

**CONFIDENTIAL**

# **“UNFOLDING THE TRUTH”**

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## **Interim Report**

**Reporting Period: 27 August – 12 December 2024**

**THE COMMISSION OF INQUIRY ON  
ENFORCED DISAPPEARANCES**

**14 December 2024  
DHAKA, BANGLADESH**

THE COMMISSION OF INQUIRY ON ENFORCED DISAPPEARANCES  
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# List of Acronyms

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<b>AFMI</b>	Armed Forces Medical Institute
<b>ARTDOC</b>	Army Training and Doctrine Command
<b>ATA</b>	Anti-Terrorism Act
<b>CID</b>	Criminal Investigation Department
<b>CPC</b>	Crime Prevention Company
<b>CrPC</b>	Code of Criminal Procedure
<b>CSA</b>	Cyber Security Act
<b>CTIB</b>	Counter Terrorism Intelligence Bureau
<b>CTTC</b>	Counter Terrorism and Transnational Crime
<b>DAD</b>	Deputy Assistant Director
<b>DB</b>	Detective Branch
<b>DG</b>	Director General
<b>DIG</b>	Deputy Inspector General
<b>DGFI</b>	Directorate General of Forces Intelligence
<b>DSA</b>	Digital Security Act
<b>FIR</b>	First Information Report
<b>GD</b>	General Diary
<b>ICPPED</b>	International Convention for the Protection of All Persons from Enforced Disappearance
<b>ICT</b>	International Crimes (Tribunals) Act
<b>IGP</b>	Inspector General of Police

<b>IMEI</b>	International Mobile Equipment Identity
<b>IMSI</b>	International mobile subscriber identity
<b>JIC</b>	Joint Interrogation Centre
<b>NMC</b>	National Monitoring Centre
<b>NTMC</b>	National Telecommunications Monitoring Centre
<b>NSI</b>	National Security Intelligence
<b>OC</b>	Officer-in-Charge
<b>OPCAT</b>	Optional Protocol to the Convention Against Torture
<b>RAB</b>	Rapid Action Battalion
<b>SPA</b>	Special Powers Act
<b>TFIC</b>	Task Force for Interrogation Centre
<b>UN</b>	United Nations
<b>UNHRC</b>	United Nations Human Rights Council
<b>UPR</b>	Universal Periodic Review
<b>UNRCO</b>	United Nations Resident Coordinator's Office
<b>WGEID</b>	Working Group on Enforced or Involuntary Disappearance

# 1. Introduction

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Enforced disappearances are among the gravest violations of human rights, constituting crimes against humanity. When the State itself is complicit in such crimes, it not only erodes trust in public institutions but also entrenches a climate of fear. Families of the disappeared and human rights defenders are left to navigate immense obstacles in their pursuit of justice. Recognising the inadequacy of existing international frameworks, the United Nations adopted the International Convention for the Protection of All Persons from Enforced Disappearance on 20 December 2006, which came into force on 23 December 2010. This Convention provides a vital mechanism to hold perpetrators accountable and prevent these heinous crimes.

In Bangladesh, enforced disappearances under Sheikh Hasina's regime became a weapon of political repression. It persisted due to systemic failures, including a culture of impunity, dysfunctional institutions, and the absence of an independent justice system. Political opponents, critics, and dissidents were targeted, with basic freedoms of expression, association, and assembly routinely violated. These actions silenced dissent, stifled opposition, and suppressed criticism of the Government, fostering fear and despair among victims and their families. This pattern of abuse coincided with the global War on Terror, during which sporadic suspensions of human rights were often justified under the guise of countering terrorism. Bangladesh adopted similar practices, exploiting counterterrorism rhetoric to legitimise political oppression. These practices not only deepened political repression but also institutionalised a broader framework of human rights violations.

This interim report is structured as follows: *Section 1* provides background information on enforced disappearances and outlines the Commission's methodology. *Section 2* examines the legal framework, with special focus on command/superior responsibility due to the systemic design of enforced disappearances. It argues for the legal necessity of applying the International Crimes (Tribunals) Act, 1973, over other laws like the Army Act, 1952, as a more effective means of prosecuting perpetrators. It also addresses key issues, such as the concept of continuing crime and the prosecution of individuals who have fled abroad or are serving military officers. *Section 3* explores the modalities of enforced disappearances, detailing the selection of targets, surveillance, abductions, detention, torture, and either elimination or release of the victims, with particular attention to cross-border renditions to India. *Section 4* discusses the impact of enforced disappearances, including on women and child victims, as

well as its self-destructive effects on law enforcement agencies. *Section 5* presents ten cases where the Commission provides *prima facie* evidence of the complicity of law enforcement agencies, illustrating the entrenched culture of enforced disappearances and supporting the rationale for focusing accountability on high-ranking officers. The report concludes with recommendations in *Section 6*, emphasising the need for justice, institutional reform, and compliance with international human rights obligations. Overall, the report argues that senior officials, who bear greater knowledge and responsibility, should be the primary focus of accountability efforts.

## **The rise of enforced disappearances**

Enforced disappearances have been a recurring and tragic chapter in Bangladesh's history, although fundamentally less widespread than we saw in Sheikh Hasina's regime. During the Liberation War of 1971, many individuals, including prominent intellectuals, were abducted and disappeared by the Pakistani Army and their local collaborators. While some victims' bodies were later found, many remain unaccounted for. In the years following independence, enforced disappearances continued under various regimes. Between 1971 and 1976, for instance, left-wing freedom fighters and activists were targeted by successive Governments and security forces. Notable victims of enforced disappearances include acclaimed filmmaker Zahir Raihan, revolutionary political leader Siraj Shikdar, and Kalpana Chakma, a women's rights activist from the Chittagong Hill Tracts.

After a prolonged pause, enforced disappearances re-emerged as a systemic practice in 2009 under Sheikh Hasina's administration. The question is: *why did this heinous crime resurface at that point in time?* The roots of its resurgence lie in the global narrative of the "War on Terror" and the domestic political realities of Bangladesh.

The establishment of the Rapid Action Battalion (RAB) in 2004 had already normalised widespread extrajudicial killings. Successive Governments embraced this narrative, at times leveraging global counterterrorism rhetoric to legitimise authoritarian practices. When the Awami League-led Grand Alliance assumed power in January 2009, it faced significant national and international criticisms for the prevalence of extrajudicial killings. This coincided with Bangladesh's participation in the United Nations Universal Periodic Review (UPR), a mechanism introduced in 2009 to assess the human rights records of UN Member States. International scrutiny over Bangladesh's human rights record exerted pressure on the Government to publicly adopt a "zero-tolerance" policy towards extrajudicial killings, a commitment reiterated by the then Foreign Minister during the UPR sessions in Geneva.

