

International Journal of Social, Political and Economic Research

IJOSPER

ISSN: 2667-8810 (Online)

ijosper.uk

OPEN  ACCESS

Original Article

Article No: 20_V7_I2_A5

DOI: doi.org/10.46291/IJOSPERvol7iss2pp153-167

Ensuring Compensation for the Victims of Wrongful Imprisonment and Wrongful Detention in Bangladesh

Atiqur Rahman *

* Postgraduate Researcher, Institute of Social Science, Department of Public Law, Ataturk University, Turkey
Email: atiqur.atauni@gmail.com

Abstract:

Regrettably, it is true in Bangladesh people are sentenced to imprisonment, even death penalty for crimes they have not engaged at all. But there is no specific provision of claiming compensation for false imprisonment in this country with a very few exceptions. Bangladesh, as a signatory country of ICCPR, requires taking the necessary step to compensate the victims of “wrongful imprisonment” and “wrongful detention”. This paper recommends Bangladesh to enact clearly expressed legislation elucidating this right and represent modelling reforms. In favour of this recommendation, this article makes a clear picture of the problems, reasons for it and its nature in Bangladesh, describing the consequence of individuals wrongfully detained and convicted by examining recent cases. This research paper then illustrates the Bangladeshi legal frame and international legislation which Bangladesh bound to compensate these victims. Finally, the article suggests how Bangladesh can adopt all-inclusive law to compensate the victims of wrongful imprisonment and detention.

Key Words:

Victims, Detention, Wrongful Imprisonment, Human Rights, Personal Liberty, Compensation.

1. Introduction

Many Bangladeshi has been wrongfully imprisoned and falsely detained in recent years. In the last decade's number of wrongful imprisonment and detention, they are increasing alarmingly. Problems associated with political oppression, false Confession taken forcefully by torture, the inadequate economic condition of the defendants, lack awareness about defendants' rights. Additionally, shortage of skilled defence attorneys at the district level and there is also a general situation that law enforcement officers are well known about their abusing of power, arresting and detaining the individuals presuming guilt over innocence. As Bangladesh, a signatory country to the "International covenant on civil and political rights (ICCPR)" is required to enact a law relating to the compensation of the victims of detention and wrongful imprisonment (2200A & (XXI), 1966). The preamble to Bangladesh's constitution also committed to upholding international law and, more specifically, Article 25 of the Bangladesh constitution states that the state shall follow international law and the principle set out in the Charter of the United Nations ("Bangladesh Constitution 1972,"). But Bangladesh has failed to adopt a rule for wrongful imprisonment that's resulted in many unjustly detained and the imprisoned person was deprived of compensation. Aa, a consequence individual, is facing economic and social hardship. Considering, all these causes and the consequence, this research paper recommends that how Bangladesh can adopt a law for compensating the victims of detention and wrongful imprisonment. In favour of the suggestion, this paper shows current problems in Bangladesh and then consequence. At the end of it will show how Bangladesh is binding to adopt this law for ensuring compensation of wrongful imprisonment and wrongful detention.

2. Objectives of the paper

The key purpose of this article is to emphasize the issue "Compensation for victims by the state". The other significant goals are in the below:

- I. Addressing the current scenario and the effects of "wrong imprisonment" and "wrong detention".
- II. Searching for the contributory factor of it.
- III. Providing, some recommendation for establishing the way of getting compensation in case of "wrongful imprisonment" and "wrongful detention" in Bangladesh.

3. Literature Review

Admittedly, getting damages is the universal accepted right & state has the liability (DOMÉNECH and PUCHADES n.d.) to compensate the victims of "wrongful imprisonment

' & "wrongful detention". There have been some studies (Ullah 2006) about the about getting damages from the state, but mostly they covered the victims of different type of crime (Bari, 2016; Lohray, 2013; Qudder, 2015) Damages for the victims of "wrongful imprisonment" and "wrongful detention" has been untouched. In its proper sense, this paper explores the current situation and shows the importance of enacting new legislation to protect the rights of "victims by state" and makes a recommendation as well.

