
First year of the first cycle
(Chapter III on “Criminalization and law enforcement” and Chapter IV on “International Cooperation”)

Response of Bangladesh to the comprehensive self-assessment checklist
III. Criminalization and law enforcement
15. Bribery of national public officials

69. Subparagraph (a) of article 15
Each State Party shall adopt such legislative and other measures as may be necessary to establish as
criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue
advantage, for the official himself or herself or another person or entity, in order that the official act or
refrain from acting in the exercise of his or her official duties;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s):
The provision under review has been implemented through sections 21, 165A, 165B, 171A, 171B, 171C,
171E, 171F and 214 of the Penal Code, 1860 and sections 2 and 5 of the Prevention of Corruption Act,
1947.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in
one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly
desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please attach the text(s):

Penal Code 1860
Section 21
"Public servant"
21. The words "public servant" denote a person falling under any of the descriptions hereinafter following,
namely:
First.-(Omitted by section 2 of the Penal Code (Amendment) Ordinance, 1982 (Ordinance No. X of 1982));
Second. Every Commissioned Officer in the Military, Naval or Air Forces of Bangladesh;
Third. Every Judge including any person empowered by any law to perform, whether by himself or as a member
of any body of persons, any adjudicatory function;
Fourth. Every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter
of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to
execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court; and
every person specially authorized by a Court of Justice to perform any of such duties;
Fifth. Every jurymen, assessor, or member of a panchayat assisting a Court of Justice or public servant;
Sixth.-Every arbitrator or other person to whom any cause or matter has been referred for decision or report by
any Court of Justice, or by any other competent public authority;
Seventh.-Every person who holds any office by virtue of which he is empowered to place or keep any person in
confineement;
Eighth.-Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information
of offences, to bring offenders to justice, or to protect the public health, safety or convenience;
Ninth.-Every officer whose duty it is, such officer, to take, receive, keep or expend any property on behalf of the
Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any
revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the
Government, or to make, authenticate or keep any document relating to the pecuniary interest of the
Government, or to prevent the infraction of any law for the protection of the pecuniary interest of the
Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;
Tenth.-Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any
survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or
to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or
district;
Eleventh.-Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or
revise an electoral roll or to conduct an election or part of an election.

Illustration
A Municipal Commissioner is a public servant.

Twelfth.-Every person-
(a) in the service or pay of the Government or remunerated by the Government by fees or commissions for the performance of any public duty;
(b) in the service or pay of a local authority or of a corporation, body or authority established by or under any law or of a firm or company in which any part of the interest or share capital is held by, or vested in, the Government.]
Explanation 1.-Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.
Explanation 2.-Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.
Explanation 3.-The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.

Section 165A
Punishment for abetment of offences defined in sections 161 and 165
Whoever abets any offence punishable under section 161 or section 165 shall, whether the offence abetted is or is not committed in consequence of the abetment, be punished with the punishment provided for the offence.

Section 165B
Certain abetors excepted
A person shall be deemed not to abet an offence punishable under section 161 or section 165 if he is induced, compelled, coerced, or intimidated to offer or give any such gratification as is referred to in section 161 for any of the purposes mentioned therein, or any valuable thing without consideration, or for an inadequate consideration, to any such public servant as is referred to in section 165.

CHAPTER IXA
OF OFFENCES RELATING TO ELECTIONS
Section 171A
"Candidate", "Electoral right" defined
For the purposes of this Chapter -
(a) "candidate" means a person who has been nominated as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat; provided that he is subsequently nominated as a candidate at such election;
(b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

Section 171B
Bribery
(1) Whoever-
(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or
(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:
Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.
(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.
(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Please describe how such information is collected and analyzed

Section 171C
Undue influence at elections
(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election:
(2) Without prejudice to the generality of the provisions of sub-section (1), whoever
(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).
(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Section 171E
Punishment of bribery.- Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:
Provided that bribery by treating shall be punished with fine only.

Explanation.-"Treating means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

Section 171F

Bangladesh - UNCAC Self-Assessment/3
Punishment for undue influence or personation at an election.- Whoever commits the offence of undue influence of personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 214
Offering gift or restoration of property in consideration of screening offender- if a capital offence; if punishable with imprisonment for life, or with imprisonment.- Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person’s concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception.-The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.

The Prevention of Corruption Act, 1947
Section 2
Interpretation
For the purposes of this Act, “public servant” means a public servant as defined in section 21 of the Penal Code and includes an employee of any corporation or other body or organisation set by the Government and includes a Chairman, Vice-Chairman, Member, Officer or other employee of a local authority, or a Chairman, Director, Managing Director, Trustee, Member, Officer or other employee of any corporation, or other body or organisation constituted or established under any law.

[See related provisions of the Penal Code, 1860 and section 5 of the Prevention of Corruption Act, 1947 attached under sub-paragraph b of UNCAC Article 15]

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please provide examples of cases and attach case law if available

Statistics-I*
Cases in different Special Judge Courts relating to Anti Corruption from 2004-2010
(cases derived from abolished Bureau of Anti-Corruption)

<table>
<thead>
<tr>
<th>Name of Unit</th>
<th>Trial Continued</th>
<th>Stayed</th>
<th>Conviction</th>
<th>Acquittal</th>
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<td>Name of Unit</td>
<td>Number of Charge Sheet submitted by Commission</td>
<td>Number of FRT submitted by Commission</td>
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<td>Total</td>
<td>1508</td>
<td>855</td>
<td>936</td>
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**Statistics-III**

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Number of Cases</th>
<th>Number of Major Punishments (Termination/Demoral from services)</th>
<th>Number of Other Punishments (Censure/Witholding Increment/Witholding Promotions etc.)</th>
<th>Number of Sequestered</th>
<th>Number of Disposed off Cases</th>
<th>Total Number of Pending Cases</th>
<th>Remarks</th>
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<tr>
<td>2006-07</td>
<td>14,322</td>
<td>599</td>
<td>5,651</td>
<td>2,092</td>
<td>8,322</td>
<td>6,200</td>
<td>The cases are pending with the concerned Ministries' Authorities</td>
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<tr>
<td>2007-08</td>
<td>17,334</td>
<td>563</td>
<td>5,730</td>
<td>1,862</td>
<td>8,151</td>
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<td>2,297</td>
<td>20,100</td>
<td>7,862</td>
<td>30,265</td>
<td>27,339</td>
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**[NB: This information includes all kind of cases including corruption cases. Corruption cases can be separated at the stage of desk review/country visit]**

**[***The following data depicts the departmental proceeding cases against the public officials under Ministry of Establishment who committed the offence mentioned in subparagraph (a) of article 15 between 2003 to 2010.***]**
Statistics - IV

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number Of</th>
<th>Decision On Departmental Proceeding Cases</th>
<th>Total Number Of Disposed Departmental Proceeding Cases</th>
<th>Total Number Of Pending Cases</th>
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<tr>
<td></td>
<td>Departmental Proceeding Cases On Corruption Charge</td>
<td>Convicted</td>
<td>Other penalty</td>
<td>Acquittal</td>
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<td>2007</td>
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<td>134</td>
<td>65</td>
<td>08</td>
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***The following data depicts the enlisted anti corruption cases against the public servants under Ministry of Establishment, from 2003 to 2010

Statistics - V

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Bribery Cases/Complaint</th>
<th>No. of Bribes Enforced Cases/Complaints</th>
<th>No. of Cases Of Power Proceeding Complaints</th>
<th>Others</th>
<th>Investigation Held</th>
<th>No. of Charges Filed</th>
<th>Conviction</th>
<th>Acquittal</th>
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<tr>
<td>2003-2010</td>
<td>45</td>
<td>94</td>
<td>78</td>
<td>231</td>
<td>287</td>
<td>106</td>
<td>05</td>
<td>70</td>
</tr>
</tbody>
</table>

Please describe how such information is collected and analyzed

* Anti Corruption Commission
** Cabinet Division
*** Ministry of Establishment

Have you ever assessed the effectiveness of the measures adopted to criminalize active bribery of national public officials?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

70. Subparagraph (b) of article 15
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: ...
(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

The provision under review has been implemented through the following laws:
- Sections 161, 162, 163, 164, 165, 171A, 171E, 171F, 213, 215 and 219 of the Penal Code, 1860; and
- Section 5 of the Prevention of Corruption, Act 1947

Please attach the text(s)

Penal Code, 1860
CHAPTER IX
OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

Section 161
Public servant taking gratification other than legal remuneration in respect of an official act.- Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain from any person,
for himself or for any other person any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or for bearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Government or Legislature, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanations—"Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating but he is not guilty of the offence defined in this section.

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which is permitted by the authority by which he is employed, to accept.

"A motive or reward for doing." A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

Illustrations
(a) A, a munsif, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favour of Z. A has committed the offence defined in this section.
(b) A, holding the office of Consul at the Court of a foreign Power, accepts a lakh of taka from the Minister of that Power. It does not appear that A accepted this sum as a motive or reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that Power with the Government of Bangladesh. But it does appear that A accepted the sum as a motive or reward for generally showing favour in the exercise of his official functions to that Power. A has committed the offence defined in this section.
(c) A, a public servant, induces Z erroneously to believe that A's influence with Government has obtained a title for Z and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this section.

Section 162
Taking gratification, in order, by corrupt or illegal means, to influence public servant. Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government or Legislature, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 163
Taking gratification, for exercise of personal influence with public servant. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government or Legislature, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration
An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust, are not within this section, inasmuch as they do not exercise or profess to exercise personal influence.

Section 164
Punishment for abetment by public servant of offences defined in section 162 or 163. Whoever, being a public servant, in respect of whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustration
A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Section 165
Public servant obtaining valuable thing, without consideration, from person concerned in proceeding or business transacted by such public servant. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be
likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustrations
(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty taka a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred taka a month. A has obtained a valuable thing from Z without adequate consideration.
(b) A, a Judge, buys Z, who has a case pending in A's Court, Government promissory notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.
(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

CHAPTER IX
OF OFFENCES RELATING TO ELECTIONS
Sections 171A, 171E and 171F
[see as provided for under sub-paragraph (a) of UNCAC Article 15]

CHAPTER XI
OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Section 213
Taking gift, etc. to screen an offender from punishment- if a capital offence; if punishable with imprisonment for life, or with imprisonment.- Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment] for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth of the longest term of imprisonment provided for the offence, or with fine, or with both.

Section 215
Taking gift to help to recover stolen property, etc.- Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 219
Public servant in judicial proceeding corruptly making report, etc. contrary to law.- Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a Judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable

if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

[see statistics as provided for under sub-paragraph (a) of UNCAC Article 15]

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Bangladesh - UNCAC Self-Assessment/8
This information is collected through [MEANS] and analysed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize passive bribery of national public officials?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

71. Paragraph 1 of article 16
1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field) (INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)
Please provide an account of your country's efforts to date to implement the provision under review: None

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review:

Legislative amendment to section 21 of the Penal Code, 1860 and section 2 of the Prevention of Corruption Act, 1947, as well as where may be necessary.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

72. Paragraph 2 of article 16
2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her duties.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under UNCAC Article 16(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

See answer under UNCAC Article 16(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

73. Article 17
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal each crime committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private, funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The provision under review has been implemented through sections 403 to 409 (inclusive) of the Penal Code, 1860 and section 5 (c) of the Prevention of Corruption Act, 1947.

Please attach the text(s)
Penal Code, 1860
Section 24
"Dishonestly"
Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

Section 25
"Fraudulently"
A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise of Criminal Misappropriation of Property

Section 403
Dishonestly misappropriation of property.- Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations
(a) A takes property belonging to Z out of Z's possession in good faith, believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.
(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.
(c) A and B, being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1.-A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration
A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at future time to restore it to Z. A has committed an offence under this section.

Explanation 2.-A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and
is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it. What are reasonable means or what is a reasonable time in such a case, is a question of fact. It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it, it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations
(a) A finds a taka on the high-road, not knowing to whom the taka belongs. A picks up the taka. Here A has not committed the offence defined in this section.
(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.
(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person on whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.
(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.
(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.
(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

Section 404
Dishonestly misappropriation of property possessed by deceased person at the time of his death.- Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of his death, or has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine; and if the offender at the time of such person's death was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration
Z dies in possession of furniture and money. His servant A, before the money comes into possession of any person entitled to such possession dishonestly misappropriates it. A has committed the offence defined in this section. Of Criminal Breach of Trust

Section 405
Criminal breach of trust.- Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or dispossession of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

Illustrations
(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.
(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse-room. A dishonestly sells the goods. A has committed criminal breach of trust.
(c) A, residing in Dhaka, is agent for Z, residing at Chittagong. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of taka to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.
(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.
(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.
(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

Section 406
Punishment for criminal breach of trust.- Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 407
Criminal breach of trust by carrier, etc.- Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 408
Bangladesh - UNCA/ Self-Assessment/11
Criminal breach of trust by clerk or servant. Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 409
Criminal breach of trust by public servant, or by banker, merchant or agent. Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

The Prevention of Corruption Act, 1947
Criminal misconduct
Section 5(1)(c)
A public servant is said to commit the offence of criminal misconduct if he dishonestly or fraudulent misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable

If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals.

Please provide per annum figures since the year 2003 (or further back, if available)

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See also statistics if as provided for under sub-paragraph (a) of UNCAC Article 15

Please describe how such information is collected and analyzed

*Anti-Corruption Commission (Total information is not available at this moment. It may become available at the stage of desk review/country visit.)

**Cabinet Division

Have you ever assessed the effectiveness of the measures adopted to criminalize embezzlement, misappropriation or other diversion of property by a public official?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

74. Subparagraph (a) of article 18
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Bangladesh – UNCAC Self-Assessment/12
Section 165A on punishment for abetment of offences defined in Section 162 (Taking gratification in order, by corrupt or illegal means, to influence public servant) and Section 163 (Taking gratification, for exercise of personal influence with public servant).

Additionally, Section 164 on punishment for abetment by public servant of offences defined in Section 162 or 163.

Punishment for abetment of offences defined in sections 161 and 165.- 165A. Whoever abets any offence punishable under section 161 or section 165 shall, whether the offence abetted is or is not committed in consequence of the abetment, be punished with the punishment provided for the offence.

Certain abetters excepted
165B. A person shall be deemed not to abet an offence punishable under section 161 or section 165 if he is induced, compelled, coerced, or intimidated to offer or give any such gratification as is referred to in section 161 for any of the purposes mentioned therein, or any valuable thing without consideration, or for an inadequate consideration, to any such public servant as is referred to in section 165.

Taking gratification, in order, by corrupt or illegal means, to influence public servant
162. Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person to the Government or Legislature, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Taking gratification, for exercise of personal influence with public servant
163. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person to the Government or Legislature, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration. An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust, - are not within this section, inasmuch as they do not exercise personal influence.

Punishment for abetment by public servant of offences defined in section 162 or 163
164. Whoever, being a public servant, in respect of whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustration
A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable

If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Information relating to FIR & Charge Sheet under sections 161-165, 166-169A of Penal Code.

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Bangladesh – UNCAC Self-Assessment/13
Charge sheet (only in Special Judge Court, Dhaka) *

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</tbody>
</table>

Please describe how such information is collected and analyzed

Anti-Corruption Commission.

*Total information is not available at this moment. It may become available at the stage of desk review/country visit.

Have you ever assessed the effectiveness of the measures adopted to criminalize trading in influence?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

75. Subparagraph (b) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Please see information provided under paragraph (a) of article 18 of UNCAC.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

[see statistics III & V as provided for under sub-paragraph (a) of UNCAC Article 15]

[See statistics as provided in sub-paragraph (a) of UNCAC Article 16]

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

(i) Ministry of Establishment
(ii) Cabinet Division
(iii) See source & comments as mentioned in sub-paragraph (a) of UNCAC Article 18

Have you ever assessed the effectiveness of the measures adopted to criminalize trading in influence?

(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

76. Article 19
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The provision under review has been implemented through section 5(1)(d) of the Prevention of Corruption Act, 1947.

Please attach the text(s)
The Prevention of Corruption Act, 1947
Section 5
Criminal misconduct.-(1) A public servant is said to commit the offence of criminal misconduct if
(d) if he, by corrupt or illegal means or by otherwise abusing his position as public servant, obtains or attempts to obtain for himself or for any other person any valuable thing or pecuniary advantage.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

Convicted under section 409 of Penal code and section 5 of Prevention of Corruption Act, 1947
(only in Special Judge Court, Dhaka) *

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<th>2010</th>
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<tr>
<td>No. of persons</td>
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<td>0</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

Anti Corruption Commission has taken following actions against public servants (controlled by the Ministry of Establishment during the period of 2003-2010)

See also statistics V in sub-paragraph (a) of Article 15**

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

*Anti-Corruption Commission (Total information is not available at this moment. It may become available at the stage of desk review/country visit)
**Ministry of Establishment

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize abuse of functions?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
77. Article 20
Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The Anti-Corruption Commission Act, 2004, criminalises the act of possession of property in excess of known sources of income (section 27). Moreover, according to the Prevention of Corruption Act, 1947, possession of pecuniary resources or of property disproportionate to known sources of income by a public servant or any of his dependents, for which no reasonable explanation is offered is a punishable criminal misconduct (section 5(1)(e)).

