

## General allegation

125th session (20–29 September 2021)

### Bangladesh

1. The Working Group received information from sources concerning alleged violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Bangladesh
2. This general allegation must be read in addition to those already transmitted to the Government of Bangladesh respectively on 4 May 2011, 9 March 2016, 22 February 2017 and 22 May 2019, to which no reply has been provided. The lack of responses from the government – including on the request to carry out a visit to the country, which remains unanswered since 12 March 2013 – is all the more troubling, bearing in mind that the all allegations received refer to the frequent and ongoing use of enforced disappearance as a tool by law enforcement agencies, security and intelligence forces, especially to target political opponents or other dissidents.
3. On this occasion, the sources recall that nearly 600 people have been forcibly disappeared by security forces since 2009. The majority were either released or eventually formally produced in court as arrests, but dozens were found dead. The sources refer to 86 documented cases in which the victims' fate and whereabouts remain unknown.
4. The sources confirm that, besides the Bangladesh police, the Rapid Action Battalion (RAB) – a counterterror paramilitary unit, under the Ministry of Home Affairs, also actively involved in the “war on drugs”, launched in May 2018 – would be admittedly involved in the majority of cases, by routinely picking up people, extrajudicially killing them and disposing the bodies. The Working Group was also informed that members of the RAB would be eligible to participate in UN peacekeeping operations, without any previous investigation into their alleged involvement in the commission of human rights abuses or a thorough vetting process. Similarly, there are allegations that officers involved in the commission of human rights violations or willing to oversee such abuses appear to be promoted and rewarded within the Bangladesh security and law enforcement forces.
5. Pursuant to the information received by the Working Group, enforced disappearance is used as a tool to curb any criticism against the government or form of political opposition. Accordingly, gross human rights violations, including enforced disappearance, dramatically increased ahead of the 2014 election and in the lead-up of the 2018 election. In this context, tactics of mass arrest of opposition leaders and activists, accused in fabricated cases, have allegedly been deployed.
6. The sources reported how surveillance (in the form of physical surveillance, as well as interception of telecommunications and tracking social media, through international mobile subscriber identity-catchers, location-based social network monitoring system software, and Wi-Fi interceptors) is used in the commission of enforced disappearances, as part of the mentioned crackdown on opposition. These surveillance tactics have allegedly been expanded in the context of the pandemic, targeting those who appear to be critical of the State's response to COVID-19.
7. The Working Group was also informed that relatives of forcibly disappeared persons are threatened not to pursue investigations. Instances of extortion against families, with false promises of releasing their loved ones or providing medical care, have also been reported.

8. The sources referred that police officers would allegedly refuse to register complaints concerning enforced disappearances or only accept them upon removal of any allegations of law enforced involvement. When complaints are registered, there seemingly is no investigation and closure reports are filed, including in cases where courts ordered an investigation. Reportedly, the three existing avenues to seek recourse against the failure to search for the disappeared, investigate and hold those responsible accountable (i.e. the Police Internal Oversight Unit, the National Human Rights Commissions or the courts) would be essentially set up to fail. Victims and their relatives are thus allegedly left without an effective remedy and redress.

9. The Working Group also learned about the alleged existence of legal mechanisms that would facilitate the impunity of perpetrators, including the constitutionally guaranteed right of the parliament to provide indemnity through law to any State officer for any act done to maintain or restore order, and to lift any sanctions inflicted on this person; the need to obtain prior government approval to bring criminal charges against public officials for offences committed while acting in official capacity; and military laws shielding members of the armed forces (including the RAB) from being prosecuted by the civilian justice system. Moreover, the sources reported that Section 13 of the Armed Police Battalions Ordinance makes it virtually impossible to prosecute any member of the RAB.

10. The Working Group would be grateful for your Excellency's Government cooperation and observations on the following questions:

(a) Please provide any additional information and any comment you may have on the above-mentioned allegations.

(b) How does your Government ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty?

(c) How does your Government ensure that persons suspected of having committed an offence of enforced disappearance are not in a position to influence the progress of an investigation by means of pressure or acts of intimidation or reprisal aimed at the complainant, witnesses, relatives of the disappeared person or their counsel, or at persons participating in the investigation? In particular, how does your Government secure that persons alleged to have committed an enforced disappearance are suspended from any official duties during the investigation of the corresponding complaint is carried out?

(d) How does your Government ensure that individuals responsible for gross human rights violations, including enforced disappearance, undergo a thorough vetting process and are removed from security institutions, and are not allowed to participate in missions abroad, including UN peacekeeping operations?

(e) How does your Government ensure that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority? How does your Government ensure that enforced disappearances are promptly, thoroughly and impartially investigated by the authority even if there has been no formal complaint and, especially, if it has been impossible to register such a complaint?

(f) What steps does your Government take to protect complainants, witnesses, relatives of disappeared persons and their counsels, human rights defenders and members of associations concerned with attempting to establish the circumstances of enforced disappearances and assist victims of enforced disappearance from ill-treatment, intimidation (including through unwarranted surveillance) or reprisals?

(g) What steps does your Government take to ensure that any ill-treatment, intimidation or reprisal or any other form of interference against the persons

mentioned in the previous point is subjected to a prompt, thorough, independent and impartial investigation and those responsible are prosecuted and appropriately punished?

(h) Which special measures has your Government undertaken to protect from harassment and reprisals the persons mentioned in the previous point and to investigate any corresponding instance of ill-treatment, intimidation or reprisal in the context of the COVID-19 pandemic?

(i) How does your Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?

(j) Please provide information on how does your Government ensure that persons alleged to have committed an enforced disappearance are tried only by the competent ordinary courts, to the exclusion, in particular, of military courts.

(k) How does your Government ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanction?