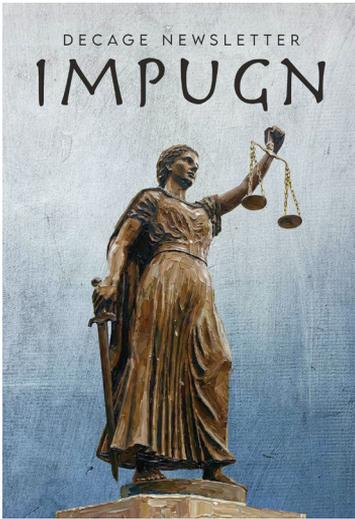


DECAGE NEWSLETTER

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Editorial

This is the November edition of *IMPUGN*, a monthly newsletter by Decage. We are pleased to present to our readers a brief overview of Decage's activities in the last two months. We have briefly discussed the three seminars arranged by Decage on three different issues. We have also presented brief overviews of one archival project and two research projects that have been conducted by the Researchers at Decage.

Our vibrant and engaging panel discussion, "Colonial Prisons to Correction Services: Genuine Reform or Cosmetic Shift?" focused on the government's declaration to rename the prisons in Bangladesh. Featuring leading academics, human rights activists, legal practitioners and top prison officials, the event provided a very informative conversation on the rationale of renaming prisons and its long-term impact on the criminal legal system of Bangladesh.

Our commitment to document and publish the miseries of prisoners continues through the archival project, "Prison Insight: January–June 2025". The report reviews Bangladesh's evolving prison system, outlines data collection from thirteen newspapers and presents findings across eight chapters covering population trends, allegations, deaths, specific inmate issues, positive developments, future reforms, festivals and repatriation of prisoners.

The panel discussion "Who are the Victims: Trials, Convictions and Restorative Justice" interrogates how the arbitrary delivery of capital punishment is violating the spirit of justice. Discussants critically examined the legal, ethical and human rights dimensions of capital punishment in Bangladesh. Featuring leading academics, human rights activists and senior legal practitioners, the event explored key issues surrounding wrongful convictions, systemic delays, the culture of demanding the "highest punishment," and the urgent need to reform death penalty laws.

Our featured research projects further deepen our inquiry into the nuances of our criminal legal system. In "Police Remand and Human-Rights Compliance in Bangladesh: An Analysis of Student Awareness and Perceptions," Md. Hasibul Hossain examines the perception of remand among the young generation. The study showed that students possess a strong awareness of police remand but a limited depth of legal understanding. Their perceptions reflect overwhelming concern regarding misuse, torture, political manipulation, and lack of accountability. The gap between legal rights and their implementation is also widely recognized.

Meanwhile, the panel discussion titled "State and Trends of Death Penalty Sentencing Practices in Bangladesh" provides an unflinching look at capital punishment, questioning not only its misuse but also moral and social implications. In the event, discussants suggested ways to modernize and humanize the Criminal Legal System of Bangladesh, so that no innocent person is convicted and sentenced to death due to procedural failures.

Lastly, “Women in Prison: Analysing the Misery and Marginality of Female Prisoners in Bangladesh,” sheds light on the hidden sufferings of female prisoners in Bangladesh. The study documented the lived experiences and current living conditions of female prisoners living across jails in Bangladesh. The study also analyzed the causes of the current condition of female imprisonment and suggested viable alternatives to it.

We sincerely hope that the November edition of *IMPUGN* will convince the readers of Decage’s commitment to reexamine various aspects of Bangladesh’s Criminal Legal System and encourage them to collaborate with Decage in addressing contemporary issues and noteworthy challenges.

With best regards to all readers of *IMPUGN*,

**The Editorial Board,
Decage**

Panel Discussion On **FROM COLONIAL PRISONS TO CORRECTION SERVICES: GENUINE REFORM OR COSMETIC SHIFT?**



Panel Discussion

From Colonial Prisons to Correction Services: Genuine Reform or Cosmetic Shift?

On 26 August 2025, Inspector General of Prisons announced that the Government had decided to rename the Department of Prisons as Correction Services Bangladesh. This move has encouraged a few reform initiatives including the drafting of a new legislation namely the Correction Services Act 2025. However, question remains whether this is merely a rebranding exercise or it signifies a genuine shift in how the country approaches sentencing and punishment. More specifically, several factors including what recent developments have emerged, how have other countries dealt with such changes, and what barriers still hinder genuine transformation raise concerns in this context. Although merely changing the name showcase some symbolic and political value, authentic structural changes heavily depend on the political will of the relevant authorities. Grounded in the Prisons Act of 1894, Bangladesh inherited a prison system primarily designed toward custodial control rather than rehabilitation.

Backed by these laws, prisons were built to snuff out opposition and incarcerate nationalist leaders. In fact, post-independence period did not witness any change in the administrative system of these institutions making the conditions of prisons harsh with emphasis entirely on discipline and order. For instance, overcrowding, poor medical care and delays in the trials of inmates became hallmark features of prisons. During the Pakistan period, prisons were overcrowded, mismanaged and politically manipulated. Cases like the Agartala Conspiracy Case demonstrate prisons emerging as tools of political repression. The same colonial structure was bequeathed to Bangladesh after its independence in 1971. A legacy that persists despite independence and minor legislative pinches.

As of August 2025, the official number of total prisoners is 78,001, although the

authorized capacity is 43,000. Hence, the overcrowding rate in prisons is above 180% with approximately accommodating 74,870 men and 3,131 women in prisons. Moreover, the number of children who live with their convicted mothers is reported to be up to 200. More than 75 percent of inmates are under-trial prisoners awaiting judgment. Bureaucratic backlogs, shortage of judges, and insignificant legal assistance exacerbate this crisis. Moreover, the health care is far from satisfactory, with one doctor for every 1000 prisoners, while mental health services are de facto nonexistent.

The government has recently adopted a reformist approach under the Correction Service Act 2025, reminiscent of the UN Mandela Rules. The act focuses on rehabilitation, skill development, and social reintegration. Recently, the government has also proposed to structure 2 more Central prisons and 4 District Jails for 1,899 employees and 1,500 new additional posts demanded. The plan includes the installation of fibre-optic connectivity linking prisons; the introduction of artificial-intelligence-enabled CCTV systems, body cameras, mobile phone jammers, scanners, and a digitally integrated attendance system; the digitalisation of inmate visits and telephone communications through a dedicated hotline; and improvements in meals, sports facilities, cultural programmes, counselling services, and fitness arrangements for inmates. Additionally, a correctional industrial park to ensure productive employment of the prisoners was announced. Prisons are planned to be accessible, fair, transparent, and open to independent review groups (IRGs). Such groups can involve civil society organizations (CSOs), volunteers, and nongovernmental organizations (NGOs) that operate independently. In this way, these organizations will therefore be able to monitor prison conditions, report problems, and advocate for policy changes.

