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Press Release

**Supreme Court of Bangladesh asks the Government to file concise statement with their specific objection on the guidelines issued by Appellate Division aimed to prevent abuse of sections 54 and 167 of the Code of Criminal Procedure 1898.**

Today, after 17 years, the government come with civil review petition with objection to the High court judgment which the Appellate Division of the Supreme Court of Bangladesh also uphold where the court issued some specific guidelines on ensuring that police powers of arrest without warrant and magistrate's powers on remand are consistent with constitutional safeguards on arrest and the prohibition on torture.

The High Court Division had issued a 15 point guideline in 2003 to prevent torture or ill-treatment of individuals arrested without warrant on suspicion of committing an offence or taken into police remand for interrogation, under sections 54 and 167 of the Code respectively. In 2016, The Appellate Division dismissing the Government's appeal uphold these guidelines subject to some modifications, to ensure that these two legal provisions are consistent with constitutional guarantees of fundamental rights.

The Appellate Division of the Supreme Court of Bangladesh issued 10 point guidelines to the law enforcement agencies and 9 point guidelines to the Magistrates, Judges and Tribunals having power to take cognizance of an offence. Government filed review petition against this judgment. Today the Appellate Division asked the government to file a concise statement with their specific objection to these guidelines and modification they wish to add before next hearing which is fixed on 16.04.2020. It is pertinent to mention that in 2003, the writ petition was filed where the petitioners had argued that arbitrary arrests following abuse of the section 54 of the Code resulted in violations of Articles 27, 31, 32,33 and 35(5) of the Constitution, and also violated the state's obligations to protect human rights, under the International Convention on the Prohibition of Torture 1984 and the International Convention on Civil and Political Rights 1966.

Advocate Idrisur Rahman, Barrister Sara Hossain appeared for the writ petitioners (and respondents in the review petition), BLAST, ASK and Shomilito Shamajik Andolon (United Social Movement). The Attorney General, Mr Mahbubey Alam appeared for the Government of Bangladesh (the review petitioners).

**For further information please contact:**

Ms Mahbuba Akhter

Deputy Director (Advocacy and Communication), BLAST

E- Mail: mahbuba@blast.org.bd