Please attach the text(s)
Anti-corruption Commission Act, 2004
Section 27
Possession of Property in Excess of Known Sources of Income - (1) If there are sufficient and reasonable grounds to believe that a person in his/her own name or any other person on his/her behalf is in possession and has obtained ownership of moveable or immoveable property through dishonest means and the property is not consistent with the known sources of his/her income and if he/she fails to submit to the court during trial a satisfactory explanation for possessing that property, then that person shall be sentenced to a prison terms ranging from a minimum of three (3) years to a maximum of ten years imprisonment, and these properties shall be confiscated.
(2) If it is proved during the trial of charges under sub-section (1) that the accused person in his own name or any other person on his/her behalf has obtained ownership or is in possession of moveable or immoveable property not consistent with the known sources of his/her income then the court shall presume that the accused person is guilty of the charges and unless the person rebuts that presumption in court the punishment meted out on the basis of this presumption shall not be unlawful.

The Prevention of Corruption Act, 1947
Section 5
Criminal misconduct
(1) A public servant is said to commit the offence of criminal misconduct -
(e) if he, or any of his dependents, is in possession, for which the public servant cannot reasonably account, of pecuniary resources or of property disproportionate to his known sources of income. Explanation. - In this clause "dependent" in relation to a public servant, means his wife, children and step-children, parents, siblings and minor brothers residing with and wholly dependent on him.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
[See statistics V of sub-paragraph (a) of Article 15]

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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<td>70</td>
<td>35</td>
<td>10</td>
</tr>
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<td>0</td>
<td>93</td>
<td>54</td>
<td>35</td>
<td>10</td>
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<td>3</td>
<td>51</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Ministry of Establishment
Anti-Corruption Commission.

*Total information is not available at this moment. It may become available at the stage of desk review/country visit.

Bangladesh – UN Convention Against Corruption Self-Assessment/16
This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize illicit enrichment?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

78. Subparagraph (a) of article 21
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

As this article under review is optional, Bangladesh has to date not taken any effort to implement this.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Bangladesh intends to incorporate the article under review through legislative measures.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(DRAFT) Legislative drafting

(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

79. Subparagraph (b) of article 21
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answers provided under UNCAC Article 21(a)

Bangladesh – UNCAC Self-Assessment/17
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answers provided under UNCAC Article 21(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply) (DRAFT) Legislative drafting (ADV) Legal advice Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

80. Article 22
Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer) (Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The provision under review has been implemented through sections 405, 406, 407, 408 and 409 of the Penal Code, 1860.

Please attach the text(s)
For text, please see UNCAC Article 17.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

| Cases relating to section 406 of Penal Code, 1860 (only in Special Judge Court, Dhaka)* |
|-----------------------------------|---|---|---|---|---|---|---|---|
| year | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
| No. of EFR | 1 | 1 | 10 | 16 | 53 | 66 | 54 |
| No. of CS | 0 | 0 | 4 | 3 | 28 | 32 | 4 |

Conviction under section 409 of Penal code and section 5 of Prevention of Corruption Act, 1947 (only in Special Judge Court, Dhaka)*

<table>
<thead>
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<th>year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of persons</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Anti-Corruption Commission.
*Total information is not available at this moment. It may become available at the stage of desk review/country visit.

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize embezzlement of property in the private sector?
(N) No

Bangladesh – UNCAC Self-Assessment/18
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

81. Subparagraph 1 (a) (i) of article 23
1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
   (a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The provision under review has been implemented through sections 2(k), (o) and (q) and 4 of the Money Laundering Prevention Act, 2009 (Act No. 8, 2009)

Please attach the text(s)
Money Laundering Prevention Act, 2009
Section 2
Definition.- In this Act, unless there is anything repugnant in the subject or context,-
(k) *money laundering* means-
(i) to transfer, convert, remit from or to Bangladesh the money or properties acquired through commission of any predicate offence with an intention to conceal or disguise the illicit origin of the property or smuggle money or property earned through legal or illegal means to abroad;
(ii) to conduct, or attempt to conduct a financial transaction with intent to avoid a reporting requirement under this Act;
(iii) to do or attempt to do such activities as the illegitimate source of the money or property may be concealed or disguised or knowingly assist to perform or conspire to perform such activities;
(o) "property" means-
(i) any kind of assets, whether tangible or intangible, movable or immovable; or
(ii) cash, documents or instruments in any form, including electronic or digital, which indicates evidential title to, or interest in, such assets;
(d) "predicate offence" means the offences committing which the money or properties are derived and laundered or attempted to be laundered and shall include the following offences, namely-
(1) corruption and bribery;
(2) counterfeiting currency;
(3) counterfeiting documents;
(4) extortion;
(5) fraud;
(6) forgery;
(7) illicit arms trafficking;
(8) illicit dealing in narcotic drugs and psychotropic substances;
(9) illicit dealing in stolen and other goods;
(10) kidnapping, illegal restraint, hostage-taking;
(11) murder, grievous bodily injury;
(12) woman and child trafficking;
(13) smuggling and unauthorized cross-border transfer of domestic and foreign currency;
(14) theft, robbery or dacoity;
(15) trafficking and illegal migration;
(16) dowry; and
(17) for the purpose of this Act any other offence declared as predicate offence by the Bangladesh Bank, with the approval of the Government, by notification in the official Gazette.

As per section 2(q) (17) of Money Laundering Prevention Act, 2009, with the approval of Government, Bangladesh Bank has enhanced the list of Predicate Offences as follows (Bangladesh Bank Gazette No-AM/140/D-01/2010 BB, dated 30 September, 2010)
(1) Terrorism including terrorist financing
(2) Adulteration or manufacture of goods through infringement of title
(3) Offences relating to environment
(4) Sexual exploitation, including sexual exploitation of children
(5) Insider Trading & Market manipulation and
(6) Organised Crime

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
Section 4
The offence of money laundering and punishment.
(1) For the purpose of this Act, money laundering shall be deemed to be an offence.

Bangladesh – UNCA Self-Assessment 19
(2) Any person who commits or attempts to commit the offence of money laundering or abets or conspires in the commission of such offence shall be punished with imprisonment for a term which may extend to 7 (seven) years but not less than 6 (six) months and the money or property derived from the commission of such offence shall also be forfeited to the state.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Statistics - I*

The Bangladesh Bank FIU has to date received around 600 suspicious transaction reports (STRs). 115 cases are sent to different investigative (Police) agencies, and FIU has already sent around 200 cases to the Anti-Corruption Commission to investigate these cases.

The status of 115 cases within different investigative (Police) agencies is as follows:
Trail-102 cases
Question:- 03 cases
Dismissed-10 cases.

Statistics - II**

Cases relating to sections 2(k), (o) and (q) and 4 of the Money Laundering Prevention Act, 2009.

<table>
<thead>
<tr>
<th>Year</th>
<th>2007-2010</th>
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<tbody>
<tr>
<td>No. of cases</td>
<td>18</td>
</tr>
<tr>
<td>No. of C.S</td>
<td>5</td>
</tr>
</tbody>
</table>

*Bangladesh Bank;
**Anti-Corruption Commission.

This information is collected and through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize money-laundering?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(I) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:


Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

The Money Laundering Prevention Act, 2009 may need to be fine-tuned to ensure that the scope fully complies with the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(Y) Yes

By whom is such assistance provided?
The US Department of Justice provided the draft legislation before passing Money Laundering Prevention Act, 2009 (MLPA). The Asia Pacific Group on Money Laundering (APG) has provided technical assistance on the drafting of an amendment to the MLPA.

If such assistance is provided in the context of a programme or project, please provide a description, including programme/project-related information, and attach relevant document(s).

Would the extension and/or expansion of such assistance help your country adopt the policy(ies) or measure(s) described in the provision under review? (Check one answer)
(P) Yes, in part

82. Subparagraph 1 (a) (ii) of article 23
1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
See answer under UNCAC Article 23(1)(a)(i).
Specifically, the article under review has been partially implemented through section 2(k)(iii) of the Money Laundering Prevention Act, 2009.

Please attach the text(s)
See text under UNCAC Article 23(1)(a)(i).

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
See answer under UNCAC Article 23(1)(a)(i).

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)
Please describe how such information is collected and analysed
See answer under UNCAC Article 23(1)(a)(i).

Have you ever assessed the effectiveness of the measures adopted to criminalize money-laundering?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)

Bangladesh – UNCAC Self-Assessment/21
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer under UNCAC Article 23(1)(a)(i).

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer under UNCAC Article 23(1)(a)(i).

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(P) Yes, in part

By whom is such assistance provided?

See answer under UNCAC Article 23(1)(a)(i).

If such assistance is provided in the context of a programme or project, please provide a description, including programme/project-related information, and attach relevant document(s)

Would the extension and/or expansion of such assistance help your country adopt the policy(ies) or measure(s) described in the provision under review? (Check one answer)

(Y) Yes

83. Subparagraph 1 (b) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply

(Comments “field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

No efforts to date have been made to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

A legislative amendment may need to be made to reflect the article under review in the Money Laundering Prevention Act 2009.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(MOLEG) Model legislation

(DRAFT) Legislative drafting

(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No
84. Subparagraph 1 (b) (ii) of article 23
1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: ...
(b) Subject to the basic concepts of its legal system: ...
(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The provision under review has been implemented through section 4 of the Money Laundering Prevention Act, 2009.

Please attach the text(s)
See text under UNCAC Article 23(1)(a)(i).

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
See answer under article 23(1)(a)(i)

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed
See answer under article 23(1)(a)(i)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

85. Subparagraph 2 (a) of article 23
2. For purposes of implementing or applying paragraph 1 of this article:
(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Predicate offences are defined in section 2(q) of the Money Laundering Prevention Act, 2009. It was noted that this does not necessarily include all of the offences set forth in UNCAC.

Please attach the text(s)
See text under article 23(1)(a)(i)
Bangladesh – UNCAC Self-Assessment/23
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

See statistics - I provided for sub-paragraph 1 (a) (i) of article 23

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Bangladesh Bank.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
The Money Laundering Prevention Act, 2002 was amended through the adoption of Money Laundering Prevention Act, 2009. However, fine tuning may be required to fully implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Fine tuning of the Money Laundering Prevention Act, 2009 may be required to fully implement the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

86. Subparagraph 2 (b) of article 23
2. For purposes of implementing or applying paragraph 1 of this article: ... (b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
See answer under UNCAC Article 23(2)(a).

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

See answer under UNCAC Article 23(2)(a).

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See answer under UNCAC Article 23(2)(a).

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:

See answer under UNCAC Article 23(2)(a).

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review:

See answer under UNCAC Article 23(2)(a).

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

87. Subparagraph 2 (c) of article 23

2. For purposes of implementing or applying paragraph 1 of this article: ...

(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

Is your country in compliance with this provision? (Check one answer)

(N) No
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.

Please provide an account of your country’s efforts to date to implement the provision under review:
No efforts to date have been made to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

To ensure full compliance with the article under review legislative amendment may need to be taken.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

88. Subparagraph 2 (d) of article 23
2. For purposes of implementing or applying paragraph 1 of this article: ...
(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? (Check one answer)
(N) No

Please provide the requisite information here
N/A

89. Subparagraph 2 (e) of article 23
2. For purposes of implementing or applying paragraph 1 of this article:
(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

Do fundamental principles of your domestic law require that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(N/A) Other issues (please specify)

Please provide an account of your country’s efforts to date to implement the provision under review
N/A

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
N/A
Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(N) No assistance would be required.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

90. Article 24

Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Applicable provisions are the following Sections of the Penal Code, 1860: Section 410, 411, 414, 424. Additionally, one has to consider the Money Laundering Prevention Act, 2009, particularly Section 2(K)(iii) and Section 4.

Please attach the text(s)
Penal Code, 1860
Of the Receiving of Stolen Property

Section 410
Stolen property.- Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as “stolen property,” whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without Bangladesh. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Section 411
Dishonestly receiving stolen property.- Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 414
Assisting in concealment of stolen property.- Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 424
Dishonest or fraudulent removal or concealment of property.- Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Money Laundering Prevention Act, 2009
Section 2(K)(iii) - see text under UNCAC Article 23(a)(i).

Section 4
The offence of money laundering and punishment.-
(1) For the purpose of this Act, money laundering shall be deemed to be an offence.
(2) Any person who commits or attempts to commit the offence of money laundering or abets or conspires in the commission of such offence shall be punished with imprisonment for a term which may extend to 7 (seven) years but not less than 6 (six) months and the money or property derived from the commission of such offence shall also be forfeited to the State.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Bangladesh – UNCAC Self-Assessment/27
Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

See statistics - I provided for sub-paragraph 1 (a) (i) of article 23

Please describe how such information is collected and analyzed

Bangladesh Bank

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize the concealment or continued retention of property knowing that such property is the result of any of the offences established in accordance with the Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

91. Subparagraph (a) of article 25
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

The provision under review has been partially implemented through sections 503, 506 and 507 of the Penal Code, 1860 which broadly refer to criminal intimidation and its punishment. The Code, criminalises the acts of giving false testimony (sections 193-200), causing disappearance of evidence (section 201) and destruction of document to prevent its production as evidence (section 204).

Please attach the text(s)

Penal Code, 1860
Section 193
Punishment for false evidence.- Whoever intentionally gives false evidence in any stage of judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.- A trial before a Court-martial is a judicial proceeding.

Explanation 2.- An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration
A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.- An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration
A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Section 194
Giving or fabricating false evidence with intent to procure conviction of capital offence; if innocent person be thereby convicted and executed.- Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by any law for the time being in force, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment herein before described.

Section 195
Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.- Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by any law for the time being in force is not capital, but punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration
A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to such imprisonment for life or imprisonment, with or without fine.

Section 196
Using evidence known to be false.- Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Section 197
Issuing or signing false certificate.- Whoever issues or signs any certificate required by law to be given or Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Section 198
Using as true a certificate known to be false.- Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Section 199
False statement made in declaration which is by law receivable as evidence.- Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other persons, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

Section 200
Using as true such declaration knowing it to be false.- Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation.- A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 and 200.

Section 201
Causing disappearance of evidence of offence, or giving false information to screen offender.- If a capital offence; if punishable with imprisonment for life; if punishable with less than ten years' imprisonment.- Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration
A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

Section 204
Destruction of document to prevent its production as evidence.- Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be
punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CHAPTER XXII
OF CRIMINAL INTIMIDATION, INSULT PREJUDICIAL ACT AND
ANNOYANCE
Section 303
Criminal intimidation. Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.
Explanation-A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.
Illustration
A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B’s house. A is guilty of criminal intimidation.

Section 506
Punishment for criminal intimidation. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; if threat be to cause death or grievous hurt, etc and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Section 507
Criminal intimidation by an anonymous communication. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

Information may become available at the stage of desk review/country visit.

If available, please provide information on related legal cases or other processes, including
statistics on number of investigations, prosecutions and convictions/acquittals. Please provide
per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Information may become available at the stage of desk review/country visit.

This information is collected through [MEANS] and analysed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize obstruction of justice?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe
which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under
review?

(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under
review:

No efforts to date have been made to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities
would need to take to ensure full compliance with the provision under review
Legislative amendments may be required to ensure full compliance with the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

92. Subparagraph (b) of article 25
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... (b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes, in part

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
The provision under review has been partially implemented through sections 228 and 353 of the Penal Code, 1860, and section 7 of the Money Laundering Prevention Act, 2009.

Please attach the text(s)

Penal Code, 1860
Section 228
Intentional insult or interruption to public servant sitting in judicial proceeding.- Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.

Section 353
Assault or criminal force to deter public servant from discharge of his duty.- Whoever assaults, or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Money Laundering Prevention Act, 2009
Section 7
Punishment for obstruction or non co-operation in investigation, failure to report or provide information.- (1) Any person who-
(i) obstructs or refuses to assist the concerned officer engaged in investigation under this Act; or
(ii) without reasonable ground, refuses to furnish or provide report or information required under this Act, shall be deemed to have committed an offence under this Act.
(2) Any person who contravenes the provisions of sub-section (1), shall be punished with imprisonment for a term which may extend to (one) year, or with fine which may extend to 5(five) thousand taka, or with both.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

Information is not available at this stage

Bangladesh – UNCAD Self-Assessment/31
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Information is not available at this stage

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize obstruction of justice?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

No effort have been taken to date to implement the provision under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Legislative amendments may be necessary in order to fully implement the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

93. Paragraph 1 of article 26

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(P) Yes in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

The definition of the term ‘person’, as provided by the Penal Code, 1860, includes legal persons (section 11). Accordingly, in Bangladesh, legal persons are amenable to criminal punishment for offences punishable with a fine only. Additionally, civil and administrative liability of legal persons is acknowledged by the domestic legal regime. With respect to money laundering, section 27 of the Money Laundering Prevention Act, 2009 establishes the principle of the liability of companies.