A panel discussion titled ‘From Colonial Prisons to Correction Services: Genuine Reform or Cosmetic Shift?’ was held by Decage Initiative at the Bishwo Shahitto Kendro on 25 September 2025. The panel discussion was attended by Brigadier General Syed Md. Motaher Hossain, Inspector General of Bangladesh Prisons; Md. Ershadul Bari Khandaker, Deputy Attorney General; Colonel Mohammad Mustafa Kamal, Additional Inspector General of Bangladesh Prisons; Dr. Sazzad Siddiqui, Associate Professor and Chairman, Department of Peace and Conflict Studies, University of Dhaka; Dr. Tawohidul Haque, Associate Professor, Institute of Social Welfare and Research, University of Dhaka; Jyotirmoy Barua, Advocate of the Supreme Court of Bangladesh; Mohammad Shahjahan Qureshi, Research Advisor, GIZ Bangladesh; Sabiha Mehzabin Oishi, Fellow, University of Oxford; and Zia Chowdhury, Staff Correspondent, The Business Standard. The moderator of the discussion was Supreme Court lawyer Md. Zahirul Islam Musa. The panellists asserted their valuable opinions on the need and rationale for changing the name of Bangladesh prisons to Correction Services.

In the discussion, the Inspector General of Bangladesh Prisons said that if the fundamental problems of the prisons are not resolved, the existing problems will continue to recur. As a result, changing the name of the prison is not a mere cosmetic issue, rather a significant initiative to transform the punishment-based prison system into a rehabilitation-based one. From this perspective, an initiative is being carried out to modernize and humanize the current prison system by amending the existing laws and replacing them with the Correction Services Ordinance that constitutes international



documents like the Mandela Rules and Bangkok Rules. In response to a question from a panelist, he said that the probation or parole system is not working in Bangladesh mainly due to political abuses. He also added that the authorities are trying to convert the prison into a cashless institution to prevent the commercialization of

prison services. He further commented that it is easy to manipulate prison employees by offering money because their low salary structure. However, while answering questions about the health care of prison inmates, he said that they are planning to build a central prison hospital to provide proper health care to the prisoners. Referring to the acute shortage of manpower in the prison system, he asserted that currently there are no doctors and nurses stationed in the prisons of Bangladesh. For instance, as he stated, there is a lot of medical equipment in Kashimpur Prison but they have not been opened in the last eight years due to the lack of doctors.

Additional Inspector General of Bangladesh Prisons Colonel Mohammad Mustafa Kamal said that prison reform initiatives are currently carried out keeping in mind three groups of people: prisoners, prison employees and families of prisoners and employees. He emphasized on solving the housing issues of the prison. Referring to the issue of food provision, he stated that while prisoners were previously allocated 36 grams of non-vegetarian food per day, the amount has now been increased to 54 grams. According to him, permission has been granted to hire 1899 people and employees in five years and 800 people have already been hired to overcome the manpower crisis in the prison system. He also stated with regret that ideal prison system employs one prison employee for every three prisoners (1:3) but in Bangladesh, there is one employee for every nine prisoners (1:9). Moreover, there is a shortage of 141 doctors in Bangladesh's prisons at present. In response to a question at the end of the discussion, he asserted that Department of prisons in other countries work under the judiciary but prisons are operated by the Ministry of Home Affairs in Bangladesh. He mentioned that this is also an obstacle in the path of prison reform.

Development Researcher Mohammad Shahjahan Qureshi opined that the work of introducing a rehabilitation-based prison system would necessitate the conduction of proper risk and need assessments at first. He added that the draft of the new law has been prepared by forming an inter-ministerial committee; however, permanent reforms are to be ensured in stages. Moreover, it is not possible to change Bangladesh's prisons overnight because not only prisons but also Bangladeshi society is responsible for recidivism. In response to a panelist's suggestion about solving problems through privatization of the prison system, Mr. Qureshi reminds us that about one percent of the total population of the United States lives in prisons. He expressed concern that if prisons are privatized in Bangladesh, the demand and supply of prisoners will increase to keep private prisons running.



Deputy Attorney General Mohammad Ershadul Bari said that there is a need for a psychological change in the prison populations. The current judicial system of Bangladesh neglects the human dignity of the accused making the Correction Services Act a light of dawn in the darkness. However, he said that the judiciary is mainly responsible for the overcrowding of prisons. Therefore, there is a need for coordination-based activities between the prison authorities and the judiciary.

Advocate Jyotirmoy Barua said that there are many inhumane rules and practices in the judicial system of Bangladesh. He branded the division system in prisons discriminatory since the irregularities and discrimination in the prison system manifests deep rooted concern. He also emphasized on creating a digital database of prisoners. At the end of the discussion, he said that many prisons are being closed throughout the world due to lack of prisoners. Contrarily, initiatives are being taken to increase the number of prisons in Bangladesh and there is a hint about building the largest prison in South Asia. He questioned how appropriate this is or whether it is appropriate at all.

Associate Professor Dr. Sazzad Siddiqui said that a political consensus is needed for permanent changes in the prison system indicating that no isolated initiative will be successful. According to him, the 'tendency to copy' or isomorphic mimicry will not be very fruitful. Quoting the concept note of the panel discussion, he stressed that real structural change depends on the political will of the relevant authorities.

Professor Dr. Tawohidul Haque stated that no such system in action exists in Bangladesh to control recidivism in our country. He also warned that copying ideas from other countries would only increase the problems in Bangladesh and stressed that the need to find 'indigenous solutions' to Bangladesh's prison problems is a must. He further emphasised the need to provide psychological first aid to newly admitted inmates as well as to prisoners upon release, and underscored the importance of addressing prevailing social prejudices about prisons in order to achieve sustainable prison



reform. He also expressed interest in exploring whether conditional imprisonment could be introduced in Bangladesh, taking into account practices in other countries.

Academic Sabiha Mehjabin Oishee opined that the biggest problem in Bangladesh's prisons is overcrowding of population. Since this problem has not been solved so far, she suggested moving towards an alternative system further commenting that privatization of prisons could be a solution. She thinks that private prisons could be opened for relatively non-violent criminals, if not completely.