4. Methodology

This research is done based on the secondary data and information. Legal instruments, court decisions, analyzing legal instruments of Bangladesh, the law of International conventions; treaties; and agreements where Bangladesh is a party, research paper, book, published report from many international organization and institutions, International law and agreements also have been thoroughly reviewed.

5. Background and Present Situation

In recent years' unlawful arrest, arbitrary arrest and detention are frequently occurring in Bangladesh ("HUMAN RIGHTS CONCERNS," 2018). Even police are arresting any individuals without a warrant (Z. Islam, 2018). In many cases, we found that many people were arrested for that are not crimes in Bangladeshi laws at all. Bangladesh police recorded so many of criminal proceedings on events that hadn't happened at all in real life (Hussain, 2019). The police, however, did not need an arrest warrant in case of cognizable offence and some other situation under Bangladeshi law. The Asian Legal Resource Center (ALRC), a hong kong-based organization works on human rights pointed out that Bangladesh is a country where custodial torture has institutionalized also said crime investigation and torture are synonymous in Bangladesh (ALRC, 2018). But if we look to the law in Bangladeshi law, a contrary scene will be reflected. There is various provision of law to secure the accused person in police custody though unfortunately, the law is not in action. The criminal procedure code and the Bangladesh constitution both have provided a safeguard to an accused. However, the constitution has expressly guaranteed the rights of an accused ("Bangladesh Constitution 1972,"). The code of criminal procedure also ensured the protection of accused in the different stage; like arrested person shall be taken before the competent court without any delay ("CrPC," 1898), the presumption of innocence and bailing opportunity for the defendant ("CrPC," 1898). Besides these, in a criminal case, a defendant shall be entitled to a timely and fair proceedings in a competent court and right to know about the charge against him is also guaranteed by the

constitution ("Bangladesh Constitution 1972,"). Moreover, the constitution provides the right to advise and be protected by a legal expert of the accused choosing. ("Bangladesh Constitution 1972,"). Right to none-self-discrimination is also ensured by the constitution as well as the criminal procedure code ("CrPC," 1898). Arbitrary arrest, detention, and torture are strictly prohibited by the constitution ("Bangladesh Constitution 1972,"), and violation of that is also punishable under the penal code of Bangladesh ("Penal Code 1860,"). Even the law has ensured safeguard during the pre-trial process ("CrPC," 1898). Interrogation of accused and the manner of interrogation is perspicuously stated in the law ("CrPC," 1898). That is to say that every stage of the proceeding has enough procedural protection in Bangladesh but unfortunately not in execution.

State Department of the United States cites the most critical human rights issues in Bangladesh are targeted killings, illegal or illegitimate detentions, and government security forces forced disappearances. This study also suggested that torture and harassment by security services, arbitrary arrests constitute another issue of human rights in the region (State, 3 March 2017). Amnesty International claimed that Enforced disappearances were routinely carried out by security forces in Bangladesh (Amnesty International Report 2017/18 - Bangladesh). The Police detective branch (DB), the Rapid Action Battalion (RAB), the Bangladesh Border Guards (BGB) and Directorate General Forces Inspectorate (DGFI), all are accused of arbitrary detention, expulsion, or murder- said Human Rights Watch. (World Report 2017 - Bangladesh, 2017). There were allegations of systematic impunity for abuses by security forces, yet the state took very few steps to prosecute and avoid these human rights abuses (State, 3 March 2017,). Just few cases have been filed before domestic courts under the "Torture and Custodial Death (Prevention) Act, 2013" but nobody has been convicted (Sharma & Andersen, 2017).

6. Dominating Component of Wrongful Imprisonment and Detention

Bangladesh's criminal justice and legal framework is examined in this section to find out the contributing factor of wrongful imprisonment. It has found such type of issue- 1) Politically swayed law enforcement agency 2) Confession took forcefully 3) Negligence to the presumption of innocence 4) Denial of bail 5) Delayed process.

