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A Joint Statement by the Asian Human Rights Commission, the Asian Federation Against Involuntary Disappearances and Odhikar, on the Day of International Criminal Justice

BANGLADESH: Affording justice to victims is not on the State's agenda

Hong Kong/Dhaka/Manila; 17 July 2017: One of the three main goals of Bangladesh's War of Independence was 'social justice' coupled with 'equality', and 'human dignity'. The word 'justice' connotes 'just behavior or treatment' without any bias or discrimination. In another word 'justice' is a guaranteed process of addressing a citizen's grief, by all means, through the justice mechanisms and administrative systems of a State beyond any abuse of power or negligence. The Institutions that are expected to uphold justice require capabilities to ensure that the victims of crime and the victims of abuse of power are dealt with fairly in accordance with the right to a fair trial.

In Bangladesh, the realities are the opposite of the universally accepted standards. Most Bangladeshi's have lost the feeling and meaning of justice, today. The public memory of enjoying justice of its kind does not exist today in society at large and in the country as a whole.

Victims of crime and abuse of power, witnesses, the families and the activists who stand beside them, are subject to failure-unjustly so. The victims do not receive any compassionate treatment or respect for their personal dignity as human being. Particularly, the victims of human rights abuses are deprived of their right to access the justice mechanism to obtain prompt redress. They are burdened by damage or injury and suffer hardships of multiple kinds throughout their lives. In contrast, the offenders, having attachments with State Agencies or identified as a pro-ruling party person, do not worry about facing prosecution or punishment for the crimes they commit due to the entrenched culture of impunity.

Bangladesh's justice institutions and the state itself do not have respect for the rights of the victims of crime and abuse of power. The proof lies with the consistent denial of justice to the victims of gross human rights abuses such as arbitrary deprivation of life and torture. Hundreds of enforced disappearances and extrajudicial executions have been committed by the law-enforcement agencies. Torture is institutionalized in the law-enforcement system. Between January 2016 and June 2017, *Odhikar* documented 263 cases of extrajudicial executions and 147 enforced disappearances.

The answer is 'zero' when one asks the question about how many victims were afforded justice. In the absence of a competent system of checks and balances, both the Executive and the Judiciary, hide behind a blame game against each other while the country lacks legitimate Legislature in place. In Bangladesh's legal system, there is no practical mechanism for protecting the victims and the witnesses. The notion of providing reparation to the victims of state-sponsored crimes does not exist even among the professionals engaged with justice mechanisms.

The impoverished sections of society, particularly women, suffer more due to dysfunctional justice delivery systems.

Bangladesh, despite being a party to the [Rome Statute of the International Criminal Court](#), continues to commit ‘crimes against humanity’ such as enforced disappearances. The state, at home and abroad, uses the excuse of not having a provision defining ‘enforced disappearance’ in its penal law. Such repeated claims, without setting up legislation and taking required legislative and administrative measures, is a clear message that affording justice to the victims is not on the State’s agenda.

Today, the international community is celebrating – 17th July, 2017 – as the [Day of International Criminal Justice](#). We cannot ignore or abandon the victims of abuse of power and the victims of crime whose right to justice is being consistently denied in Bangladesh. The global human rights community has an opportunity and an undeniable obligation to foster a justice-friendly environment within a democratic system to aid victims to get justice, without it being too late for them.

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*The **Asian Human Rights Commission (AHRC)** works towards the radical rethinking and fundamental redesigning of justice institutions in order to protect and promote human rights in Asia. Established in 1984, the Hong Kong based organisation is a Laureate of the Right Livelihood Award, 2014.*

***Asian Federation Against Involuntary Disappearances (AFAD)** is a federation of human rights organizations working directly on the issue of involuntary disappearances in Asia. Envisioning a world without desaparecidos, AFAD was founded on June 4, 1998 in Manila, Philippines. AFAD was the recipient of the 2016 Asia Democracy and Human Rights Award conferred by the Taiwan Foundation for Democracy.*

***Odhikar** is a human rights organisation based in Dhaka, Bangladesh. Established in 1994, it holds special consultative status with the ECOSOC of the United Nations.*