However, rather than genuinely addressing the issue, the Awami League Government shifted its strategy. Enforced disappearances became the regime's preferred method for silencing political opponents and dissenters while maintaining a facade of compliance with international norms. The visible reduction in extrajudicial killings therefore was short-lived, and state-sanctioned violence continued under new guises.

The use of enforced disappearances reached alarming levels during key political flashpoints, particularly in the run-up to the general elections in 2014, 2018, and 2024. These periods were marked by mass arbitrary detentions, violent clashes, and targeted abductions of opposition leaders and activists, primarily from the Bangladesh Nationalist Party (BNP) and Bangladesh Jamaat-e-Islami. Thousands of individuals were forcibly disappeared during the time under reference, further entrenching the practice as a tool for political repression.

The Hasina Government's persistent denial of enforced disappearances reflects its calculated unwillingness to address this grave violation of human rights. Despite ratifying the Rome Statute of the International Criminal Court in 2010—which defines enforced disappearance as a crime against humanity—the Awami League Government consistently rejected allegations that it engaged in widespread practice of enforced disappearance during UPR cycles in 2009, 2013, 2018, and 2023. It dismissed recommendations from UN Member States to end enforced disappearances and refused to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. The then Government consistently claimed in its responses that cases of missing persons were being falsely portrayed as enforced disappearances in politically motivated attempts to damage its reputation. However, the Commission's dossier of evidence decisively refutes the claims made by the Hasina regime. In fact, during a conversation with the Commission, the sister of a victim expressed gratitude for its efforts, stating, "Finally, someone believes us. The previous Government kept saying we were all lying."

The re-emergence of enforced disappearances in Bangladesh under Sheikh Hasina's administration was thus not incidental but deliberate. By weaponising counterterrorism rhetoric and exploiting the global War on Terror narrative, the regime institutionalised this practice as a means of maintaining political dominance. This strategy not only suppressed opposition but also perpetuated a culture of impunity, making enforced disappearances a defining feature of the state's repressive apparatus.

## **Methodology**

This interim report draws on both qualitative and quantitative data gathered from primary and secondary sources. Primary information was collected through complaints

submitted by the victims and the families of the disappeared, field visits, in-depth individual interviews, and consultations with human rights defenders. These firsthand accounts provided critical insights into the specific details and nuances of enforced disappearances, enabling a comprehensive inquiry that attempts to capture the complexities of the matter.

Since its establishment on 15 September 2024 under section 3 of the Commissions of Inquiry Act, 1956 (see Appendix A), the Commission has received over 1,676 complaints of enforced disappearances. Of these, approximately 758 complaints have undergone initial scrutiny. Complaints continue to be submitted regularly, even after the official deadline, suggesting that the true scale of enforced disappearances far exceeds the number of complaints received by the Commission. This underscores the enormous task it is entrusted with.

The Commission actively collaborated with organisations such as Odhikar, Ain-O-Salish Kendra, Maayer Daak, and the Human Rights Support Society. It also initiated regional consultations across divisional capitals to engage victim groups beyond Dhaka. Complaints were accepted in person, by post, and via email to maximise accessibility. In addition to engaging directly with the victims and their families, the Commission held discussions with journalists, rights activists, academics, and other stakeholders, both domestically and internationally.

At the same time, suspected perpetrators—both individuals and forces—were consistently engaged with to help uncover the true nature of criminal practices relating to ‘gloom culture’ during Sheikh Hasina’s fifteen uninterrupted years in power. The Commission has also requested the Ministry of Home to take decisive steps to prevent 42 individuals, against whom complaints have been filed, from leaving the country for the duration of the inquiry.

The Commission had productive engagements with the UN Working Group on Enforced or Involuntary Disappearances, former members and staff of inquiry commissions from Sri Lanka and the Maldives, and representatives of the UN Resident Coordinator’s Office in Dhaka. These interactions further informed its work and reinforced the importance of an inclusive, multi-stakeholder approach to addressing enforced disappearances. The details of these interactions are recorded in Appendix B.

### ***Challenges faced by the Commission***

The problems the Commission faced in engaging with the security forces are detailed elsewhere in this report, however, we also faced substantial challenges in engaging with the victims of enforced disappearances, albeit for different reasons. Many individuals who had been disappeared and later released were hesitant to share their experiences with anyone

beyond their immediate families, fearing potential reprisals. Some victims went to great lengths to avoid detection, such as leaving their phones at home before visiting the Commission to ensure that their call records would not reveal their presence at its office. Others were unwilling to communicate by phone altogether, leading to delays as the Commission awaited their arrival in Dhaka from various parts of Bangladesh. Further compounding these difficulties, two groups of victims reported harassment by the alleged perpetrators in the weeks leading up to filing their complaints with the Commission. In one case, the intimidation caused a victim to delay filing a complaint by two months. Additionally, several individuals remain imprisoned, which restricted the Commission's ease of access to their testimony.

Despite these obstacles, the Commission conducted interviews with over 150 individuals during the reporting period, ensuring representation from diverse categories of the victims and their families. This effort reflects the Commission's commitment to documenting the wide-ranging human rights violations associated with enforced disappearances, even in the face of significant barriers. The findings emphasise the need for comprehensive actions to reform State institutions in public interest. The next section outlines critical discussions on the legal aspects of enforced disappearances, including strategies to prosecute alleged perpetrators.

## 2. Legal aspects of enforced disappearances

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According to Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, the crime of enforced disappearance is defined by four key elements:

1. Deprivation of liberty;
2. Direct or indirect involvement of State forces/authorities and/or their instigation;
3. Failure to inform the victim of the detention or to inform the family of the fate or whereabouts of the detained person; and
4. Deprivation of the victim from legal protection.

The majority of the over 1,676 complaints submitted to the Commission met the criteria mentioned above. In instances where the involvement of State forces could not be immediately verified, the complaints were referred to the police for investigation under Section 10A of the Commissions of Inquiry Act, 1956 (detailed in Appendix C).

Whilst the spectre of enforced disappearance has appeared in previous instances in Bangladesh's history, the massive scale at which it was unleashed on the population during Sheikh Hasina's regime is a novel phenomenon. As such, a discussion of the implications surrounding enforced disappearances in the country's legal framework is merited, focusing on the mechanisms and steps necessary to hold perpetrators accountable, to enable the Government to deliver justice to the victims, and to prevent the recurrence of this malignancy. The Commission presents such a discussion in the following pages:

### **Rights violations**

It is evident that enforced disappearances severely violate fundamental human rights, depriving individuals and their families of essential protections and freedoms. The rights violated include the right to legal protection and the right to equal recognition as a person before the law, which are essential for ensuring justice and accountability. Victims also lose their right to life, as enforced disappearances often result in extrajudicial killings or indefinite detention. Basic freedoms, such as freedom of movement, freedom of speech, thought and

conscience, and freedom of association and religion, are gravely undermined as well, further dehumanising those affected. Victims are also denied the right to a fair trial, while being subjected to torture and inhuman or degrading treatment during their captivity. The right to be presumed innocent until proven guilty, a cornerstone of any just legal system, is effectively erased too, leaving the victims and their families in a perpetual state of uncertainty and despondency. These egregious violations of fundamental rights demand a robust legal response to ensure accountability, uphold the rule of law, and prevent recurrence.