6.1 Politically Swayed Law Enforcement Agency

The Bangladeshi police have long been suspected of forced disappearance, abduction and targeted killing and other violence. (Hussain, March 13, 2019). The general fancies of citizens in the matter is law enforcement agency is for those who have money and power. Police in

Bangladesh can lodge cases against someone despite requiring providing evidence. Being politically motivated, especially police and RAB bring charge, arrest, detain citizens of the country (Watch, 2019). In the last ten years, at least 2.5 million cases were filed against the political opposition leaders and workers in the country. "They filed these bogus cases simply to keep our leaders and activists away from political activities," said opposition Bangladesh Nationalist Party (BNP) leader Ruhul Kabir Rizvi Ahmed (Hussain, March 13, 2019). The government says that police operation throughout the situation is not baseless. But rights groups reject that the incidents toward the opponents were not politicized. (Hussain, March 13, 2019). Finally, this problem is expanding out of the political border as police files criminal cases against any citizens of the country for retrieving personal interest, taking revenge even police are accused of abduction for money. Bangladeshi American political scientist Ali Riaz told the press Bangladesh's authorities also arrested "ten thousands of innocent citizens" in "frivolous and fabricated" criminal proceedings, along with disabled people as well as adolescents. (Hussain, March 13, 2019). United States Department of State comment that civil authorities have established significant control of the security services. (State, 3 March 2017,). This unexpected situation is promoting, contributing to wrongful imprisonment.

6.2 Confession Took Forcefully

Confession in criminal proceedings is a simplifying method of criminal investigation. Voluntarily given Confession has the judicial value in the criminal proceedings in Bangladesh. But security forces of police regularly torture accused to take Confession, which is a threat to human rights and the same time it deprives of getting justice instead of establishing and making easy and smooth criminal proceedings. Remand is another name of adjournment in a criminal case. But unfortunately, a remand is one of the most frightening incidents for a defendant in a criminal case in Bangladesh. In Bangladesh remand is a nickname of torture among all types and grades. (Md Shariful Islam, September 2013). According to a 32-year-old prisoner, "I was repeatedly tortured by the police during my four-day remand. I had heard that police sometimes use hot eggs to torture people, but my experience was more terrible than that. They inserted hot red chilies through my anus. I fell extremely sick, but they didn't give me any medical treatment. I arranged my own treatment after getting bail from the court." Another survey participant stated, "I was imprisoned a few years ago. The officers didn't notify me of the purpose for my detainment. Instantly after I was taken to the custody, police began to torture me. They coerced me to admit I possessed illegal weapons. Then I was taken to the court, they brought me back in detention and brutalized me for 3 days. I also was pressured with more barbaric treatment if

I notice to the court about torture on home detention. (Chandan, August 3, 2019). Torture in police custody is not a new thing in the country and this a very usual scenario in criminal cases. Torture leads to Bangladesh's strong forced confessions. In fact, brutality on remand is common in Bangladesh, taking place throughout, such as in detention, security forces, paramilitary units such as the Rapid Action Battalion (RAB), intelligence services, special interrogation cells such as the Joint Interrogation Cell (JIC) and the Interrogation Task Force (TFI)(MD SHARIFUL ISLAM, September 2013). Law enforcers also use the barbaric and cruel torture and to make a forced confession. Many types of torture are found, like hitting with iron cables and pipes, police baton, raffle stick, wooden cane, hot water bottle, hammer, iron bar, turning and pushing private parts by various means, sexual harassment attacks, and other forms of torture. Even in some cases, police are accused of rape (Correspondent, 2019). Many detainees claimed that they warned by the police officers that if they didn't confess, they would face serious torture. The pervasiveness of these practices highly contributes to false Confession in Bangladesh, but for ensuring justice in criminal cases, the criminal investigation process must be fair and impartial. Without trustworthy investigation proceedings, the desire to get justice in criminal cases is more than the fantasy and regrettably. Crime investigation process corrupted and collapsed here, and police reporting has often become limited to forced confessions from anyone. (MD SHARIFUL ISLAM, September 2013).