Journalist Zia Chowdhury criticized media referring to the fact many unnecessary issues get attention of the media, however, prison related issues never get any spotlight. There is a negative tendency in public mind regarding prison and prisoners. He said that the situation is the same in the South Asia. Terming the criminal legal system of Bangladesh as a 'fraud' apparatus, he said that fundamental reforms are needed not only in prisons but also in the entire Criminal Legal System.

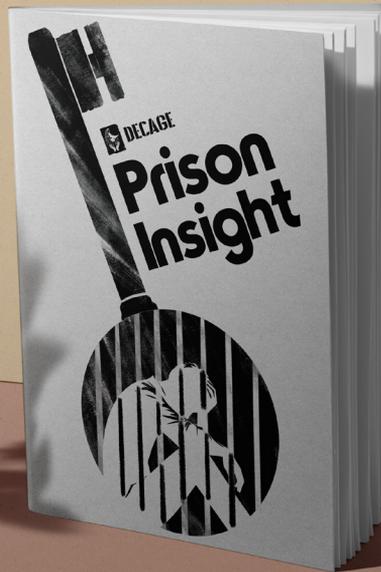
There are several international standards that can be adopted in Bangladesh. In the UK, Independent Monitoring Boards provide trained volunteers who can go inside prisons unannounced and publish public reports. The Ombudsman in New Zealand is the official monitoring body under the UN's anti-torture protocol. On the other hand, Norway's Parliamentary Ombudsman collaborates with academic scholars and non-governmental organizations to conduct visits to prisons and disseminate reports produced on prison conditions to the public. It has been reported that the prison oversight system is weaker in Southeast Asia. However, some civil society groups have been fighting tooth and nail to make it better. NGOs have reported overcrowding and abuse in prisons in Malaysia and Indonesia despite the presence of government restrictions. Prison oversight has not gone well in Bangladesh. Civil society and non-governmental organizations are usually kept at bay. Torture, overcrowding, and

death are reported but not investigated adequately. That is to say, “When independent monitors are on the ground, they make places safer and more humane.”

The Correction Services Act 2025 is a tremendous opportunity for Bangladesh to bring structural reform to the prison system. Probation, parole, circle sentencing, and open prisons for nonviolent offenders can be incorporated to reduce overcrowding. The annual budget of each inmate needs to be increased as well. As of today, Bangladesh spends less than \$1,000 per person annually, which needs to be increased to \$3,000 per person by 2030. Furthermore, the authority has to facilitate appropriate vocational and skill-based training to inmates that will increase their employability prospects. At least 70 percent of inmates need to receive skill-building training before release. Additionally, Prison administration needs to improve healthcare by appointing one doctor per 300 inmates and integrating mental health support programs. Finally, independent review panels, NGOs, universities, and community organizers need contribute to the reformation procedure.

These changes could facilitate the transformation of prisons into real correctional centers. However, some problems remain despite all these suggested reforms. Firstly, the ex-inmates in our country still encounter job and housing bias. Secondly, rehabilitation is something most officers are not trained in. NGOs and civil society are not engaged in prison reform initiatives on a large scale. Majority of people from all walks of life in this country prefer punishment to reform. Therefore, the existing issues cannot be taken lightly if we want a tangible transformation of the overall system. While changing the name conveys the desire to move in the direction of rehabilitation, genuine transformation will only follow if such words are supported by visible initiatives. We have to keep in mind that the current system remains overcrowded, underfunded and dedicated to punishment. In a word, Bangladesh stands at a crossroads: either embrace a model of genuine correction or remain trapped in the old punishment school with a new nameplate. The choice is political but its consequences will be human.





Archival Project

Prison Insight: January–June 2025

The report reviews Bangladesh’s evolving prison system, presents data collection from thirteen newspapers along with findings across eight chapters covering population trends, allegations, deaths, specific inmate issues, positive developments, future reforms, festivals, overseas prisoners and global comparisons. Despite lacking direct interviews, it aims to broaden public understanding of prison realities.

The first chapter, Bangladesh Jail: Population and Trends, outlines the country’s jail demographics from January to June 2025, beginning with overall fluctuations in the total number of inmates and explaining the reasons behind those changes. It also reviews the proportions of under-trial and convicted prisoners, followed by age-based and gender-based distributions. Data from June 2024 were included to showcase how political events influenced population shifts. This chapter highlights a sharp rise in July 2024 due to mass detentions during the quota reform protests, followed by a drastic fall after the interim government took office, when many detainees were freed and many others escaped. After September 2024, the population shows a continuous upward trend, mainly driven by arrests of political activists and individuals accused in different criminal cases. Under-trial detainees consistently make up the majority, accounting for 73.97%, far above the global one-third average contributing to chronic overcrowding. Moreover, male and female populations show gradual increases, with under-trial detainees representing the largest share. Age-based data reveal that most inmates belong to working-age categories, underscoring the socioeconomic impact of imprisonment. The section on prison babies documents monthly fluctuations but shows a slight overall rise in the number of children living with their mothers in prison.

The second chapter outlines major allegations and irregularities reported in the first half of 2025, highlighting administrative weakness, political interference, corruption, discrimination toward VIP prisoners, security failures, and limited healthcare. It begins with the issue of political influence in appointments, illustrated by the selection of private inspectors in Chattogram Central Jail. The chapter then describes incidents of detainees being released through forged bail orders, exposing inconsistencies in verification between courts and prisons. It also includes cases in which officials used their positions for personal gain, and situations in which prisoners granted bail were not released on time. The chapter also reviews several escape incidents, from large-scale breakouts to individual escapes concealed by local authorities. It also presents cases of inmates remaining imprisoned despite being acquitted. Misconduct and corruption by prison administrators including bribery, extortion, abusive behavior, inflated prices, and the operation of internal syndicates appear throughout. Special privileges for influential prisoners and political leaders further reflect unequal treatment inside prisons. Incidents of torture and abuse are noted, including assaults over minor disputes and punishment without investigation. The chapter also highlights serious medical negligence caused by the absence of doctors in most prisons, leading to delayed treatment and disablement of hospital facilities. Finally, it addresses administrative negligence toward juveniles, including the unlawful detention of a child with adult prisoners.

