition parties, would seek to avoid engagement with the police.'[164]

See Human rights violations

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[157] OMCT, 'Cycle of fear' (page 35) July 2019, url.
[158] UNCAT, 'Concluding observations …' (para 17), 26 August 2019, url.
[159] UNCAT, 'Concluding observations …' (para 10), 26 August 2019, url.
[160] FIDH, 'Vanished without a trace', (page 7), April 2019, url.
[161] FIDH, 'Vanished without a trace', (pages 39-40), April 2019, url.
[162] UNCAT, 'Concluding observations …' (para 9), 26 August 2019, url.
[163] DFAT, 'Country Information Report Bangladesh', (para 5.1), 22 August 2019, url.
[164] DFAT, 'Country Information Report Bangladesh', (para 5.6), 22 August 2019, url.

8.4 National Human Rights Commission (NHRC)

8.4.1 The DFAT report described the NHRC and its mandate:

'The National Human Rights Commission Act (2009) established Bangladesh's National Human Rights Commission (NHRC), the primary focus of which is public education and advocacy. The President appoints NHRC members on the recommendation of a seven-member committee comprising leaders of the ruling party. The Finance Ministry channels funding for the NHRC through the Ministry of Law and Justice. Several other government ministries hold responsibility for protecting human rights in accordance with the Constitution and corresponding legislation.

'The NHRC is responsible for investigating allegations of human rights violations by individuals, public servants, government agencies, institutions and the state. However, it does not have jurisdiction to investigate complaints against "disciplinary forces," including the Bangladesh Police. More than threequarters of cases referred to the NHRC are against law enforcement officers, and the NHRC must refer these cases to the Ministry for Home Affairs.

'The NHRC was established in line with the Paris Principles, which are the international standard for national human rights institutions. The Global Alliance of National Human Rights Institutions currently gives the NHRC a 'B' rating (in a ranking system where 'A' is the most compliant and 'C' is the least compliant with the Paris Principles). The rating reflects the Global Alliance's view that the NHRC's lack of autonomy and limited enforcement powers inhibit its ability to hold state authorities to account for violating citizens' rights.'[165]

8.4.2 In its 2017 concluding observations, the UN Human Rights Committee (UNHRC) noted its concern that the NHRC '… may not have a broad enough mandate to investigate all alleged human rights violations, including those involving State actors such as the police, military and security forces. It is also concerned that the Commission lacks sufficient financial and human resources to fulfil its mandate.'[166] This was concurred by the UNCAT in its August 2019 concluding observations, who further noted that the NHRC might not be making full use of its existing mandate[167].

8.4.3 The HRFB June 2019 report to the UNCAT noted 'The National Human Rights Commission rarely takes a strong stance regarding an alleged human rights violations by state security forces.'[168] The Daily Star reported on 12 July 2019 'While it has the power to investigate complaints of human rights violations, it does little beyond basic fact-finding, writing a report, and does not follow through until official investigations end or are brought to a satisfactory close.'[169]

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[165] DFAT, 'Country Information Report Bangladesh' (paras 2.30-2.32) 22 August 2019, url.
[166] UNHRC, 'Concluding observations …' (para 5) 27 April 2017, url.
[167] UNCAT, 'Concluding observations …' (para 25), 26 August 2019, url.
[168] HRFB, 'Stakeholders' submission to the UNCAT' (page viii) 22 June 2019, url.
[169] Daily Star, 'How independent and effective is the NHRC?', 12 July 2019, url.

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Security apparatus
    - Police
    - Rapid Action Battalion (RAB)
    - Village Defence Party (VDP)
    - Military
- Arrest and detention
    - Legal rights
    - Arbitrary arrest and detention
- Capabilities of the security forces
    - Effectiveness
    - Corruption
- Human rights violations
    - Torture and ill-treatment
    - Disappearances
    - Extra-judicial killings
- Rule of law and the judiciary
    - Structure
    - Independence
    - Fair trial
    - Effectiveness of the judiciary
    - Legal aid and other assistance
- Avenues of redress
    - Accountability and impunity
    - Witness protection
    - National human rights commission

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Bibliography

Sources cited

Ain-O-Salish Kendro (ASK),

‘Death by Law Enforcement Agencies (Jan-Dec 2019)’, 6 January 2020, http://www.askbd.org/ask/2020/01/06/death-by-law-enforcement-agencies-jan-dec-2019/. Last accessed: 15 January 2020

‘Enforced Disappearance (Jan-Dec 2019)’, 6 January 2020, http://www.askbd.org/ask/2020/01/06/enforced-disappearance-jan-dec-2019/. Last accessed: 15 January 2020

‘Human Rights Situation of Bangladesh in 2018’, 30 June 2019, http://www.askbd.org/ask/2019/06/30/human-rights-situation-of-bangladesh-in-2018/. Last accessed: 22 November 2019