## Legal framework

Criminal law in Bangladesh currently lacks specific provisions to address the crime of enforced disappearances. However, offences related to wrongful restraint (Sections 339, 341) and wrongful confinement (Sections 340, 342-348), as well as kidnapping, abduction, slavery, and forced labour (Sections 359-374), are addressed in the Penal Code, 1860. Additionally, the Code of Criminal Procedure, 1898, outlines the procedures for ensuring proper investigation and prosecution of these crimes.

On 29 August 2024, Bangladesh acceded to the International Convention for the Protection of All Persons from Enforced Disappearance. As a State Party to this instrument, Bangladesh is now obligated to prevent enforced disappearances, combat impunity for such crimes, and incorporate provisions to criminalise enforced disappearances into its domestic laws, as required by Article 4 of the Convention. Further obligations include ensuring proper investigation, safeguarding victims' rights to justice (Article 3), and providing victims and their families with reparation and prompt, fair, and adequate compensation (Article 24). Article 24(4) of the Convention highlights the right to reparation, which includes compensation for both material and moral damages, alongside other forms of redress where appropriate, such as: (a) Restitution; (b) Rehabilitation; (c) Satisfaction, including restoration of dignity and reputation; and (d) Guarantees of non-repetition.

By acceding to the Convention, Bangladesh has undertaken a legal and moral obligation to uphold these principles, ensuring justice for the victims and their families while taking concrete steps to prevent future recurrence of enforced disappearances. For reasons discussed below, given the particularities of the context, in order to uphold this obligation Bangladesh will need to try the alleged perpetrators in courts where:

- **enforced disappearance, of which abduction is an essential ingredient, is a recognised crime;**
- **command/superior responsibility is a recognised legal doctrine; and**
- **continuing crime is an accepted concept.**

## Command/Superior responsibility

As Section 3 of this report will demonstrate, in Bangladesh, trained professionals deliberately designed the system of enforced disappearances over 15 years in a fashion calculated to avoid detection and attribution of responsibility. This system involved several layers of operational sophistication, including unobtrusive abductions, jurisdictional overlaps between security forces, and segmentation of teams responsible for abduction, detention, and elimination. Victims were routinely blindfolded, and captors withheld location information from them. These measures were put in place to obscure culpability, making it difficult to directly trace responsibility to specific individuals or organisations.

However, evidence suggests that far from being passive or accidental or, indeed, the work of isolated rogue officers, these systems reflect a deliberate design orchestrated by a central command structure. For instance, jurisdictional overlaps and segmentation of operations across various units point to a coordinated and synchronised effort that could not have emerged organically or without centralised direction. A compelling example lies in the similarities observed in the locations of detention cells. Detention cells where victims were kept by different Rapid Action Battalion units are often found near armouries or within buildings with strikingly similar layouts, despite being in geographically distant locations. The detention cells associated with RAB 11 in Narayanganj, for instance, were in nearly identical buildings to those linked to RAB 7 in Chittagong and RAB 2 in Mohammadpur. Such uniformity strongly indicates centralised planning and oversight.

Interviews with security force personnel further corroborate the existence of a top-down command structure. Lower-ranked security personnel often reported being unaware of the identity of the individuals they detained, learning details only after the commission of the offence, if at all. In contrast, interviews with commanders confirmed that they retained explicit control of activities conducted under their authority, and command structures remained intact throughout the decade and a half in question.

The legal doctrine of superior or command responsibility is critical in addressing the accountability of those in positions of authority for crimes committed by their subordinates. Under international law, this doctrine holds military commanders, civilian leaders, or other superiors criminally liable if they knew, or should have known, about the unlawful actions of their subordinates and failed to prevent or punish them. This principle is particularly relevant in cases involving crimes against humanity, war crimes, and genocide. In the context of Bangladesh, the doctrine of command responsibility is explicitly recognised under the International Crimes (Tribunals) Act of 1973. Section 4 of this Act permits the prosecution of individuals in command/superior positions for crimes committed by subordinates if they failed to take necessary and reasonable measures to prevent the acts or to punish the perpetrators.

Since the system of enforced disappearances in Bangladesh was meticulously designed to hide detection, with operational segmentation being a key feature, perpetrators within the command structure may argue that they were not directly involved in specific actions, such as abductions or detentions, or that they lacked knowledge of the incarceration or fate of the victims. However, the doctrine of command/superior responsibility negates such defences. Even if commanders were not physically present or directly involved in specific acts, they can still be held criminally liable if it is established that they knew, or should have known, about the crimes and failed to act to prevent or punish them. Instances where victims were held incommunicado in detention centres under the custodianship of these officers unequivocally fall within this scope of liability. The Commission has taken this factor into cognisance.

In order to ensure justice, it is imperative that the crime of enforced disappearance be prosecuted in a court/tribunal with jurisdiction to address both the crime itself and the superior/command responsibility of those involved. Without this approach, the segmented and opaque nature of the system may allow high-ranking officials to skirt accountability, perpetuating impunity and denying justice to the victims and their families.

It is worth noting here that the **Army Act, 1952** neither recognises enforced disappearance or abduction as crimes nor does it recognise superior or command responsibility of the offenders. In contrast, the **International Crimes (Tribunals) Act, 1973** recognises both. Importantly, the International Crimes (Tribunals) Act, 1973 has a *non obstante* clause embodied in Section 26. So it necessarily follows that the International Crimes (Tribunals) Act, 1973 is an overriding law, that is to say, it asserts its supremacy over any conflicting laws, such as the Army Act, 1952, in trying the perpetrators of crimes against humanity. Therefore, the International Crimes Tribunal is the only judicial forum in Bangladesh for trying crimes against humanity. The *non obstante* clause would allow even serving officers to be tried by the International Crimes Tribunal, given the particular deficiencies in the Army Act, 1952 in the context of abduction and other allied crimes.

## Continuing crime

Enforced disappearance is recognised as a continuing crime until the whereabouts or fate of the victims are determined, their remains are recovered, or justice is served. This highlights the critical importance of actively searching for victims and upholding the families' right to know the truth about the circumstances of the disappearance.

The concept of a continuing offence is established in Bangladesh's legal framework. A continuing offence refers to an unlawful act that persists over a period of time, with each day constituting a new instance of the offence. This concept has significant implications for cases

of enforced disappearance. Captives are often held in various locations, with responsibility for their detention changing hands as their captors are promoted, reassigned, or replaced. In such cases, some alleged perpetrators have argued that they should not be held culpable for the crime because they were not directly involved in the initial abduction but merely inherited responsibility for the captive upon assuming their new role.

