

# **BANGLADESH: We demand justice! Stop enforced disappearances and return the disappeared to their families!**

## **Statement of Odhikar to commemorate the International Day of the Victims of Enforced Disappearances**

**Dhaka, August 30, 2016** – Enforced disappearance is both a violation of human rights and a crime against humanity. When a state is accused for committing enforced disappearance, it opens new challenges for human rights defenders. Recognizing these challenges and the fact that existing Treaties were not enough to fight this gross violation, the UN decided a new international treaty was needed to prevent the crime of enforced disappearance. The [International Convention for the Protection of All Persons from Enforced Disappearance](#) was adopted by the UN General Assembly on December 20, 2006 and the treaty entered into force on December 23, 2010.

The UN declared 30 August as the International Day of the Victims of Enforced Disappearances, to remember those disappeared and to demand that they be returned to their families. Today, Odhikar and the Asian Federation against Involuntary Disappearances (AFAD) express solidarity to all the families of the disappeared around the world, including Bangladesh. Local human rights defenders who are associated with Odhikar across the country are observing this day by organising protest gatherings and meetings, along with victims' families, and demanding the return of the disappeared persons and an end to this grave violation.

The crime of disappearance has been defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance as: ‘the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law’.

It violates freedom of expression, thought, conscience; freedom of exercise religious practices; and freedom of association. It is also considered an enduring crime as it continues for a long period time after arrest or abduction.

In Bangladesh, soon after the Liberation in December 1971, many youth were picked up and later disappeared by various law enforcement agencies, for their engagement with revolutionary left leaning political parties. This tendency continued during the military regimes that came in power

through the transformation of the political scenario. However, after a peoples' uprising in the '90s, Bangladeshi's expected that the governments that were directly elected by votes, would stop these crimes and take effective measures to bring the perpetrators to justice. The reality is totally different.

Since 2009, incidents of enforced disappearance have been rising in Bangladesh. A Constitutional provision of holding Parliamentary Elections under a 'non-partisan caretaker government' had been removed through the 15<sup>th</sup> Amendment to the Constitution of the People's Republic of Bangladesh on June 30, 2011. As a result, controversial and farcical 10<sup>th</sup> Parliamentary Elections were held on January 5, 2014; and violence escalated all over the country. During that period, several incidents of enforced disappearance occurred. The victims were mainly opponent political activists and persons with alternative beliefs. The families of the disappeared victims claimed that the members of law enforcement agencies were making arrests and since then the victims have been disappeared or their bodies later found.

According to information gathered by Odhikar, from January 2009 to July 2016, 287 persons have been disappeared after being picked up by the men claiming to be members of law enforcement agencies. Of them, 38 were found dead and 132 were later produced before the Court or surfaced alive after several days. The whereabouts of 117 persons remain unknown. It is to be mentioned that Odhikar only documents allegation of enforced disappearance where the family members or witnesses claim that the victim was taken away by people in law enforcement uniform or by those who said they were from law enforcement agencies.

On March 23, 2010, Bangladesh ratified the [Rome Statute of the International Criminal Court](#) (ICC). The crime of 'enforced disappearance' is considered a crime against humanity in the Rome Statute of the ICC. Therefore, as per the Rome Statute of the ICC, all incidents of enforced disappearance committed in Bangladesh should be considered [crimes against humanity](#).

We believe that there is no alternative other than people's mobilisation and resistance against all human rights violations, including enforced disappearance, through constituting a truly democratic state.

Odhikar honours the families of the disappeared victims for their courage and resilience. It is proud to be working alongside them to end this grave violation and demand the return of the disappeared. Justice must be done.

In solidarity,

The Odhikar Team

[www.odhikar.org](http://www.odhikar.org)