

16 August 2024

Open Letter to Mr Volker Turk regarding UN Investigation into Violence in Bangladesh

Volker Turk
High Commissioner for Human Rights
United Nations

Your Excellency,

On August 16, 2024, we came to know from a press release issued by the Office of the UN High Commissioner for Human Rights (OHCHR) that the OHCHR is sending a team to Dhaka to explore areas for assisting Bangladesh's transition and discuss the modalities for an investigation into human rights violations in the context of the recent violence and unrest.

The International Crimes Strategy Forum (ICSF) welcomes this offer of assistance from the OHCHR. It is imperative that the events of the last month or so in Bangladesh be investigated by a neutral and impartial authority. We believe that without such international oversight and/or involvement, the investigations could be non-transparent, incomplete and lack the necessary credibility.

In this regard, ICSF would like to raise some concerns, and make some suggestions, regarding the UN's potential involvement:

1. Given the continuous and connected chain of events over the last four weeks or so, the UN should not limit its investigations with any arbitrary cut-off date. We learnt from media reports that the Law Advisor of the Interim Government Dr. Asif Nazrul wants the UN to look into events "only" up to August 5, 2024. However, given the UN's intention to help Bangladesh with the transition, we believe that the investigations should look into the events which took place both before and after August 5. This includes the killings of students and other civilians, the targeted attacks on, and killings of, law enforcement agents (LEAs), the revenge attacks on, and killings of, people affiliated with the party led by the former Prime Minister, targeted attacks on religious minorities, indiscriminate attacks on culture and heritage, attacks on free speech and press freedom, targeted attacks on genocide researchers, cultural activists, free thinkers, attacks on judicial independence, purge of academics and officials of a certain political ideology by unruly mobs, breach of constitutional processes, and the widespread destruction of state properties.

2. The UN should disclose, in advance, the methodology to be used for conducting the investigations. This is crucial as, given the prevalent climate in Bangladesh, unless proactively approached by the UN with guarantees of security, many stakeholders and/or witnesses may not feel safe enough to come forward to offer their insights, testimonies, and/or evidence. In any event, the investigation should not be limited to the interviews of a few people or analysis of media reports alone. Rather, the UN should consult all affected groups (including LEAs and security forces), conduct forensic examinations, collect and analyse audio visual and ballistic evidence etc. Additionally, the UN should be weary of disinformation and misinformation, and should be cautious regarding the authenticity of each and every evidence.

3. In order for the investigations to be effective and credible, it should not be hurried and should afford itself ample time to examine the various testimonies and evidence.

4. The identities and areas of expertise of the UN personnel conducting such investigations should be disclosed in advance to generate confidence in the quality of the investigation. Furthermore, any capacity, resource or other limitation on part of the UN investigation team should also be disclosed in advance.

5. The UN should also look into previous investigative and accountability initiatives started during the last government, including a departmental inquiry initiated by Bangladesh Police looking within two days into the death of student Abu Syed on Rangpur on July 16, a judicial inquiry commission set up on July 18, and a National Public Inquiry Commission formed by eminent citizens on July 29, 2024. ICSF believes that, while abruptly halted due to regime change, these initiatives could also offer invaluable insights into the subject matter of the UN investigation.

6. The current spate of cases against members of the previous government, often with no discernible links between the accused and the subject matter, whether filed in police stations or courts, do not complement the initiative to undertake a UN-led investigation. It is therefore important that the UN stresses to the interim government that prosecutions should follow proper investigations, and not the other way round.

7. The UN must note that this potential investigation would not only carry legal significance in terms of ensuring accountability for wrongs committed, but also carry huge political significance in the days to come towards lasting political stability and peace and put an end to the culture of politics of revenge. Without such a vision to guide itself, the UN may risk being used as a tool for political suppression.

8. It is crucial that the UN or UN-led investigation be part of a broader reconciliation and healing process, and not simply provide the basis for the interim government in Bangladesh to summarily dispense penal measures against offenders, further perpetuating the politics of revenge.

ICSF has undertaken an initiative of its own titled “Bangladesh Conflict Watch” to document each and every incident which took place in Bangladesh in the last five weeks surrounding the Quota Movement and thereafter, with the aim to provide a complete picture of the recent violence and unrest in Bangladesh.

ICSF volunteers its assistance to, and meaningful engagement with, the UN investigation.

Thank you.

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