However, since enforced disappearance is classified as a continuing offence, each day of captivity represents a renewed violation of the law. Therefore, those who have command/superior responsibility over the captives during the entire period of detention must be held accountable for the offence, not merely those at the point of abduction. This ensures that the chain of responsibility is not broken and justice is pursued for the victims and their families, irrespective of changes in personnel or command.

### **Escaping accountability by fleeing abroad**

Another potential tactic that high-ranking officials with command/superior responsibility may use to escape accountability is fleeing Bangladesh and retiring to other countries, believing that they will enjoy impunity due to the complexities of prosecuting them in foreign jurisdictions. This has already been the case with several perpetrators whom the Commission considers *prima facie* responsible for acts of enforced disappearance, including Sheikh Hasina herself.

However, the case of a former Syrian official in the United States illustrates a potential way forward to ensure that justice is still served. On 8 August 2024, a former Syrian prison chief was charged with immigration fraud for concealing his involvement in crimes against humanity. He had falsely claimed to have no criminal history when applying for U.S. citizenship, a clear violation of immigration laws that require full disclosure of such information. Authorities used this misrepresentation as a legal basis to strip him of his citizenship and initiate deportation proceedings. This approach demonstrates how immigration laws can be leveraged to hold perpetrators accountable indirectly, even when direct prosecution for their crimes may be challenging due to jurisdictional or evidentiary constraints. It shows that failing to disclose criminal history is itself a punishable offence that can lead to significant legal consequences, including deportation and loss of residency or citizenship status. For victims in Bangladesh, this presents a potential way forward to ensure that the perpetrators do not evade accountability for their crimes under any circumstances.

In conclusion, enforced disappearance is a severe violation of human rights that demands robust legal measures to ensure accountability and justice. The recognition of enforced disappearance as a continuing crime and the application of command/superior

responsibility are crucial in prosecuting those involved, especially given the systemic and segmented nature of these operations. The International Crimes (Tribunals) Act, 1973, with its recognition of both concepts and its supremacy over conflicting laws, provides a potent legal basis for addressing these crimes. Additionally, leveraging immigration laws to pursue perpetrators who flee abroad offers a practical avenue for ensuring justice. Addressing these crimes comprehensively will require political will, comprehensive legal reforms, and sustained efforts to uphold the rule of law and human dignity.

### 3. The Anatomy of Enforced Disappearances

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This section deals with the methods, processes, and mechanisms through which enforced disappearances were carried out. The assessment conducted by the Commission found that a significant number of enforced disappearances in Bangladesh had been committed by several units operating under the purview of the Bangladesh Police. The Rapid Action Battalion (RAB), Detective Branch (DB), and Counter Terrorism and Transnational Crimes (CTTC) were identified by victims, witnesses, and family members as the primary perpetrators in most cases of enforced disappearances. Other actors were also implicated, including the Directorate General of Forces Intelligence (DGFI) and the National Security Intelligence (NSI).

The Commission has conducted a preliminary review of 758 complaints out of the 1,676 complaints registered with us. A breakdown of this review is in Table 1.

Year	Number of Complaints	Year	Number of Complaints
2009	5	2017	84
2010	19	2018	89
2011	23	2019	36
2012	36	2020	18
2013	73	2021	25
2014	45	2022	42
2015	78	2023	34
2016	130	2024	21
<b>Total</b>	<b>758</b>		

*Table 1: Year-wise breakdown of reported incidents of enforced disappearances*

A key finding of our inquiry is that the ‘goom culture’—or the culture of enforced disappearance—was systematically designed over 15 years to remain undetectable. For instance, security forces would frequently operate in plain clothes and falsely attribute their actions to other agencies. If DGFI was operating, they would claim to be RAB; if it was RAB, they would claim to be DB, etc. The forces would also exchange victims amongst themselves, with one force abducting, another incarcerating, the third one killing or releasing the victims. Call records of one victim showed that his SIM card was activated at DGFI Headquarters soon after his abduction. Whilst his description of the cells he was kept in and his fellow inmates at

the relevant time appeared to confirm his first location was DGFI's JIC, he was subsequently taken to several RAB detention facilities in Dhaka that we identified through the descriptions of the cells, and finally he was shown arrested months later by RAB 7 in Chittagong. This misdirection ensured that, even when a survivor emerged, identifying the responsible entity remained difficult.

Moreover, even when it was a single force carrying out an enforced disappearance, the operations were deliberately segmented. The team responsible for the abduction would differ from the team managing detention, which in turn would differ from the team carrying out elimination. As a result, even individuals directly involved in victim elimination teams often lacked knowledge of who they were eliminating or the broader context of the operations. However, interviews with officers across the various security forces confirmed that high-ranking officers almost certainly possessed this information, underscoring the importance of targeting investigative as well as accountability efforts at the leadership level.

Additionally, the frequent rotation of teams, the blending of jurisdictions, and the lack of clear operational boundaries compounded the clandestine nature of the crime. For instance, RAB 2 could easily conduct operations within RAB 11's jurisdiction without raising any internal questions. This intentional intermingling of jurisdictions and operational areas created a highly opaque system designed to evade scrutiny.

The systemic nature of this design has rendered our inquiry extraordinarily challenging, as the mechanisms in place were specifically intended to conceal responsibility and suppress accountability. It is through the sheer resilience of the surviving victims that we were able to crack the system to the extent we have been able to. For this, they deserve our unending thanks and gratitude.

## **Target selection**

On this issue, we do not yet have sufficient data to reach a definitive conclusion. However, preliminary findings suggest two primary methods for target selection.

The first appears to involve a network-based system. In this system, detainees are often tortured into providing the names of others. These individuals are then picked up, tortured, and coerced into giving additional names, creating a cascading chain of victims. We have multiple instances of such events, where one victim's testimony leads to another's detention. Survivors of this process, upon realising that their coerced statements led to the disappearance of innocent individuals, often experienced profound guilt. One victim, for instance, justified his actions to himself by saying that he had assumed the authorities would conduct a thorough background

check on the individuals he named under duress. He believed that anyone innocent would naturally be cleared off. It was only after his release that he discovered one of the individuals he had named was subsequently subjected to enforced disappearance and incarcerated in the same facility as his. Overwhelmed with a sense of guilt, the victim dedicated himself to ensure the release of the individual he had inadvertently implicated through legal channels.

The second method of target selection appears to involve direct orders from politically connected or otherwise influential figures. We have documented instances of this process. For example, in the notorious seven-murder case in Narayanganj, the accused Tareque Sayeed Mohammad (former RAB 11 Commanding Officer) stated in his confessional statement under section 164 of the Code of Criminal Procedure that he had received the go-ahead signal from Ziaul Ahsan (the then RAB's ADG Operations). The enforced disappearance victim, Hummam Quader Chowdhury, recounted being told at the point of his release: "The Honourable Prime Minister is giving you a second chance, but there are certain conditions. You must refrain from politics, leave the country, and return only when the situation improves. Understand that the Honourable Prime Minister is granting you a second chance in life."