Please attach the text(s)

Money Laundering Prevention Act, 2009
Section 27

Offence committed by company.— (1) If any offence under this Act committed by a company, every proprietor, director, manager, secretary, or other officer or representative who is directly involved with the offence shall be deemed to have committed the offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Explanation.— In this section—
(a) "company" means any statutory body, commercial enterprise, partnership concern, association, or organization formed with one or more than one person; more than one person;
(b) "director" means any partner or member of the Board of directors, by whatever name it is called;
(2) Registration of any company engaged in money laundering, directly or indirectly, shall be liable to be cancelled.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to establish liability of legal persons?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
The definition of the term 'person', as provided by the Penal Code, 1860, includes legal persons (section 11). Accordingly, in Bangladesh, legal persons are amenable to criminal punishment for offences punishable with a fine only. Additionally, civil and administrative liability of legal persons is acknowledged by the domestic legal regime.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Information is not available at this stage

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

94. Paragraph 2 of article 26
2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

Is your country in compliance with this provision? (Check one answer)
(Y) No
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
Inadequacy of existing normative measures

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 26(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 26(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOLEG) Model legislation
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

95. Paragraph 3 of article 26
3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
With respect to money laundering, section 27 of the Money Laundering Prevention Act, 2009 provides that if an offence is committed by a company, “every proprietor, director, manager, secretary or other officer or representative who is directly involved with the offence shall be deemed to have committed the offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence”.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases where both natural and legal persons were liable
Please provide any available statistics of such cases. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 26(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

See answer under UNCAC Article 26(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(DRAFT) Legislative drafting
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

96. Paragraph 4 of article 26
4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:

See answer under UNCAC Article 26(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

See answer under UNCAC Article 26(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation
Legislative drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

97. Paragraph 1 of article 27
1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

The provision under review has been implemented through Chapter V of Abetment in the Penal Code, 1860, in particular sections 34, 107, 108, 108A and 109 of the Penal Code, 1860, as well as section 4 of the Money Laundering Prevention Act, 2009.
Penal Code, 1860
Section 34
Acts done by several persons in furtherance of common intention.- When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Section 107
Abetment of a thing.- A person abets the doing of a thing, who
Firstly.- Instigates any person to do that thing; or
Secondly.-Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
Thirdly.-Intentionally aids, by any act or illegal omission, the doing of that thing.
Explanation 1.-A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.
Illustration
A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.
Explanation 2.-Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Section 108
Abetter.- A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abetter.
Explanation 1.-The abetment of the illegal omission of an act may amount to an offence although the abetter may not himself be bound to do that act.
Explanation 2.-To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.
Illustrations
(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.
(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.
Explanation 3.-It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abetter, or any guilty intention or knowledge.
Illustrations
(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.
(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby, causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.
(c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.
(d) A intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.
Explanation 4.-The abetment of an offence being an offence, the abetment of such an abetment is also an offence. abetment of such an abetment is also an offence.
Illustration
A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.
Explanation 5.-It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiring in pursuance of which the offence is committed.
Illustration
A consents with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been poisoned. B has therefore committed the offence defined in this section and is liable to the punishment for murder.
Section 108A
Abetment in Bangladesh, of offences outside it- A person abets an offence within the meaning of this Code who, in Bangladesh, abets the commission of any act without and beyond Bangladesh which would constitute an offence committed in Bangladesh.
Illustration
A, in Bangladesh, instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder.

Section 109
Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.- Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.
Explanation-An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.
Illustration-(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 161.
(b) A instigates B to give false evidence. B, in consequence of the instigation commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.
(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A’s absence and thereby causes Z’s death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Money Laundering Prevention Act, 2009
Section 4
The offence of money laundering and punishment.-
(1) For the purpose of this Act, money laundering shall be deemed to be an offence.
(2) Any person who commits or attempts to commit the offence of money laundering or abets or conspires in the commission of such offence shall be punished with imprisonment for a term which may extend to 7 (seven) years but not less than 6 (six) months and the money or property derived from the commission of such offence shall also be forfeited to the state.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian. If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Information is not available at this stage

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize participation in an offence established in accordance with the Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

98. Paragraph 2 of article 27
2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part
Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

The provision under review has been partially implemented through specific offences that are covered under UNCAC, such as in sections 161 and 162. However, it was noted that there is no general provision on "attempt" to commit offences in general.

Please attach the text(s)

See text under UNCAC Article 15(a)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Has your country adopted and implemented the measures described above? (Check one answer)

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Information is not available at this stage

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted to criminalize the attempt to commit an offence established in accordance with the Convention? (N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

No effort to date has been taken by Bangladesh to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Legislative amendments might be made to fully implement the article under review (i.e. in the Penal Code, 1860).

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

99. Paragraph 3 of article 27
3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.
Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
See answer under UNCAC Article 27(1)

Please attach the text(s)
See answer under UNCAC Article 27(1)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See answer under UNCAC Article 27(1)

Have you ever assessed the effectiveness of the measures adopted to criminalize the preparation for an offence established in accordance with this Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

100. Article 28
Knowledge, intent and purpose required as an elements of an offence established in accordance with this Convention may be inferred from objective factual circumstances.

In your country's legal system, can knowledge, intent and purpose required as an element of an offence established in accordance with the Convention be inferred from objective factual circumstances? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable law(s), policy(ies), or other measure(s)
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please attach the text(s)

Please cite the text(s)
Generally the criteria to infer 'knowledge', 'intent' or 'purpose' is not regulated in Bangladesh by any statute. This is left to the courts' objective judgement. Nevertheless, domestic standards enable the courts to presume certain mental state of a person accused of corruption. For example, the Penal Code, 1860, in sections 161, 152, 163, 165, and 165A, criminalises the taking by giving and offering any gratification to any public official, provided it is done so with intention of obtaining any specific favours. In the trial of such offences, the courts may presume mens rea on proof of actus rea (The Criminal Law Amendment Act, 1958, section 7(2) and (3). The Prevention of Corruption Act, 1947 also contains similar special rules of evidence (section 4). Moreover, the Criminal Law Amendment Act, 1958 provides that when any person who is charged with corruption and is in possession of pecuniary resources, for which s/he is unable to satisfactorily account for, in such an event the courts may take this into consideration in deciding his/her culpability (section 7.1)

Please provide examples of cases and attach case law if available
Information relating to FIR & Charge Sheet under sections 161-165, 166-169A of Penal Code.

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Charge Sheet (only in Special Judge Court, Dhaka) *

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<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analyzed

Anti-Corruption Commission.

*Total information is not available at this moment. It may become available at the stage of desk review/country visit.

This information is collected through [MEANS] and analyzed using [METHOD].

Have you ever assessed the effectiveness of the measures adopted for knowledge, intent and purpose to be inferred from objective factual circumstances as prescribed above?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

101. Article 29

Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

In Bangladesh, there exists no statute of limitations prescribing time limit for commencement of criminal proceedings. As such, the domestic standard is more prosecution-friendly than the UNCAT in the sense that criminal more prosecution-friendly than the UNCAT in the sense that criminal proceedings cannot be barred by limitations. Since article 29 of the UNCAT does not require States Parties without statutes of limitation to introduce them, domestic standards of Bangladesh fully comply with the UNCAT requirement.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related court or other cases related to instances when you established a longer statute of limitations period or suspended the statute of limitations where an alleged offender had evaded the administration of justice. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

102. Paragraph 1 of article 30
1. Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes
(N) No

Please cite, summarize and attach the text regarding applicable sanction(s) or other measure(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
In Bangladesh, punishments prescribed for corruption related offences are proportionate to the gravity of offences. In most of the cases, offenders liable for offences relating to bribery and trading in influence can be punished with imprisonment up to three years and/or fine. For commission of similar offences, imprisonment of a public servant may extend to seven years. Generally, offenders liable for embezzlement, misappropriation or other diversion of property can be punished with imprisonment up to two or other diversion of property of public can be punished with imprisonment up to two or three years and/or fine. In case of public servants, the term of imprisonment may extend to imprisonment for life or imprisonment up to ten years. In case of money laundering, the amount of fine should be double of the amount of money laundered. In all other corruption cases, the amount of fine imposed on an offender liable for corruption shall not be less than the gain illegally derived. These punishments do not affect the initiation or continuation of any disciplinary proceeding against a public servant (The Government Servants' (Discipline and Appeal) Rules, 1985).

See text provided in paragraph 6 of article 30

Please attach the text(s)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

See statistics III, IV & V provided in paragraph (a) of article 15

If applicable, please provide information on criminal and non-criminal sanctions imposed Where applicable, please provide information on the execution of sentences (e.g. time served, amount of money collection, etc.)

Have you ever assessed the effectiveness of the measures adopted to make the commission of an offence established in accordance with the Convention liable to sanctions that take into account the gravity of that offence?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

103. Paragraph 2 of article 30
2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part
(N) No

Please cite, summarize and attach the applicable measure(s) or rules

Please cite the text(s)
The provision under review has been partially implemented through section 197 of the Code of Criminal Procedure, 1898 and section 32 of the Anti-Corruption Commission Act, 2004.

Please attach the text(s)

Criminal Procedure Code, 1898
Section 197
Prosecution of Judges and public servants
(1) When any person who is a Judge within the meaning of section 19 of the Penal Code, or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the Government, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government.
(2) Power of Government as to prosecution
The Government may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Anti-Corruption Commission Act, 2004
Section 32
Permission of the Commission for filing cases -
(1) Notwithstanding anything in the Code of Criminal Procedure or any other law now existing, it shall be obligatory to obtain the approval of the commission before filing cases under this law and a copy of the approval letter given by the commission for filing the case shall be submitted to the court at the time of filing.
(2) The approval process shall be determined by rules.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Have there been concrete instances where the issue of immunities and/or jurisdictional or other privileges accorded to public officials has arisen and addressed in official documents?

Information is not available at this stage

If there have been any relevant official inquiries or reports, please cite, summarize or attach relevant documents

Information is not available at this stage

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Have you ever assessed the effectiveness of the measures adopted to balance immunities or privileges accorded to public officials and the possibility of investigating, prosecuting and adjudicating offences established in accordance with the Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTERNATIONAL) inter-agency co-ordination
(ISSUE) Other issues (please specify)
Lack of legislative measures (i.e. amendments required and appropriate rules to be framed)

Please provide an account of your country’s efforts to date to implement the provision under review:

Information is not available at this stage

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Legislative amendments are required to fully implement the article under review.
Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(NO) No assistance would be required
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

104. Paragraph 3 of article 30
3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
The provision under review has been partially implemented through sections 17(j), 32, 33 and 36 of the Anti-Corruption Commission Act, 2004.

Please attach the text(s)
Anti-Corruption Commission Act, 2004

Section 17
Functions of the Commission
The Commission may discharge any or all of the following functions:-
(j) Inquire into corruption, investigate, file cases and determine the process of approval by the commission in respect of such inquiry, investigation and filing of cases.

Section 32
[See under UN Convention Against Corruption Article 30(1)]

Section 33
The Prosecution unit of the Commission -
(1) The commission shall have its own prosecution unit consisting of the number of prosecutors required to conduct the cases to be investigated by the commission under this law and to be tried before the special judge.
(2) The conditions of appointment and service of the prosecutors shall be determined by rules.
(3) Until the appointment of its own prosecutors under this law, lawyers temporarily appointed by the commission shall conduct its cases.
(4) Prosecutors appointed under this section shall be deemed to be public prosecutors.

Section 36
Power of the Government to Resolve Difficulties.- If a situation arises where it is difficult to apply and execute this law because of vagueness about the powers and responsibilities of the commission under it, the government will explain and clarify the matter and give the commission directives and guidelines about what is to be done through an official gazette notification and in accordance with other rules and regulations.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available) Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Have you ever assessed the effectiveness of the measures adopted to ensure that discretionary legal powers are exercised to maximize deterrence and effectiveness of law enforcement action?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)
Please provide an account of your country's efforts to date to implement the provision under review:

Information is not available at this stage

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Additional prosecutorial guidelines need to be established.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

105. Paragraph 4 of article 30
4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)

In Bangladesh, a "bailable offence" is defined under section 4(1)(b) of the Code of Criminal Procedure, 1898, namely "an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force". The second schedule provides that corruption related offences under i.e. Chapter IX of Offences by or relating to Public Servants under the Penal Code, 1860 are bailable. Nonetheless, with the entry into force of the Anti-Corruption Commission Act, 2004, corruption related offences according to section 28 of the Anti-Corruption Commission Act, 2004 are to be tried before a special judge. According to section 11 of the Criminal Law Amendment Act, 1958, offences triable by a Special Judge under the Criminal Law Amendment Act 1958 shall be deemed to be non-bailable. As a result, decisions to release accused individuals for corruption related offences under the Penal Code, 1860 are non-bailable, but in exceptional circumstances, bail may be granted. These exceptional circumstances are contained in section 497 of the Code of Criminal Procedure, 1898. Regarding offences under the Money Laundering Prevention Act, 2009, section 11 states that all offences under the Act are non-bailable. Section 13 of the Money Laundering Prevention Act, 2009 further details provisions for bail.

Please attach the text(s)

Code of Criminal Procedure, 1898
Section 4
Definitions
(1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:-
(b) "bailable offence" means an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence

Section 497
When bail may be taken in case of non-bailable offence.- (1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life:
Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail.
(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.
(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.
(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is
not guilty of any such offence, it shall release the accused, if he is in custody on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

(5) The High Court Division or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody.

Anti-Corruption Commission Act, 2004
Section 28
Judgment of the offences, etc.

(1) Notwithstanding any other law, offences under this Act shall be tried before a special judge.

(2) With the exception of subsections 6(5) and (6) thereof, the Criminal Law Amendment Act, 1958 (XL of 1958) shall apply to prosecutions and appeals under this Act.

(3) In the event of any inconsistency between this Act and the Criminal Law Amendment Act, 1958 (XL of 1958), this Act shall prevail.

Criminal Law Amendment Act, 1958
Section 11
Bail and imprisonment

(1) Notwithstanding anything contained in the Second Schedule to the Code of Criminal Procedure, 1898, or any other law for the time being in force, offences triable by a Special Judge under this Act shall be deemed to be non-bailable.

(2) Any offence triable under this Act which is punishable with simple imprisonment shall be deemed to be punishable with imprisonment of either description.

Money Laundering Act, 2009
Section 11
Offence to be cognizable, non-compoundable, and non-bailable.

(1) All offences under this Act shall be cognizable, non-compoundable and non-bailable.

Section 13
Provisions for bail.

- A person accused under this Act shall not be released on bail, if-
  (a) the complainant is not given an opportunity of being heard in the application for bail; and
  (b) the court is satisfied that there are reasonable grounds for believing that the accused shall be convicted of the charges brought against him; or
  (c) he is not a woman, child or physically disabled and the Court is not satisfied that justice may not be hindered on his release on bail.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in formal stages of enactment or legislation pending official publication):
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available) Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Generally, persons go on bail never disobey the order of the Court. If any body disobeys/misuse the order or privilege the order to attend the Court may be tried for violation and the order of bail may be cancelled.

Misused of privilege of bail:

Bail of a person once granted may be cancelled on the following grounds:

1) Commits the very same offence
2) Tempers the investigation
3) Tempers the evidence
4) Runs away to foreign country or goes underground or beyond the control of his sureties
5) Commits acts of violence in revenge

Case Law: 1952(Cr.LJ) 213(Mad.) 52 Cr. L. J. 1505

Obstruction or non-co-operation in investigation:

If conduct of the accused person subsequent to his release on bail puts in jeopardy the progress of a fair trial itself and if there is no other remedy bail may be cancelled.

Case Law: AIR 1958(SC) 376

Have you ever assessed the effectiveness of the measures adopted to ensure that conditions for release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings?

(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

106. Paragraph 5 of article 30
5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

In Bangladesh, in principle, individuals convicted of corruption related offences cannot be released before the sentence has been served entirely. Only the Appellate Court can release on parole.

Convicted prisoners, moribund or seriously ill, may be released under certain circumstances (jail code rules 591, 592 and 596)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Case Law:
AIR 187 (SC) 1383
AIR 1967 (Gu) 136
Writ Petition No. 2179 of 2010
Civil Petition No. 2345 of 2010

More information is not available at this stage

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to take into account the gravity of the offences when considering the eventuality of early release or parole of persons convicted of such offences?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

107. Paragraph 6 of article 30
6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.

Has your country established the procedures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable procedure(s) or other measure(s)

Please cite the text(s)
According to the Government Servants (Discipline and Appeal) Rules, 1976, government servants can be suspended for their alleged involvement in any offences. Moreover, according to the Public Servants (Dismissal on Conviction) Ordinance, 1955, a public servant convicted of any offence punishable with death, transportation or imprisonment for a term exceeding six months and/or fined with a fine exceeding ten thousand dollars or above will stand dismissed from service from the date of judgement (section 31(1) read with schedule). The Constitution also disqualifies a person convicted of an offence involving moral turpitude and sentenced to
imprisonment for a term of two years and/or above in participating in an election to Parliament for a term of five years since release (Article 66). Similar restriction applies for elections to local government bodies.

The Government Servants (Discipline and Appeal) Rules, 1985

3. Where a Government servant, in the opinion of the authority —

(a) ..................
(b) ..................
(c) ..................
(D) is corrupt, or may reasonably be considered corrupt, because —

(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income or
(ii) he has assumed a style of living, beyond his ostensible means, or
(iii) he has a persistent reputation of being corrupt.

the authority may, subject to the provision of sub-rule (6) of rule 4, impose on him or more penalties.

As per Section 4 of “The Government Servants (Discipline and Appeal) Rules, 1985”

Penalties:

There shall be two kinds of penalties which may be imposed under these rules, namely, minor penalties and major penalties.

(2) Minor penalties are —

(a) censure;
(b) withholding, for a specified period, of promotion or of increment otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
(c) stoppage, for a specified period, of all or any part of his salary or emoluments, otherwise than for unfitness to carry out the duties of the office;
(d) recovery of pay or gratuity of the whole or any part of any pecuniary benefit caused to Government by negligence or breach of orders;
(e) reduction to a lower stage in the time-scale.

(3) Major penalties are -

(a) reduction to a lower post or time-scale;
(b) compulsory retirement;
(c) removal from service;
(d) dismissal from service.

(4) Removal from service does not, but dismissal from service does, disqualify from future employment under the Government or under any body corporate established by or under any law.

(5) Penalties may be imposed as follows —

(a) for inefficiency as laid down in sub-clause (i) of clause (a) of rule 3, any penalty except censure and dismissal from service;
(b) for any other inefficiency, any penalty except dismissal from service;
(c) for misconduct, any penalty;
(d) for desertion, any penalty;
(e) for corruption or subversion, any major penalty except reduction to a lower post or time-scale.

