



Bangladesh – Researched and compiled by the Refugee Documentation Centre of Ireland on 29 January 2016

Information on the absence of rule of law particularly potential of Awami League leaders to utilise police to target own personal enemies; information on reluctance of police to become involved in this issue.

A report from the Asian Human Rights Commission states:

“The rule of law does not exist in Bangladesh. The way the Rapid Action Battalion (RAB) abducted seven men, including a senior lawyer and a member of the mayoral panel of the Narayanganj City Corporation (NCC), on 27 April 2014, and murdered them, allegedly on behalf of a feuding faction of the ruling party, in exchange for a 60 million Taka (US\$ 774,000) bribe, is proof yet again of this fact. The role of family members of a cabinet minister in masterminding the operation, police inaction in the face of knowledge of the abduction, and eyewash gestures at the highest levels of government confirm fears. The politics of blood and wealth reign supreme in Bangladesh; there is no space for the rule of law.” (Asian Human Rights Commission (12 May 2014) *Bangladesh: Chains of Corruption Strangle Nation*)

See also Asian Human Rights Commission report which states:

“One should also try to understand the existence and functionality of the rule of law by checking whether all persons and authorities are entitled to benefit from all laws. This point deserves that one focus on the reality of the gross abuses of human rights in Bangladesh. The right to protection of law is guaranteed in the Constitution as an 'inalienable right of every citizen'. Likewise, the protection of right to life and personal liberty and the safeguards related to arrest and detention are guaranteed in the same document. Yet, hundreds of people have been extrajudicially murdered while in custody of the police, the Rapid Action Battalion, and other paramilitary and security forces, within the last decade. Numerous people have been and continue to be illegally arrested and arbitrarily detained, mostly in fabricated cases. The law, in general, does not benefit any of the victims.” (Asian Human Rights Commission (10 September 2014) *Inexistent Rule of Law in Bangladesh - Rule of Law in Bangladesh: Normative standards and reality's mirror*)

An article published by the Asian Legal Resource Centre, in a section titled “Criminal investigation procedure”, states:

“The most common preliminary step in seeking criminal justice in Bangladesh is to lodge a complaint with a police station in the jurisdiction where the offence allegedly occurred. Thereafter, police must investigate, collect evidence, obtain warrants, arrest the alleged criminals and produce them before the relevant court. Such cases are referred to as GR cases: those on the Government Register. However, lodging complaints with police stations is oftentimes difficult for the poor and politically weak, especially if the

complaints relate to wealthy and politically connected persons. The offenders or persons in league with them will invariably make arrangements with the police, even before a complaint is made, to block the victim.” (Asian Legal Resource Centre (16 March 2008) *The disposable prosecutors of Bangladesh*)

This section of the article also states:

“In such cases, the other option is to lodge a complaint directly to a magistrate’s court. The court can then order the officer-in-charge of the relevant police station to ‘take necessary steps’ or ‘take legal steps followed by inquiry’ or ‘register as a complaint following inquiry’. Such cases are identified as CR cases: those on the Complainant Register. CR cases are fraught with difficulties, as the police will usually thwart the investigation unless they have no personal interests in the outcome and the victim is now prepared to pay more than the other party to succeed. They may issue a final report, closing the inquiry without trial, or issue a report that will not stand up in court.” (ibid)

A report on corruption in Bangladesh published by the U4 Anti-Corruption Resource Centre, in a section titled “Police”, states:

“In Bangladesh, the police force is allegedly used by elected officials in a systematic manner to maintain their control of the political arena, through torture, physical abuse and arbitrary detention. Nepotism and political affiliations are common factors influencing recruitment in the police. Because of the heavy political influence and the inefficiency of the complaints and oversight mechanisms, the police is often coerced to carry out illegal instructions. Extrajudicial killings by security forces, arbitrary detention, deaths in police custody as well as harassment and torture of opposition leaders, journalists and activists are still widespread in Bangladesh.” (U4 Anti-Corruption Resource Centre (23 October 2012) *Overview of corruption and anti-corruption in Bangladesh*, p.6)

A report from the Asian Human Rights Commission states:

“Bangladesh's law-enforcement agents have a reputation for abusing authority through coercive means. They are and have been the hired thugs of all the ruling regimes. Policing in the country is an industry of producing victims of torture and fabrication of criminal charges against civilians and political opponents since long. Corruption has replaced the chain of command within the police. The constant failure of the police to credibly investigate crimes is the single largest impediment within the criminal justice administration in the country. To keep the police subservient to the ruling elite the government has kept the salary of the police force very low. This opens the floodgates and serves as incentive for the police officers to demand and accept bribes. Impunity provided to the force against prosecution for corruption and all other crimes these officers commit is returned by the force by undertaking cleanup work for the ruling elite, most often by 'dealing' with political opponents. The disparity between the wealth of some police officers and their actual income is proof to this illegal nexus of corruption and protection between the police and politicians in Bangladesh.” (Asian Human Rights Commission (9 August 2012) *Bangladesh: People pay more to the police than to their government*)

See also Asian Human Rights Commission report which, in a section titled “Illegal Arrest & Arbitrary Detention”, states:

“As hired musclemen of the ruling regime, law-enforcement agencies have regularly been arresting opposition activists, detaining them in fabricated cases. There is no official statistic of the daily or monthly number of such arrests and detention, but those in the opposition, journalists, and human rights groups have informed the AHRC that around a thousand people, including opposition political leaders, activists, and innocent citizens are being arrested and detained every month across the country. Extortion of the detainees and their families by the police and paramilitary has risen during the political power-clash. The meaning of the word ‘arrest’ in Bangladesh is differs dramatically from the word’s meaning in countries possessing a functional criminal justice system. The ordinary folks of Bangladesh understand the term ‘arrest’ as the picking up of persons by state agents, who are not answerable to anyone for their actions. These state agents never tolerate questions from the arrestees or their families about the grounds for arrest. Questioning state agents, challenging their lawful authority to arrest, or demanding an arrest warrant issued by a Court, is invariably met with retaliation. This ranges from abusive language to physical torture of the arrestees and their families. Cases where state agents produce a proper warrant of arrest at the time of taking the person into custody are rare.” (Asian Human Rights Commission (10 December 2013) *The State of Human Rights in Bangladesh, 2013: Bangladesh - Lust for Power, Death of Dignity*, p.2)

This section of the report also states:

“Certain political aspects are integral to the Bangladesh policing system. The politicians, those in power, in particular, want the police to arrest, detain, and torture the activists of the opposition. They instruct the police to crackdown on their rivals. This is done for the purpose of weakening competition in political contest. Such police crackdowns are treated as ‘proper service’ to their political masters. By rendering this service to the ruling regime, police officers not only keep their jobs, but also secure lucrative postings, promotions, and other rewards. In addition to overt official benefits, through an unwritten but well-established understanding between the ruling regimes and the police, broader impunity will be guaranteed to the police officers for serving their masters with such acts of loyalty.” (ibid, p.3)

An article from the Financial Times states:

“If not ‘disappeared’ or murdered in extrajudicial killings, opposition activists have been arrested on the orders of Ms Hasina’s government, harassed or targeted with scores of apparently spurious criminal cases against them. Many have gone into hiding. Odhikar itself, deprived of foreign funds on the orders of Ms Hasina, has run out of money. Its head, Adilur Rahman Khan, was himself abducted two years ago and then detained for two months. A vindictive government has also targeted the media, arresting journalists, closing down television stations, disrupting mobile messaging apps such as Viber and Tango, and causing nervous Bangladeshis who once spoke freely to foreign journalists to request anonymity when commenting on politics.” (Financial Times (12 April 2015) *Bangladesh: A dangerous rivalry*)

The Human Rights Watch report on Bangladesh for the events of 2015, in a section titled “Security Force Abuses and Impunity”, states:

“The ruling Awami League entered office promising zero tolerance for serious human rights abuses, but such abuses have continued unabated and in some areas have increased. The Detective Branch of the police, the Bangladesh Border Guards (BGB), and the Rapid Action Battalion (RAB) have been responsible for serious abuses, including arbitrary arrests, torture, enforced disappearances, and killings. Opposition BNP spokesman Salahuddin Ahmed was abducted on March 10, 2015, from a friend’s apartment where he was in hiding. Witnesses said the abductors identified themselves as member of the Detective Branch, while other witnesses reported RAB vehicles in the area. In May, Ahmed was found in India and was charged by Indian authorities with illegal entry. He sought protection from the United Nations Refugee Agency (UNHCR), saying he had been abducted by unknown gunmen and feared for his life if returned to Bangladesh. The government failed to investigate the possible role of security forces in this and other disappearances, even in cases where family members identified the perpetrators to be members of RAB or police.” (Human Rights Watch (27 January 2016) *Bangladesh: Events of 2015*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit 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.

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