While these examples provide some insights into the mechanisms of targeting, further data are required to draw comprehensive conclusions about this aspect of enforced disappearances.

## **Surveillance**

Interviews with the victims and the members of the Armed Forces confirm that mobile technology was integral to the surveillance process. In interviews, RAB and military officers indicated that 'silent pick-ups'—unobtrusive abductions—were virtually impossible without mobile surveillance to pinpoint the victim's location with precision. Prior to the establishment of the National Telecommunication Monitoring Centre (NTMC) as an independent agency, mobile surveillance was conducted through its predecessor, the National Monitoring Centre (NMC), which was housed within the DGFI Headquarters. The DGFI provided dedicated surveillance systems, which were also used by other forces, such as RAB and DB, implicating the DGFI in abetting the commission of enforced disappearances by forces other than its own. The NMC hosted dedicated consoles manned by personnel from various agencies, working in rotating shifts. A former DG of DGFI also confirmed to the Commission that his organisation provided logistics support related to surveillance to various law enforcement teams whilst NMC was housed at the DGFI Headquarters.

This operational structure again highlights significant coordination among security forces. Since the establishment of the NTMC, surveillance activities have transitioned to this

independent agency. However, preliminary reports suggest that some surveillance capabilities still reside within individual forces. The extent of these capabilities remains an active line of inquiry, particularly because there appears to be no judicial oversight on the surveillance process.

Despite the lack of judicial oversight, several victims reported signs of surveillance prior to their abductions. For example, one victim revealed that his captors referenced a private phone conversation about his wife's dental treatment, suggesting that mobile surveillance had been conducted beforehand. Other victims described receiving suspicious phone calls shortly before their abductions, during which no one spoke at the other end of the line. These calls were presumably used to pinpoint the victim's location. In another instance, eyewitnesses recounted how the security forces entered a room, instructed the occupants to place their phones in a line, and, when a call came to one of the phones, detained the individual who claimed it. That person was never seen again.

## **Abduction, detention, torture, elimination, and release**

The sections detailing the methods of target abduction, detention, torture, and elimination or release will necessarily be heavily redacted in this document due to the sensitive nature of our ongoing inquiry. While we possess a relatively clear understanding of some of these processes, we rely on this information as a critical tool to differentiate between genuine and false cases submitted to us. Disclosing the full extent of our knowledge at this stage would compromise the integrity of our inquiry. Should this confidential report be leaked out to the public pending conclusion of the inquiry, it could undermine our ability to accurately assess the veracity of the complaints brought before us. Therefore, a comprehensive account of these findings will be included in the final version of the Commission's report, ensuring both accuracy and the preservation of our inquiry.

### **Abduction**

Based on our findings, abductions typically occurred when individuals were approached on the streets or at their homes, usually at night, although not exclusively so. The abductors, oftentimes in plainclothes, identified themselves as "proshashoner lok" (i.e. the administration), law enforcement, or DB or RAB. In cases where the victims were taken from their homes, families were left traumatised, as they witnessed their loved ones being beaten up and forcibly disappeared before their eyes, never to be seen again in many cases. Victims were also abducted from ferries, roadsides, or other public areas. They were often called by name

before being forcibly pulled into large vehicles, typically 'Hiace' models. Once inside, they were immediately blindfolded, handcuffed, and threatened with weapons. Frequently, torture, such as beatings or electrocution, began almost immediately.

Sometimes, these abductions took place in the presence of others, while in other instances, they occurred in remote locations with no eyewitnesses, making it incredibly difficult to prove what had happened. For example, in one case where the victim returned alive, an eyewitness reported: "I had tea with him, and he started off for his home. Fifteen minutes later, I found his bicycle and books lying by the roadside." Since the victim survived, it was possible to piece together the details of his abduction through his testimony and the attending circumstances. However, in cases where the victims did not return, especially when taken from isolated areas, there is often no evidence to indicate what happened to them.

Even in crowded cities, abductions were carried out so discreetly that witnesses might not have immediately realised what had occurred. For instance, on a ferry, RAB officers in plainclothes approached a victim by calling out his Facebook pseudonym to identify him. Initially, the interaction appeared friendly and unremarkable. Nonetheless, within moments, additional officers arrived and quickly forced the victim off the ferry and into a car. The entire process was so smooth and fast that other passengers, including foreigners, did not recognise it as an abduction.

### *Detention*

Victims were detained for varying periods, ranging from 48–60 hours to several weeks or months, and in some cases, up to eight years. Contrary to the perception that the victims were exclusively held in secret cells, interviews with survivors have revealed that many were detained in cells that also housed legal detainees. An example of this is those detained by DB. This overlap of legal and illegal detainees within the same facilities highlights the complexity of their detention circumstances. Additionally, there have been instances where the victims were transported within the same facility, moving from illegal cells to legal cells, often timed to coincide with their appearances before courts. These transitions were likely meant to obscure the illegal nature of their detention by presenting them as legally detained individuals.

Through detailed interviews with the living victims, we have been able to map their locations during detention. For example, in one instance, a victim described a distinctive door in a facility, allowing us to identify a room that had once been subdivided into three cells, even though the partitions were demolished by the time of our visit. Other evidence at the site, which we documented, corroborated the victim's testimony. Furthermore, these interviews also helped us identify the areas within the same facility where legal detainees were kept. This pattern of

shifting detainees between unlawful and lawful cells within the same facility is a key focus of our ongoing inquiry. It underscores the deliberate attempts to disguise illegal detentions and demonstrates the need for further inquiry into these practices.

During this reporting period, the Commission conducted visits to twelve offices of various security forces in Dhaka and Chittagong. The purpose of these visits was to inspect interrogation rooms, detention facilities, and equipment; gather information and testimony; and meet with senior officials from law enforcement and security forces. To date, we have identified more than eight secret detention facilities operated by agencies such as the DGFI, RAB, and CTTC, where victims were held across the country. At the time of our visits, some of these facilities were still intact, while others had been destroyed. To safeguard the integrity of our inquiry, the details of these facilities will be disclosed in a future report. For now, we can confirm that we visited the following offices: Directorate General of Forces Intelligence; Counter Terrorism and Transnational Crime; Detective Branch Headquarters, Dhaka Metropolitan Police; Detective Branch, Chittagong Metropolitan Police; Rapid Action Battalion units 1, 2, 4, 7, and 11, including RAB 2, CPC 3; RAB Forces Headquarters; Chittagong Central Jail; and the National Security Intelligence, Chittagong Division.