Please attach summary (ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

See statistics III, IV & V provided in paragraph (a) of article 15

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of your country's procedures through which a public official accused of an offence established in accordance with the Convention may be removed, suspended or reassigned?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
108. Subparagraph 7 (a) of article 30
7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:
(a) Holding public office;

Has your country established the procedures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable procedure(s) or other measure(s)

Please cite the text(s)
See answer in UNCAC Article 30 (6)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication);
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review;
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of your country’s procedures for the disqualification from holding public office of persons convicted of offences established in accordance with the Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

109. Subparagraph 7 (b) of article 30
7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(b) Holding office in an enterprise owned in whole or in part by the State.

Has your country established the procedures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable procedure(s) or other measure(s)

Please cite the text(s)
See answer in UNCAC Article 30 (6)

Please attach the text(s)
See answer in UNCAC Article 30 (6)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review;
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of your country’s procedures for the disqualification from holding office in an enterprise owned in whole or in part by the State of persons convicted of offences established in accordance with the Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

110. Paragraph 8 of article 30

8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.

Is your country in compliance with this provision? (Check one answer)
Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication);
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related disciplinary cases

See answer under Paragraph (1) of Article 30

Have you ever assessed the effectiveness of the measures adopted to regulate the exercise of disciplinary powers against civil servants by competent authorities?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

111. Paragraph 10 of article 30

10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
No efforts have been made to date to implement the article under review.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

More capacity and resources would perhaps ensure full compliance with the article under review.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review?

(PLAN) Development of an action plan for implementation
(OTHER) Other assistance (please specify)

Capacity and resources

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

112. Subparagraph 1 (a) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:
   (a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

Provisions for confiscation of property are contained in several laws of Bangladesh. It is to be noted that the different types of properties liable for confiscation are not categorised in the same way as in the UNCCP. The ACC Act, 2004 allows confiscation of any property that has been acquired by illegal means or is disproportionate to legal source of income (section 27 (1)). This provision is definitely wider in its application than the UNCCP. Besides this Act, the Criminal Law Amendment Act, 1958 also empowers the courts to confiscate the proceeds of corruption (section 9) and section 17-19 (exclusive) of the Money Laundering Prevention Act 2009. Furthermore, the Criminal Law Amendment Ordinance, 1944 can be applied to prevent the disposal or concealment of offences by or relating to Public Servants. In particular, sections 4 and 13 of the Criminal Law Amendment Ordinance, 1944 allow for the interim attachment and forfeiture of property and where such money or other allow for the interim attachment and forfeiture of property and where such money or other property is not available, such other property of equivalent value. Confiscation can also be ordered under Chapter XLI of the Code of Criminal Procedure, 1898 when an inquiry or criminal proceeding or trial in any criminal court is concluded.

Please attach the text(s)

Anti-Corruption Commission Act, 2004
Section 27
 Possession of Property in Excess of Known Sources of Income -
(1) If there are sufficient and reasonable grounds to believe that a person in his/her own name or any other person on his/her behalf is in possession and has obtained ownership of moveable or immovable property through dishonest means and the property is not in his/her possession, the person to whom prepared by international Business and Technical Consultants 13 sources of his/her income and if he/she fails to submit to the court during trial a satisfactory explanation for possessing that property, then that person shall be considered to have committed an offence and shall be liable to confiscation.

Criminal Law Amendment Act, 1958
Section 9
 Punishment of offences When any person charged before a Special Judge with an offence triable under this Act is found guilty of the offence the Special Judge shall, notwithstanding anything contained in any other law, whether or not he imposes a sentence of imprisonment, impose a sentence of fine which shall not be less than the gain found to have been derived by the accused by the commission of the offence and may also order confiscation of the whole or any part of the property of the accused to the Government.

Money Laundering Prevention Act, 2009
Section 17
 Procedure in Forfeiture Proceeding - (1) If any person is convicted of the offence of money laundering under this Act, the Court may pass an order to forfeit the property involved in the offence wherever situated, within or outside Bangladesh in which the people of the country have interest, or outside Bangladesh in which the people of the country have interest.
(2) If any person convicted of the offence of money laundering has absconded or died, the Court may also pass an order to forfeit the property involved in the offence.
Explanation: A person shall be deemed to have absconded when reasonable attempts have been made to arrest the person pursuant to a warrant for a period of 6 (six) months commencing on the day the warrant was issued and if he fails to surrender within the said period.
(3) If a person in good faith or paying the proper value had purchased the property before the order of forfeiture passed by the Court or before filing any case or proceeding under this section and is able to convince the Court that he had no knowledge of the property being laundered and had purchased it in good faith, in that case the Court instead of giving forfeiture order, may direct the convicted person to deposit the sold value of the said property in the Government treasury within a time-limit determined by the Court.
Section 18

Release of forfeited property.- (1) If the Court passes an order of forfeiture of a property under section 17, any person, other than the convict who has title, interest or right in the property may apply to the Court to get back the property within 30 (thirty) days of the date of publishing the notice of forfeiture of the property.

(2) After receiving an application under sub-section (1), the Court may give a reasonable time to the convict and to the applicant for hearing and after hearing the Court shall pass necessary order considering the following matters, namely:-

(a) that the applicant or the forfeited property was involved in the commission of the offence;

(b) that the applicant has the legal right in acquiring the forfeited property;

(c) that the time of the commission of the offence and the time of acquiring the property claimed;

(d) any additional information that the Court may consider relevant.

Section 19

Appeal against the order to forfeit the property.- (1) Any person aggrieved by an order for forfeiture of property, may within 30 (thirty) days from the date of such order prefer an appeal to the High Court Division.

(2) If an appeal is preferred under sub-section (1), the Appellate Division shall give both the parties a reasonable time for hearing, and after hearing the Court shall give such order as it thinks fit.

Criminal Law Amendment Ordinance, 1944

Section 4

Ad interim attachment.- (1) Upon receipt of an application under section 3, the District Judge shall, unless for reasons to be recorded in writing he is of opinion that there exist no prima facie grounds for believing that the person in respect of whom the without delay an ad interim order attaching the money or other property alleged to have been so procured, or if it transpires that such money or other property is not available for attachment, such other property of the said person of equivalent value as the District Judge may think fit.

Provided that the District Judge may if he thinks fit before passing such order, and shall before refusing to pass such order, examine the person or persons making the affidavits accompanying the application.

(2) At the same time as he passes an order under sub-section (1), the District Judge shall issue to the person whose money or any property is being attached a notice, accompanied by copies of the order, the application and affidavits and of the evidence, if made absolute.

(3) The District Judge shall also issue notices, accompanied by copies of the documents accompanying the notice under sub-section (2), to all persons represented to him as having, or being likely to claim, any interest or title in the property of the person to whom notice is issued under the said sub section, calling upon each such person to appear on the same date as that specified in the notice on the ground that he has an interest in such property or portion thereof.

(4) Any other person claiming an interest in the attached property or any portion thereof may, notwithstanding that no notice has been served on him under this section, make an objection as aforesaid to the District Judge at any time before an order is passed under sub-section (1) or sub-section (3), as the case may be, of section 5.

Section 13

Disposal of attached property upon termination of criminal proceedings.- (1) Upon the termination of any criminal proceedings for any scheduled offence in respect of which any order of attachment of property has been made under this where criminal proceedings have been taken in any Court, furnished to the District Judge with a copy of the judgment or order of the trying Court and with copies of the judgments or orders, if any, of the appellate or revisional Courts therein.

(2) Where it is reported to the District Judge under sub section (1) that cognizance of the alleged scheduled offence has not been taken or where the final judgment or order of the criminal Courts is one of acquittal, the District Judge shall forthwith withdraw any orders of attachment of property made in connection with the withdraw any orders of attachment of property made in connection with the offence, or where security has been given in lieu of such attachment, order such security to be returned.

(3) Where the final judgment or order of the criminal Courts is one of conviction, the District Judge shall order that from the property of the convicted person attached under this Ordinance or out of the security given in lieu of such attachment, there shall be forfeited to Government such amount or value as is found in the final judgment or order of the criminal Courts in pursuance of section 12 to have been procured by the convicted person by means of the offence, together with the costs of attachment as fine on the said person (whether alone or in conjunction with any other punishment); the District Judge may order, without prejudice to any other mode of recovery, that the said fine shall be recovered from the residue of the said attached property or of the security given in lieu of attachment.

(4) Where the amounts ordered to be forfeited or recovered under sub section (3) exceed the value of the property of the convicted person attached, and where the property of any transferee of the convicted person has been attached under section 6, the District Judge shall order that the balance of the amount ordered to be forfeited under sub section (3) together with the costs of attachment of the transferee's property as determined by the District Judge shall be forfeited to Government from the attached property of the transferee or out of the security given in lieu of such attachment; and the District Judge may order, with prejudice to any other mode of recovery, that any fine referred to in sub section (3) or any portion thereof not recovered under that sub section shall be recovered from that attached property of the transferee or out of the security given in lieu of such attachment.

(5) If any property remains under attachment in respect of any scheduled offence or any security given in lieu of such attachment remains with the District Judge after his orders under sub sections (3) and (4) have been carried into effect, the order of attachment in respect of such property remaining shall be forthwith withdrawn, or as the case may be, the remainder of the security returned, under the orders of the District Judge.

(6) Every sum ordered to be forfeited under this section in connection with any scheduled offence other than one specified in item 1 of the Schedule to this Ordinance shall, after deduction of the costs of attachment as determined by the District Judge, be credited to the Government or local authority to which the offence has caused loss, or where loss has been caused to Government and one
or more local authorities or to more than one] local authority, the sum shall, after such deduction as aforesaid, be distributed among them in proportion to the loss sustained by each.

Code of Criminal Procedure, 1898
Chapter XLI of the Disposal of Property
Section 517

Order for disposal of property regarding which offence committed. - (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal by destruction, confiscation, or production before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
If available, please provide information on the number and types of cases in which proceeds were confiscated. Please provide per annum figures since the year 2003 (or further back, if available)
If available, please provide information on the amount of proceeds of offences established in accordance with this Convention confiscated. Please provide per annum figures since the year 2003 (or further back, if available)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

(i) Around 20 million taka had been confiscated from Ex President of Bangladesh, [Cant. P/S Case No. 41(4)91]
(ii) An immovable asset (commercial building named 'Janata Tower' valued more than 40 million taka) had been confiscated from wife of Ex President of Bangladesh, [Motijhil P/S Case no. 48(4)91]

Reported case: 1 LDR Page-628 (Nezamuddin’s Case)
40 DLR Page – 485 (Monoranjan Das)

Have you ever assessed the effectiveness of the measures adopted to enable confiscation of proceeds of offences established in accordance with this Convention?
(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

113. Subparagraph 1 (b) of article 31
1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part
Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

Please see answer under UNCAC Article 31(1)(a).

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
If available, please provide information on the amount/types of property, equipment or other instrumentalities confiscated

Bangladesh – UNCAC Self-Assessment'52
If available, please provide information on recent cases in which such confiscations took place. Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to enable confiscation of property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:

Please see answer under UNCAC Article 31(1)(a).

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

Please see answer under UNCAC Article 31(1)(a).

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice

(MOLEG) Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

114. Paragraph 2 of article 31

2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

The provision under review has been implemented through section 4 of the Criminal Law Amendment Ordinance, 1944, and sections 14, 15 and 16 of the Money Laundering Prevention Act, 2009. Additionally, Chapter XI of the Disposal of Property of the Code of Criminal Procedure, 1898 provides for the custody of any property regarding which any offence appears to have been committed pending the conclusion of the inquiry or trial (section 516A).

Please attach the text(s)

For section 4 of the Criminal Law Amendment Ordinance, 1944, see text under UNCAC Article 31.

Money Laundering Prevention Act, 2009

Sections 14, 15 and 16

14. Order for freezing or attachment of property.- (1) The Court may, upon the written application of any investigating organization, pass an order for freezing or attachment of property wherever situated, within or outside Bangladesh, in which interest of the property of the country is involved under this Act.

(2) An application under sub-section (1) by the investigating organization for an order for freezing or attachment of a property shall be made in writing and be accompanied with the following information:

(a) full description of the property sought to be frozen or attached;

(b) the grounds and primary evidence for believing the property involved in money laundering;

(c) the possibility of success in prosecution;

(d) the apprehension for the property from being transferred or beyond possession before the conclusion of the proceedings, if an order is not passed according to the application by the Court.

(3) Whenever any order for freezing or attachment under sub-section (1) is passed, the Court shall, for general information, publish the matter with every detail of the property in the official Gazette and at least in a well-circulated national daily newspaper.
(4) In the order for freezing or attachment the property passed under this section, the name of the accused, name of his spouse, his nationality, designation (if any), profession, Tax Identification Number (TIN), present and permanent address and any other identification of the accused shall, as far as possible, be mentioned.

(5) Subject to the provisions of sub-section (6), while an order for freezing or attachment of any property passed under this section transcended in any form, or encumbered in any manner, the Court is in force, such property shall, unless the Court otherwise directs, not to be transferred in any form or manner.

(6) While an order for freezing an account of any person is in force, all the money he acquired may, unless otherwise specified in the order, be deposited in such account.

15. Release of frozen or attached property.-(1) If the Court passes an order to freeze or attach any property, any person, other than the accused, who has interest in such property may, within 30 (thirty) days from the date of publishing the notice of freezing or attachment of the property in a well-circulated national daily newspaper, submit an application to the Court for an order of release of that property.

(2) Any person making an application under sub-section (1) shall include the following information with the application, namely:-

(a) that the property has no involvement in the offence of money laundering;

(b) that the accused has no title, interest or ownership in the frozen or attached property.

(c) that the applicant has a title, interest and ownership in the frozen or attached property.

(3) Notwithstanding anything contained in sub-section (5) of section 14, if any application under this section for taking over the property is received by the Court shall be the investigating organization and the accused an opportunity for hearing, and after hearing and analyzing the required papers or documents, if the Court is satisfied by the application submitted under sub section (1), it shall cancel the order of freezing or attachment of the property and pass an order to return the property in favour of the applicant.

Code of Criminal Procedure, 1898
Section 516A
Order for custody and disposal of property pending trial in certain cases.- When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks proper for the disposal of the property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Bank A/C no. 1417-0 of Agrani Bank, amin Court Branch, Dhaka of ex communication Minister Mr. Nazmul Huda & his wife Mrs. Sigma Huda has been frozen by the Court in the Dharmondi P/S Case no. 70/2007

If available, please provide information on the cases and amount of money/value of property frozen or seized. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to enable identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

115. Paragraph 3 of article 31
3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Bangladesh – UNCAC Self-Assessment/54
The provision under review has been implemented through section 9 of the Criminal Law Amendment Ordinance 1944, sections 20 and 21 of the Money Laundering Prevention Act 2009, and Chapter XLI of the Code of Criminal Procedure 1898.

Please attach the text(s)
Criminal Law Amendment Ordinance, 1944
Section 9
Administration of attached property. - (1) The District Judge may, on the application of any person interested in any property attached under this Ordinance and after giving the agent of the Government an opportunity of being heard, make such orders as the District Judge considers just and reasonable for
(a) providing from such of the attached property as the applicant claims an interest in, such sums as may be reasonably necessary for the maintenance of the applicant and of his family, and for the expenses connected with the defence of the applicant where criminal proceedings have been instituted against him in any Court for a scheduled offence;
(b) safeguarding so far as may be practicable the interests of any business affected by the attachment, and in particular, the interests of any partners in such business.
(2) Where it appears to the District Judge to be just and convenient, he may by order appoint a receiver to manage any property attached under this Ordinance in accordance with such instructions as the District Judge may from time to time think fit to give; and where a receiver is so appointed, the provisions of rules 2, 3, 4 and 5 of Order XL of the First Schedule to the Code of Civil Procedure, 1908, shall be applicable.

Money Laundering Prevention Act, 2009
Sections 20 and 21

20. Disposal of Forfeited Property. - (1) Whenever a property is forfeited under this Act, the Government may sell the property, other than that which is required by a law to be destroyed, by public auction or dispose of the same in any other commercially feasible means.
(2) The money receivable by sell or otherwise under sub-section (1) shall be deposited to the Government treasury.

21. Appointment of manager or caretaker for the property frozen, attached or forfeited. - If any property is frozen, attached or forfeited under this Act, the Court may, upon an application made by investigating organization or any person authorized by it in this behalf, appoint a person or any person to take control of and manage or otherwise deal with, all or any part of such property under such terms and conditions as the Court may think fit.

Code of Criminal Procedure, 1998
CHAPTER XLI XI OF THE DISPOSAL OF PROPERTY
[NB: See text under UNCA Article 31(1) and (2) for sections 516A and 517(1)]

Section 517
Order for disposal of property regarding which offence committed
(2) When High Court Division or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the Chief Metropolitan Magistrate or District Magistrate.
(3) When an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.
(4) Anything in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.

Explanation: In this section the term "property" includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Section 518
Order may take form of reference to District Magistrate.- In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Section 519
Payment to innocent purchaser of money found on accused.- When any person is convicted of any offence which includes, or amounts to theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Section 520
Stay of order under sections 517, 518 or 519.- Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

Section 521
Deception of libelous and other matter.- 521.(1) On a conviction under the Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.
(2) The Court may, in like manner, on a conviction under the Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Section 522

Power to restore possession of immovable property.- (1) Whenever a person is convicted of an offence attended by force or by criminal intimidation and it appears to the Court that by such force or show of force or by criminal intimidation any person has been dispossessed of any immovable property, the Court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction order the person dispossessed to be restored to the possession of the same.