6.3 Negligence to The Presumption of Innocence

“The Presumption of Innocence” is a central principle in criminal justice and a widely accepted philosophy of justice. Universal declaration of human rights ensured its’ official value. With the implementation of its “International Civil and Political Rights 1966” in Bangladesh (2000), it is also obligated to show respect and to uphold the presumption of innocence. Despite that, Bangladesh hypocritically practices presumption of guilt beyond innocence – and very simply it contributes to wrongful imprisonment. Bangladesh ranks 102nd out of 113 nations, according to the “World Justice Project Rule of Law Index” – and these figures reflect the lack of institutional transparency and governing structure. (WJP, 2018). If we explore, we found in our prison that 78.2 per cent of Bangladesh's prisoners are pre-trial prisoners or under in remand and more than 3.3 million proceedings still awaiting throughout 2018 as per the law minister's statistics. (Ahmed, February 28th, 2019). Percentage of Pre-trial detainees is alarming and a clear threat to human rights. It might be not impossible that most of the pre-trial detainees are innocent. Still, only under suspicion, the huge number of people were deprived of their basic human “right to freedom and movement”, “right to life and liberty” - presuming that they are

under the court decision nevertheless, they will be the victim of ignorance of the presumption of innocence.

6.4 Denial of bail

The right to getting bail is internationally recognized and practiced right of a criminal accused. Bail is not sympathy to accused rather than it's an important right of defendants. Bail is one of the implementations of the theory of presumption of innocence. All most every civilized nation has ensured this right to the defendants. USA and UK have ensured this right from the middle age. Bangladesh has also included this right in its statute. Constitution of Bangladesh protected the individuals' right of freedom of personal liberty ("Bangladesh Constitution 1972,") moreover the criminal procedure code has also fortified bail for the criminal accused ("CrPC," 1898). So, if a person is accused of a crime, which the law deemsailable, that person must be allowed the privilege of getting bail according to the legal procedures. A person arrested in aailable offence, no needless impediments should be placed in the way of his or her getting bail (Akkas, 2009). Most importantly, bail honours the presumption of innocence until the accused person has been proved beyond a reasonable doubt. But unfortunately, the data and statistics we observed show unexpected. World Prison Brief (WPB), an international organization dealing with the prisoner, stated that 81.3 per cent of Bangladesh's prisoners seem to be pre-trial or remand inmates among the total of 88,211. (World Prison Brief data, 2019). In Bangladesh, at present most of the detainees are Pre-trial detainees or remand prisoners, and the pre-trial detainees' number is not less than 70000.

Though detention and pre-trial custody is the normal process of the criminal justice system in all over the world but in Bangladesh where political oppression on the opposition is very common, law enforcement authority is accused of corruption, criminal procedure are expensive for defendants, citizens have unreliability, distrust, and volatility about the judiciary – in that circumstance having such huge number of pre-trial prisoners, is of course, dreadful and a straight scolding to human rights. In many cases, it is found that after passing a long time in the detention, jail custody or as a remand prisoner, individuals were getting a discharge, acquittal from the accusation and proven innocent. As a case study- 1) Jute factory worker Jahalam, who had been behind bars for the last 3 years after becoming falsely convicted in 33 cases of corruption, was released from prison following a High Court order. He released from Dhaka Central Jail 2 in Kashimpur, Gazipur. The Anti-Corruption Commission (ACC) admitted in this case they committed a mistake charging Jahalam as Salek. The commission has indeed lodged an appeal with the lower court in question to acquit Jahalam from the proceedings. (Tribune,

February 4th, 2019). But three years from Jahalam's life has lost, he also lost his job, as he was the earning member of his family these 3 years was unbearable for himself and his family also. 2) Jobed Ali from Sathkhira, Bangladesh has released after passing 22 years as a pre-trial detainee, during this time he lost his parents, wife and some other family members. He lost his whole youth age in a tenebrous prison and getting old here moreover, he lost his memory by being seriously shocked. This extremely wretched Jobed Ali released from jail on March 4, 2016 (Juganttor, March 04, 2016). 3) Falu Miah, a fifty-five years old man, suffered twenty-two years without crime in the Sylhet prison. He became arrested under CrPC section 54 from Sylhet 1993 in July then initially prosecuted in compliance with Article-13 of the Lunacy Act 1912 with becoming a person with unsound mind, public documents show. He got freed from prison on October 15, 2015, after serving twenty-two years in prison without committing no crimes (RAHMAN, 2015).

