



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Bangladesh - Researched and compiled by the Refugee Documentation Centre of Ireland on 6 September 2010

Information on the availability of a fair trial (on a murder charge) including right to defence/lawyers, fair hearing, cross examination of witnesses and viewing of reports including post mortem

The *Asian Human Rights Commission* in December 2009 states:

“The criminal justice system of Bangladesh is incapable of holding a fair trial and providing justice to the country’s citizens” (Asian Human Rights Commission (December 2009) *The State of Human Rights in Bangladesh 2009*,p.65).

Reviewing events of 2009 a publication in April 2010 by *Freedom House* states:

“The court system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel” (Freedom House (April 2010) *Freedom in the World - Bangladesh (2010)*).

In March 2010 a publication by the *United States Department of State* reviewing events of the preceding year states:

“Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. Human rights observers contended magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed under the Special Powers Act during the year” (United States Department of State (11 March 2010) *2009 Human Rights Report: Bangladesh*, Section 1e ‘Denial of Fair Public Trial /Trial Procedures’).

A report published by the *Asian Legal Resource Centre* in 2010 states:

“Immediately after a murder has taken place, vested interests try to control the post-mortem report which will serve their purposes. It is true that doctors have been directly involved in manipulating post-mortem findings/reports” (Asian Legal Resource Centre (2010) *Politics – Corruption Nexus in Bangladesh*,p.36).

No further information on this issue could be found among sources available to the RDC.

References:

Asian Human Rights Commission (December 2009) *The State of Human Rights in Bangladesh 2009*

<http://material.ahrchk.net/hrreport/2009/AHRC-SPR-001-2009-Bangladesh-HRReport2009.pdf>

(Accessed 6 September 2010)

Asian Legal Resource Centre (2010) *Politics – Corruption Nexus in Bangladesh*

<http://www.ahrchk.net/pub/pdf/ALRC-PUB-001-2010-BN-Politics-Corruption.pdf>

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Freedom House (April 2010) *Freedom in the World - Bangladesh (2010)*

<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7778>

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United States Department of State (11 March 2010) *2009 Human Rights Report: Bangladesh*

<http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm>

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International
Asian Human Rights Commission
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Independent Bangladesh
International Crisis Group
Internal Displacement Monitoring Centre
IRIN News
Legislation Online
Lexadin
Lexis Nexis
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
United Kingdom Home Office
United States Department of State
UNHCR Refworld
World Legal Information Institute