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

(3) An order under this section may be made by any Court of appeal, confirmation, reference or revision.

Section 523

Procedure by police upon seizure of property taken under section 51 or stolen.- (1) The seizure by any police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure where owner of property seized unknown

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a Proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within one month from the date of such proclamation.

Section 524

Procedure where no claimant appears within six months.- (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Chief Metropolitan Magistrate, Chief Judicial Magistrate, or of a Magistrate of the first class empowered by the Government in this behalf.

(2) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

Section 525

Power to sell perishable property.- If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than ten taka, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Cited legislative measures are used in relevant cases.

Freezing and Confiscation:

Recently, a British Bangladeshi citizen was charged and convicted for misappropriation of ‘Haj’ money and the money was laundered to Bangladesh and it was frozen by a bank in Bangladesh amounting to Taka about 6 crores 83 lacs and when a request was sent from UK Central Authority, Bangladesh Bank froze the money and in cooperation with the Attorney General’s Office and ACC filed a case under the MLA Act, 2009 and subsequently an application before the Court and got an order of confiscation and the money was sent to UK Central Authority.

Case Law: ACC V. Md. Faruk

Please provide any reports or assessments of the administration of frozen, seized or confiscated property

Have you ever assessed the effectiveness of the measures adopted to regulate the administration of frozen, seized or confiscated property?

N: No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

116. Paragraph 4 of article 31
4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)
By way of explanation to section 517(1) of the Code of Criminal Procedure, 1898, property liable to custody and/or confiscation includes "not only such property as has been originally in the possession or under the control of any party, but also property into or for which the same may have been converted or exchanged..."

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

117. Paragraph 5 of article 31
5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

Is your country in compliance with this provision? (Check one answer)
(N) No

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
No efforts to date have been taken to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
The legal system of Bangladesh does not appear to clearly cover a situation where proceeds of crime have been intermingled, as per article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
118. Paragraph 6 of article 31
6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)
In practice, Bangladesh is in partial compliance with the article under review. However, it is to be noted that there is no explicit provision in the legal system of Bangladesh.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
No efforts to date have been taken to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
The legal system of Bangladesh does not explicitly allow for the income or other benefits derived from such proceeds of crime, as per article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
(MOLEG) Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

Bangladesh – UNCAC Self-Assessment/58
119. Paragraph 7 of article 31
7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Under section 19 of the Anti-Corruption Commission Act, 2004, “the Commission may require any person to furnish information in matters relating to any inquiry or investigation and any person so directed is obliged to furnish information available to him”. Since the provision above does not expressly mention the possibility to overcome bank secrecy, an amendment may be advisable in this regard.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Case Law ACC Vs. Md. Faruk

More information is not available at this stage

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to order that bank, financial or commercial records be made available to or seized by courts or other competent authorities?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

120. Paragraph 8 of article 31
8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

Information is not available at this stage
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

Information is not available at this stage.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice
(MOLEG) Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

121. Paragraph 9 of article 31

9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

The provision under review has been implemented through section 15 of the Criminal Law Amendment Ordinance, 1944, section 519 of the Code of Criminal Procedure, 1898, and sections 15, 16, 17(3), 18 and 19 of the Money Laundering Prevention Act, 2009.

Please attach the text(s)

Criminal Law Amendment Ordinance, 1944
Section 15
Protection of action taken. - No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance. NB: An Ordinance to prevent the disposal or concealment of property procured by means of certain offences

Code of Criminal Procedure, 1898
Section 519
Payment to innocent purchaser of money found on accused.- When any person is convicted of any offence which includes, or amounts to theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Money Laundering Prevention Act, 2009
Sections 15, 16, 17(3), 18 and 19

15. Release of frozen or attached property.—(1) If the Court passes an order to freeze or attach any property, any person, other than the accused, who has interest in such property may, within 30 (thirty) days from the date of publishing the notice of freezing or attachment of the property in a well-circulated national daily newspaper, submit an application to the Court for an order for release of that property.

(2) Any person making an application under sub-section (1) shall include the following information with the application, namely:-

(a) that the property has no involvement in the offence of money laundering.
(b) that the accused has no title, interest or ownership in the frozen or attached property.
(c) that the applicant has a title, interest and ownership in the frozen or attached property.

(3) Notwithstanding anything contained in sub-section (5) of section 14, if any application under this section for taking over the property is received by the Court within 30 (thirty) days from the date of such order, the Court shall the, investigating organization and the accused an opportunity for hearing, and after hearing and analyzing the required papers or documents, the Court is satisfied by the application submitted under subsection (1), it shall cancel the order of freezing or attachment of the property and pass an order to return the property in favour of the applicant within the time-limit mentioned in the order.

16. Appeal against the order for freezing or attachment of the property.—(1) Any person aggrieved by an order of freezing or attachment of a property, may within 30 (thirty) days from the date of such order, prefer an appeal before the High Court Division.

(2) If any appeal is preferred under sub-section (1), the Appellate Court giving the parties a reasonable time for hearing shall give such order as it thinks proper after hearing.

(3) If any person aggrieved by an order of freezing or attachment of a property under section 14 makes an appeal, and if the Appellate Court passes no order otherwise the order for freezing, or attachment shall have effect until the disposal of appeal.

17. Procedure in Forfeiture Proceeding

(3) If a person in good faith or paying the proper value had purchased the property before the order of forfeiture passed by the Court or before filing any case or proceeding under this section and is able to convince the Court that he had no knowledge of the property being laundered and had purchased it in good faith, in that case the Court instead of giving forfeiture order, may direct the convicted person to deposit the said value of the said property in the Government treasury within a time-limit determined by the Court.
18. Release of forfeited property.- (1) If the Court passes an order of forfeiture of a property under section 17, any person, other than the convict who has title, interest or right in the property may apply to the Court to get back the property within 30 (thirty) days of the date of publishing the notice of forfeiture of the property.
(2) After receiving an application under sub-section (1), the Court may give a reasonable time to the convict and to the applicant for hearing and after hearing the Court shall pass necessary order considering the following matters, namely:-
(a) that the applicant or the forfeited property was involved in the commission of the offence;
(b) that the applicant has the legal right in acquiring the forfeited property;
(c) that the time of the commission of the offence and the time of acquiring the property claimed;
(d) that any additional information that the Court may consider relevant.

19. Appeal against the order to forfeit the property.- (1) Any person aggrieved by an order for forfeiture of property, may within 30 (thirty) days from the date of such order prefer an appeal to the High Court Division.
(2) If an appeal is preferred under sub-section (1), the Appellate Division shall give both the parties a reasonable time for hearing, and after hearing the Court shall give such order as it thinks fit.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and, if available, information on recent cases where bona fide third parties were involved and their rights were protected

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

122. Paragraph 1 of article 32
1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIWP) Limited awareness of state-of-the-art programmes and practices for witness and expert protection
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
No effort to date have been taken to fully implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
In Bangladesh, there is no specialised legal arrangement for protection of witnesses, experts, victims and reporting persons (in exception to issues of the protection of victims of gender violence which is outside the remit of this study). This is a major constraint for the prosecution in corruption cases. Witnesses lack the necessary assurances for their safety and security in order to testify in courts. In cases where they appear, they are hesitant to speak the truth, especially when they feel that the accused persons are politically, financially or otherwise influential.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(EXREL) On-site assistance by a relevant expert
(PLAN) Development of an action plan for implementation
123. Subparagraph 2 (a) of article 32
2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:
(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIWP) Limited awareness of state-of-the-art programmes and practices for witness and expert protection
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer under UNCAC Article 32(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer under UNCAC Article 32(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(MOLEG) Model legislation
(CAPWP) Capacity-building programmes for authorities responsible for establishing and managing witness and expert protection programmes
(EXREL) On-site assistance by a relevant expert
(PLAN) Development of an action plan for implementation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

124. Subparagraph 2 (b) of article 32
2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIWP) Limited awareness of state-of-the-art programmes and practices for witness and expert protection
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer under UNCAC Article 32(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer under UNCAC Article 32(1)

**Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)**

(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(MOLEG) Model legislation
(CAPWPT) Capacity-building programmes for authorities responsible for establishing and managing witness and expert protection programmes
(EXREL) On-site assistance by a relevant expert
(PLAN) Development of an action plan for implementation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

**125. Paragraph 3 of article 32**

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the “Comments” field)

(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIWP) Limited awareness of state-of-the-art programmes and practices for witness and expert protection
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer under UNCAC Article 32(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer under UNCAC Article 32(1)

**Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)**

(PLAN) Development of an action plan for implementation
(ADV) Legal advice
(MOLEG) Model legislation
(CAPWPT) Capacity-building programmes for authorities responsible for establishing and managing witness and expert protection programmes
(BEST) Summary of good practices/lessons learned
(MOARR) Model agreement(s)/arrangement(s)
(EXREL) On-site assistance by a relevant expert
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

126. Paragraph 4 of article 32
4. The provisions of this article shall also apply to victims insofar as they are witnesses.

In your domestic legal system, do the provisions of this article also apply to victims insofar as they are witnesses? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIWP) Limited awareness of state-of-the-art programmes and practices for witness and expert protection
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer under UNCAC Article 32(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer under UNCAC Article 32(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOARR) Model agreement(s)/arrangement(s)
(ADV) Legal advice
(MOLEG) Model legislation
(CAPVIC) Capacity-building programmes for authorities responsible for establishing and managing witness, expert and victim protection programmes
(BEST) Summary of good practices/lessons learned
(EXREL) On-site assistance by a relevant expert
(PLAN) Development of an action plan for implementation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

127. Paragraph 5 of article 32
5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer under UNCAC Article 32(1)
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

See answer under UNCAC Article 32(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(MOLEG) Model legislation
(EXREL) On-site assistance by a relevant expert
(PLAN) Development of an action plan for implementation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

128. Article 33

Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)

See next answer about Whistleblower Protection Bill

Please provide an account of your country’s efforts to date to implement the provision under review:

The Whistleblower Protection Bill is under consideration by the Parliamentary Standing Committee on the Ministry of Law, Justice and Parliamentary Affairs.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

See answer above

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(Y) Yes

By whom is such assistance provided?

The Asian Development Bank provided Bangladesh with related documents (i.e. model legislation) relevant to the article under review and invited Bangladesh to partake in training seminars (i.e. in Australia).

If such assistance is provided in the context of a programme or project, please provide a description, including programme/project-related information, and attach relevant document(s)

Would the extension and/or expansion of such assistance help your country adopt the policy(ies) or measure(s) described in the provision under review? (Check one answer)
(N) No
129. Article 34
With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Domestic laws contain many provisions to address the consequences of corruption. The Contract Act, 1872, provides that an agreement is void if any part of a single consideration for one or more of its objects is unlawful (section 24). As corruption is unlawful it renders such contracts null and void. Additionally, corruption amounting to malafide may be a sufficient ground for the withdrawal of any concessions in any contract or similar instruments. Furthermore, according to the Criminal Law Amendment Ordinance, 1944, property procured by means of corruption, even if it is in the possession of a transferee, can be attached/forfeited, unless s/he is a bonafide transferee for value (sections 4, 13).

Please attach the text(s)

Contract Act, 1872
Section 24
Agreements void, if considerations and objects unlawful in part if any part of a single consideration for one or more objects, or any one or any part of any one of several considerations for a single object is unlawful, the agreement is void.

Illustration
A promises to superintend, on behalf of B, a legal manufacture of indigo, and an illegal traffic in other articles. B promises to pay to A a salary of 10,000 Taka a year. The agreement is void, the object of A's promise and the considerations B's promise being in part unlawful.

[See above answer re sections 4 and 13 of the Criminal Law Amendment Ordinance, 1944]

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

130. Article 35
Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Domestic legal system of Bangladesh recognises the right to claim compensation for any damage. An aggrieved person, by filing a civil suit, can do so. The victims of corruption are no exception in this regard, they can also be awarded compensation in criminal proceedings (section 545 Code of Criminal Procedure). Article 102 of the Constitution of the People's Republic of Bangladesh and

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person may file a writ petition before the High Court Division of the Supreme Court. Additionally, in the Whistleblowers Protection Bill will contain a specific provision regarding a provision on compensation of damages for the victims.

Please attach the text(s)
Code of Criminal Procedure, 1898
Section 545
Power of Court to pay expenses or compensation out of fine.- (1) Wherever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied-
(a) in defraying expenses properly incurred in the prosecution;
(b) in the payment to any person of compensation for any loss or injury caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court;
(c) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, in compensating any bona fide purchaser, of such property for the loss of the same if such property is restored to the possession of the person entitled thereto.
(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

CONSTITUTION OF THE PEOPLE’S REPUBLIC OF BANGLADESH
Article 102
Powers of High Court Division to issue certain orders and directions, etc. (1) The High Court Division on the application of any person aggrieved, may give such directions or orders to any person or authority, including any person performing any function in connection with the affairs of the Republic, as may be appropriate for the enforcement of any of the fundamental rights conferred by Part III of this Constitution.
(2) The High Court Division may, if satisfied that no other equally efficacious remedy is provided by law-
(a) on the application of any person aggrieved, make an order-
(i) directing a person performing any functions in connection with the affairs of the Republic or of a local authority to refrain from doing that which he is not permitted by law to do or to do that which he is required by law to do;
(ii) declaring that any act done or proceeding taken by a person performing Functions in connection with the affairs of the Republic or of a local authority has been done or taken without lawful authority and is of no legal effect;
(b) on the application of any person, make an order-
(i) directing that a person in custody be brought before it so that it may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner, or
(ii) requiring a person holding or purporting to hold a public office to show under what authority he claims to hold that office;
(3) Notwithstanding anything contained in the foregoing clauses, the High Court Division shall have no power under this article to pass any interim or other order in relation to any law to which article 47 applies.
(4) Where an application made under clause (1) or sub-clause (a) of clause (2), an interim order is prayed for and such interim order is likely to have the effect of-
(a) prejudicing or interfering with any measure designed to implement any development programme, or any development work; or
(b) being otherwise harmful to the public interest, the High Court Division shall not make an interim order unless the Attorney-General has been given reasonable notice of the application and he (or an advocate authorized by him in that behalf) has been given an opportunity or being heard, and the High Court Division is satisfied that the interim order would not have the effect referred to in sub-clause (a) or sub-clause (b).
(5) In this article, unless the context otherwise requires, "person" includes a statutory public authority and any court or tribunal, other than a court or tribunal established under a law relating to the defence services of Bangladesh or any disciplined force or a tribunal to which article 117 applies.

Please attach summary(les) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and, if available, information on recent cases, including amount and type of compensation emanating from legal proceedings initiated by a victim against those responsible for a damage resulting from an act of corruption
Have you ever assessed the effectiveness of the measures adopted to ensure that entities or persons who have suffered damage as a result of an offence established in accordance with this Convention have the right to initiate legal proceedings in order to obtain compensation?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
131. Article 36
Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), institutional arrangements, law(s) or other measure(s):

Please cite the text(s)
The Anti-Corruption Commission is the body that specialises in combating corruption through law enforcement, as provided for in sections 19, 20, 21, 22 and 23 of the Anti-Corruption Commission Act, 2004. According to section 3(2), "this commission shall be independent and impartial".

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)
Anti-Corruption Commission Act, 2004
Sections 3(2), 6(1), 6(4), 10(3), 19, 20, 21, 22, 23 and 24 Section 3

Establishment of Commission, etc.
(2) This commission shall be independent and impartial.

Section 6
Appointment and tenure of the Commissioners.- (1) The commissioners shall be appointed by the President on the recommendation of the Selection Committee constituted under section 7.
(4) The Commissioners shall not be eligible for re-appointment after the expiry of their tenure.

Section 10
Resignation and removal of the Commissioners
(3) No commissioner shall be removed from office except on similar grounds and in accordance with the similar procedures as apply to the removal of a judge of the Supreme Court.

Section 19
19. Special powers of the Commission in respect of inquiry or investigation.- (1) In respect of any inquiry or investigation into allegations of corruption the Commission shall have the following powers, namely:
(a) Summons witnesses, ensure their appearance and interrogate them under oath.
(b) Discover and present any documents.
(c) Take evidence under oath.
(d) Call for public records or its certified copies from any court office.
(e) Issue warrants for the interrogation of witnesses and the examination of documents.
(f) Any other matter required for realising and fulfilling the aims and objectives of this law.
(2) The commission may require any person to furnish information in matters relating to any inquiry or investigation and any person so directed is obliged to furnish information available to him.
(3) Any person obstructing an official legally empowered by the commission or a commissioner in the exercise of his powers under this sub-section (1) or any person deliberately violating any order given under that sub-section commits a punishable offence is liable to a term of imprisonment of not more than three (3) years or a fine or both.

Section 20
Power of Investigation.- (1) Notwithstanding anything in the Code of Criminal Procedure, corruption shall be the subject matter of investigation by the commission alone.
(2) The commission may through an official gazette notification empower a subordinate officer of the commission the power to investigate corruption under sub-section (1).
(3) For the purpose of investigation into offences under this law, an officer empowered under subsection (2) shall have the power of an officer-in-charge of a police station.
(4) Besides the provisions of sub-sections (2) and (3), the commissioners shall also have the power to investigate any offence under this law.

Section 21
21. Power of Arrest.- Notwithstanding any other provision of this law, if any officer empowered by the commission has justifiable reasons to believe that a person in his/her name or in the name of others is the owner or in possession of moveable or immovable
property not compatible with compatible with known and declared sources of his/her income, then subject to the permission of the court the officer can arrest that person.