According to the report of the Legal Aid Committee of Bangladesh Supreme Court, till January 8, 2017, there have 462 people under detention without trial. As getting bail is a matter of scarce, accused and his family faces a lot of persecution and harassment, even most of the time it's elusive to the defendants- and as a result, the citizen becomes the victims. A lot of records show that accused in aailable case has got bail after 3 or 6 months even 1 year passing as a detainee. So, bail in the non-cognizable offence should be given immediately when it prayed even it should be a strong recommendation that the judge will issue an order of bail in case of a non-cognizable offence when it's unwanted even.

Moreover, Some cases shows, a large number of bails to those persons clearly indicates that their bail prayers have not been examined very judiciously or have not been properly opposed (Shahidul Islam, 2014).Some important issue in this regard which are leading not to grant bail in Bangladesh are as following.

6.4.1 Public Prosecutor's Response

Government lawyers can drive a tremendously influential role to grant bail. They can contribute in different ways. Like, (a) Abstaining themselves fromailable case, (b) Performing professionalism. (In some cases, found that bail denied or delayed for the negligence of prosecution) (Zafarullah n.d.).

6.4.2 Role of Police

Police officer often plays an significant role as an Attorney. The state is responsible for getting the suspect before the judge in the event of a criminal offense. The inquiries are then carried

out by the policemen, and the prosecutor on behalf of the state handles the prosecution. So, police and prosecutors by performing their duties on time can contribute in a fair a timely trial (Sunjida Islam 2019).

6.4.3 Influence of Government

In Bangladesh judicial branch is not completely free from the executive (Hossain Mollah 2012). "The government, in particular, the Home Ministry through the police and Law Ministry through the Session Judges and Establishment Ministry through the Magistrates may influence granting of bail to politically loyal criminals" (Sunjida Islam 2019)

6.5 Procedural Delay

The famous legal maxim "Justice delayed is justice denied" reflected with its full face in the legal system in Bangladesh. Here, the average amount of time taken to dispose of a criminal proceeding is 15 years and five months where even the lower court falsely imprisoned an individual and it's found that maximum 32 years six months have taken to declare an individual as an innocence. (Mohammad Saidul Islam, 2019). Definitely, it shows that the criminal procedure system itself is also liable for the increasing amount of "wrongful imprisonment".

7. Reviewing the Court Decision

An appeal can still be based both on the presumption that a "mistake of fact" or an "error of law" was made by the trial court. According to the CrPC of Bangladesh, there is just no automatic appeal right, and every case is not taken to appeal. ("CrPC," 1898). As stated in the code under the following condition criminal defendants haven't a right of appeal-

- i. If the defendant pleads guilty, he cannot appeal for the verdict – even though they can challenge the penalty against them.
- ii. Limited cases – certain situations where no sentence of more than one month has been imposed by the Court of Sessions.
- iii. Cases in which the penalty is still less than of Tk 50.

4) Where the defendant has been convicted of not more than Tk 200 in such a summary trial in which the penalty is a fine.

Another way of reviewing the court decision was prescribed in the code of a criminal procedure named as "Revision of the cases". The High Court Division or a Sessions Court can review any orders or decisions made by the courts below them to correct any mistakes made by the lower court – except for discharge decisions or acquittal of the accused. The higher court must ask for

and review the record of the lower court proceedings to ensure that no errors, including the sentence, have been made in any ruling. In the event of errors, the higher court has the same powers as it would have if the case were brought before it on appeal – it may set aside the order or sentence and even raise the penalty if the lower court violated the law or made some other error. Where the review [to be replaced by 'revision'] is carried out by a Court of Sessions, the decision is final and cannot be appealed or changed again ("CrPC ", 1898). Now the question is if someone was proven innocent at the end of the process by the higher Court or the same Court, what will be the compensation to that individuals? Because Victims of these miscarriages of justice often wish to be compensated (Norris, 2012) but unfortunately, the law doesn't provide any compensation to the "victims by the state" or "Victims by Law".