‘Mob beating (Jan-Dec 2019)’, 6 January 2020, http://www.askbd.org/ask/2020/01/06/mob-beating-jan-dec-2019/. Last accessed: 15 January 2020

Amnesty International,

‘Killed in “Crossfire”: Allegations of Extrajudicial Executions in Bangladesh in the Guise of a War on Drugs’, 4 November 2019, https://www.amnesty.org/download/Documents/ASA1312652019ENGLISH.pdf. Last accessed: 16 December 2019

‘Stop Extrajudicial Executions of Rohingya Refugees and End Restrictions to their Freedom of Movement’, 4 November 2019, https://www.amnesty.org/download/Documents/ASA1313172019ENGLISH.pdf. Last accessed: 16 December 2019

Australian Government, Department of Foreign Affairs and Trade (DFAT), ‘Country Information Report Bangladesh’, 22 August 2019, https://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf. Last accessed: 22 November 2019

Bangladesh Ansar and VDP, ‘History’, last updated 13 March 2019, http://www.ansarvdp.gov.bd/site/page/fdfd985c-6809-4159-ab04-00903f9dde11/-. Last accessed: 12 December 2019

Bangladesh Army, ‘About Bangladesh Army’, n.d., https://www.army.mil.bd/About-Bangladesh-Army. Last accessed: 12 December 2019

Bangladesh Police, ‘History’, n.d., https://www.police.gov.bd/en/history. Last accessed: 12 December 2019

Bertelsmann Stiftung, ‘BTI 2018 Country Report Bangladesh’, 2018, https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2018/pdf/BTI_2018_Bangladesh.pdf. Last accessed: 10 January 2020

The Business Standard, ‘Complaints against police piling up at IGP’s cell’, 1 September 2019, https://tbsnews.net/bangladesh/complaints-against-police-piling-igps-cell. Last accessed: 15 January 2020

‘Civil Society Joint Alternative Report on Bangladesh Submitted to the Committee against Torture’, Joint submission by: Asian Legal Resource Centre (ALRC); Asian Federation Against Involuntary Disappearances (AFAD); Asian Forum for Human Rights and Development (FORUMASIA); FIDH - International Federation for Human Rights; Robert F. Kennedy Human Rights; Odhikar; World Organization Against Torture (OMCT), July 2019, https://www.omct.org/files/2019/06/25408/civil_society_alternative_report_on_bangladesh_to_cat_committee_omct_fidh_alrc_fa_afad_rfk__odhikar_1.pdf. Last accessed: 14 February 2020

The Daily Star,

‘How independent and effective is the NHRC?’, 12 July 2019, https://www.thedailystar.net/star-weekend/cover-story/human-rights-how-independent-and-effective-the-nhrc-1769992. Last accessed: 15 January 2020

‘IGP’s complaint cell opened’, 13 November 2017, https://www.thedailystar.net/country/inspector-general-police-igp-complaint-cell-opened-for-24hrs-1490638. Last accessed: 15 January 2020

‘Judiciary freed from the executive’, 1 November 2007, https://www.thedailystar.net/news-detail-9805. Last accessed: 10 January 2020

The Diplomat,

‘A Year of Bangladesh’s War on Terror’, 6 July 2017, https://thediplomat.com/2017/07/a-year-of-bangladeshs-war-on-terror/. Last accessed: 12 December 2019

‘Enforced Disappearances Met With Denials From Bangladesh’, 22 August 2019, https://thediplomat.com/2019/08/enforced-disappearances-met-with-denials-from-bangladesh/. Last accessed: 17 December 2019

European Asylum Support Office (EASO), ‘Country of Origin Information Report Bangladesh Country Overview’, December 2017, https://coi.easo.europa.eu/administration/easo/PLib/Bangladesh_Country_Overview_December_2017.pdf. Last accessed: 17 December 2019

Freedom House, ‘Freedom in the World 2019’, 4 February 2019, https://freedomhouse.org/report/freedom-world/2019/bangladesh. Last accessed: 23 January 2020

GAN Integrity, ‘Bangladesh Corruption Report’, May 2018, https://www.ganintegrity.com/portal/country-profiles/bangladesh/. Last accessed: 30 December 2019

Global Fire Power (GFP), ‘Bangladesh Military Strength’, 2019, https://www.globalfirepower.com/country-military-strength-detail.asp?country_id=bangladesh#manpower. Last accessed: 12 December 2019

Home Office, ‘Report of a Home Office Fact-Finding Mission: Bangladesh’, conducted 14-26 May 2017, published September 2017, https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes. Last accessed: 12 December 2019