Section 22
22. Hearing of the Accused Person. - If during the inquiry or investigation into allegations of corruption, the commission considers that it is necessary to hear any person involved in the allegations, then that person shall be given a reasonable opportunity to be heard.

Section 23
23. Investigation on complaint
(1) During any inquiry or investigation into allegations of corruption, the commission may call for any information from the government or from any authority or organisation under the government, and if such information is not received within the time provided, then the commission may at its own initiative inquire into and investigate the allegations.
(2) During any inquiry or investigation into allegations of corruption by the commission on its own initiative, the government or the concerned authority or organisation under the government shall cooperate with the commission in the manner determined by ordinary or special orders of the commission.

Section 24
24. Freedom [or ‘independence’] to perform duties - The commissioners shall be free to discharge their duties under this Act subject to its terms.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

In Bangladesh, the Anti Corruption Commission has been established under the provisions of Anti Corruption Commission Act, 2004 as the specialised authority for combating corruption. It comprises of three Commissioners, who have at least 20 years of experience of service in the fields of law, education, administration, judiciary or the armed forces. A Selection Committee comprising of two judges of the Supreme Court (nominated by the Chief Justice of Bangladesh), the CAG, Chairman of the PSC and a former Cabinet Secretary are responsible for recommending the appointment of the Commissioners who have a guaranteed tenure of four years. The Commissioners are supported by an office of over a thousand staff that include 6 Directorates i.e. administration, legal and prosecution, enquiry and investigations, research, evaluation, prevention and public awareness, and pending matters, each headed by a Director General, 19 directors and 81 deputy directors. Under the law the ACC has been guaranteed functional independence (sections 3. and 24.), however greater financial and administrative autonomy will enhance the effectiveness in the discharge of its functions. Established in 2004, the ACC experienced a re-constitution in 2007. Since Established in 2004, the ACC experienced a re-constitution in 2007. Since then it has been working with tremendous enthusiasm, showing unprecedented activism and increasingly gaining public confidence. In 2007 (upto 13th December 2007), the ACC filed 132 criminal cases of corruption. Of them, 64 are under investigation, 50 on trial and judgements have been received in 18 cases with a total conviction of 25. Additionally 88 cases are under enquiry. However, to institutionalise this current image and effectiveness of the ACC along with the continued political will and commitment to combating corruption, an independent judiciary and other watch dog institutions are essential. In 2007, the judiciary of Bangladesh was completely separated from the executive. This is a historical achievement. The Human Rights Commission has been constituted. The office of the Ombudsman is yet to be established. These issues are at the forefront of public debates on good governance.

Please provide information on the measures adopted to ensure the independence of the specialized body
Specific guarantees of its independence stem from i.e. the commissioners shall be appointed by the President and not eligible for re-appointment after the expiry of their tenure (section 6(1) and (4)), no commissioner shall be removed from office except on similar grounds and in accordance with the similar procedures as apply to the removal of a judge of the Supreme Court (section 10(3)). It was also noted that section 24 refers to the freedom (or independence) to perform duties.

If available, please provide information on how staff is selected and trained
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

132. Paragraph 1 of article 37
1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
The Criminal Law Amendment Act, 1968 provides: “at any stage of investigation, enquiry, and trial the Special Judge, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, may, for reasons to be recorded in writing tender pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or 337 and 338. This arrangement designed by the domestic law of Bangladesh is meant for encouraging cooperation with law enforcement authorities. However, in practice, this arrangement doesn’t ensure sufficient cooperation with the law enforcement authorities. Several factors impede such cooperation. Firstly, it is an accord to claim any immunity or exemption. Secondly, statements by an accused to the law enforcement agencies are not generally admissible in the courts of law in Bangladesh. This hinders fair cooperation with law enforcement agencies. Thirdly, the absence of protection mechanism for witnesses and reporting persons discourages cooperation with law enforcement agencies.

Please attach the text(s)
Code of Criminal Procedure, 1898
CHAPTER XXIV
GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS
Section 337
Tender of pardon to accomplice.- (1) In the case of any offence triable exclusively by the Court of Session, or any offence punishable with imprisonment which may extend to ten years, or any offence punishable under section 211 of the Penal Code, with imprisonment which may extend to seven years, or any offence under any of the following sections of the Penal Code, namely, sections 216A, 369, 401, 435 and 477A, a Metropolitan Magistrate or any Magistrate of the first class may, at any state of the investigation or inquiry into, or the trial of the offence, with a view to obtaining the evidence of any person supposed to have directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof:
Provided that, where the offence is under inquiry or trial, no Magistrate of the first class other than the Chief Judicial Magistrate shall exercise the power hereby conferred unless he is the Magistrate making the inquiry or holding the trial, and, where the offence is under investigation, no such Magistrate shall exercise the said power unless he is a Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the sanction of the Chief Judicial Magistrate has been obtained to the exercise thereof.
(1A) Every Magistrate who tenders a pardon under sub-section (1) shall record his reasons for so doing, and shall, on an application made by the accused, furnish him with a copy of such record:
Provided that the accused shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.
(2) Every person accepting a tender under this section shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence and in the subsequent trial, if any.
(2A) In every case where a person has accepted a tender of pardon and has been examined under sub-section (2), the Magistrate before whom the proceedings are pending shall, if he is satisfied that there are reasonable grounds for believing that the accused is guilty of an offence, [send] him for trial to the Court of Session.
(3) Such persons, unless he is already on bail, shall be detained in custody until the termination of the trial.

Section 338
Power to direct tender of pardon.- At any time before the judgment is passed, the Court of Session trying the case may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to, any such offence, tender, or order or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate to tender, a pardon on the same condition to such person.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
If available, please provide information on the number and nature of such cases that have contributed to depriving offenders of the proceeds of crime and to recovering such proceeds.
Please provide per annum figures since the year 2003 (or further back, if available)
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to encourage the persons mentioned above to supply information useful to competent authorities?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(COMPRI) Competing priorities
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country's efforts to date to implement the provision under review:
See above.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(PLAN) Development of an action plan for implementation
(OTHER) Other assistance (please specify)
Legal awareness to law enforcement agencies and also increase public awareness against corruption.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

133. Paragraph 2 of article 37
2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See answer under UNCAC Article 37(1)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes related to instances where punishment of an accused person who provided substantial cooperation was mitigated. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to mitigate punishment of an accused person who provides substantial cooperation?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(COMPRI) Competing priorities
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 37(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 37(1)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(PLAN) Development of an action plan for implementation
(OTHER) Other assistance (please specify)
See answer under UNCAC Article 37(1)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

134. Paragraph 3 of article 37
3. Each State Party shall consider providing for the possibility, in accordance with the fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply)
(MSYS) Specificities in our legal system

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 37(1)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Legislative amendments may need to be considered to ensure full compliance with the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(DRAFT) Legislative drafting
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

135. Paragraph 4 of article 37
4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
Please provide an account of your country's efforts to date to implement the provision under review:
See answer under UNCAC Article 32

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 32

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See answer under UNCAC Article 32

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

136. Paragraph 5 of article 37
5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Please provide an account of your country's efforts to date to implement the provision under review:
No efforts to date have been taken to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Bangladesh may consider entering into agreements or arrangements, as per article under review, where it deems so necessary.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
Legislative drafting
(MOAAT) Model agreement/arrangement
(ADV) Legal advice

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

137. Subparagraph (a) of article 38
Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:
(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Domestic standards do not, in general, provide obligations for public authorities to inform suo-moto the investigating or prosecuting authorities. However, according to the Anti Corruption Commission Act, 2004, public authorities are duty-bound to provide necessary information if ACC requires (section 23). Accordingly, domestic standards ensure cooperation of public authorities, if such cooperation is sought for. However the ACC is making efforts to encourage general public to come forward with any specific allegations of corruption.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication); If available, please provide information on the number of times and cases in which such information has been shared. Please provide per annum figures since the year 2003 (or further back, if available)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(INTACO) Inter-agency co-ordination

Please provide an account of your country’s efforts to date to implement the provision under review:
No efforts to date have been taken to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Effective national inter-agency coordination should be enhanced so as to ensure full compliance with the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(PLAN) Development of an action plan for implementation
(OTHER) Other assistance (please specify)
Harmonisation of information i.e. database that links information between national agencies
Technical cooperation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
138. Subparagraph (b) of article 38
Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:

(b) Providing, upon request, to the latter authorities all necessary information.

*Is your country in compliance with this provision? (Check one answer)*
(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

Information is not available at this stage.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

139. Article 38
Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences.

*(Please include here only what was not mentioned in paragraphs (a) and (b).)*

*Has your country adopted and implemented the measures described above? (Check one answer)*
(P) Yes, in part

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)
See above.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Do you have a database or other ways through which information can be shared in order to promote the cooperation referred to in the provision under review?
No database exists.
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide examples of recent cases in which public authorities and authorities responsible for investigating and prosecuting criminal offences (or seeking the recovery of assets) have collaborated

Have you ever assessed the effectiveness of the measures adopted to encourage cooperation between public authorities and authorities responsible for investigating and prosecuting criminal offences?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISUE) Other issues (please specify)
See above.

Please provide an account of your country’s efforts to date to implement the provision under review:
See above.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See above.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

140. Paragraph 1 of article 39
1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
According to the Anti-Corruption Commission Act, 2004, every person is duty-bound to provide necessary information if Anti-Corruption Commission requires such information, failure to provide is a criminal offence (section 19). According to the Money Laundering Prevention Act, 2009, any person who obstructs or refuses to assist the concerned officer engaged in investigation under this Act is liable to punishment (section 7). These provisions of domestic laws ensure cooperation, if such cooperation is demanded by national authorities. Accordingly, the UNCAC requirement is partially complied with.

Information may become available at the stage of desk review/country visit.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
If available, please provide information on recent cases in which entities of the private sector have collaborated with national investigating or prosecuting authorities

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If applicable, please list any joint conferences or seminars, secondment policies, task forces, partnerships, other joint activities or forms of collaboration

Have you ever assessed the effectiveness of the measures adopted to encourage cooperation between national investigating and prosecuting authorities and entities of the private sector?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
Please provide an account of your country's efforts to date to implement the provision under review:
No efforts have been taken to date to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Effective national inter-agency coordination

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(CAPPRIV) Capacity-building programmes for authorities responsible for regulating matters related to the private sector

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

141. Paragraph 2 of article 39
2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Information is not available at this stage

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If you have hotlines or other mechanisms for offences to be reported, how many reports have you received?

Please provide per annum figures since the year 2003 (or further back, if available)
If financial incentives are offered to encourage such reports, please provide details, available reports and relevant statistics
If anonymous reports are given due consideration by appropriate authorities, how many of the reports received have contributed to the investigation or prosecution of an offence established in accordance with the Convention? Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to encourage reporting the commission of an offence established in accordance with the Convention?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
Please provide an account of your country's efforts to date to implement the provision under review:

Information is not available at this stage

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Information is not available at this stage

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(CAPREP) Capacity-building programmes for authorities responsible for the establishment and management of reporting programmes and mechanisms

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

142. Article 40
Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

Has your country adopted the mechanisms described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable mechanism(s):
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian. Please attach the text(s)
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
See answer under UNCAC Article 31(7)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the mechanisms established to overcome obstacles arising out of the application of bank secrecy laws in the case mentioned above?
(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

143. Article 41
Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
N/A

Please provide an account of your country’s efforts to date to implement the provision under review:
According the Evidence Act, 1872, previous conviction of an accused by a foreign court is not, ipso facto, admissible in any judicial proceeding in Bangladesh (Section 43). As such, this optional guideline of the UNCAC is not reflected in the domestic standards of Bangladesh.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
N/A

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(NO) No assistance would be required
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

144. Subparagraph 1(a) of article 42
1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:
(a) The offence is committed in the territory of that State Party; or

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
The provision under review has been implemented through sections 2 and 108A of the Penal Code, 1860. Noting that section 108A establishes the principle of territoriality for abetting in Bangladesh.
offences committed or inteneted to be committed abroad, under section 196 of the Code of Criminal Procedure, 1898, the jurisdiction of Bangladeshi courts can only be exercised upon the authorization of the foreign Government. The jurisdictional principle is also provided for in section 1(2) of Code of Criminal Procedure 1898. Additionally, section 1(2) of the Prevention of Corruption Act, 1947 established the territoriality principle for offences set forth in this Act. This is also provided for in section 1(2) of the Anti-Corruption Commission Act, 2004. Concerning money laundering, the Money Laundering Prevention Act, 2009 does not contain any explicit provision. However, in practice, this ground for jurisdiction is implicitly recognised.

Please attach the text(s)

Penal Code, 1860
Section 2

Punishment of offences committed within Bangladesh.- Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within Bangladesh.

Section 108A

Abetment in Bangladesh, offences outside it.- A person abets an offence within the meaning of this Code who, in Bangladesh, abets the commission of any act without and beyond Bangladesh which would constitute an offence committed in Bangladesh.

Illustration

A, in Bangladesh, instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder.

Code of Criminal Procedure, 1898
Section 1(2)

Extent

(2) It extends to the whole of Bangladesh; but, in the absence of any specific provision to the contrary, nothing contained shall affect any special law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.

Section 196

Prosecution for offences against the State

196. No Court shall take cognizance of any offence punishable under Chapter VI or IXA of the Penal Code (except section 127), or punishable under section 108A, or section 153A, or section 294A, or section 295A or section 505 of the same Code, unless upon complaint made by order of, or under authority from, the Government, or some officer empowered in this behalf by the Government.

The Prevention of Corruption Act, 1947

Section 1

extent

(2) It extends to the whole of Bangladesh and applies to all citizens of Bangladesh and persons in the service of the Republic wherever they may be.

Anti-Corruption Commission Act, 2004

1. Short title, application and inception

(2) It shall be applicable to whole of the country.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
145. Subparagraph 1 (b) of article 42
1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

... 
(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
For offences set forth in the Penal Code, 1860, section 4(4) implements this ground of jurisdiction provided for in the article under review. Concerning offences set forth in other relevant Acts, there is no explicit reference made to this. Furthermore, it is to be noted that section 18 of the Extradition Act, 1974 provides for jurisdiction relating to offences that committed at sea or in the air (also outside Bangladesh’s territory) and such a vessel or aircraft comes into Bangladesh territory with respect to extradition.

Please attach the text(s)
Penal Code, 1860
Section 4 Extension of Code to extra-territorial offences.- The provisions of this Code apply also to any offence committed by-
(4) any person on any ship or aircraft registered in Bangladesh wherever it may be.
Explanation.-In this section the word “offence” includes every act committed outside Bangladesh which, if committed in Bangladesh, would be punishable under this Code.
I llustrations
(a) A, a Bangladesh subject, commits a murder in Uganda. He can be tried and convicted of murder in any place in Bangladesh in which he may be found.
(b) B, a European British subject, commits a murder in Rangpur. He can be tried and convicted of murder in any place in Bangladesh in which he may be found.
(c) C, a foreigner who is in the service of the Bangladesh Government, commits a murder in Khulna. He can be tried and convicted of murder at any place in Bangladesh in which he may be found.
(d) D, a British subject living in Khulna, instigates E to commit a murder in Chittagong. D is guilty of abetting murder.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)

Information is not available at this stage

Please provide an account of your country’s efforts to date to implement the provision under review:

Information is not available at this stage
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
(ADV) Legal advice
(Best) Summary of good practices/lessons learned

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

146. Subparagraph 2 (a) of article 42
2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:
(a) The offence is committed against a national of that State Party, or

Has your country established its jurisdiction over offences established in accordance with the Convention when such offences are committed against a national of yours? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
To date no efforts have been made to implement the article under review.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.
Legislative amendments may need to be considered in order to fully implement the article under review.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

147. Subparagraph 2 (b) of article 42
2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory, or

Has your country established its jurisdiction over offences established in accordance with this Convention when such offences are committed by a national of yours or a stateless person who has his or her habitual residence in your territory? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
The provision under review has been partially implemented through sections 4(1) and 108A of the Penal Code, 1860, as well as section 1(2) of the Prevention of Corruption Act, 1947. Concerning offences set forth in other relevant Acts, this principle is not applicable.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:

No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Legislative amendments

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice

(OTHER) Other assistance (please specify)

Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

148. Subparagraph 2 (c) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

... (c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph (a) (i) or (ii) or (b) (i), of this Convention within its territory; or

Has your country established its jurisdiction over offences committed outside your territory as prescribed by the provision under review? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)
149. Subparagraph 2 (d) of article 42
2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when: ...
(d) The offence is committed against the State Party.

Is your country in compliance with this provision? (Check one answer)
(N) No

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.
This ground for jurisdiction is not known in Bangladeshi legal system, and legislative amendments may need to be considered.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

150. Paragraph 3 of article 42
3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Legislative amendment

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(DRAFT) Legislative drafting
(OTHER) Other assistance (please specify)
Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

151. Paragraph 4 of article 42
4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implmenting the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing implementing normative measures (laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Legislative amendment

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(BEST) Summary of good practices/lessons learned
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Legislative drafting
Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

152. Paragraph 5 of article 42
5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Bangladesh takes note of the importance to consult with other States parties with a view to coordinating actions on investigations, prosecutions and judicial proceedings.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and details on factors facilitating such collaboration and coordination

Have you ever assessed the effectiveness of the measures adopted to facilitate coordination with other States
Parties conducting an investigation, prosecution or judicial proceeding in respect of the same conduct?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(MYSYS) Specificities in our legal system

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Amendments may be considered in this respect when new legislation dealing with international cooperation concerning criminal matters is drafted.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
Model legislation
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

153. Paragraph 6 of article 42
6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.
Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
No action is required under the article under review.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication).