### *Torture*

The accounts of torture we have documented are both profoundly brutal and disturbingly methodical. A notable distinction has emerged between the premises under the management of military officers and those overseen by civil forces, such as the police.

In facilities managed by civil forces, such as DB and CTTC, torture was carried out in a manner that integrated it into the daily operations of these offices. Our findings indicate that although specialised torture equipment was used, the acts of torture were conducted routinely within the same space occupied by the security personnel. Detainees have reported witnessing officers calmly working at their desks or computers—screams of agony notwithstanding—within close proximity to the areas where torture was being perpetrated, suggesting a disturbing normalisation of such practices at these offices.

Conversely, the premises controlled by military commanders, such as those managed by RAB and DGFI, exhibited a more specialised infrastructure for torture. These facilities were often equipped with soundproofed chambers and specialised instruments, including mechanised ones, designed explicitly for inflicting physical and psychological harm. While we are withholding detailed descriptions of these facilities to safeguard the integrity of our ongoing inquiry, we will provide a comprehensive account in the Commission's final report. At this

stage, we present two examples to illustrate the nature and severity of the torture practices employed.

In one instance in 2010, a young man was abducted by RAB from Dhanmondi. He reported that he was taken to a room where his lips were immediately sewn without the use of any anaesthetic. He described the procedure as being akin to stitching cowhide, underscoring the utter dehumanisation inflicted upon him. In a separate incident eight years later, a middle-aged man recounted that his genitals and ears were electrocuted. This torture also took place at a RAB facility. The consistency in torture practices, despite the significant temporal and geographical separation between these cases, strongly suggests that such practices were not only systemic but also institutionalised across these forces.

These findings highlight the pervasive and calculated nature of torture within the entities and stress the urgent need to address the structural and cultural factors that have allowed these practices to persist.

### **Elimination**

In the majority of cases, victims of enforced disappearances have exited the system through either of two channels: they are either killed or they are released into the criminal justice system. A very small minority have been released without any charges being filed against them; the victims released after August 5 changeover are examples in point.

For those who were killed, we have received some verified reports detailing the methods of execution. In cases where bodies were recovered, post-mortem examinations revealed that the victims had been shot in the head and disposed of in rivers with cement bags tied to their bodies. This method was described by military officers who had served in RAB as standard procedure to ensure that the bodies would sink. Specific sites of killing and disposal include the Buriganga River, Kanchon Bridge, Postogola Bridge etc. The Postogola Bridge location, in particular, had a boat—confiscated during a raid on a pirate den in the Sundarbans—that had been modified for use in these nefarious operations.

Officers were frequently active participants of these executions. One witness, himself a RAB battalion commander, recounted an "orientation" session conducted by the then head of RAB Intelligence Wing, during which two victims were shot on a bridge in front of him as part of his initiation into RAB. Another soldier, previously deputed to RAB Intelligence, described a victim attempting to escape by jumping into the river. He retrieved the victim who was immediately executed on the spot.

There are also accounts of alternative methods of killing. One soldier reported being ordered to carry a body to a railway line in Dhaka, where it was placed on the tracks. The officers and soldiers waited in their vehicle until a train passed, dismembering the body. In another instance, a surviving victim described being pushed onto a highway in front of an incoming vehicle by a police officer. By chance, the vehicle swerved and avoided hitting him. The officer, unwilling to make a second attempt, abandoned the effort, sparing the victim's life.

These reports indicate that the methods of execution were varied but shared a common intent to eliminate the victims and, in some cases, dispose of their remains in ways that would prevent recovery or identification. Disproving claims of being the work of rogue officers, the systemic nature of these practices, involving multiple locations and agencies, highlights the coordinated efforts behind these crimes. An in-depth investigation is required to fully uncover the scale and specifics of these operations.

### Release

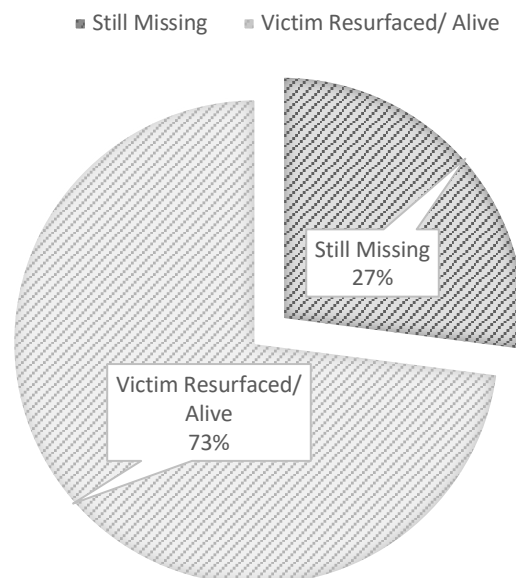
Surviving victims of enforced disappearances have been one of our most valuable sources of information. We are deeply grateful to them for sharing their experiences, often under challenging circumstances. To gather their testimony, we have even travelled to prisons to talk to victims on death row. A deeply troubling pattern has emerged from the accounts of surviving victims of enforced disappearances in Bangladesh. After enduring torture, interrogation, and prolonged captivity in secret detention facilities, many victims reported that their captors ultimately admitted they were not involved in any criminal activity. Despite this, the captors justified filing cases against these individuals, arguing—in several instances within earshot of the victims—that their enforced disappearance could not simply be reversed without a formal explanation. To cover up the illegal nature of their enforced disappearance, these victims were then “shown arrested” and implicated in fabricated cases.

Upon their reappearance, individuals were often presented to the media, where fabricated accounts of their alleged offences were shared. These stories were frequently reported in toto by the media without scepticism or scrutiny. The media's failure to question these implausible narratives, especially as they pertain to terrorism, and its role in perpetuating such practices warrant serious examination to prevent future recurrences. Interviews with law enforcement officers suggest that their superiors maintained excellent relationships with the media. In some instances, these relationships reportedly included financial transactions, further complicating the impartiality of media reporting in such cases.

When these fabricated stories were publicised, victims and their families often faced severe social repercussions. Interviews reveal that many victims and their families were ostracised by their communities, regardless of the falsity of the allegations. This troubling dynamic highlights the urgent need for the media to adopt a more critical and responsible approach in such cases, as well as engage in significant introspection.

Many disappeared individuals were handed over to the police or produced in courts under baseless allegations made using various laws, including the Anti-Terrorism Act, 2009; the Arms Act, 1878; the Explosive Substances Act, 1908; the Special Powers Act, 1974; and the Digital Security Act, 2018 (subsequently replaced by the Cyber Security Act, 2023). These manipulations not only obscure the true nature of enforced disappearances but also perpetuate the sufferings of victims, who are forced to navigate a deeply flawed and punitive legal system for years afterwards.

