

All incidences of enforced disappearances should be properly investigated to ensure justice and rule of law: ASK's call to mark the International Day for the protection of persons from missing and enforced disappearances

[30 August 2018, Dhaka] 30 August is the International Day for the Protection of All Persons from Enforced Disappearance¹. On the eve of this Day, ASK demands to find out all the disappeared people immediately, through proper investigation of each incidence of disappearance and promptly undertaking punitive measures against those who are involved to ensure justice for the disappeared person and his/her family.

For the last few years, the incidences of enforced disappearances have created grave concern, fear and serious insecurity among the people of the country. According to the information collected from various media sources by ASK, from 2014 to 2018 (26 August), as many as 310 people have fallen victims to enforced disappearances allegedly claimed by their relatives and families. Of them, 45 were shown arrest by the police, 33 returned home whereas 44 dead bodies have been recovered. In most of the cases, families, relatives and witnesses claims that the victims were allegedly picked up by law enforcers – RAB, DB police and people introduced themselves as officials from intelligence department. But from media reports and also from our own queries it is found that those Special Forces, very often shrug off their responsibilities by denying those allegations of arrest and detention. In most of the cases, the police even deny accepting the complaint and filing a case and even if they accept to register a general diary (GD), relatives are not allowed to mention the name of any law enforcing agency. Some initiatives for recovery are noticed only if the victims are important or influential persons of the society. In some of the cases, we have seen that the missing person is shown arrest after some days or found dead in crossfire. Although, some of them are fortunate enough to return home, they remain quiet about what actually happened. So far, no proper and impartial investigation has been carried out of the allegations of disappearances raised by the families and relatives. Also, we do not have any information regarding any departmental inquiry. As a result of High Court's directives and repeated demands of media and human rights activists, only one case – the sensational 7-murder case of Narayanganj is being prosecuted in the judiciary.

Enforced disappearances are more severe and have more impacts than any other kind of torture and murder incidences and worst instance of human rights violation. Because in cases of disappearances, relatives of the victims await counting times in hopes, and express their utmost desire and anticipation

¹The United Nations (UN) adopted the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in 2006 to provide protection from such incidences and the Convention entered into force in 2010. In this Convention, widespread enforced disappearance committed in an organized way has been declared as a 'crime against humanity'. Moreover, to create awareness and sensitivity, the Convention declared 30 August as the International Day of Enforced Disappearance to draw attention to the victims of such occurrences. 'Enforced disappearance' is defined in Article 2 of the Convention 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 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."

for the victim's life and survival. Their anxiety, anguish and waiting for their own's go beyond any limit. Not only the person missing, the whole family gets devastated and their human rights are violated. Impacts of such incidences are wide-ranging not only for the family but for the state as well. An environment of fear and insecurity prevails in the state. People remain reticent in expressing their opinion, practicing prudence and sagacity and from any criticism of government or state forces activities due to the fear of enforced disappearance and going missing. This in fact, inhibits flourishing and advancement of democratic culture and human rights.

In spite of enforced disappearance becoming a major human rights problem in the country and, despite of United Nations, media, national and international human rights organizations' repeated expression of concerns and anxiety, government continues the denial of any such incidences by law enforcing agencies. Government is more interested to label those incidences as abduction which is vehemently opposed and rejected by human rights activists. In the last three Universal Periodic Review (UPR) of United Nations under the mechanism of reviewing human rights situation of member states, recommendations were made to Bangladesh to become signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. In 2017, United Nations Human Rights Committee, after assessing Bangladesh's political and citizens' rights situation, also made recommendations for undertaking effective measures and become a signatory to the relevant convention. It is a matter of frustration that Bangladesh although, being a signatory to eight out of nine main United Nations conventions, refrains from signing or approving the International Convention for providing protections to the people against enforced disappearances.

ASK expresses its utmost solidarity and compassion to the families of the victims of disappearance. ASK strongly demands to the government to form a judicial inquiry commission to investigate all incidences of disappearance thereby, ensure due process of law. Side by side, ASK also appeals to the government to sign the international convention for the protection of enforced disappearance, hence, express their genuine inclination in preventing enforced disappearances and missing incidences in the society.