

INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

We need stronger medico-legal capacity to handle custodial torture cases



Barrister Priya Ahsan Chowdhury is an advocate at the Supreme Court of Bangladesh, and an associate at Dr Kamal Hossain and Associates.

PRIYA AHSAN CHOWDHURY

Earlier this week, the death of a young man in police custody in Faridpur raised allegations of torture by agitated locals. According to the Detective Branch of police, they had picked up the 27-year-old around 3:00 am on Sunday, allegedly for possessing cannabis; when he fell ill around Fazr time, he was sent to hospital, where he died. The family differed about detention timing and alleged custodial torture, following which a committee was formed to investigate the death.

This sequence aligns with what is by now a well-worn script that has often played out in cases of alleged custodial deaths in Bangladesh.

In such cases, whether a person leaves custody dead or alive, what remains a significant challenge is establishing the truth behind it. Although the constitution expressly prohibits torture, the Torture and Custodial Death (Prevention) Act, 2013 criminalises torture and custodial deaths, and investigations are routinely conducted, there is no consistently applied international standard guiding how medical and forensic evidence should be documented, assessed, and explained. As a result, the problem is often not disagreement over what happened, but uncertainty about what can be proven.

Bangladesh has several medico-legal safeguards for individuals in custody. Section 46E of the Code of Criminal Procedure (CrPC) requires that an arrested person who appears injured or ill be examined by a government medical officer or registered practitioner and provided with treatment. Medical reports must be furnished to both the police and the arrested person. Section 46A(e) further requires police to document injuries, obtain medical certificates, and record the reasons for those injuries. Meanwhile, under Section 167(2A), a magistrate may order a medical examination before an accused is placed on police remand and must order another examination if injuries are observed or allegations of torture arise after remand. Where torture is confirmed, the magistrate must proceed per the law.

The 2013 anti-torture law strengthens these protections. Section 4 empowers courts to record complaints of torture and order medical examinations immediately. Doctors must document injuries, indicate the probable timing of abuse, and submit reports within 24 hours, which must also be shared with the complainant or a nominated representative.

In case of custodial deaths, the medico-

or the cause is uncertain, and all custodial deaths must be medically certified and reported.

While this framework provides a legal basis for investigation, its effectiveness depends on procedures used, forensic capacity, and medico-legal training of doctors, all of which require substantial improvement to meet international standards.

In fact, a 2024 qualitative study conducted

evidence.

The case of renowned photojournalist Dr Shahidul Alam illustrates this problem. In 2018, while in police custody, he alleged torture before a magistrate. Instead of recording his statement as required under the anti-torture law and ordering a medical examination, the magistrate sent him on remand. Medical examinations were later conducted following High Court intervention

proving invisible harm, custodial deaths reveal the danger of premature certainty. The 2014 death of Ishtiaque Hossain Jonny illustrates this concern. Following his death in custody, allegations of torture were initially dismissed based on a medical report concluding he had suffered a heart attack. Only later did judicial inquiry prompt further investigation, revealing torture marks through a *surathal* (inquest) report. The issue was not merely the conclusion, but whether alternative explanations had been adequately tested.

Similar concerns have been raised in the case of the deaths in custody of three members of the Bawm community at a Chattogram jail in May and July 2025. Civil society groups then called for judicial investigations, alleging failures in medical treatment and accountability.

Another set of internationally recognised standards, the Minnesota Protocol, provides a framework for such cases. It requires deaths in custody and other potentially unlawful deaths to be investigated independently, thoroughly, and transparently. The protocol emphasises detailed forensic reasoning, photographic documentation, strict evidence handling, comprehensive autopsy reporting, and procedures allowing independent experts and courts to review findings. Its defining feature is verifiability: conclusions must be traceable through documented evidence and reasoning.

For survivors of torture, the challenge is transforming often invisible harm into evidence capable of withstanding scrutiny. For custodial deaths, the challenge is reconstructing the truth from physical traces when the victim can no longer speak. Both situations expose the same weakness: the absence of consistently structured and transparent investigative methods. This matters because institutions such as the Bangladesh Police and the Rapid Action Battalion are frequently involved in these cases, and the credibility of investigations, therefore, affects not only individual outcomes but public confidence in state institutions.

The Istanbul Protocol and the Minnesota Protocol do not determine guilt or innocence. They provide methods for establishing facts. They require evidence to be documented consistently, medical findings to be explained rather than merely asserted, and investigative reasoning to remain visible and reviewable.

Ultimately, the central question in any torture or custodial death case is simple: what happened and how do we know it happened? In justice, what cannot be seen in the process is often what cannot be trusted in the outcome. It is, therefore, imperative for those in power now to better align custodial torture and death investigations with international protocols and standards so that the search for truth is always guided by evidence, transparency, and public confidence rather than uncertainty.