We have documented hundreds of such instances across the 15-year period, spanning various locations and involving multiple security forces. This systematic practice has revealed discernible patterns in the way these cases are fabricated, which may provide further evidence of enforced disappearances. However, due to the ongoing nature of our inquiry, we will address these findings in greater detail in a future report. Figure 1 presents the 758 complaints preliminarily analysed by the Commission, categorised into victims who resurfaced and those who are still missing. Both figures are possibly significant undercounts, potentially by a factor of, at least, three or four.



*Figure 1: Shows the number of reported victims who resurfaced alive and those still missing*

Furthermore, the judicial system has been found severely lacking in addressing these cases. Judicial Magistrates have been remiss in recording the confessional statements made

under Section 164 of the Code of Criminal Procedure, 1898. Evidence shows that Magistrates often recorded these statements without proper verification or questioning of the victims/accused and merely recorded what was provided by the law enforcement agencies. In multiple instances, the investigating officer himself was part of the team involved in the enforced disappearances of the individuals. The victims/accused were then routinely returned to the custody of the same law enforcers for further remand, perpetuating their sufferings and denying them justice.

Prior to the changeover of 5 August, some victims were released without charges, particularly those who had been subjected to enforced disappearances on multiple occasions. We have documented instances of the victims being forcibly disappeared two or three times over the past 15 years. Sometimes, during their second or third disappearances, they were released with only a warning after signing declarations stating that they would refrain from any political or related activities in the future.

## **Rendition to India**

Indian involvement in Bangladesh's system of enforced disappearances is a matter of public record. There are two highly publicised cases that provide valuable insights into how such operations were carried out: the case of Shukhranjan Bali, abducted from Bangladesh Supreme Court premises who resurfaced subsequently in an Indian jail, and that of BNP leader Salahuddin Ahmed. Besides these incidents, Hummam Quader Chowdhury describes hearing Hindi-speaking people outside his cell inquiring about the condition of his captivity, such as: 'When was he picked up? Has he given any information? What interrogation has been done yet?' etc.

BNP leader Salahuddin Ahmed's case exemplifies certain practices of the Bangladesh-India rendition system. Detained while hiding at Uttara in 2015, he recounts being imprisoned in a barren cell, where a hole in the ground served as a toilet. The blanket provided to him bore the letters "TFI", indicative of "Task Force for Interrogation". During that period, the only operational TFI centre that we know of was managed by RAB Intelligence Wing working under the aegis of RAB Headquarters, although it was located within a walled compound inside RAB 1 Battalion Headquarters at Uttara, Dhaka.

The Commission has since visited this location and confirmed that RAB Intelligence Wing still controls access to it, including holding the keys thereof. However, the interior of the facility was thoroughly decimated some time ago. Witness testimony enabled us to identify several sections of the premises, including its infamous torture chambers and the cell locations. Interviews with soldiers who visited the TFI centre in the early to mid-2010s revealed that the

facility once had an additional floor with cells that are no longer accessible. Whilst we await further corroboration, we preliminarily suspect Salahuddin Ahmed was held in one of these now-destroyed cells.

Ahmed describes being transported to the India-Bangladesh border, where he was handed over to the officials on the Indian side. The formal nature of the handover, combined with the presence of suspected Bangladeshi security personnel wearing "jom tupi" (a type of disguise that covers the entire head) well inside Indian territory to avoid recognition, underscores the high level of coordination between the two Governments and their respective security forces.

Interviews with soldiers deputed to RAB Intelligence have yielded further information about the practice of captive exchanges between the two countries and the possible subsequent fate of the detainees. One soldier described being present on two occasions circa 2011 when RAB Intelligence received three captives from India via the Tamabil border crossing in the presence of uniformed Indian Border Security Force personnel. On one occasion, two captives were received and subsequently killed by the side of the road after the exchange. On another occasion, one captive was received and handed over alive to another team inside Bangladesh. In return, RAB Intelligence handed over two captives from Bangladesh to India.

Whilst the soldier was unable to furnish us with the names of the captives, this level of official security service coordination underscores the systemic and transnational nature of enforced disappearances. Nevertheless, more detailed analysis will be required to fully understand the extent of the involvement of the Indian authorities and its implications for both the countries. There is a persistent suggestion in law enforcement circles that some prisoners may still remain in Indian jails. We recommend the Ministries of Foreign and Home extend their best efforts to identify any Bangladeshi citizens who may still remain incarcerated in India. It is beyond the jurisdiction of the Commission to follow this trail outside Bangladesh.

## 4. Impact on victims, families, and perpetrators

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Enforced disappearances leave a devastating legacy that extends far beyond the immediate victims. They fracture families, perpetuate fear, and erode the moral fabric of institutions. This section examines the multifaceted impacts of enforced disappearances, highlighting the profound trauma experienced by victims and their families, the unique and often overlooked sufferings of women victims, and the self-destructive consequences of impunity within the security forces. It explores how these violations perpetuate cycles of psychological, social, and legal harm while emphasising the urgent need for accountability, reform, and healing—for the victims, their families, and even the institutions implicated in these crimes. Through the lens of personal testimony and documented cases, the section focuses on the human cost of enforced disappearances and the critical importance of systemic change.

### Impact on victims

Under Sheikh Hasina’s regime, victims of enforced disappearances faced systematic denial of justice and deprivation of their essential rights. Efforts to locate and recover missing persons were repeatedly obstructed by the authorities, who showed little to no intention to investigate allegations or uncover the truth. Law enforcement agencies frequently refused to register complaints or initiate proper investigations, often justifying their inaction with claims of “orders from above”. Instead, they dismissed the disappearances with baseless assertions, such as victims having gone into hiding to evade creditors or other personal matters. In cases where victims reappeared, they were often subjected to further injustice, being brought before courts under fabricated charges, frequently under the Anti-Terrorism Act, 2009.

The judicial system offered no meaningful redress for the victims either. ‘Habeas Corpus’ petitions filed in the High Court Division of the Supreme Court rarely progressed beyond initial filings, leaving the victims without meaningful legal recourse. The few court rulings on cases of enforced disappearances served more to legitimise the status quo than to provide justice. Lower courts were heavily reliant on law enforcement agencies, many of whom were found involved in the crime of enforced disappearances, further trapping the victims in a cycle of institutional betrayal and impunity.

For those who returned alive, the ordeal continued unabated. Victims often endured ongoing threats, silencing them from sharing their experiences or seeking accountability. Their fear was intensified by the absence of due process, the lack of judicial safeguards, and the systemic impunity granted to the perpetrators. Survivors faced the stigma of criminal charges—whether real or fabricated—and were frequently labelled as criminals. These accusations not only tarnished their reputations but also hindered their ability to rebuild their lives.

The social and economic repercussions of their enforced disappearances were devastating for the victims. Many lost their livelihoods due to the stigma attached to enforced disappearances and the challenges of reintegration into the society after captivity. Their interactions with the legal system often depleted their resources, leaving them financially incapacitated. The cumulative psychological, social, and financial toll on the victims highlights the urgent need for restorative justice, systemic reforms, and comprehensive support to them.

