

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2011.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL)

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB) Represented by it's Secretary Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Md. Sarwar Ahad Chowdhury, Organizing Secretary, Human Rights and Peace for Bangladesh (HRPB) of 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.
3. Advocate Md. Aklas Uddin Bhuiyan Publicity Secretary of Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 33 Abdul Hadi Lane, Police Station Kotwali, District- Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary of Ministry of Law, justice and Parliamentary Affairs, Bangladesh Secretariat P.S.: Ramna, District: Dhaka.
2. The Secretary, Ministry of Foreign Affairs, Segun Bagicha, P.S.: Ramna, District: Dhaka.
3. The Secretary, Ministry of Home, Bangladesh Secretariat P.S.: Ramna, District: Dhaka.
4. The Inspector General of Police(I.G.P) , Police Head Quarter, Fulbaria, P.S. Ramna, Dhaka, Bangladesh.
5. The Inspector General (Prison), Central Jail Road, Lalbagh, Dhaka, Bangladesh.

....Respondents.

GROUND S

I. For that Article 32 of the Constitution of the Peoples Republic of Bangladesh provides that "no person shall be deprived of life or personal liberty save in accordance with law". But for the failure of the respondents to ensure liberty of the foreign citizens, the human rights and fundamental rights has been violated, hence a direction should be given upon the respondents to take appropriate steps

for releasing the foreign citizens who are illegally detained in different jail of Bangladesh.

II. For that it is inhuman that even after the completion of sentence period they are not being released. If the appropriate steps for releasing the foreign citizens could not be taken in time then it is violative of human rights as well as fundamental rights. It is the duty of the authority to take steps to release the persons who has already completed his sentence but in many cases it was not done, which is not only illegal but also violation of human rights.

III. For that hundreds of foreign citizens are waiting in many jails after completion of their sentence but could not be released due to different reasons. a direction upon the respondent to take appropriate steps to release the foreign citizens who has completed their sentence but not releasing from the different jails.

Wherefore it is most humbly prayed that Your Lordships would graciously be pleased to -

- a) Direct the office to register this application as a writ petition.
- b) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to take appropriate steps to release the foreign citizens who has completed their sentence but not releasing from the different jails and ensure their liberty and why a direction should not be given upon the respondent to make effective arrangement with the International Organization of sending the foreign citizens to their homeland.
- c) Pending hearing of the Rule directs the Respondent No. 5 to prepare a detail report about the foreign citizens who has completed their sentence but could not be released from the different jails of the Bangladesh and submit it before this court within 3 (three) weeks from the receipt of the order.
- d) Direct the office to serve notices upon the respondents at the cost of office.
- e) Upon hearing the cause if any shown makes the rule absolute.
- f) Pass such other or further order or orders as Your Lordships may deem fit and proper.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.