The third chapter reviews 28 inmate deaths reported between January and June 2025, noting that actual numbers may be higher. Most deceased were men and undertrial prisoners, with cases linked to murder, drugs, robbery, dowry, and political charges. April noted the highest deaths, while March and June recorded the lowest. Most fatalities resulted from illness, heart disease, or stroke, with several reports alleging torture or beating. Many prisoners having long-term diseases, limited access to treatment ultimately died before or after reaching hospitals. These findings raise concerns about inadequate medical care, delayed treatment, poor emergency response, and the need for proper facilities.

The situation inside Bangladesh's prisons reflects a combination of overcrowding, inadequate healthcare, administrative weaknesses, and growing security concerns that directly affect inmates and prison staff. Women's prisons, particularly Kashimpur Central Jail, remain severely overcrowded, with inmate numbers exceeding double the official capacity, resulting in increased illness, heightened stress, poor sanitation, and inadequate medical services. Despite constructing a modern women's unit in Keraniganj, it is now being repurposed as a special prison for high-profile male inmates. Drug smuggling within prisons has emerged as a growing concern, with incidents including yaba concealed inside the body, marijuana hidden in shoes, and frequent recoveries of drugs and mobile phones. Reports indicate institutional corruption, weak surveillance, and recurring involvement of prison guards, while rehabilitation for drug-dependent inmates remains almost nonexistent.

Cases of suicide among inmates and even prison guards reveal a deep mental health crisis caused by stress, prolonged cases, separation from family, and administrative indifference. Lack of counseling, psychological support, and monitoring further increases vulnerability. Incidents like prisoners serving sentences on behalf of real

accused individuals highlight verification failures although fingerprint identification systems have prevented some attempts.

Several structural reform initiatives have been introduced including reconstruction of Rajshahi Central Jail, reopening of Sylhet Metropolitan Jail, expansion plans in Chattogram, the establishment of new district jails, and the launch of hotline services for communication. However, overcrowding, often more than twice the capacity, continues to undermine progress. While new infrastructures, separate wards, and improved facilities are being built, challenges remain in ensuring fair treatment, eliminating VIP privileges, maintaining food quality, and guaranteeing adequate medical care. Overall, although steps toward modernization are underway, humanitarian and ethical reforms are still essential to transform prisons into genuine correctional institutions.



Panel Discussion

Who are the Victims: Trials, Convictions and Restorative Justice

The death penalty continues to be one of the most debated and polarizing features of Bangladesh’s criminal legal system. Despite global trends toward abolition, Bangladesh retains capital punishment for a wide range of offences—currently numbering more than thirty under various laws, including the Penal Code, the Anti-Terrorism Act, the Special Powers Act, and the Women and Children Repression Prevention Act. Although death sentences are frequently handed down by trial courts, the actual rate of execution remains comparatively low. This discrepancy highlights deeper structural problems: high rates of wrongful convictions, inadequate legal representation for indigent defendants, lengthy delays in the appellate process, and the absence of a clear mechanism for rehabilitation or compensation for those acquitted after spending years on death row.

These concerns have intensified public and scholarly scrutiny. Particularly studies and human rights reports suggest that the death penalty neither deters crime nor ensures justice for victims. Instead, it often exposes the vulnerabilities of marginalized groups who lack access to competent legal aid. Moreover, the prolonged solitary confinement and harsh living conditions of death-row inmates raise serious questions regarding compliance with human rights standards and humane treatment.

Another fact is that the concept of victims in the criminal legal system extends beyond those directly harmed by a crime to include individuals affected by wrongful convictions, delayed trials, and inadequate legal representation. Such systemic failures create secondary victims who often remain overlooked. Restorative justice offers a framework to address these gaps by emphasizing accountability, reconciliation, and repair for all parties involved, rather than focusing solely on punishment. Ensuring fair



trials, providing effective legal aid, and promoting rehabilitation are essential steps to protect human dignity, prevent further harm, and create a more equitable and humane justice system.

Against this complex backdrop, a panel discussion titled “Who are the Victims: Trials, Convictions, and Restorative Justice” was held at 6 p.m. on 18 October 2025 at Drik Gallery, Drik Bhavan, Panthapath, Dhaka, alongside a photo exhibition entitled “Living on Death Row.” The event was organized by the Dhaka-based research organization Decage. The objective of the panel discussion was to critically examine the legal, ethical, and human rights dimensions of capital punishment in Bangladesh. Featuring leading academics, human rights activists, and senior legal practitioners, the event explored key issues surrounding wrongful convictions, systemic delays, the culture of demanding the “highest punishment,” and the urgent need to reform death-penalty laws. The discussion provided a timely and important platform for understanding the broader implications of capital punishment and the reforms necessary to ensure fairness, accountability and humanity within the legal system.

The discussants at the event included Professor Dr. Mahbubur Rahman from the Department of Law at the University of Dhaka; Shireen Huq, a renowned human rights activist and founder of the women’s rights organization Naripokkho; and Barrister Sara Hossain, senior advocate of the Supreme Court and Executive Director of the human rights organization BLAST. The session was moderated by Mosfiqur Rahman Zohan, a human rights activist and photographer.

In his speech, Professor Dr. Mahbubur Rahman said that although a large number of death sentences are delivered by the lower courts, a significant portion of them are actually cases of miscarriage of justice. The reason, he explained, is that poor defendants sentenced to death often fail to get good lawyers, and their legal representation is inadequate. Moreover, even when such cases reach the High Court, it can take as long as 20 to 22 years to be resolved. “As a result,” he said, “if a death-row inmate is acquitted after 20 or 22 years, that can in no way be called justice. Rather, it should be termed a systematic miscarriage of justice.” He further stated that the state refuses to compensate the victims of wrongful death sentences on the pretext

of financial incapacity. “However, he added, the state should at least acknowledge its responsibility.”

Dr. Mahbubur Rahman further stated that the crime rate in Bangladesh has remained almost the same as it was thirty years ago. However, over the past two decades, the rate of death sentences has increased alarmingly. To reduce the miscarriage of justice, he said, it is now essential to decrease the number of death sentences handed down. For that to happen, the number of offences punishable by death must be reduced. He added that certain amendments should also be made to the Penal Code to ensure humane treatment of death-row inmates within prisons. Expressing his concern, he said that under the current system, “we tend to make death-row inmates forget that they are human beings.” He described the prolonged solitary confinement of prisoners sentenced to death as inhumane torture and emphasized the need to reform this practice.

