



**Recommendations  
to the Government of Bangladesh on the occasion of the  
4<sup>th</sup> Universal Periodic Review Session, February 2009**

The state of emergency was in place in Bangladesh when the FIDH and Odhikar submitted their contribution as stakeholders to the UPR process. The situation on the ground has changed following the withdrawal of the state of emergency on 16 December 2008, the holding of parliamentary election and the installation of a popularly elected government in early January 2009. The recommendations below thus also take into consideration such developments as well as the emergence of a civilian Government with absolute majority of seats in the Parliament.

**1. Culture of impunity**

The engrained culture of impunity has long been a major impediment to guaranteeing human rights. The Government is unwilling to effectively address major crimes, such as the Crime of Genocide, War Crimes, and Crimes against Humanity and other crimes committed in 1971. Since then, large scale massacres, numerous assassinations, grave violations of rights have all remained unaddressed. *De jure* and *de facto* impunity has become a norm. FIDH and Odhikar call upon the Government of Bangladesh to:

- a) **Put an end to the culture of impunity by immediately launching an impartial investigation of the international crimes committed in 1971 and bring those individuals responsible before a competent tribunal, ensuring that the process meets international standards of fair trial, including the rights of the accused, victims and witnesses.**
- b) **Bring appropriate changes, if deemed necessary, to the International Crimes (Tribunals) Act, 1973.**
- c) **Seek international assistance, as necessary, including the UN, as well as support by the Human Rights Council.**
- d) **Ratify the Rome Statute establishing the International Criminal Court that Bangladesh is a signatory to and adopt implementing legislations.**
- e) **Remove all impediments and reinvigorate pending criminal processes relating to other major incidents and crimes and serious human rights violations as a first step to struggle against impunity.**

## **2. Extrajudicial, summary or arbitrary executions**

Security forces, particularly the elite Rapid Action Battalion (RAB) and the police resort to murders as a policing technique, where suspects are murdered following their arrest, using various euphemisms like “crossfire”, “encounter”, “shootout” etc. From July 2005 to December 2008, the period that included the civilian government of Four Party Alliance led by Bangladesh Nationalist Party (BNP) and two years of military controlled Caretaker Government, 848 suspects were executed. These executions amount to extrajudicial executions and despite national and international protests, have continued unabated. FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Respect in all circumstances the right to life.**
- b) Reign on to security forces and stop all extrajudicial executions and not use murder as a policing tool.**
- c) Set up an independent body to deal with complaints against members of security forces for violations of rights, with adequate powers to investigate and where necessary, recommend prosecution.**
- d) Until the establishment of such an authority, investigate all incidents of extrajudicial executions and bring to justice those involved, including those in command.**
- e) Issue public statements at the highest political level strongly condemning extrajudicial executions and ordering the abolition of this practice.**

## **3. Torture, inhuman and degrading treatments**

Torture is pervasive in Bangladesh. It has become standard practice for law enforcement agencies and is routinely applied as a tool used for various purposes by the law men, to question a suspect, extract confessions, making false statements, extorting money, repress government's opponents etc, and regarded as indispensable to maintain security, law and order. Torture has become a less costly and efficient alternative to investigations. There are no accurate estimations of the number of victims of tortures and inhuman treatments at a given time, however very serious incidents are reported. Once arrested, victims frequently suffer torture during their detention, in custody and while on remand. Therefore, FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Stop the use of torture in all its forms by law officers once an individual is in custody or under effective control of a member of the law enforcement agencies.**
- b) Take all necessary legislative measures to outlaw torture in line to the Government's obligation as a Party to CAT on a priority basis, and put in place lawful interrogation procedures including interrogations of people remanded in custody in a glass-partitioned room and in presence of relatives or lawyers, as ordered by the High Court in April 2003 and amend the Criminal Procedure Code accordingly.**
- c) Investigate all allegations of torture by the above mentioned independent complaint authority and facilitate bringing to justice those found involved in torture.**
- d) Provide compensations to victims of torture.**

