



# General Assembly

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## Human Rights Council

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Agenda items 2 and 3

### Annual report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General

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

## Joint written statement\* submitted by International Federation for Human Rights Leagues, ODHIKAR – Coalition for Human Rights, non-governmental organizations in special consultative status

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

[19 August 2020]

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\* Issued as received, in the language(s) of submission only.

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## Bangladesh: Enforced disappearances and the struggle of the victims' families amid the COVID-19 pandemic

FIDH (International Federation for Human Rights Leagues) and ODHIKAR – Coalition for Human Rights draw the attention of the United Nations (UN) Human Rights Council and other UN human rights monitoring mechanism to the ongoing commission of enforced disappearances in Bangladesh, which have been targeting journalists, political activists, and individuals who have criticized the government's response to the COVID-19 pandemic. According to ODHIKAR, at least 18 people became victims of enforced disappearance from January to July 2020. Regrettably, the Bangladeshi government has consistently denied the existence of enforced disappearances committed by state security forces in the country, despite evidence that members of law enforcement agencies are directly responsible for cases of enforced disappearances. The UN Working Group on Enforced or Involuntary Disappearances, the UN Committee against Torture and the UN Human Rights Committee have all expressed their concerns over the government's failure to disclose information regarding arbitrary detentions and enforced disappearances.

In almost all cases, members of law enforcement agencies deny the arrest or detention of the disappeared persons. In many cases, the disappeared persons are later shown as arrested in criminal cases and produced before the court.

According to Article 32 and 33 of the Constitution of Bangladesh, “no person shall be deprived of life or personal liberty”. Detainees also have the right to consult and to be defended by a legal practitioner. However, the state institutions, especially the judiciary, have failed to guarantee these rights. Recent cases of enforced disappearance and subsequent detention under the notorious Digital Security Act (DSA) have created concern among human rights defenders and journalists.

Shafiqul Islam Kajol, a Bangladeshi photojournalist and newspaper editor, went missing on 10 March 2020, a day after defamation charges were filed under the DSA against him by an influential ruling party lawmaker. After 53 days of being disappeared, on 3 May 2020, he was allegedly found “roaming around” the Benapole border area and detained while entering Bangladesh from India. He was produced in Jashore court, as arrested in a case under the Passport Act and under Section 54 of the Code of Criminal Procedure.<sup>1</sup> Sheikh Iftekharul Islam Arif, a postgraduate student of the Veterinary Faculty of Mymensingh Bangladesh Agricultural University, who went missing on 9 January 2020, was produced under arrest by members of the Dhaka Metropolitan Police's Counter Terrorism Unit on 10 February 2020, as a suspected member of the banned militant group “Ansar Al Islam”.<sup>2</sup> Mohammad Ibrahim Khalil, a local Chhatra Dal<sup>3</sup> leader of Jashore Sadar Upazila, and his friend Ripon Hossain were picked up by unidentified men in a microbus from Lauzani Bazar on 13 June 2020. When locals tried to stop them, the men said they were members of law enforcement agencies and threatened to open fire on them. When family members of Ibrahim Khalil contacted various law enforcement offices, however, they all denied the arrest. On 18 June, Ibrahim Khalil and Ripon Hossain were produced as arrested at the Monirampur Police Station in two separate cases under the Arms Act and for robbery.<sup>4</sup>

Voices that are critical of the government have been gagged or suppressed through fear and intimidation. On 13 February 2020, the Appellate Division of the Supreme Court observed that enforced disappearances must cease and expressed dissatisfaction over the non-

<sup>1</sup> Dhaka Tribune, Writers, artists, actors demand photojournalist Kajol's unconditional release, 26 June 2020; <https://www.dhakatribune.com/bangladesh/2020/06/26/writers-artists-actors-demand-photojournalist-kajol-s-unconditional-release>.

<sup>2</sup> ODHIKAR, *Three-month Human Rights Monitoring Report on Bangladesh (January – March 2020)*, 1 May 2020, pg. 16; [http://odhikar.org/wp-content/uploads/2020/05/Odhikar\\_Three-Month\\_HRR\\_January-March\\_2020\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2020/05/Odhikar_Three-Month_HRR_January-March_2020_Eng.pdf).