He urged that the death penalty should not be treated as a taboo but rather regarded as one form of punishment among others. In the concluding part of his speech, Dr. Rahman remarked that if Bangladesh’s criminal legal system functioned properly, the tendency to demand the death penalty for every crime would have been much lower. He described this tendency as a reflection of public frustration and added that such frustration would diminish if the legal system remained effective and consistent regardless of changes in government. In response to a question about compensation for those wrongfully sentenced to death, he said that the issue is highly complex under the current law and thus proposed enacting a separate legislation to ensure compensation for victims of miscarriage of justice.

Speaker Shireen Huq, in her remarks, stated that Bangladesh currently prescribes the death penalty for 33 different offences. In simple terms, she said, “The death penalty is judicial killing.” She noted that there is no evidence to suggest that the death penalty helps reduce crime. Huq further pointed out certain contradictions within Bangladesh’s human rights movement. She explained that although many activists verbally oppose the death penalty, they indirectly support it by demanding “the highest punishment” in some cases. Criticizing the 2013 Shahbagh movement’s slogan “Hang the war criminals,” she said that the culture of seeking revenge must change.



Senior Supreme Court lawyer Barrister Sara Hossain said that although the rate of death sentences handed down in Bangladesh is quite high, the rate of execution is very low. As a result, while Bangladesh ranks among the top ten countries in the world in terms of sentencing people to death, it fares better than countries like China, Iran or Saudi Arabia when it comes to the question of execution of the death penalty. She further stated that the specific laws under which death sentences are imposed are of great importance. Citing examples, she mentioned the Special Powers Act, the Anti-Terrorism Act, 2009 and the Nari o Shishu Nirzaton Daman Ain, 2000.

Barrister Hossain went on to explain that the culture of demanding the death penalty out of a desire for revenge is very old and still persists today. However, before undertaking any reform of the death penalty, she emphasized the importance of taking into account the sentiments of the victims' families in cases involving capital crimes. She also pointed out that there are currently no mechanisms in place for the rehabilitation of individuals who have been wrongfully sentenced to death. In addition, she noted a shortage of lawyers willing to take on death penalty cases for poor defendants. "A lawyer representing an indigent client in a death penalty case receives only about three thousand taka," she said, describing this amount as extremely inadequate. On the issue of compensation, she remarked that acquitted poor defendants often do not wish to face the courts again, even though they have the right to seek compensation for the violation of their fundamental rights. She emphasized the need to build a culture in which defendants, instead of being merely content with survival, actively claim compensation for the injustices they have suffered.

The debate on the death penalty remains one of the most complex issues within the criminal legal system. While it is often justified as a means of deterrence, retribution, and public safety, growing concerns about wrongful convictions, disproportionate application, and human rights standards challenge its continued use. In Bangladesh, as in many countries, the tension between ensuring justice for victims and protecting the rights of the accused highlights the need for careful reflection. Ultimately, any decision regarding capital punishment must balance legal integrity, ethical considerations, and the evolving global trend toward more humane alternatives.



Research Project:

Police Remand and Human-Rights Compliance in Bangladesh: An Analysis of Student Awareness and Perceptions

Introduction

Police remand has long been a contentious issue within Bangladesh's Criminal Legal System framework. While its purpose is to facilitate effective investigation by enabling police to interrogate suspects under court supervision, its practical implementation has been widely criticized. Reports consistently link police remand to custodial torture, forced confessions, political suppression, and violations of fundamental rights guaranteed by both domestic law and international conventions. The sensitivity surrounding remand is heightened by its position at the intersection of law enforcement, human rights, and judicial oversight. Understanding how young citizens, especially university and college students, perceive remand is essential. This demographic represents the next generation of lawyers, administrators, political leaders, and civil society actors. Their views on justice, abuse of power, and the ethics of state authority shape future discourse and reform. Despite their importance, little empirical evidence exists on their knowledge or perception of remand practices.

Bangladesh's Criminal Legal System retains many features of the colonial Code of Criminal Procedure, 1898, including provisions regarding remand. Legally, police may seek court permission for custodial interrogation when necessary for investigation, but in practice, remand is frequently associated with abuse. This contradiction between law and practice is shaped by systemic challenges: insufficient judicial oversight, weak accountability mechanisms, political influence, institutional corruption, and limited human rights training within law enforcement. Bangladesh is a signatory to international conventions such as the UN Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), both mandating the protection of detainees from torture and degrading treatment. Domestically, the Torture and Custodial Death (Prevention) Act 2013 criminalizes torture. Despite these legal commitments, reports of severe custodial abuse persist. Numerous incidents, including those resulting in death, have been widely publicized, reinforcing doubts about the rule of law.

The broader human rights discourse views remand as a critical site of vulnerability where the imbalance of power between the state and the detainee becomes most pronounced. Global studies show that custodial settings with weak oversight often led to abuses, especially when political tensions influence policing. Such conditions are reflected in Bangladesh, where remand is frequently used not only for investigative purposes but also for coercion, intimidation, and political control. Although remand is intended to aid lawful investigations, its frequent misuse undermines public trust in law enforcement and the legal system. Despite growing public concern, research on young citizens' understanding of police remand remains limited. Students, who form a critical future workforce, often rely on mass media rather than formal education for knowledge of criminal legal system. This may lead to partial or distorted perceptions.

Brief Overview

A semi-structured survey questionnaire was used to collect data with 29 closed-ended questions and 8 open-ended questions. The questionnaire was designed in order to know the perceptions, opinions and actual condition of the knowledge on police remand. A dataset of 410 respondents was collected and used for both closed and open-ended questions. The respondents were students from universities and colleges in Bangladesh, including both public and private institutions. All these students were undergraduate and graduate level students. There were 205 male respondents and 205 female respondents which made this study non-gender-biased research. The study has been conducted from September 1, 2025 to November 30, 2025. Data have been collected from September 15, 2025 to October 5, 2025.

Findings

• Awareness and Understanding of Legal Definitions

Awareness of the term “police remand” was extremely high, with 98.5% of respondents indicating familiarity. However, substantive understanding varied. Although more than half correctly defined remand as temporary police custody ordered by a court, many expressed uncertainties or associated the term primarily with human rights violations. Notably, 50.2% reported low confidence in their knowledge of remand, and only 4.4% claimed high confidence. This reveals that while students are aware of remand as a concept, many lack depth in understanding its legal function, safeguards, and procedural nuances. Furthermore, 87.6% stated that remand is not discussed in their academic curriculum, reinforcing the gap between general awareness and formal legal literacy.