#### ***4. Human rights and counter terrorism***

The unelected and unconstitutional military controlled Caretaker Government introduced the Anti Terrorism Ordinance, 2008 giving sweeping powers to law enforcement agencies, over and above wide powers of arrests and detentions already enjoined. The Ordinance has serious implications for fundamental freedoms and rights of fair trials. It provided broad definition of terrorism covering acts intending to harm the unity, harmony, security and sovereignty of Bangladesh, including property crimes, targeted attacks on individuals. It provided convictions based on mere suspicion for financing terrorism, without regard to establishing guilt beyond reasonable doubt, while the court could not even grant provisional release or bail, once arrested under this law. In this regard, FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Citizens should not be denied their constitutional and human rights through this Ordinance and therefore, not to adopt or approve it in the Parliament's first session, a Constitutional requirement for Ordinances, until the new Parliament duly examines and solicits public opinion through wide consultations with civil society and other stakeholders.**
- b) Ensure that fundamental rights and freedoms are duly taken into account by counter terrorism legislations, in particular the safeguard of internationally recognized fair trial rights and full respect of rule of law.**
- c) Implement existing laws adequate for counter terrorism measures.**

#### ***5. Women's rights***

Discrimination in law and practice and violence against women are widespread in Bangladesh. Whether at home, work places or educational institutions; violence or threats of violence are endemic. FIDH and Odhikar are concerned about discriminations and violence against women and call upon the Government of Bangladesh to:

- a) Remove all discriminatory provisions in law related to marriage, dower, maintenance, custody, divorce, inheritance, guardianship, adoption, wages and other areas.**
- b) Adopt adequate legislation against domestic violence and sexual harassment.**
- c) Reinforce efficacy of laws in place that have failed to provide redress to victims of violence and discrimination.**
- d) Reorganize justice system to make it women friendly, including legislating on victims and witness protections.**

#### ***6. Human rights institution***

In 2008 the Government established, through Ordinance, the National Human Rights Commission. Ironically, the Commission was established at a time and by the regime which through imposing the state of emergency, denied people their basic rights and freedoms. The Committee members of the Commission were largely composed of bureaucrats. FIDH and Odhikar are concerned about the Ordinance establishing the Commission and call upon the Government of Bangladesh to:

- a) Adopt amendments including the binding character of Commission's recommendations and award the Commission its "right" to be consulted by the Government in legislations with human rights implications,
- b) Appoint an Ombudsman under Article 77 of the Constitution to "investigate any action taken by a Ministry, a public officer or a statutory public authority", since, despite this provision of the Constitution, no such appointment was ever made.
- c) Adopt or approve it by the Parliament only after thorough discussion and suitable amendments.

## ***7. International obligations and cooperation with human rights mechanisms***

Bangladesh is party to seven core international human rights instruments but still there are other instruments that should be ratified. Moreover, cooperation both with treaty body mechanisms and Special Procedures has been so far disappointing. FIDH and Odhikar call upon the Government of Bangladesh to:

- a) Ratify the Rome Statute of the international Criminal Court, the Convention for the Protection of All Persons from Enforced Disappearance, the Convention on Refugees and Stateless Persons.
- b) Submit, without further delay, reports report on ICESCR, overdue since 2000 and the second since 30/06/05, ICCPR, overdue since 06/12/01, CERD, overdue since 11/07/02 and subsequent reports, CAT, the second and third periodic reports overdue since 04/11/03 and 04/11/07 respectively.
- c) Invite all Special Rapporteurs who have requested visits such as SR on freedom of opinion and expression requested in 2003, SR on adequate housing requested in 2005, Independent Expert on minority issues, requested in 2006, SR on Extrajudicial, Summary or Arbitrary Executions, requested in 2006, SR on independence of judges and lawyers, requested in 2007, and SR on contemporary forms of slavery, requested in 2008.
- d) Extend Standing Invitations to all thematic Special Procedures and reply to all questionnaires sent by Special Procedure mandate holders.