8. Lawful Bindings to Bangladesh For Ensuring Compensation

Currently, In Bangladesh, the wrongfully accused individual has two indirect remedies under the current legal structure. 1stly filing tort lawsuits and 2ndly under the constitution of Bangladesh (article 44 &102) but there is no expressing law to provide compensation to the victims of wrongful detention or imprisonment in Bangladesh. Though there is no specific law about that, the constitutional effect can be examined here- article 32 of the constitution of Bangladesh provides, "No person shall be deprived of life, or personal liberty saves in accordance with law". This article specified that – there is no option to violate any individuals' liberty, and no one shall deprive of his life. Given these facts, this can be argued that any person's long-term / short-term incarceration without committing any wrong is unlawful and, thus, infringement of Article 32. Moreover, Article-21 states an individual serving the state must act disciplined official duties. When an innocent faces long periods in detention without committing a crime, then how do we claim the government employees have done their job with consistency? Here, no doubt, the public official did not perform his obligation and breached Article-21. Then infringement of Article -21 draws the provisions of Article-27 which bring "equality before the law". It shows that by offering arbitrary incarceration, they are establishing the condition of citizens' deprivation.

As stated earlier though there is no specific law for compensation, we find several cases where the high court division of Bangladesh supreme court verdict that the government must compensate man convicted damages under improper legislation. On May 25, 2016, the High Court (HC) directed a man's restitution and unconditional release on the basis that fifty years ago, he had been "wrongly convicted". This reversed the life imprisonment passed down to Abdul Jalil and directed his early release as long as no further cases were filed against him.

Abdul Jalil was fifteen when he was jailed for life and punished Tk 20,000 in 2001 after being convicted as an adult under “The Women and Children Repression Prevention Act” He had lodged an appeal against the Court ruling. After hearing his appeal, The High Court said: “This the Court believes it is reasonable for the state to pay compensation to the accused. Therefore, this court orders the state to pay Tk 5 million as damages”(bdnews24, 25 May 2016).

The decision came after one day, another High Court bench handed down a symbolic decision on the unconstitutional detention of the convicted in Satkhira for 13 years. Court ordered the concerned to justify why they will not be bound to compensate 20,000,000 taka/- to Javed Ali, who had been in prison for 13 years being proclaimed innocent by the High Court. (BD, 25 May 2016).

However, though there is some verdict from the court for compensation in case of wrongful imprisonment, no verdict has been found for compensation to the victims of detention.

9. Compensation for Wrongful Imprisonment and Wrongful Detention

In Bangladesh, the verdict and decision came from the court related to compensation is all about wrongful imprisonment. This paper recommends the compensation for wrongful imprisonment as well as wrongful detention. Criminal justice is abundant, and Bangladesh's circumstances can easily deprive an individual the right to life and freedom. There are only a few particularly divisive legislation, inadequate investigative capabilities, corruption of the law enforcement department, political interference, and criminal violence against other members of the population, massive judicial backlog yet strongly stratified judicial access. Then, as just a general rule of procedural fairness If the State has wrongly taken away an individual's life or freedom in the exercise of constitutional functions, it must fix it. As such, Bangladesh must make use of a mix of both redress mechanisms for “wrongful incarceration” and “wrongful detention”. The new law would clearly describe “wrongful conviction”, “wrongful arrest”, “wrongful detention”, “innocence” and other similar concepts. Several terms have been set out in the Code of Criminal Procedure, but there are other important words absent, or there is a lack of a clear meaning which results in the incorrect application of the law. If the law specifies that “wrongfully imprisoned” and “wrongfully detained” people are “innocent” and have the rights of damages, the law should specifically describe "wrongly imprisoned," "wrongly detained" and "innocent."

10. Procedure

Primarily, the individuals must establish that he was wrongfully imprisoned or detained, and he is innocent. He must have the right to prove his innocence either by executive pardon or judicial decision. Being declared as an innocence, he should apply for the compensation. Now the question is where he will apply for compensation? Being respectful to the future law procedural aspects this paper recommends that-

I. There should be established a National Commission for Compensation in Bangladesh & it will run by the judicial body where an innocent can apply for his compensation. This commission should be a central commission with the district or at least divisional commission for compensation.