VISUAL: SALMAN SAKIB SHAHRYAR

legal framework in Bangladesh is layered. When a death appears suspicious, Section 174 of the CrPC requires the officer in charge of the relevant police station to immediately inform the nearest executive magistrate and conduct an inquest at the scene in the presence of respectable members of the community, documenting the apparent cause of death and any visible injuries. They must then forward the report to the district magistrate, and send the body for medical examination, where practicable and without risking decomposition. Section 176 further empowers a magistrate to hold a separate inquiry specifically into custodial deaths, either in addition to or in place of the police inquest, including the authority to examine evidence and, where necessary, order exhumation and examination of the body.

When a prisoner dies, the law places significant emphasis on medical documentation. Section 15 of The Prisons Act, 1894 and rules 98 and 99 of the Jail Code require detailed records of illness, treatment, and death. Post-mortem examinations are mandatory where death appears unnatural

across Dhaka Medical College Hospital, Sir Salimullah Medical College Mitford Hospital, and Shaheed Suhrawardy Medical College and Hospital revealed serious challenges in the medico-legal practice. The findings showed that 67 percent of the doctors who participated in the study reported heavy workloads and time constraints that undermined documentation quality; 56 percent reported insufficient medico-legal training, and 50 percent reported limited specialist availability, often leaving general physicians to perform forensic tasks. The study also identified systemic weaknesses, including the absence of standardised protocols across hospitals, inadequate forensic infrastructure, and limited legal awareness among healthcare professionals.

Besides, torture survivors rarely arrive with obvious proof. Injuries may have faded, evidence may never have been documented, or abuse may have been inflicted specifically to avoid visible marks. Trauma itself can also affect memory and testimony. The challenge is therefore in determining whether lived experience can be transformed into reliable

in a writ challenging the remand order and seeking medical treatment. However, the report merely stated that Dr Alam was physically and mentally sound. No psychologist participated, despite concerns about psychological torture. When his lawyers raised this issue, a second examination was ordered by the High Court. The report again concluded he did not have any mental disorders. Neither report explained the nature of the examinations, the questions asked, the responses given, or the methodology used. He was also escorted to examinations by officers responsible for his detention.

These gaps are precisely what the internationally recognised Istanbul Protocol seeks to prevent. This protocol requires detailed documentation of allegations, systematic physical and psychological assessment, transparent reasoning, and procedural safeguards ensuring independence. Its purpose is not to presume allegations are true, but to ensure findings are evidence-based, explainable, and open to scrutiny.

If torture cases expose the difficulty of

What’s missing from the FY2026-27 climate budget



Dr Haseeb Md. Irfanullah is an independent environment and climate change consultant and visiting research fellow at the University of Liberal Arts Bangladesh (ULAB). He can be reached at hmirfanullah@outlook.com.

HASEEB MD. IRFANULLAH

The climate budget proposed for FY2026-2027 seems good on paper but, at the same time, confusing, and has missed some obvious opportunities. As the budget debate in parliament approaches its culmination, let me tell you why we should already start talking about the budget of FY2027-2028.

First, the proposed climate budget (Tk 51,746 crore, or \$4.24 billion) is 25.57 percent higher than the FY2025-26 budget. The figure makes up 5.52 percent of the overall national budget (up from 5.2 percent in FY2025-26) and 11.03 percent of the combined budget for the 25 relevant ministries and divisions, an increase from 10.07 percent. Despite the rises, the total allocation is still very low since to fully fund its current climate action plans—spanning everything from basic adaptation to a nationwide green energy transition—Bangladesh requires an estimated \$30 billion every single year.

Second, the Bangladesh Climate Change

Strategy and Action Plan (BCCSAP, 2009) has six themes related to food security, disaster, infrastructure, mitigation, research, capacity, etc. In the budget document, all 25 government agencies are grouped under these themes, which is novel, but it gives the wrong message. The thematic grouping of ministries is highly inconsistent. The Local Government Division (LGD), for example, is placed under the infrastructure theme despite having a similarly sized budget for food security. Even more confusingly, some ministries are assigned to categories where they have zero funding. The Ministry of Textiles and Jute is listed under mitigation, while the Technical and Madrasah Education Division is grouped under research and knowledge management—yet neither received any money for these sectors.

Third, the climate budget failed to capitalise on some of our recent achievements. Under the recently finished LoGIC project of LGD

and UNDP, a Climate Vulnerability Index (CVI) was developed, and CVI values were assigned to all 64 districts, 495 upazilas, 4581 unions, 12 city corporations, and 329 pourasavas of Bangladesh. On September 26, 2024, an LGD circular instructed to allocate 15-30 percent of local government budgets based on CVIs. But the new climate budget mentioned nothing about local-level allocations despite these vulnerability-based practices.

To address the above and other gaps, we need a culture change towards the climate budget. From July 2026, the Finance Division needs to lead collaborations with relevant NGOs, think tanks, and private entities on the climate budget for FY2027-28. The division can start with three specific actions.