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

IV. International cooperation
44. Extradition

154. Paragraph 1 of article 44
1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s), including your policy on dual criminality:

Please attach the text(s)
Extradition Act, 1974
Section 2(1)(a)

Definitions
2. (1) In this Act, unless there is anything repugnant in the subject or context, -
(a) "extradition offence" means an offence the act or omission constituting which falls within any of the descriptions set out in the Schedule and, if it took place within, or within the jurisdiction of, Bangladesh would constitute an offence against the law of Bangladesh and also-
(i) in the case of a treaty State, an offence a person accused of which is, under the extradition treaty with that State, to be returned to or from that State; and
(ii) in the case of a foreign State not being a treaty State, an offence specified in a direction issued under section 4;

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
The provision under review has been partially implemented through section 2(1)(a) of the Extradition Act, 1974. This Act spells out a list of extraditable offences. Bribery and embezzlement are few of the UNCAC offences that have been listed, namely bribery is listed in serial 7 of the Schedule to the Extradition Act, 1974 and embezzlement in serial 12.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases where dual criminality issues were raised and resolved

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

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Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
The UNCAC offences other than bribery and embezzlement are not recognised by the domestic law as extraditable offences. Thus, there is a gap in this area. Accordingly, the list of extraditable offences would need to be amended to include the UNCAC offences.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation
Legislative drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

155. Paragraph 2 of article 44
2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.
Is your country in compliance with this provision? (Check one answer)
(N) No
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(MYSYS) Specificities in our legal system
Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Legislative amendment may be considered (i.e. to section 2(1) of the Extradition Act 1974)

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation
Legislative drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

156. Paragraph 3 of article 44
3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.

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Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(MYSYS) Specificities in our legal system

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Legislative amendment

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Model legislation
Legislative drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

157. Paragraph 4 of article 44
4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such

Does your country consider this Convention as the legal basis for extradition in respect to any offence to which the article under review applies?
offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

Bangladesh does not take the Convention as the legal basis for cooperation on extradition with other State Parties.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)

See answer under how to ensure full implementation

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Bangladesh has an extradition treaty in force with Thailand, a member of the ADB/OECD Initiative. It also has extradition relations under the London Scheme with nine members of the Initiative (Australia; Fiji; India; Malaysia; Papua New Guinea; Samoa; Singapore; Sri Lanka; and Vanuatu). Apart from Extradition and MLA, Bangladesh FIU receiving and providing information and intelligence as part international cooperation on spontaneous and reciprocity basis which is also an obligation under UNCAC. Beyond that...
Bangladesh FIU has signed MOU with 10 countries and some others are underway. AMLD i.e. Bangladesh FIU has already applied for the Egmont Group membership.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

158. Paragraph 5 of article 44
5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

Does your country consider this Convention as the legal basis for extradition in respect to any offence to which the article under review applies?
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(OTHER) Other issues (please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Bangladesh does not take the Convention as the legal basis for cooperation on extradition with other State Parties

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

159. Subparagraph 6 (a) of article 44
6. A State Party that makes extradition conditional on the existence of a treaty shall:
(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and Does your country make extradition conditional on the existence of a treaty?
(N) No

Bangladesh does not take the Convention as the legal basis for cooperation on extradition with other State Parties. Therefore, Bangladesh did not inform the Secretary-General of the United Nations during the time of its accession to the above Convention. Bangladesh takes bilateral treaty as provision for cooperation on extradition.
160. Subparagraph 6 (b) of article 44
A State Party that makes extradition conditional on the existence of a treaty shall:

(b) if it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes
Please cite, summarize and attach the applicable treaty(ies) or other measure(s)
Please attach the text(s)
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
It is to be noted that there should be an extradition treaty between Bangladesh and the State requesting such extradition. Thailand is the only country so far with which Bangladesh has an extradition treaty. However, the provision for extradition is being negotiated in several agreements for mutual legal assistance, currently under process.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review (i.e. information on recent extradition cases based on treaties between your country and other States Parties)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

161. Paragraph 7 of article 44
7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes
Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
In principle an extradition treaty is needed. However, pursuant to section 4(1) of the Extradition Act, 1974. Moreover, in the absence of any treaty the government may, through gazette notification, establish extradition relations with any country and thus extend cooperation for extradition in the same manner as if there were a treaty.

Please attach the text(s)
Extradition Act, 1974
Section 4
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

Application of Act to non-treaty States
4. (1) Where the Government considers it expedient that the persons who, being accused or convicted of offences at places within, or within the jurisdiction of, a foreign State, are or are suspected to be in Bangladesh should be returned to that State,
notwithstanding that there is no extradition treaty with that State, it may, by notification in the official Gazette, direct that the provisions of this Act shall, with respect to such offences and subject to such modifications, exceptions, conditions and qualifications, if any, as may be specified therein, have effect in relation to that State.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of this provision (i.e. information on recent extradition cases between your country and other States parties for offences established in accordance with this Convention)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

162. Paragraph 8 of article 44
8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s), including relevant domestic law(s) and conditions.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
The conditions in the article under review are contained in the Extradition Act, 1974.

Please attach the text(s)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Please provide information on conditions and grounds upon which extradition requests were refused.

Information is not available at this stage

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
163. Paragraph 9 of article 44
9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(MYSIS) Specificities in our legal system

Please provide an account of your country's efforts to date to implement the provision under review:
It is to be noted that pursuant to section 8 of the Extradition Act 1974, the Magistrate "shall enquire into the case in the same manner, and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by a Court of session and shall take such evidence as may be produced in support of the surrender and on behalf of the fugitive offender, including any evidence to show that the offence of which the fugitive offender is accused or alleged to have been convicted is an offence of a political character or is not an extradition offence". Moreover, the level of evidence required by the Magistrate would be the establishment of a prima facie case (section 10 of the Extradition Act, 1974)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Legislative amendment (i.e. to Evidence Act 1862)

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
(OTHER) Other assistance (please specify)
Legislative drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

164. Paragraph 10 of article 44
10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
The provision under review has been implemented through sections 6(1) and (2) of the Extradition Act, 1974.

Please attach the text(s)
Extradition Act, 1974
Section 6
Extradition by endorsed warrant procedure
6. (1) Where a warrant for arrest of a fugitive offender has been issued in a treaty State, being a Commonwealth Country or such neighbouring country as the Government may specify in this behalf, and the extradition treaty with that State so provides, the Government may, if it is satisfied that the warrant was issued by a person having lawful authority to issue the same, endorse such warrant in the manner prescribed, and the warrant so endorsed shall be sufficient authority to arrest the person named in the warrant and to bring him before any Magistrate in Bangladesh.

(2) When a fugitive offender appears or is brought before a Magistrate in pursuance of a warrant endorsed under sub-section (1), the Magistrate,-

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(a) if he is satisfied on inquiry that the warrant so endorsed is duly authenticated and that the offence of which the fugitive offender is accused or has been convicted is an extradition offence, shall commit such offender to prison to await his return and shall forthwith send to the Government a certificate of commitment; and

(b) if he is not so satisfied, may, pending receipt of the orders of the Government, detain such offender in custody or release him on bail.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
If applicable and available, please provide information on recent court or other cases in which a person whose extradition was sought and who was present in your territory has been taken into custody and cases in which other appropriate measures were taken to ensure his or her presence at extradition proceedings (please describe those measures)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

165. Paragraph 11 of article 44
11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

(ISSUE) Other issues (please specify)
See answer under UNCAC Article 42(3)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 42(3)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 42(3)

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See answer under UNCAC Article 42(3)
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

166. Paragraph 12 of article 44
12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
N/A

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication): Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review.
If available, please provide information on court or other recent cases of conditional extradition or surrender (including number of cases, outcomes, etc.). If possible, please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

167. Paragraph 13 of article 44
13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
In Bangladesh, as Bangladeshi nationality is not a ground for refusing extradition, the article under review is deemed not applicable.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review.
If applicable and available, please provide information on court or other recent cases in which such a sentence has been enforced.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

168. Paragraph 14 of article 44
14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable policy(ies) or measure(s):
Please cite the text(s)


Please attach the text(s)
CONSTITUTION OF THE PEOPLE’S REPUBLIC OF BANGLADESH
31. Right to protection of law.
To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

Bangladesh – UNCAC Self-Assessment
ISSUE Other issues (please specify)

Information is not available at this stage.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide an account of your country’s efforts to date to implement the provision under review:

Information is not available at this stage.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review:

Information is not available at this stage.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice
Legislative Drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

169. Paragraph 15 of article 44

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person’s position for any one of these reasons.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), practice(s), or measure(s)

Please cite the text(s)
The provision under review has been implemented through section 5(2)(h) of the Extradition Act, 1974.

Please attach the text(s)
Extradition Act, 1974
Section 5

Liability of fugitive offenders to be surrendered

(2) No fugitive offender shall be surrendered:

(h) if it is shown to the satisfaction of the Government or of the Magistrate or Court before whom he may be produced that he might, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review. If applicable and available, please provide information on recent court or other cases where extradition was refused on such grounds.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review? (N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

170. Paragraph 16 of article 44
16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):
Please cite the text(s)

Domestic law of Bangladesh does not allow refusing extradition on the sole ground that the offence is considered to involve fiscal matters. The reasoning is that fiscal matters do not fall under the exhaustive list of grounds for refusal under section 5(2) of the Extradition Act 1947.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review.

Please provide information on recent cases in which extradition involving fiscal matters was not refused.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review? (N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

171. Paragraph 17 of article 44
17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)

Extradition Act, 1974

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable

if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
Please provide information on recent court or other cases and illustrations of relevant exchanges between your country and other States

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)

Information is not available at this stage

Please provide an account of your country's efforts to date to implement the provision under review:

Information is not available at this stage

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Information is not available at this stage

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)

Legal Advice
Model Legislation
Legislative Drafting

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

172. Paragraph 18 of article 44
18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach any other bilateral or multilateral agreement(s) or arrangement(s) related to extradition that have not already been attached in previous answers related to this article
Please cite the text(s)

Extradition Act, 1974

Thailand is the only country so far with which Bangladesh has an extradition treaty. However, the provision for extradition is being negotiated in several agreements for mutual legal assistance, currently under process.
Please attach the text(s).
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

*Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?*

(Check all the answers that apply and provide an explanation in the "Comments" field)

173. Article 45

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.

*Is your country in compliance with this provision? (Check one answer)*

(N) No

*Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?*

(Check all the answers that apply and provide an explanation in the "Comments" field)

(MYSYS) Specificities in our legal system

Please provide an account of your country's efforts to date to implement the provision under review:

Bangladesh is yet to have any agreement with any States Parties which allows transferring of sentenced persons to their own territory to complete sentences. Section 2(g) of the EA bars such transfer. The extradition treaty with Thailand provides for the extradition of offenders against whom a judicial penalty has been pronounced, however the treaty will not be able to allow extradition in the event such an offender has already resumed his/her sentence in Bangladesh.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Legislative amendment

*Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)*

(MDT) Model treaty(ies)

(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

174. Paragraph 1 of article 46

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.

*Is your country in compliance with this provision? (Check one answer)*

(P) Yes, in part
The domestic legal regime of Bangladesh does not have adequate provisions to ensure widest mutual legal assistance with State Parties as required by the UNCAC with some exceptions. Section 26 of the Money Laundering Prevention Act, 2009 allows the government, as the case may be, Bangladesh Bank to enter into agreement with foreign countries to control money laundering. Under section 503(26) of the CrPC, there are limited provisions to seeking assistance for evidence through commission limited provisions for seeking other types of mutual legal assistance or for responding to incoming mutual legal assistance such as assistance regarding investigations, prosecutions and judicial proceedings. However, the government may enter into specific treaties on a case by case basis.

Please cite, summarize and attach applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

Money Laundering Prevention Act, 2009
Section 26
Contract with foreign state. (1) For the purpose of the Act, the Government or any appropriate cases, Bangladesh Bank may sign Memorandum of Understanding (MOU). Bilateral or multilateral contract, convention or agreement with any foreign state or organization by means of acceptance of international legislation.

(2) Whenever any contract is concluded with a foreign state under this section, the Government or in appropriate cases, Bangladesh Bank may

(a) request the foreign state or organization to provide relevant information, and

(b) provide information to that foreign state or organization if the information required is not vulnerable to national security.

(3) To carry out the purpose of this Act, if it is to require to forfeit or release any property in Bangladesh in execution of an order of a Court of any foreign country under any agreement, the Court may, upon an application made by Bangladesh Bank, pass such order as it thinks fit, likewise Bangladesh Bank may make a request to any state party to any such agreement or memorandum of understanding to execute the order of forfeiture or release of any property made by any Court of Bangladesh

CODE OF CRIMINAL PROCEDURE, 1898
Section 503(2B)
When the witness resides in the United Kingdom or any other country of the Commonwealth other than Bangladesh, or in the Union of Burma, or any other country in which reciprocal arrangement in this behalf exists, the commission may be issued to such Court or Judge having authority in this behalf in the country as may be specified by the Government by notification in the official Gazette

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Bangladesh Bank has entered into Memorandum Of Understanding from 2008-2010 with the following countries:-

1. Malaysia
2. Nepal
3. Philippines
4. Indonesia
5. South Korea
6. Afghanistan
7. Cambodia
8. Thailand
9. Sri Lanka
10. United Kingdom

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

175. Paragraph 2 of article 46
2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1 of Article 46

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of Article 46

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(MOT) Model treaty(ies)
(EXREL) On-site assistance by a relevant expert
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

176. Subparagraph 3 (a) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:
(a) Taking evidence or statements from persons;

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See text regarding 593(2B) of CrPC provided in paragraph 1 of Article 46

Please attach the text(s)
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

CHAPTER XL
OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES
Section 503
When attendance of witness may be dispensed with issue of commission and procedure thereunder. - (1) Whenever in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Metropolitan Magistrate, a Chief Judicial Magistrate, a Court of Session or the High Court Division that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate, Chief Metropolitan Magistrate or Chief Judicial Magistrate], within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(2) and (2A) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

(2B) When the witness resides in the United Kingdom or any other country of the Commonwealth other than Bangladesh, or in the Union of Burma, or any other country in which reciprocal arrangement in this behalf exists, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Government by notification in the official Gazette.

(3) The Magistrate or officer to whom the commission is issued, or if he is the Chief Metropolitan Magistrate or the Chief Judicial Magistrate], he, or any other Magistrate as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.


Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
If available, please provide information on recent court or other cases in which you have made a request for evidence or statement from persons to be taken
If available, please provide information on some recent cases in which you have received a request for evidence or statement from persons to be taken

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)
Please provide an account of your country’s efforts to date to implement the provision under review:
No information is available at this stage

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

177. Subparagraph 3 (b) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:
...
(b) Effecting service of judicial documents;

Is your country in compliance with this provision? (Check one answer)
(N) No
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
No information is available at this stage.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

178. Subparagraph 3 (c) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:
...
(c) Executing searches and seizures, and freezing;

Is your country in compliance with this provision? (Check one answer)
(N) No
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
179. Subparagraph 3 (d) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... 
(d) Examining objects and sites;

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? 
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

180. Subparagraph 3 (e) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... 
(e) Providing information, evidentiary items and expert evaluations;

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? 
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

181. Subparagraph 3 (f) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

...
(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records:

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)
Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

182. Subparagraph 3 (g) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)
Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

183. Subparagraph 3 (h) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (h) Facilitating the voluntary appearance of persons in the requesting State Party;

Is your country in compliance with this provision? (Check one answer)
(N) No
184. Subparagraph 3 (i) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? 
(Check all the answers that apply and provide an explanation in the "Comments" field)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

185. Subparagraph 3 (j) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention:

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? 
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
186. Subparagraph 3 (k) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

187. Paragraph 4 of article 46
4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party to this Convention.

Is it possible for your country to transmit information as described above?

The Government of Bangladesh has notified the Secretary-General of the United Nations of the selection of Ministry of Home Affairs and the Attorney General’s Office as the central authorities pertaining to Mutual Legal Assistance pursuant to Art. 46(13) of UNCAC. The Money Laundering Prevention Act, 2009 authorizes Govt. of Bangladesh to sign treaties/ conventions with the foreign countries if needed.

Bangladesh ratified the UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) Treaty and signed the Accession documents on 20 February 2007 and in order to give effect of the resolution of Mutual Legal Assistance (MLA) system is initiated and the Office of the Attorney General has been dealing with the Mutual Legal Assistance matters.

After designated about 20 Mutual requests have been send to different foreign countries and received legal assistance into the matter and benefited in dealing with the cases.

And the upon request of other foreign countries the Office of the Attorney General’s also send assistance on Mutual Legal Assistance matter and the requesting country is being able to give verdict in a particular case.

188. Paragraph 5 of article 46
5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restriction on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.
Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
Lack of an overall domestic legal framework on MLA

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under paragraph 1.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.
See answer under paragraph 1.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

189. Paragraph 6 of article 46
6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.

Is your country in compliance with this provision? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
This provision does not appear to raise any issue of compliance, it does not request that States take any action.

Please provide an account of your country's efforts to date to implement the provision under review:
See above.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.
See above.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See above.

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

190. Paragraph 7 of article 46
7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply those paragraphs if they facilitate cooperation.

Is your country bound by such treaty(ies) of mutual legal assistance?
(N) No

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191. Paragraph 8 of article 46
8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
The Code of Criminal Procedure authorises any investigating authority to have access to documents or information relating to anything in the custody of a bank as such bank secrecy laws cannot interfere with criminal investigations.
Bangladesh Bank as the central bank is authorised to have access to the information of bank accounts of any individual or company on demand; this authority can be used to facilitate the investigation or proceedings. However, in absence of formal understandings or agreements, Bangladesh Bank cannot share information with other states.