II. In the first stage, one should go to the district or divisional commission, and he can also appeal to the national commission for compensation. The decision of the National Commission for compensation will be final.

III. Everyone who has been wrongfully imprisoned, wrongfully detained or who had charges against him dropped at any stage of the criminal proceeding can apply for the compensation.

IV. There should be no limit on the ICCRP reimbursement to be made available to all individuals who have been wrongfully arrested and detained.

V. A person who was wrongfully imprisoned or detained for his Confession should not be excluded from claiming compensation.

VI. All kinds of remedy should be available to them because of a person only not was the victim of wrongful imprisonment or detention, but his family also.

VII. Not only the monetary damages, but the claimant should also have the right to seek recovery of unpaid child support, legal expenses, advocates fees, psychological, physical as well as other possible losses. The claimant should be compensated for all the days he lost by wrongfully imprisoned and detained.

VIII. 8) The legislation would make it clear that a certain amount of money must be provided for a certain period and that it should be provided based on the claimant's income or 3 or 4 of that sums.

IX. In case of physically incomplete or person with unfixed income, compensation amount should be specified by the law.

11. Conclusion

As many of the Bangladeshi has been “wrongfully detained” and “imprisoned” in last few years, and a lot of factors are contributing to this problem, it should be stopped immediately, and victims should be compensated. They are considering the current situation of the country it deems to be hard but not impossible. Moreover, if there have any law of compensation, the problems will reduce automatically. Despite the huge number of victims, there is no example of getting compensation because there is no provision of compensation though we find very few verdicts and orders for the court. Considering the social and economic condition of Bangladesh victims can get a release from the prison or detention, but most of the cases, he cannot lead a normal life as he was before.

In consequence of the problems, sometimes victims getting lost his normal life; studies show that periods of unjust imprisonment also have long-term consequences (Grounds, 2004), join with the crime world and other illegal parties or organization. Although Bangladesh has legal bindings and obligations from ICCPR to legislate a law for compensation, it not done yet. However, this paper gives a details recommendation after analyzing the current situation of the country to adopt a new law for compensation. With this new adoption, Bangladesh can beat into shape the lives of those people who lost their valuable days, months, and years in the darkness of prison.

12. References

- Ahmed, M. A. (February 28th, 2019). Innocent until proven guilty. *The Dhaka Tribune*. Retrieved from <https://www.dhakatribune.com/opinion/op-ed/2019/02/28/innocent-until-proven-guilty>
- Akkas, S. A. (2009). *Law of Criminal Procedure* (2nd ed.). Dhaka: Ankur Prokashani.
- BANGLADESH: Law on torture is useless in a broken justice mechanism (2018). *Amnesty International Report 2017/18 - Bangladesh*. Retrieved from <https://www.refworld.org/docid/5a993949a.html>
- Bangladesh Constituiton 1972, Article 33.
- Bangladesh Constitution 1972, Article 33,34,35.
- BANGLADESH HUMAN RIGHTS (Country report). (2018). Aminesty International (2017/2018). <https://www.amnestyusa.org/countries/bangladesh/>
- Bari, H. M. F. (2016). An Appraisal of Victim Protection in Bangladesh. *Journal of the Asiatic Society of Bangladesh (Hum.)*, 61(2), 183-205.

