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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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BANGLADESH: Democracy and competent justice mechanisms needed to stop extrajudicial executions

There has been a continuing discussion about extrajudicial, summary or arbitrary executions at the United Nations Human Rights Council, which has now been in operation for ten years since inception. The Asian Legal Resource Centre (ALRC) has shared analytical information with the Council underlining the depth of the systemic human rights problems in Bangladesh in the last ten years. There is a dire need to review the UN Human Rights mechanisms in order to address extrajudicial executions, flagrant violations of the right to life.

Extrajudicial executions have been an inseparable component of law-enforcement in Bangladesh, as is torture. The documented realities make this incontestable. Local, regional, and international human rights organisations have presented numerous documentations and reports, exposing individual cases, materials, and patterns, at the very least since the inception of the Human Rights Council, in last ten years.

By adopting extrajudicial methods of executing so-called crime suspects, the State's law-enforcement agencies have been telling the country's justice mechanisms that the "judicial system does not have trustworthiness". Extrajudicial executions also tell the people that the barrel of the gun prevails over any judicial process.

The justice mechanisms in Bangladesh that constantly avoid holding perpetrators of law-enforcement agencies responsible for their actions in a way that would uphold equality before the law, ultimately accept that the justice institutions do not have capability to administer justice. The Judiciary, by abdicating authority, agrees that the gunmen of the law-enforcement agencies and security forces are above the law of the land. This also transmits the message to citizens that whatever is written in the Constitution, enshrining the Judiciary as an entity to safeguard the Constitution, is untrue. The muscle power or guns of law-enforcement agencies are the supreme authority, not the courts; 'equality before law' is not an acceptable principle.

For last ten years since the Human Rights Council has been functioning, Bangladesh justice institutions, by not being able to try perpetrators of extrajudicial executions, have confirmed that the Judiciary is an excuse to provide employment to a few people whose duty it is to let "judicial" and "extrajudicial" methods of killings run parallel.

The governments of the day uses law-enforcement agencies and security forces to silence the opposition and any individual or groups that it wishes to eliminate for its own benefit. Integral to that purpose, the government also subjugates the judicial institutions so that there is no challenge that the Executive authorities are forced to face. By controlling the recruitment, promotion, and postings of judges, prosecutors, state attorneys, police and paramilitary officers, the Executive authorities make sure that everyone behaves the way the government wants.

Bangladesh's Rapid Action Battalion (RAB) is globally known to be the State's "death squad". Since its creation in 2004, the RAB has been responsible for more than a thousand extrajudicial executions. This paramilitary force, which is officially termed as "elite force", has also been responsible for around a hundred enforced disappearances, according to relatives of the disappeared victims. Its former Director General, Hassan Mahmood Khandker, has been made Bangladesh's Ambassador to Spain. Khandker, as head of the RAB, and later as Inspector General of the Bangladesh Police, should be liable to face prosecutions for his "command responsibility" in numbers of ghastly cases of extrajudicial executions and enforced disappearances. But, it is the policy of the government of Bangladesh to reward those who commit gross human rights violations to smooth the path to retaining power.

Spain, being a Member State of the European Union, which has a reputation for respecting normative human rights standards, has welcomed such a mastermind of numerous human rights crimes. Likewise, several member states of the UN Human Rights Council provide technologies, equipment, financial resources, and expertise to the RAB and the Bangladesh Police, who use those technologies and equipments for violating human rights. Trade deals trump human rights principles in most cases as far as Bangladesh's diplomatic relationships with Western nation-states are concerned.

Bangladesh, despite being a long standing Member of the Human Rights Council, commits large-scale extrajudicial executions against its own people. It has not invited the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country, although the mandate has sent reminders in 2006, 2008, and in 2009. It indicates absence

of commitment to cooperate with UN independent experts in stopping the practice of arbitrary deprivation of life. The on-going spree of extrajudicial executions and enforced disappearances also indicate that the government has no respect for human rights although it makes and is allowed to make rhetorical speeches and pledges sitting in the Council.

The ALRC reiterates that making recommendations for “investigating, prosecuting the allegations of extrajudicial executions” has almost “zero value” in the context of Bangladesh. The independent experts of the UN Human Rights Council and the international community should take it into consideration that accessibility to the complaint mechanism is denied by default whenever the law-enforcement agencies are accused of committing crimes. Investigation of any crime with credibility is not possible by the police whose sole interest is extorting bribes using their uniform, the legislations, and the established torturous system for themselves and their political masters. Substandard lawyers, lacking merit and efficiency, having allegiance with the ruling political camps, are recruited as prosecutors and fail to maintain the standards of fair trial. A shoddy judiciary, which is accustomed to abdicate its power, is incapable of adjudicating ordinary criminal cases let alone cases of extrajudicial executions, enforced disappearances, and torture.

The Special Rapporteur on extrajudicial, summary or arbitrary executions should repeatedly send reminders for an invitation to visit Bangladesh.

The Special Procedures of the UN Human Rights Council and its entire rights mechanism should adopt comprehensive programmes so that ten years from now effective justice mechanisms are developed and extrajudicial executions do not remain a global human rights problem that they are today.