• Perceptions of Human Rights and Misuses

The majority of respondents believed remand is frequently misused. Over 63% agreed that remand is often misused in Bangladesh, while 26.8% strongly agreed. Only 1.7% disagreed. Similarly, 60% believed remand violates human rights, with only 5.4% perceiving it as contributing primarily to justice. Students frequently linked remand to torture, political suppression, and coercive interrogation. Among respondents, 91% had heard of cases where remand led to torture. This widespread recognition of human rights abuse reflects both media influence and exposure to personal or community-level experiences. A large portion of students believed remand contributes to injustice more than justice. Many emphasized that physical abuse and psychological pressure during remand often lead to forced confessions, wrongful accusations, and long-term trauma.

• Practical Knowledge of Rights During Arrest

While students overwhelmingly recognized theoretical rights, such as the right to know the reason for arrest and access to legal counsel, they reported that these rights are rarely upheld in practice. Only a small fraction believed detainees consistently receive legal access

or are produced before a magistrate within the legally mandated 24-hour period. Many respondents highlighted the gap between law and practice, citing corruption, lack of monitoring, and police discretion as major obstacles.

- **Sources of Knowledge**

Students primarily learned about remand from media outlets. About 83% relied on news media and 43% on social media. Only 9.3% cited academic instruction, underscoring the lack of formal education on criminal legal system. This reliance on media, while valuable for awareness, may also contribute to perceptions shaped by high-profile cases rather than legal nuance.

- **Torture and Coercion**

Respondents described various forms of physical and psychological torture, including beatings, suspension torture, sleep deprivation, and intimidation. Some referred to extreme methods such as “egg therapy,” a term associated with brutal interrogation techniques.

- **Political Use of Remand**

Many respondents spoke of remand being used against political opposition figures, activists, and protesters. Examples included enforced disappearances, prolonged detention, and coercion during politically sensitive periods.

- **Corruption and Bribery**

Numerous respondents linked custodial torture to extortion, describing instances where detainees or their families were coerced into paying bribes in exchange for favorable treatment or release.

- **False Cases and Forced Confessions**

Respondents highlighted several cases where innocent individuals were taken into remand under false charges, primarily to extract confessions or shield real perpetrators.

- **Perceived Necessity of Remand**

Despite concerns, respondents acknowledged that remand can be useful when used appropriately, fostering deeper investigations in complex cases. Some emphasized the importance of judicial oversight and proper training to ensure lawful implementation.

Discussion

The findings reveal a complex dynamic among awareness, perception and experience. Students are conscious of police remand as a component of the legal system but their understanding is deeply shaped by widely reported abuses and personal narratives rather than formal education. This contributes to skepticism and mistrust in law enforcement and judicial oversight. The widespread belief that remand is misused reflects broader societal patterns: limited transparency, frequent political interference,

and insufficient accountability mechanisms. Despite the existence of robust laws such as the Torture and Custodial Death Prevention Act 2013, enforcement remains weak. Magistrates often approve remand requests with minimal scrutiny, and detainees enjoy limited access to legal representation during custody. Students' reliance on media for information suggests a need for curricular reform. Universities and colleges must incorporate human rights, criminal procedure, and law enforcement studies into general education courses to build informed citizenship.

Conclusion

This study finds that students possess a strong awareness of police remand with a limited legal understanding. Their perceptions reflect overwhelming concern regarding misuse, torture, political manipulation, and lack of accountability. The gap between legal rights and their implementation is widely recognized. To move toward a rights-respecting system, Bangladesh must strengthen judicial oversight, improve transparency in interrogation processes, provide human rights training for police, and integrate legal education into academic curricula. Ensuring that remand is used strictly as an investigative tool—not a tool of coercion—requires systemic reform, public education, and institutional accountability. A legal system rooted in human dignity, proper processing and transparency can reclaim trust and ensure a more humane and accountable policing culture for the future generations.



Panel Discussion

State & Trends of Death Penalty Sentencing Practices in Bangladesh

Death penalty is one of the harshest forms of punishments that are considered legal and actively used in Bangladesh. Under the Penal Code, death penalty may be imposed for offences such as murder (Section 302), dacoity with murder (Section 396), waging war against the State (Section 121), and abetting the suicide of a child or mentally disabled person (Section 305). Beyond the Penal Code, various special laws also prescribe the death sentence. These include the Women and Children Repression Prevention Act 2000 for offences like rape causing death and killing following trafficking; the Narcotics Control Act 2018 for large-scale drug trafficking and possession above statutory thresholds; and the Anti-Terrorism Act 2009, which allows the death penalty for terrorist acts resulting in death. Additionally, crimes such as genocide and crimes against humanity under the International Crimes (Tribunals) Act 1973, and deaths caused through explosives or human trafficking, may also attract capital punishment. Overall, Bangladesh maintains one of the widest ranges of death-eligible offences in South Asia.

However, although death penalty has popular approval in Bangladesh, human rights activists referred to the misuse and overuse of death penalty on several occasions. Critics have problematized the arbitrary and illegitimate use of death penalty in the criminal legal system. A recent PBI study revealed that 52% of murder trials in Bangladesh resulted in acquittals, illustrating systemic dysfunction in the criminal legal system. Analyzing 238 cases from 1986 to 2015 showed chronic issues in investigation and prosecution, including out-of-court settlements, inconsistent evidence, and excessive judicial delays sometimes extending up to 18 years. On average, cases that ended in conviction took around 1 year and 2 months for investigation and 10 years and 3

months for trial, while acquitted cases took even longer. This inefficiency undermines public trust and perpetuates impunity. The PBI recommended creating an independent investigation agency to ensure impartiality, highlighting the need for reform in criminal legal system.

A panel discussion titled “State & Trends of Death Penalty Sentencing Practices in Bangladesh” was held on October 19, 2025 at 6 p.m. at Drik Gallery in Drik Bhavan, Panthapath, Dhaka. The event was organized by the Dhaka-based research organization Decage, as part of an art exhibition titled “Living on Death Row.”

The discussants at the panel included Shafiqul Alam, Press Secretary to the Chief Adviser of the Interim Government and a veteran journalist; Advocate Mohammad Shishir Monir, a prominent lawyer of the Supreme Court; Barrister Mushfiqul Huda, another lawyer of the Supreme Court; and Shah Newaz Sakib, Executive Director of Decage.