- BD, G. W. (25 May 2016). High Court orders compensation for “wrong conviction”. *Green Watch BD*. Retrieved from <https://greenwatchbd.com/high-court-orders-compensation-for-wrong-conviction/>
- bdnews24. (25 May, 2016). HC tells state to pay damages to man convicted under 'inappropriate law'. *BD News 24*. Retrieved from <https://bdnews24.com/bangladesh/2016/05/25/hc-tells-state-to-pay-damages-to-man-convicted-under-inappropriate-law>
- Chandan, M. S. K. (August 3, 2019). Beating suspects not crimes. *The daily star*. Retrieved from <https://www.thedailystar.net/star-weekend/spotlight/beating-suspects-not-crimes-1608055>
- The Code of criminal Procedure section 426,435,496,497,498 (1898).
- The Code of Criminal Procedure
Section 435 to 442 (1898).
- Correspondent, k., The New age (2019). Rape in police station alleged. *The New age* Retrieved from <http://www.newagebd.net/article/80858/rape-in-police-station-alleged>
- Grounds, A. (2004). Psychological consequences of wrongful conviction and imprisonment. *Canadian journal of criminology and criminal justice*, 46(2), 165-182.
- Hussain, M. (2019, March 13). Bangladesh Police Accused of Harassment With Fake Cases. *Voice of America* Retrieved from <https://www.voanews.com/south-central-asia/bangladesh-police-accused-harassment-fake-cases>
- Hussain, M. (March 13, 2019). Bangladesh Police Accused of Harassment With Fake Cases. *Voice of America* Retrieved from <https://www.voanews.com/south-central-asia/bangladesh-police-accused-harassment-fake-cases>
- Islam, M. S. (2019). RANDOM WRONGFUL CONVICTION AND EXONERATION, RARE COMPENSATION: A NEED FOR A COMPENSATION STATUTE IN BANGLADESH. *IJCLS (Indonesian Journal of Criminal Law Studies)*, 4(2), 127-146.
- ISLAM, M. S. (September 2013). *Human Rights and Governance: Bangladesh* (M. S. H. S. a. G. D. Hosen Ed.): Asian Legal Resource Centre.
- Islam, Z. (2018, 20 July). When arrests warrant questions. *The daily star* Retrieved from <https://www.thedailystar.net/star-weekend/spotlight/when-arrests-warrant-questions-1608076>
- Juganttor. (March 04, 2016). *The Juganttor*
- Lohray, U. B. (2013). Criminalization of acid crimes and implementing the law in the South East Asian subcontinent. *Commonwealth Law Bulletin*, 39(4), 619-630.

- Norris, R. J. (2012). Assessing compensation statutes for the wrongly convicted. *Criminal Justice Policy Review*, 23(3), 352-374.
- Penal Code 1860, Section 506.
- Qudder, F. (2015). CRIME VICTIMS' RIGHT TO COMPENSATION IN BANGLADESH: A COMPARATIVE APPROACH. *European scientific journal*, 11(31).
- RAHMAN, M. M. (2015). Lawful arrest and false imprisonment. *The daily star* Retrieved from <https://www.thedailystar.net/law-our-rights/rights-advocacy/lawful-arrest-and-false-imprisonment-162703>
- Shahidul Islam, G. M. (2014). The Right of Getting Bail of an Arrested Person in Bangladesh—A Legal Study of Theories and Practice. *Beijing Law Review*, 5(1), 34-45. doi:10.4236/blr.2014.51004
- Sharma, J. R., & Andersen, M. K. (2017). Torture Redress Mechanisms in Nepal and Bangladesh. *Economic & Political Weekly*, 52(17), 87.
- State, D. o. (3 March 2017,). *2016 Country Reports on Human Rights Practices - Bangladesh*, . Retrieved from <https://www.refworld.org/docid/58ec8a7113.html>
- Tribune. (February 4th, 2019). Following HC order, wrongfully accused Jahalam released from jail after three years. *The Dhaka Tribune* Retrieved from <https://www.dhakatribune.com/bangladesh/nation/2019/02/04/following-hc-order-jahalam-released-from-jail-after-three-years>
- Watch, H. R. (2019). *World Report 2019, Events of Bangladesh 2018* , . Retrieved from <https://www.hrw.org/world-report/2019/country-chapters/bangladesh>
- WJP. (2018). *The WJP Rule of Law Index 2017–2018*. Washington, D.C. 20005 U.S.A.
- World Prison Brief data.* (2019). Retrieved from <https://www.prisonstudies.org/country/bangladesh>
- World Report 2017 - Bangladesh.* (2017). Retrieved from <https://www.refworld.org/docid/587b585a11.html>