



Bangladesh – Researched and compiled by the Refugee Documentation Centre of Ireland on 29 April 2011

Is there any information on FIRs in Bangladesh, eg what is the effect of a FIR? Can a person safely relocate to another area, or will the police throughout Bangladesh know about a FIR made against them in another area? Are there any reports of the practice of making false complaints to police so as to initiate prosecutions on false charges against a person?

A Frequently Asked Questions document (FAQ) on the website of the *Dhaka Metropolitan Police*, in a paragraph headed, “What do you mean by FIR?”, states:

“FIR means First Information Report. It is a written or oral complaint to the officer in charge of a police station of any cognizable crime mentioned in the section 154 of the Code of Criminal Procedure. The complaint is recorded in a Government prescribed form BP 27.

The FIR should contain the following information:

- Date and time of occurrence
- Name, address & cell phone number (if any) of the complainant
- Place of occurrence
- Description of the event/incident
- Mode of operation of the incident
- Description of the arms, knives or any others (as an evidence, if used any)
- The complaint must be signed by the complainant and by the recording officer. In a nutshell, the FIR should contain the answers: who, what, when, where, whom, why and how.” (Dhaka Metropolitan Police (undated) FAQ)

A report published by the *International Federation for Human Rights*, in a section titled “Police custody and arrest”, states:

“In Bangladesh, every criminal action commences with a First Information Report (FIR), lodged by the victim, relatives, or a witness. The FIR is a written or oral complaint to the investigating officer who must lodge the complaint in writing in the police records per Section 154 of the Cr.P.C. In a case of a cognizable offence, any officer of a police station may, without the order of a Magistrate, investigate the matter. According to Mr. Arafat Amin, Advocate to the Supreme Court of Bangladesh, as well as several FIDH interlocutors, when a FIR is lodged in the police station, describing a cognizable offence, the common practice is that the police immediately seek out and arrest the persons named in the FIR, regardless of the suspects’ involvement in the crime. Following the arrest, the suspect must be produced in front of a magistrate within 24 hours, per section 61 of the Cr.P.C.” (International Federation for Human Rights (10 October 2010)

Bangladesh: Criminal justice through the prism of capital punishment and the fight against terrorism, p.15)

This section of the report also states:

“Several human rights activists and lawyers have told the FIDH that naming a person in a FIR is often a way for people to strike back at their enemies or perpetuate neighbourly squabbles. This practice of false, vengeful reporting is particularly common in acid throwing cases and other cases falling under the laws protecting women and children, FIDH has been told. The nature of the FIR and their accompanying improper police practices allow citizens to ‘manipulate’ the justice system and to involve it in private conflicts.” (ibid, p.16)

In a section titled “Filing of false cases” this report states:

“Perhaps because of the presumption against bail for these serious offences, laws which specify crimes punishable by death penalty appear to be regularly abused by the filing of false cases. Both government and academics have recognised that the Women and Children Repression Prevention Act of 2000 is often misused by falsely implicating the relatives of the husband. Such cases may be filed out of a desire to take revenge for a personal grievance or for property gain.” (ibid, p.18)

This section also states:

“All relatives of persons condemned to death stressed the following elements: when someone is named in a FIR, s/he is automatically prosecuted. The relatives generally believe that revenge is often behind those FIR. They also denounce that political connections play an important role at local level in criminal cases: people with relevant connections in political parties at local level can avoid conviction. Those who are able to bribe can also benefit from a more favourable outcome.” (ibid, p.18)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Dhaka Metropolitan Police (undated) FAQ

http://www.dmp.gov.bd/index.php?option=com_content&view=article&id=56&Itemid=111

(Accessed 29 April 2011)

International Federation for Human Rights (10 October 2010) *Bangladesh: Criminal justice through the prism of capital punishment and the fight against terrorism*

<http://www.unhcr.org/refworld/pdfid/4cb2ac7b2.pdf>

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Sources Consulted:

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Google
Immigration and Refugee Board of Canada
Refugee Documentation Centre Query Database
UNHCR Refworld