



MEMORANDUM

July 17, 2018

To: Hon. Brad Sherman
Attention: John Brodtke

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Subject: **Enforced Disappearances in Bangladesh**

This memorandum responds to your request for background information on the incidence of so-called enforced disappearances in Bangladesh. Portions of the following content may appear in other CRS products. Please contact us if you need further assistance.

Enforced Disappearances in Bangladesh

Enforced or involuntary disappearances have been and continue to be a significant issue in Bangladesh, India, Pakistan, and Sri Lanka. Disappearances have also taken place in Nepal, in particular during the country's 1996-2006 civil war. However, the number of such incidents has been negligible in recent years; the country is thus omitted from the present review.¹

The United Nations Office of the High Commissioner for Human Rights' (OHCHR's) International Convention for the Protection of All Persons from Enforced Disappearance (or Convention on Enforced Disappearance, CED) is a treaty-based instrument adopted by the United Nations in 2006. According to Article 2 of the Convention,

“enforced disappearance” is considered to be 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.

Article 1 states that, “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced

¹ The Geneva-based International Commission of Jurists (ICJ) estimates that 1,300 Nepalis were “disappeared” from 1996 to 2006 (see a brief review of the Nepali setting in the August 2017 report “No More ‘Missing Persons’: The Criminalization of Enforced Disappearance in South Asia” at <https://www.icj.org/wp-content/uploads/2017/08/South-Asia-Enforced-Disappearance-Publications-Reports-Thematic-Reports-2017-ENG.pdf>).

disappearance.”² As of June 2018, the CED had 58 state parties among 96 signatory states. Of South Asia’s five largest states, only Sri Lanka is party to the Convention; India is a signatory, while Bangladesh, Nepal, and Pakistan have taken no action. The United States is not signatory to the CED.³

The Dhaka government is not party to the CED and reportedly has not responded to multiple requests that the UN Working Group on Enforced or Involuntary Disappearances be allowed to visit Bangladesh.⁴ According to international human rights organizations, human rights violations have intensified in Bangladesh, with an increased government crackdown on freedom of speech, religious minorities, social activists, and journalists. As per the Department of State’s *Country Reports on Human Rights 2017*, the most significant human rights issues “included extrajudicial killings, torture, arbitrary or unlawful detentions, and forced disappearances by government security forces”⁵

Many victims of extrajudicial killings are claimed by authorities to have died in “crossfires” during operations. Some observers go so far as to assert: “Ever since the Holey Artisan attack in July 2016 [when 20 people, most of them foreigners, were killed by Islamist gunmen in Dhaka], extrajudicial killings have virtually replaced regular investigative and police work. Brute force has gone from being the last resort in law enforcement to becoming the weapon of choice.”⁶

London-based Amnesty International contends that, “Enforced disappearances are regularly carried out by Bangladeshi security forces, noticeably targeting supporters or members of the opposition.”⁷ The Dhaka-based human rights group Odhikar estimates 430 Bangladeshis were “disappeared” from 2009 through March 2018 while identifying an increasing trend. More than one-third of those disappearances are blamed on the Rapid Action Battalion, an elite unit of the Bangladesh Police.⁸ Political activists appear to be particular targets. Bangladesh’s main opposition party, the Bangladesh National Party, estimates that 80% of the disappeared were affiliated with the opposition alliance.⁹

In a 2017 report, the UN Human Rights Commission (UNHRC) expressed concern

at the reported high rate of extrajudicial killings by police officers, soldiers and Rapid Action Battalion force members and at reports of enforced disappearances, as well as the excessive use of force by State actors. The Committee is also concerned that the lack of investigations and accountability of perpetrators leave families of victims without information and redress. It is further concerned that domestic law does not effectively criminalize enforced disappearances, and that the State party does not accept that enforced disappearances occur.”¹⁰

² See <https://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>.

³ In 2005, the State Department expressed “serious concerns” about “a document that includes provisions the United States does not support, and to which we have registered key reservations,” especially “insufficient” definitions and an absence of superior orders that could leave “unwitting” security personnel subject to unjust prosecution (see the statement at <https://go.usa.gov/xUk5E>).

⁴ Human Rights Watch, “‘We Don’t Have Him’: Secret Detentions and Enforced Disappearances in Bangladesh,” July 6, 2017, at <https://www.hrw.org/report/2017/07/06/we-dont-have-him/secret-detentions-and-enforced-disappearances-bangladesh>.

⁵ See the Bangladesh narrative at <https://go.usa.gov/xUKYj>.

⁶ Siddhartha Roy, “Bangladesh’s Crossfire Doctrine: Extrajudicial Killings Spike in Bangladesh’s ‘Duterte Style’ Drug War,” *Diplomat* (Tokyo), July 3, 2018.

⁷ See <https://www.amnesty.org/en/countries/asia-and-the-pacific/bangladesh/report-bangladesh>.

⁸ See the Odhikar statistics at <http://odhikar.org/statistics/statistics-on-disappearances>. In a “secret” recording broadcast by Swedish Radio in April 2017, a purported senior officer the Rapid Action Battalion admitted that the unit routinely picks people up, kills them, and disposes of their bodies (“Recording of Bangladesh Paramilitary Officer Lifts Lid on Extra-Judicial Killings and Disappearances,” *Wire* (online, New Delhi), April 6, 2017).

⁹ Cited in “Rights Groups Criticize Enforced Disappearances in Bangladesh,” *Voice of America*, November 29, 2017.

¹⁰ See CCPR/C/BDG/CO/1 at <https://www.ohchr.org/EN/countries/AsiaRegion/Pages/BDIndex.aspx>.

The Committee called on Dhaka to effectively criminalize and fully investigate all outstanding cases of enforced disappearance.

Bangladeshi officials have sought to downplay the issue. In March 2017, Bangladesh's law minister claimed that, although disappearances had taken place in Bangladesh, the numbers had been reduced to "a very low level."¹¹ More recently, in what many regarded as a tone-deaf attempt to minimize the seriousness of the issue, Prime Minister Sheikh Hasina cited statistics that, in 2009, 275,000 British citizens disappeared: "Among them, 20,000 have remained completely untraced. If you consider the case of America, the situation of disappearance is even worse. Compared to those countries the situation is much better in Bangladesh. We are taking action as soon as one disappears."¹²

¹¹ Cited in the Human Rights Watch report at <https://www.hrw.org/report/2017/07/06/we-dont-have-him/secret-detentions-and-enforced-disappearances-bangladesh>.

¹² Cited in "Rights Groups Criticize Enforced Disappearances in Bangladesh", *Voice of America*, November 29, 2017.