<sup>3</sup> Student wing of Bangladesh Nationalist Party (BNP), the main opposition party in Bangladesh.

<sup>4</sup> ODHIKAR, *Three-month Human Rights Monitoring Report on Bangladesh (April – June 2020)*, 6 July 2020, pg 20; [http://odhikar.org/wp-content/uploads/2020/07/Odhikar\\_Three-month-HRR\\_April-June-2020\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2020/07/Odhikar_Three-month-HRR_April-June-2020_Eng.pdf).

implementation of a 16-year-old High Court order<sup>5</sup> that sought reforms in the provisions for arrest without a warrant. The Appellate Division bench touched upon the complete lack of information about people who remain missing several years after their disappearance.<sup>6</sup>

FIDH and ODHIKAR are deeply concerned over the continuous lack of response from the government of Bangladesh to the repeated calls the families of the disappeared have made for investigations into enforced disappearances. The persistent denial of the government that enforced disappearances occur and its refusal to determine the fate and whereabouts of the disappeared persons clearly indicate the government's unwillingness to address this serious violation of human rights.

The suffering of the families of the disappeared persons has intensified during the nationwide lockdown due to the COVID-19 pandemic. The COVID-19 pandemic has affected not only public health, but also the economic and social life of the people of Bangladesh, in particular the poor and marginalized people and the families whose sole bread earner has disappeared.

Enforced disappearances have continued during the pandemic and the possibility of victims or survivors to be identified and accounted for is remote. The restrictions imposed in the country and the focus on the COVID-19 response have hampered the documentation of allegations of enforced disappearances. Restrictions on movements during the lockdown have made it difficult for the families of the disappeared to get access to or receive information concerning the whereabouts of their loved ones. Even under normal circumstances, families of the victims searching for information face many obstacles, including harassment, intimidation, and threats by the security forces, in addition to difficult socio-economic conditions.

The economic hardship caused by COVID-19 has had a detrimental impact on the mental, social, and physical well-being of the families of the disappeared; and on their ability to search for them. Since a large majority of the victims of enforced disappearance were known to be the breadwinners for their families, the families have been living in miserable conditions due to economic crisis. These precarious financial circumstances and difficulties in finding a safe and secure environment during the pandemic have further undermined their ability to seek remedy.

The families of the disappeared have suffered financially and socially. This situation has worsened during the COVID-19 crisis. They are unable to afford food, medication, and education – the basic elements that are required to live a human life. They do not receive any support or emergency relief from the government. They are broken, both financially and mentally, and they are unable to share their sorrow with anyone. The deplorable situation of the victims' families highlights the psychosocial-socio-economic impacts of the pandemic. The victims' families demand that the government form an independent body headed by an independent Supreme Court Judge to investigate all allegations of enforced disappearance and determine the fate and whereabouts of the disappeared without further delay.

FIDH and ODHIKAR urge the UN Human Rights Council to make the following recommendations to Bangladesh:

- Ensure the independence of the judiciary and create an independent body for investigating the allegations of enforced disappearances, leading to prosecution of all individuals responsible for cases of disappearances.
- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance and criminalise enforced disappearance under domestic law.

<sup>5</sup> BLAST obtained a judgment, 55 DLR (2003) 363, in which the High Court determined that Sections 54 and 167 of the Code of Criminal Procedure, which permit the police to arrest without warrant and magistrates to take persons into remand, were inconsistent with the Constitution of Bangladesh. The Court made specific recommendations to Parliament for amending these sections and issued guidelines to be implemented immediately by the law enforcing agencies and by magistrates to prevent misuse of the laws. However, many police officers and even some judicial officers remain uninformed of the constitutional limits on their authority, or unwilling to comply with the High Court's directives.

<sup>6</sup> Independent, *Enforced disappearances must cease*: SC, 14 February 2020; <http://www.theindependentbd.com/post/236788>.

- Take all necessary measures to effectively hold perpetrators of enforced disappearances accountable through impartial investigations into allegations of such crimes and ensure access to justice for victims of enforced disappearances.
  - Respond to all communications received from UN Special Procedures concerning cases of enforced disappearances.
  - Issue an invitation to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) for a country visit.
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