First, the Finance Division should break the misconception that only 25 ministries and divisions are climate-relevant. Several relevant ministries, such as information, religious affairs and youth and sports, were never included; while ministries of defence, industries, land, and textile and jute are receiving less than 0.15 percent of the total climate budget. The division should analyse the FY2026-27 ADP allocations of all ministries and agencies, and revise the list of 25. This should be done immediately.

Second, by engaging with relevant public and private institutions, the Finance Division should urgently calculate how much money individual households of Bangladesh

spend to fight climate change. In 2021, the University of Liberal Arts Bangladesh showed that, after a disaster, a rural household may face up to \$1054 loss and damage, despite taking adaptation measures. Household-level adaptation investments and recovery from frequent disasters must be calculated to get Bangladesh's real climate-relevant expenditure. These numbers and an expansion of climate-relevant ministries will show the real climate expenditure against our \$30 billion annual needs.

The new climate budget document ends with several reform priorities on budget utilisation, source diversification, and expense monitoring. But the Finance Division should restructure the climate budget too. My recent analysis of the National Adaptation Plan (NAP) shows that the biodiversity conservation interventions are to be led by 12 different government agencies, not only by the Forest Department and Department of Environment, with support from 26 other government agencies. Therefore, the climate budget of FY2028 should have new thematic areas, reflecting the whole-of-government and other globally recognised approaches. Locally Led Adaptation (LLA) should be a new theme covering governance aspects of all adaptation interventions in all sectors, in rural and urban contexts. The National Framework and Action Plan for Locally Led Adaptation in Bangladesh (2025) can be a

good guide for that. The Loss and Damage (L&D) theme should include climate risk management, despite our adaptation efforts in different sectors. It should cover both economic and non-economic aspects. The 43 key L&D activities outlined in Bangladesh's third Nationally Determined Contribution (NDC 3.0) are a valuable guideline.

The Nature-based Solutions (NbS) theme should cover conservation, protection, sustainable management, restoration and creation activities in natural and modified ecosystems, in canals, forests, hills, and municipalities, for example. IUCN's Global Standard for NbS can be used to identify budgetary elements in NbS. Our mitigation actions would fall under the Just Energy Transition (JET) theme. The NDC3.0 is a useful document in this regard. Gender Equality, Disability, and Social Inclusion (GEDSI), research, innovation, knowledge, capacity, and institutions should not be separate themes, rather integrated into all themes.

NGOs and think tanks arrange consultations on the climate budget and climate finance every year in April-June, when it has no impact on actual budget decisions. The Finance Division should collaborate with relevant stakeholders to arrange public consultations on the above issues now and create a momentum towards the next climate budget.

CROSSWORD

BY THOMAS JOSEPH

ACROSS

- 1 Cell feature
- 5 Wave's top
- 10 Homer opus
- 12 Knight's weapon
- 13 Dance music
- 14 Buenos —
- 15 Luau instrument
- 16 Jewelry buy
- 18 Solving tool
- 20 "My word!"
- 21 Will name
- 23 Bungle
- 24 Speaker's stand
- 26 Water whirl
- 28 Gun, as a motor
- 29 Commotion
- 31 Summer in Lyons

32 Group of five

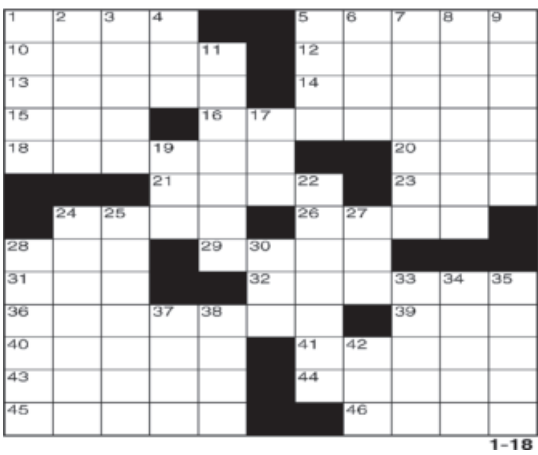
- 36 Fine
- 39 Alien craft
- 40 Fuming
- 41 Flynn of films
- 43 Herd member
- 44 Buffalo hockey player
- 45 Far from wordy
- 46 Departs

DOWN

- 1 Raise an auction price
- 2 Similar
- 3 Out of bed
- 4 Pouchlike part
- 5 Highlands family
- 6 Foray
- 7 Furious

8 Stage decor

- 9 Fragrance counter
- 11 Most foolish
- 17 Yale player
- 19 Greek X
- 22 Late flights
- 24 Cold War easing
- 25 Wrongdoer pursuer
- 27 Singer Henley
- 28 Meal
- 30 Make a choice
- 33 Engine booster
- 34 Earlier, quaintly
- 35 Metes out
- 37 Son of Zeus
- 38 Harp's cousin
- 42 Cloth scrap



YESTERDAY'S ANSWERS



WRITE FOR US. SEND US YOUR OPINION PIECES TO dsopinion@gmail.com