Please attach the text(s)

Please provide summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases in which bank secrecy rules or issues did not impede effective mutual legal assistance

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
CrPC authorises any investigating authority to have access to documents or information relating to anything in the custody of a bank as such bank secrecy laws cannot interfere with criminal investigations. Bangladesh Bank as the central bank is authorised to have access to the information of bank accounts of any individual or company on demand; this authority can be used to facilitate the investigation or proceedings. However, in absence of formal understandings or agreements, Bangladesh Bank cannot share information with other states.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
CrPC authorises any investigating authority to have access to documents or information relating to anything in the custody of a bank as such bank secrecy laws cannot interfere with criminal investigations. Bangladesh Bank as the central bank is authorised to have access to the information of bank accounts of any individual or company on demand; this authority can be used to facilitate the investigation or proceedings. However, in absence of formal understandings or agreements, Bangladesh Bank cannot share information with other states.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
192. Subparagraph 9 (a) of article 46
9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;

Is your country in compliance with this provision? (Check one answer)
(N) No

Action required under this sub-paragraph and the next ones will be taken in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(ISSUE) Other issues (please specify)
See comment above

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

193. Subparagraph 9 (b) of article 46
(b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;

Is your country in compliance with this provision? (Check one answer)
(N) No

See remarks under previous sub-paragraph

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

195. Subparagraph 10 (a) of article 46
Please provide an account of your country’s efforts to date to implement the provision under review:
See remarks under previous sub-paragraph

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See remarks under previous sub-paragraph

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

194. Subparagraph 9 (c) of article 46
(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No
See remarks under previous sub-paragraph

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country's efforts to date to implement the provision under review:
See remarks under previous sub-paragraph

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See remarks under previous sub-paragraph

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

195. Subparagraph 10 (a) of article 46
10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:
(a) The person freely gives his or her informed consent;

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field) (ISSUE)
Other issues (please specify)
See answer under paragraph 1 of this article

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

196. Subparagraph 10 (b) of article 46
10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc. )

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

197. Subparagraph 11 (a) of article 46
11. For the purposes of paragraph 10 of this article:
(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc. )

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

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Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

198. Subparagraph 11 (b) of article 46
11. For the purposes of paragraph 10 of this article:
...
(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

199. Subparagraph 11 (c) of article 46
11. For the purposes of paragraph 10 of this article:
...
(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

200. Subparagraph 11 (d) of article 46
11. For the purposes of paragraph 10 of this article:

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

201. Paragraph 12 of article 46
12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

Is your country in compliance with this provision? (Check one answer)
(N) No
See answer under paragraph 1 of this article

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under paragraph 1 of this article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1 of this article

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

202. Paragraph 13 of article 46
13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

Has your country established a central authority(ies) as described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable arrangement(s) or measure(s)
Please cite the text(s)

The Government of Bangladesh has notified the Secretary-General of the United Nations regarding the selection of Ministry of Home Affairs and Attorney General’s Office as the central authorities designated to receive requests for mutual legal assistance (art. 46, paras. 13) and the acceptable language for requests for mutual legal assistance is English (art. 46, paras. 14).

After being designated, about 20 MLA requests have been sent to different foreign countries and legal assistance/cooperation has been received. At the same time upon request of other foreign countries the Office of the Attorney General also provided Mutual Legal Assistance to the requesting countries.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
If the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If applicable and available, please provide recent court or other cases

Have you ever assessed the effectiveness of the measures adopted to designate a central authority responsible for receiving requests for mutual legal assistance and for executing or transmitting them? (Check one answer)
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Has your country notified the Secretary-General of the United Nations as prescribed above? (Check one answer)
(Y) Yes
Does your country allow that requests for mutual legal assistance and any related communications be transmitted to the central authorities designated by States Parties? (Check one answer)
No information is available at this stage.

Does your country require that such requests and related communications be addressed to it through diplomatic channels? (Check one answer)
No information is available at this stage.

Does your country agree that, in urgent circumstances, requests for mutual legal assistance and related communications be addressed to it through the International Criminal Police Organization? (Check one answer)
No information is available at this stage.

203. Paragraph 14 of article 46
14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

Has your country notified the Secretary-General of the United Nations as prescribed above? (Check one answer)
(Y) Yes
 English has been declared to be the official language for this purpose

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s) and language(s) Please cite the text(s)
See answer above

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

204. Paragraph 15 of article 46
15. A request for mutual legal assistance shall contain:
(a) The identity of the authority making the request;
(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;
(c) A summary of the relevant facts, except in relation to requests for those of service of judicial documents.
(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;
(e) Where possible, the identity, location and nationality of any person concerned; and
(f) The purpose for which the evidence, information or action is sought.

**Is your country in compliance with provision (a) above? (Check one answer)**

(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Please provide an explanation of which elements of this measure are not incorporated in your domestic system and for which reasons**

None

**Is your country in compliance with provision (b) above? (Check one answer)**

(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Please provide an explanation of which elements of this measure are not incorporated in your domestic system and for which reasons**

None

**Is your country in compliance with provision (c) above? (Check one answer)**

(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Please provide an explanation of which elements of this measure are not incorporated in your domestic system and for which reasons**

None

**Is your country in compliance with provision (d) above? (Check one answer)**

(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Please provide an explanation of which elements of this measure are not incorporated in your domestic system and for which reasons**

None

**Is your country in compliance with provision (e) above? (Check one answer)**

(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Please provide an explanation of which elements of this measure are not incorporated in your domestic system and for which reasons**

None

**Is your country in compliance with provision (f) above? (Check one answer)**

(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Please provide an explanation of which elements of this measure are not incorporated in your domestic system and for which reasons**

None

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?**

**(Check all the answers that apply and provide an explanation in the “Comments” field)**

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

**Please provide an account of your country’s efforts to date to implement the provision under review:**

See answer under paragraph 1

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Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under paragraph 1

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

205. Paragraph 16 of article 46
16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

Is your country in compliance with this provision? (Check one answer)
(N) No
The provision mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitutions, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

206. Paragraph 17 of article 46
17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

Is your country in compliance with this provision? (Check one answer)
(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer above
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

207. Paragraph 18 of article 46
18. Whenever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

Does your country permit hearings of individuals mentioned above to take place by video conference as described above? (Check one answer)
(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)
(LICAP) Limited capacity (e.g., human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g., human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

208. Paragraph 19 of article 46
19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

Is your country in compliance with this provision? (Check one answer)
(N) No

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The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?**
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer above

**Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review?** (Check all the answers that apply)
(ADV) Legal advice
(CAPICM) Capacity-building programmes for authorities responsible for international cooperation in criminal matters

**Are any of the forms of technical assistance previously mentioned already provided?** (Check one answer)
(N) No

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**209. Paragraph 20 of article 46**

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

**Is your country in compliance with this provision?** (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?**
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer above

**Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review?** (Check all the answers that apply)
(ADV) Legal advice

**Are any of the forms of technical assistance previously mentioned already provided?** (Check one answer)
(N) No

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**210. Subparagraph 21 (a) of article 46**

21. Mutual legal assistance may be refused:
(a) If the request is not made in conformity with the provisions of this article;
Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

211. Subparagraph 21 (b) of article 46
21. Mutual legal assistance may be refused:

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

212. Subparagraph 21 (c) of article 46
21. Mutual legal assistance may be refused:

...
(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction.

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

213. Subparagraph 21 (d) of article 46
21. Mutual legal assistance may be refused:
...
(c) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
214. Paragraph 22 of article 46
22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

*Is your country in compliance with this provision? (Check one answer)*
(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

*Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?*
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

*Please provide an account of your country’s efforts to date to implement the provision under review:*
See above

*Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review*
See above

*Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)*
(ADV) Legal advice

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*
(N) No

215. Paragraph 23 of article 46
23. Reasons shall be given for any refusal of mutual legal assistance.

*Is your country in compliance with this provision? (Check one answer)*
(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

*Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?*
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

*Please provide an account of your country’s efforts to date to implement the provision under review:*
See above

*Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review*
See above

*Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)*
(ADV) Legal advice

*Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)*
(N) No
216. Paragraph 24 of article 46
24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

217. Paragraph 25 of article 46
25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

Is your country in compliance with this provision? (Check one answer)
(N) No
The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No
218. Paragraph 26 of article 46

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

219. Paragraph 27 of article 46

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above
Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

220. Paragraph 28 of article 46
28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfill the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
see above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

221. Subparagraph 29 (a) of article 46
29. The requested State Party:
(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country's efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

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See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

222. Subparagraph 29 (b) of article 46
29. The requested State Party:

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

Is your country in compliance with this provision? (Check one answer)
(N) No

The requirements mentioned in this sub-paragraph will be implemented in the context of a comprehensive domestic legal regime on MLA that currently does not exist in Bangladesh.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
See above

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

223. Paragraph 30 of article 46
30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this article.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

The possibility to conclude agreements with foreign States is explicitly envisaged in the Money Laundering Prevention Act 2009.

Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
See above

Please attach the text(s)
Money Laundering Prevention Act 2009(Section 26)
See text provided in paragraph 1 of Article 46
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to conclude such bilateral or multilateral agreements or arrangements?
(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

(COMPRI) Competing priorities
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)
(LIRIM) Limited resources for implementation (e.g. human/financial/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
See information given in paragraph 1 and 4 of Article 46

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)

(IMOARR) Model agreement(s)/arrangement(s)
(ADV) Legal advice

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

224. Article 47
States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

(INAD) Inadequacy of existing normative measures (constitution, laws, regulations, etc.)

Please provide an account of your country’s efforts to date to implement the provision under review:
No

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
No direct provision in Bangladesh for the transfer of legal proceedings to another State party. Legislative amendments may be necessary in the Code of

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Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)

(ADV) Legal advice
(OTHER) Other assistance (please specify)
Legislative drafting
Model legislation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

225. Subparagraph 1 (a) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:
(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
The membership of Bangladesh in the International Criminal Police Organisation (INTERPOL) allows it to have law enforcement assistance with other states. The government takes such assistance to ‘identify and locate’ offenders including suspects of corruption related offences. There is no agreement with any individual state party regarding exchange of information on methods of committing offences, or providing substances for investigation. Domestic legislation is yet to be compatible with UNCAC provisions. However, this can be done through the SAARC Drug Offence Monitoring Desk (SDOMD) and the SAARC Trafficking Offence Monitoring Desk (STOMD) as SAARC member, to a limited extent.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Do you have a database through which information can be shared?
If available, please provide examples of recent cases in which your law enforcement authorities have exchanged information with those of other State Parties for offences covered by this Convention (please describe the aspects of such offences covered by information exchanges)
If applicable, please provide information on exchange of information for recent cases involving other criminal activities

Have you ever assessed the effectiveness of the measures adopted to establish or enhance channels of communication with other States Parties’ law enforcement authorities, agencies and services?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(No answer needed - see above answer)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer above (in same article under review)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer above.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(TECDB) Technological assistance (e.g. set-up and management of databases/information-sharing systems)
(CAPCLEC) Capacity-building programmes for authorities responsible for cross-border law enforcement cooperation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

226. Subparagraph 1 (b) (i) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... (b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:
(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
See answer under UNCAC Article 48(1)(a)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCA Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.
See answer under UNCA Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

TECD) Technological assistance (e.g. set-up and management of databases/information-sharing systems)
(CAPC)CE Capacity-building programmes for authorities responsible for cross-border law enforcement cooperation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

227. Subparagraph 1 (b) (ii) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning: ...
(ii) The movement of proceeds of crime or property derived from the commission of such offences;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See answer under UNCA Article 48(1)(a)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable

If the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

ISSUE) Other issues (please specify)

See answer under UNCA Article 48(1)(a)
Please provide an account of your country’s efforts to date to implement the provision under review.
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

228. Subparagraph 1 (b) (iii) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:
(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See answer under UNCAC Article 48(1)(a)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
See answer under UNCAC Article 48(1)(a)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(OTHER) Other assistance (please specify)

See answer under UNCAC Article 48(1)(a)

229. Subparagraph 1 (c) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(N) No

Has your country adopted and implemented the measures described above? (Check one answer)

(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See answer under UNCAC Article 48(1)(a)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable

if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?

(Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)

See answer under UNCAC Article 48(1)(a)

Please provide an account of your country's efforts to date to implement the provision under review:

See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(OTHER) Other assistance (please specify)

See answer under UNCAC Article 48(1)(a)
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
Please provide an account of your country’s efforts to date to implement the provision under review:
(N) No

230. Subparagraph 1 (d) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities.

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
See answer under UNCAC Article 48(1)(a)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication): Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related analyses, reports or typologies related to means and methods used to commit offences established in accordance with the Convention

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the “Comments” field)

(ISSUE) Other issues (please specify)
See answer under UNCAC Article 48(1)(a)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(OTHER) Other assistance (please specify)
See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

231. Subparagraph 1 (e) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

Has your country adopted and implemented the measures described above? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)
See answer under UNCAC Article 48(f)(a)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication);
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review;
If applicable, please identify/describe the liaison officer positions within your law enforcement authorities.

Have you ever assessed the effectiveness of the measures adopted to facilitate the exchange of personnel and other experts?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)

Other issues (please specify)
See answer under UNCAC Article 48(1)(a)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

232. Subparagraph 1 (f) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.
Has your country adopted and implemented the measures described above? (Check one answer) (P) Yes, in part

Please cite, summarize and attach the applicable measure(s) Please cite the text(s)
See answer under UNCAC Article 48(1)(a)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to exchange information and coordinate administrative and other measures taken for the purpose of early identification of offences established in accordance with the Convention? (N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? 
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
See answer under UNCAC Article 48(1)(a)

Please provide an account of your country’s efforts to date to implement the provision under review:
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(OTHER) Other assistance (please specify)
See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer) (N) No

233. Paragraph 2 of article 48

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

Has your country entered into bilateral or multilateral agreements or arrangements on direct cooperation with law enforcement agencies of other States Parties? (Check one answer) (P) Yes, in part
Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
See answer under UNCAC Article 48(1)(a)

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian. If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Does your country consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention? (Check one answer)
(P) Yes, in part

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If applicable and available, please provide information on mutual law enforcement cooperation provided or received using this Convention as the legal basis if applicable and available, please provide information on mutual law enforcement cooperation provided or received making use of international or regional organizations

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)
(ADVERTISEMENT) Other issues (please specify)
See answer under UNCAC Article 48(1)(a)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(ADVERTISEMENT) Other assistance (please specify)
See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

234. Paragraph 3 of article 48
3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.

Is your country in compliance with this provision? (Check one answer)
(P) Yes, in part

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)
See answer under UNCAC Article 48(1)(a)

Please provide an account of your country's efforts to date to implement the provision under review:
See answer under UNCAC Article 48(1)(a)

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See answer under UNCAC Article 48(1)(a)

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(OTHER) Other assistance (please specify)
See answer under UNCAC Article 48(1)(a)

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

235. Article 49

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigatory bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

Has your country concluded bilateral or multilateral agreements that allow for the establishment of joint investigatory bodies or has your country undertaken joint investigations on a case-by-case basis as described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?
(Check all the answers that apply and provide an explanation in the "Comments" field)

(INTACO) Inter-agency co-ordination
(LICAP) Limited capacity (e.g. human/technological/institution/other; please specify)

Please provide an account of your country's efforts to date to implement the provision under review:
In Bangladesh, there is no provision for formal Joint Investigative Body. Such body can be created on a case to case basis. Requests can be made by the government to INTERPOL or any specific country for joint investigation of a particular incident. The Ministry of Home Affairs may request INTERPOL or any specific country through INTERPOL to form a joint investigation team to investigate a particular incident.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review.

Model practices/ agreements

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(BEST) Summary of good practices/lessons learned

(MOARR) Model agreement(s)/arrangement(s)

(CAPCLEG) Capacity-building programmes for authorities responsible for cross-border law enforcement cooperation

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

236. Paragraph 1 of article 50

1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived there from.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply)

(Issue)

Other issues (please specify)

Information is not available at this stage

Please provide an account of your country's efforts to date to implement the provision under review:

Information is not available at this stage

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

Information is not available at this stage

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(OTHER) Other assistance (please specify)

(ADV) Legal Advice

Legislative Drafting

(BEST) Summary of Good Practices/Lesson learn

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

237. Paragraph 2 of article 50

2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full.
compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

**Is your country in compliance with this provision? (Check one answer)**
- (N) No

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?**
- (Check all the answers that apply and provide an explanation in the “Comments” field) (ISSUE)
- Other issues (please specify)

See answer provided in paragraph 1 of this Article

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer provided in paragraph 1 of this Article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer provided in paragraph 1 of this Article

**Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)**
- (OTHER) Other assistance (please specify)

See answer provided in paragraph 1 of this Article

**Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)**
- (N) No

238. Paragraph 3 of article 50

3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a *case-by-case basis* and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

**Is your country in compliance with this provision? (Check one answer)**
- (N) No

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review?**
- (Check all the answers that apply and provide an explanation in the “Comments” field) (ISSUE)
- Other issues (please specify)

See answer provided in paragraph 1 of this Article

Please provide an account of your country’s efforts to date to implement the provision under review:

See answer provided in paragraph 1 of this Article

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See answer provided in paragraph 1 of this Article

**Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)**
- (OTHER) Other assistance (please specify)

See answer provided in paragraph 1 of this Article

**Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)**
- (N) No
239. Paragraph 4 of article 50
4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.

*Is your country in compliance with this provision? (Check one answer)*

(N) No