In his speech, Advocate Shishir Monir stated that every stage of Bangladesh’s criminal legal system requires highly skilled and sophisticated personnel, which is currently lacking. He pointed out that the process of collecting evidence in Bangladesh is extremely flawed. Due to the absence of proper and modernized investigation systems, it often becomes impossible to accurately identify offenders. Therefore, he emphasized the urgent need to establish a permanent investigation agency in the country to ensure justice in murder cases. He further mentioned that under the current conditions of intense media trials and social pressure, judges in the lower courts often lack the mental maturity and impartiality required to handle death penalty cases fairly. As a result, about 60 percent of death sentences issued by lower courts are overturned by the High Court, and a significant portion of the remaining cases are reversed by the Appellate Division as well.

He added that there are currently around 2,156 death-row prisoners in Bangladesh. Given the faulty offender identification system, he suggested that the implementation of death sentences should be suspended through a moratorium. He also called for ending the practice of sending convicts to condemned cells immediately after sentencing, noting that a related case is currently under judicial review. Referring to developments in India, he noted that changes in the law there now make audio-visual recording of confessional statements mandatory, which has significantly reduced the culture of torture-based and forced confessions in India. He suggested that Bangladesh’s laws should also be reformed similarly. He further emphasized the importance of the proper implementation of the Right to Information Act to make death penalty-related data publicly accessible.

In his remarks, Barrister Mushfiqul Huda said that independent and specialized homicide units should be established in every district of Bangladesh to investigate murder cases. Referring to the colonial-era practice of using confessional statements, which he described as the “culprit of the law,” he recalled that the trial of revolutionary Khudiram Bose was the first case in the Indian subcontinent where a death sentence was issued solely based on a confession. Unfortunately, he said, this colonial provision still remains in force in independent Bangladesh. He further stated that sending a

convict to a condemned cell immediately after the verdict is deeply inhumane, as it causes severe mental trauma. In his view, a person should only be sent to a condemned cell after the death sentence is upheld by the Appellate Division.



Shafiqul Alam, Press Secretary to the Chief Adviser, remarked that Bangladeshi society is relatively stable, with 19 to 23 murders per million people, amounting to roughly 4,000 murders annually. Unfortunately, he said, this grim reality has been largely normalized by the public. He observed that the legal system in Bangladesh operates in a toxic environment, where media trials are rampant and enormous public pressure makes it nearly impossible for judges to adjudicate cases calmly and rationally. Calling on journalists and media professionals to act more responsibly, he said that as a nation, “we have not yet reached maturity.” According to him, childish behavior and flawed activism often hinder the pursuit of justice. He also lamented the lack of intellectual parliamentarians in the country, noting that even their choice of words is often problematic. Consequently, Bangladesh has yet to produce a timeless document like a Bill of Rights or the U.S. Constitution. He stressed the need to modernize and humanize the fragile criminal legal system inherited from the British colonial period.

Shah Newaz Sakib, Executive Director of Decage, stated that many impoverished individuals confess under police remand simply because they cannot afford legal assistance or they cannot bribe the police. Moreover, those who voluntarily confess do not receive the discount of punishment they are legally entitled to. He added that since the criminal legal system of Bangladesh is largely inefficient, it tends to acquit wealthy and influential offenders while unjustly sentencing innocent poor individuals to death. According to him, this unjust culture can only be changed by modernizing the existing system of confession-taking in Bangladesh.

The state and trends of death penalty sentencing practices in Bangladesh reveal a system marked by both longstanding legal traditions and evolving challenges. While the death penalty remains embedded in the country’s criminal legal system framework, recent patterns show increasing scrutiny from human rights bodies, legal experts, and civil society. Issues such as overcrowded death row populations, prolonged trial delays, inconsistent evidentiary standards, and the risk of wrongful convictions continue to shape the national discourse. At the same time, global shifts toward abolition and regional legal reforms are influencing public debate and policy considerations. As Bangladesh reflects on its commitment to justice, fairness, and human dignity, it becomes crucial to reassess how capital punishment aligns with constitutional guarantees and international human rights norms. Ultimately, understanding these trends is not only about evaluating legal practices but also about fostering a legal system that prioritises accountability, transparency, and the protection of fundamental rights for all.



Research Project

Women in Prison: Analysing the Misery and Marginality of Female Prisoners in Bangladesh

Background of the Study

Female prisoners constitute a minority of the prison population in Bangladeshi jails. According to the data provided by the Department of Prisons, a total of 2755 women were living in the prisons of Bangladesh as of September 2025. As such, female prisoners constituted only 3.59% of the overall prison population (76649). Among female inmates, only 29.14% were convicted prisoners. Others were under-trial prisoners detained in prisons for political, civil, and criminal cases. Moreover, 240 babies were living with their mothers in the same month

While imprisonment badly affects both men and women, scholars have argued that the consequences are more severe for female prisoners since they face greater social stigma than men, and their gender-specific needs are not fulfilled in prisons. This is because the prison system is primarily meant and designed for males. Memoirs of former prisoners and occasional journalistic initiatives have uncovered the fact that the current prison administration does not fulfil the basic needs, as well as the gender-specific needs of the female prisoners. Moreover, being minority, their needs often remain unheard of and permanently unfulfilled. It is, therefore, important to document their lived experiences and represent them in the academic and policy domains. It is also necessary to find alternatives the prison conditions through a critical analysis of the current system and counterposing it with standard practices.

Brief Overview

This study employed Key Informant Interviews (KII) to gather in-depth knowledge about the lived experiences of female prisoners. As the study focuses comprehensively

on documenting the lived experiences of female prisoners, we included both central and district prisons in the scope of the study. Considering constraints on access, we employed a purposive sampling strategy to select our respondents. Accordingly, the study has covered the Central Female's prison and seven local district and central prisons. More inclusively, primary data were collected from 5 drug dealers, 4 sex workers, 2 non-political activists, 1 household worker, and 13 political prisoners. This study adopted a Reflexive Thematic Analysis (RTA) method to analyse primary data. A total of 6 expert interviews were conducted to gather critical insights on various aspects of female imprisonment. Our experts include two lawyers, one criminology professor, two anthropology professors, and one human rights activist. They provided legal insights, historical instances of human rights abuses and the complex implications the prison system impose upon women. They also provided policy suggestions regarding the improvement of the living conditions of female prisoners and alternatives to female imprisonment.