Human Rights Forum Bangladesh (HRFB), ‘Stakeholders' Submission to the United Nations Committee against Torture’, 22 June 2019 https://www.ecoi.net/en/file/local/2014744/INT_CAT_CSS_BGD_35310_E.docx. Last accessed: 13 January 2020

Human Rights Support Society (HRSS), 'Human Rights in Bangladesh: Annual Bulletin 2018', September 2019, http://hrssbd.org/wp-content/uploads/2019/10/HRSS-Annual-Bulletin-2018-.pdf. Last accessed: 16 December 2019

Human Rights Watch (HRW),

'"Creating Panic" Bangladesh Election Crackdown on Political Opponents and Critics', 22 December 2018, https://www.hrw.org/report/2018/12/22/creating-panic/bangladesh-election-crackdown-political-opponents-and-critics. Last accessed: 17 December 2019

'World Report 2019', 17 January 2019, https://www.hrw.org/world-report/2019/country-chapters/bangladesh#d7fbe0. Last accessed: 17 December 2019

The Independent, 'Law on cards for more discipline in police', 22 January 2020, http://www.theindependentbd.com/post/233344. Last accessed: 23 January 2020

Odhikar,

'Annual Human Rights Report on Bangladesh 2018', 8 August 2019, https://www.fidh.org/IMG/pdf/annual_hr_report_2018_eng-1.pdf. Last accessed: 16 December 2019

'Total Extra-judicial killings from 2001 – 2019', February 2020, http://www.odhikar.org/wp-content/uploads/2020/02/Statistics_EJK_2001-2019.pdf. Last accessed: 14 February 2020

Prime Minister's Office, Armed Forces Division, 'Bangladesh Armed Forces', n.d., https://www.afd.gov.bd/. Last accessed: 12 December 2019

Rapid Action Battalion, (website), http://www.rab.gov.bd/english/. Last accessed: 12 December 2019

Transparency International (TI),

'Corruption in Service Sectors: National Household Survey 2017', 30 August 2018, https://www.ti-bangladesh.org/beta3/images/2018/report/nhs/NHS_2017_Ex_Sum_EN.pdf. Last accessed: 26 November 2019

'Overview of corruption and anti- corruption in Bangladesh', 15 February 2019, https://knowledgehub.transparency.org/helpdesk/bangladesh-overview-of-corruption-and-anti-corruption-efforts. Last accessed: 14 February 2020

World Organisation Against Torture (OMCT) and Odhikar, 'Cycle of Fear: Combating Impunity for Torture and Strengthening the Rule of Law in Bangladesh', July 2019, https://www.omct.org/files/2019/07/25475/cycleoffear_bangladesh_report_omct.pdf. Last accessed: 8 January 2020

UN Committee Against Torture (UNCAT),

'Concluding observations on the initial report of Bangladesh [CAT/C/BGD/CO/1]', 26 August 2019, https://www.ecoi.net/en/file/local/2015530/G1925242.pdf. Last accessed: 17 December 2019

'Initial report submitted by Bangladesh under article 19 of the Convention, due in 1999', 3 October 2019,

https://www.ecoi.net/en/file/local/2018390/G1929444.pdf. Last accessed: 15 January 2020

UN Human Rights Committee (UNHRC) 'Concluding observations on the initial report of Bangladesh [CCPR/C/BGD/CO/1]', 27 April 2017, https://www.ecoi.net/en/file/local/1407678/1930_1493974805_g1710182.pdf. Last accessed: 13 January 2020

US Department of State (USSD),

'Country Report on Human Rights Practices for 2018', 13 March 2019, https://www.state.gov/wp-content/uploads/2019/03/BANGLADESH-2018.pdf. Last accessed: 22 November 2019

'Country Report on Terrorism 2018 - Chapter 1 – Bangladesh', 1 November 2019, https://www.ecoi.net/en/document/2019354.html. Last accessed: 26 November 2019

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Sources consulted but not cited

Ain-O-Shalish Kendra (ASK), 'National Human Rights Commission, Bangladesh: Existing Challenges and Expectations of Civil Society', December 2018, http://www.askbd.org/ask/2019/02/13/nhrc-existing-challenges-expectation-civil-society/. Last accessed: 15 January 2020

Amnesty International, 'Annual Report Bangladesh 2017/2018', 22 February 2018, https://www.amnesty.org/en/countries/asia-and-the-pacific/bangladesh/report-bangladesh/. Last accessed: 17 December 2019

Justice Sector Facility, UNDP Bangladesh, 'Criminal Justice in Bangladesh: A best practise Handbook for members of the criminal justice system', November 2015, https://www.undp.org/content/dam/bangladesh/docs/Projects/jsf/Best%20Practice%20Handbook%20(Final%20Draft).pdf. Last accessed: 22 November 2019

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Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **14 April 2020**

Changes from last version of this note

First version of discrete CPIN on Actors of Protection.

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