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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE
AND DETENTION**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation 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.

[26 January 2005]

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

TORTURE IN BANGLADESH

In a December 2004 report, reputed human rights organisation Odhikar stated that there were 90 publicly reported custodial deaths due to torture in Bangladesh during the year. The Asian Legal Resource Centre (ALRC) opines that these are but a handful of the total number of cases of severe torture, including torture resulting in death, occurring in Bangladesh each year.

Although the Government of Bangladesh has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it has taken hardly any steps to see it implemented. It has not yet made torture a crime. It has not yet passed any enabling legislation. It has not yet introduced any legal provisions for compensation and rehabilitation of the victims. It does not provide any medical facilities for treatment of physical and psychological injuries caused by torture. It does not have any immediate plans to do any of these things.

The criminal justice system in Bangladesh has hardly changed since the British colonial era. The implementation of laws is very backward and completely out of touch with rapid developments in communications, transportation and the attitudes of the people. The policing system itself is very primitive. Police officers have a range of day-to-day duties on top of conducting criminal investigations. For every 13,000 citizens there is one badly paid and poorly trained police officer. Public prosecutors are politically controlled and change every time a new government comes into power: the skills needed for proper prosecuting do not develop and instead political bias is the determining factor. The prosecuting and investigating branches in criminal cases function completely separately. Police misuse their powers, guarantee impunity for powerful people and fabricate cases against the poor. There is no special branch to investigate police officers for violations of human rights. There is no witness protection programme, and the police and criminal elements collude to intimidate and silence ordinary people.

Several human rights groups in Bangladesh are trying to work against such malpractices. Some provide torture rehabilitation with the assistance of outside agencies in lieu of the state. Some are also speaking about necessary legal reforms. However, the two major political parties are in a constant state of deep conflict and this obstructs any consensus on how to deal with torture and attendant abuses.

In light of the above, the Asian Legal Resource Centre recommends that first and foremost the Government of Bangladesh must promulgate a law to make torture a crime and implement the provisions of the Convention to which it is a party. Meanwhile, the establishment of a national institution similar to the human rights commissions now functioning in several other Asian countries would provide an avenue for complaint-making, investigations and the granting of redress for victims of torture. The Commission, particularly its Committee against Torture and Special Rapporteur on the question of torture, should call upon the expertise of civil society organisations such as Odhikar in order to intervene effectively to eliminate torture in Bangladesh. More intense international publicity on the practice of torture there may dramatically speed the development of practical measures for redress.