Summary of the Findings

The respondents of this study have shared their prison experiences in exclusive detail. Interested readers can go through the “Data Analysis and Findings: section of the main report to learn more about their insights. Here, we are presenting a concise summary of the findings of the study:

1. The checking process in the prisons is utterly humiliating for a woman and a violation of human dignity. Our respondents demanded the introduction of modern technologies in the process.
2. Accommodation facilities in the prisons are insufficient. Most prisoners can not even sleep properly in the space they are given. Financially insolvent prisoners suffer more since they cannot purchase extra facilities from senior prisoners. Undertrial and convicted prisoners live together in the wards.
3. Regular meals provided by the prisons are quantitatively and nutritionally insufficient. The situation is dire in district prisons, where women prisoners do not enjoy any specialized facilities. Moreover, the corrupt environment and the high prices of food products in the prisons make it difficult for the financially incapable to access better food in the canteen.
4. The menstrual health of the female prisoners is a neglected issue in prisons. The authorities do not provide sanitary napkins to the prisoners.
5. The privacy needs of female prisoners are also neglected. The bathing facilities do not allow any private space for a woman.
6. The overall health and sanitation scenario is horrifying. Medical services provided to the prisoners are insufficient. Doctors are not readily available. The situation is worse in district jails.
7. The authorities also care little for maintaining hygienic standards. The washrooms are dirty and stinky.

8. Female prisoners, including under-trial women, are exposed to illegitimate prison labour. Prisoners have to do laborious tasks that are not suitable for females.

9. The day-to-day prison administration is actually run by an informal hierarchy comprising senior convicted prisoners. These prisoners are severely corrupt and play a key role in increasing the suffering of common prisoners.

10. Prisons in Bangladesh are severely corrupt. Both the formal and informal administration of the prisons are responsible for corruption. The canteen is the most corrupt area in a jail.

11. The entertainment facilities in the prisons are extremely insufficient. District prisons lag far behind in this respect. No channel except BTV is allowed in prisons. Library services are complex and old-fashioned.

12. Sexual deprivation leads many female inmates to build consent-based, lesbian relationships with fellow inmates.

13. No prison, except Kashimpur Female Central Prison, has separate wards of pregnant mothers and babies. Facilities available for dependent babies and their mothers are extremely insufficient.

14. Prison authorities care little about the mental health of the prisoners. Mentally ill prisoners are not provided with any consultation or treatment.

15. Prisoners coming from financially insolvent backgrounds are more exposed to the structural inequalities of the current prison system. Most of them lack proper legal representation.

16. Financially insolvent prisoners undergo social stigmatization due to their imprisonment. While political prisoners often manage to evade social stigma, many poor criminal prisoners tend to be isolated from their families and relatives after they enter jail.

Recommendations

The experts of this study have critically analyzed various aspects of female imprisonment in the context of Bangladesh. They have also suggested viable alternatives to female imprisonment and ways to improve the living conditions of female prisoners. Here are the key recommendations they put forward for the concerned authorities:

1. Redefining crime and criminality in the context of Bangladesh. Understanding how crimes are socio-economically structured.

2. Increasing the training of criminal lawyers on probation and other alternatives to female imprisonment.

3. Improving the conditions of district jails and introducing specialized services for female prisoners. Building specialized prisons for women.

4. Proper utilisation of existing laws like the Special Privileges for the Convicted Women Prisoners Act, 2006.
5. Application of Non-custodial Measures for minor offenses. Searching for local alternatives instead of copying Western solutions.
6. Making the bail process smooth and flexible for undertrial female prisoners.
7. Promulgation of criminal policies in line with the spirit of international standards like the Bangkok Rules, Tokyo Rules, Corston report, etc.
8. Making the judicial bureaucracy responsive and vibrant.
9. Encouraging the government to ensure legal representation of female prisoners in collaboration with NGOs and human rights organizations.
10. Arranging seminars and public dialogues on the miseries of female prisoners to mitigate the invisibility of their problems.

Conclusion

Female imprisonment is one of the least-explored domains of the criminal legal system of Bangladesh. However, a comprehensive, research-based analysis of the living conditions of female prisoners is still unavailable in Bangladesh. This study is expected to contribute to filling the existing research gap by documenting the views and narratives of the victims of the current system and by highlighting the priority areas for policy intervention to ensure humane treatment and long-term rehabilitation of female prisoners across the country. As such, the study will also inspire future researchers to further explore the issue and popularize the question of restructuring the criminal legal system of Bangladesh.

জোরপূর্বক আদায়কৃত জবানবন্দিত

কারাগারে ১৭ বছর

ক্ষতি পূর্বনহীন মুক্তি- দায় নেয়নি রাষ্ট্র



Podcast

Cage to Courage: Decage's podcast

“Cage to Courage” is a storytelling journey by the Decage, transforming & archiving voices from behind bars into messages of hope, justice, and reform. Each episode reveals the unseen realities of Bangladeshi Criminal Justice System — stories of remand, wrongful imprisonment, endurance, life inside prison and the fight to restore human dignity. Through personal narratives, legal insights, and social reflection, the series connects pain to purpose and injustice to change. It invites viewers to rethink punishment, embrace rehabilitation, and stand for a justice system rooted in humanity. From the cage of silence rises the courage to speak, to reform, and to heal.

From episode 01

Anwar Sankar — an innocent man tortured in police remand and forced to confess to a crime he never committed. That coerced confession led to a death sentence, and he spent 17 years behind bars before being declared innocent. Despite a judicial directive for compensation, the state took no responsibility, as Bangladesh has no law for victims of wrongful imprisonment. This episode of Cage to Courage by Decage exposes one of Bangladesh's most tragic miscarriages of justice — and raises the call for justice reform, accountability, and human rights.

Discussion

Decage met Sweddish Embassy

A team of Decage had the honor of meeting with Her Excellency Irina Schoulgin-Nyoni, Sweden's Human Rights Ambassador along with Mr. Olle Lundin (Head of Trade, Political and Communication Affairs), Ms. Eva Smedverg (Head of Development Cooperation) and Ms. Paola Castro Neiderstam (First Secretary for Human Rights, Democracy and Gender Equality).

The discussion focused on Decage's efforts to reform Bangladesh's criminal legal system by addressing long-standing injustices—coerced confessions, custodial torture, prison overcrowding and systemic bias against marginalized accused persons. We shared insights from our ongoing initiatives on wrongful convictions, the need for a state compensation framework for the wrongfully punished and the dire conditions within Child Development Centres, where juveniles are often denied education, care and rehabilitation opportunities. Decage also presented its upcoming action programs including pro bono legal services for death penalty cases and cultural activism through theatre dramas based on real-life stories of unjust imprisonment and resilience.

The conversation reaffirmed our shared belief that a humane justice system must uphold dignity, equity and rehabilitation—not retribution.



Publication Corner