## **Women and child victims**

We have identified significantly more male victims than female ones. This is partly due to the higher number of men being forcibly disappeared. Additionally, many female victims are hesitant to come forward, largely due to fears of social stigma. Nevertheless, several brave female victims have shared their experiences with us. Their accounts of abduction, torture during detention, and eventual release into the legal system are, in many respects, similar to those of male victims. In numerous instances, women were targeted because of their associations with male relatives who were suspected of being involved in criminal activities—particularly terrorism—regardless of whether such suspicions were based on credible evidence or fabricated claims.

The most shocking aspect of female enforced disappearance has been the discovery of multiple verified cases where women were disappeared along with their children. For example, one female victim we interviewed was detained for a month whilst pregnant, with her three-year-old and 18-month-old children incarcerated alongside her. She reported being beaten by a male officer despite being pregnant. This is not an isolated case. A young child we interviewed recalled being held in CTTC along with her mother when the child had been only six years old. In another instance, a mother and her young daughter were picked up and detained overnight at the then RAB 2 Battalion Headquarters. The next day, the daughter was thrown out of a vehicle on to the streets. According to the family, an imam found the child and returned her to them. We took this girl, now a grown-up woman, to suspected RAB facilities, where she was able to definitively identify one of the rooms where she had been held that night. Her mother never returned.

This practice of forcibly disappearing children alongside their mothers has been longstanding and widespread, with reports spanning from 2015 to as recently as 2023, involving Metropolitan police in Chittagong to CTTC officers in Dhaka. In one harrowing account, a male victim described how his wife and newborn baby were brought to a police station, where the child was reportedly denied milk from its mother as a form of psychological torture directed at him. The Commission is actively inquiring into why such egregious breaches of human rights were tolerated by those involved. The situation is further complicated by the difficult choice facing mothers between keeping their children with them in custody during the period of enforced disappearance or allowing them to be placed in state care. Given the widespread reputation of state care for neglect and abuse, mothers almost always choose to keep their children with them, although their preferred option is usually to place the children in the care of family members. However, because enforced disappearance necessitates that families are not informed the victims are in custody, this option is not made available to them until they are formally arrested. Overall, this deeply troubling practice highlights the urgent need for accountability and justice for the victims and their families.

### **Impact on victim families**

The effects on the victims' families have been multifaceted, ranging from severe psychological trauma to legal and financial challenges. Family members often endure surveillance, intimidation, harassment, and threats at the hands of law enforcement and intelligence agencies. Despite their persistent efforts to cooperate and provide all necessary information to the authorities in the hope of locating their loved ones, these families frequently faced relentless pressure and fear. Nevertheless, even in the face of a repressive state machinery that silenced most of the people at the time, many families have demonstrated immense bravery by advocating for the rights of the disappeared and demanding their return.

Their psychological trauma extends across generations. Families develop a pervasive culture of fear, with the victims' children inheriting this emotional burden. These families rarely, if ever, receive any psychosocial counselling and treatment, despite the urgent need for it. For example, in one case, a victim's daughter, now a teenager, came to the Commission's office in her school uniform. Her father had been forcibly disappeared nearly a decade ago when she was just six years old. She has no memory of him, yet the unresolved nature of his disappearance continues to perpetuate her trauma. Her mother continues to iron and preserve his clothes, awaiting his return. She cried expressing her fear that her family might not be safe even after August 5 changeover.

Since a large number of the hitherto missing victims of enforced disappearances were primary breadwinners for their families, these families have been living in dire conditions due to economic crises. The economic hardship has had a detrimental impact on the mental, social, and physical well-being of the families of the disappeared, as well as their ability to search for their loved ones. It has also hindered the fulfilment of other basic human rights, such as the rights to education, health, and shelter.

The legal challenges related to inheritance add another layer of complexity. A disappeared person cannot be declared dead without a court order, which typically takes at least seven years. During this time, the deceased's wealth and property are inaccessible to the family. Even after obtaining a court order, families often struggle with the emotional burden of declaring a loved one dead without conclusive evidence. Many wives, for instance, are unwilling to go to court and make such declarations while clinging to the hope that their husbands might still be alive. The rare instances where victims have returned alive after years of disappearance only fuel this hope, making closure even more elusive.

Family members of disappeared victims are frequently stigmatised. Their children face difficulties gaining admission to educational institutions, while others struggle to find housing, as landlords are often reluctant to get involved in potentially criminal cases. The Awami League has also engaged in various smear campaigns against the families of enforced disappearance victims, including character assassination in cyberspace, which has had a material impact on their lives. One victim's mother tearfully described how, after her son was forcibly disappeared and labelled a terrorist, her neighbours stopped making eye contact with her. When he was finally shown arrested in a criminal case and sent to jail, she recounted her sufferings: she would avoid drinking water on the days she visited him in prison, knowing that she wouldn't have access to a bathroom until she returned home.

We recommend the Government urgently address the damage inflicted on these families. The psychological and financial toll, even for those whose loved ones have returned, is incalculable and demands immediate attention.

### **Self-destructive impact on the security forces**

During Sheikh Hasina's reign, a culture of impunity became entrenched within the security forces. It was evident in our conversations with the officers of both civil and military forces that not only did most of them never expect to be ever held accountable for their crimes, they also did not necessarily view the crimes *as* crimes. Enforced disappearances of people accused of being terrorists, for instance, were regularly brushed aside as insignificant and not worthy of the Commission's attention. Similarly, custodial torture was nonchalantly described

as a routine matter, indispensable to crime fighting. This culture has undoubtedly had a significant impact on the nation, particularly on the victims of enforced disappearances and related crimes. However, it is important not to overlook the damage it has caused to the members of the security forces themselves. Crucially, in order to perpetuate and protect the culture of impunity, they appear to have acted against their own self-interest.

The post-August 5 partial structural alterations of the JIC at DGFI headquarters, including painting over the walls where prisoners testified that they had carved out their details, illustrates this dynamic. The then Director General of DGFI assumed his role several days after 5 August 2024. And yet, at least some of this evidence manipulation was carried out as recently as the day before our visit—while the centre was under his command and despite being informed of our inspection—because we found the paint wet at the time of our visit. The wet paint and incomplete structural modifications clearly indicated a hurried attempt to conceal crimes.

While the then DG persuasively argued that he was not directly involved in crimes committed before his tenure, his immediate response to manipulate evidence underscores the coercive power of this culture of impunity. His actions, ostensibly to shield perpetrators of past crimes, went against his own self-interest and professional integrity. This pattern of doctoring of evidence and non-cooperation was not isolated to DGFI only. Across various security forces, evidence of crimes spanning over 15 years has been systematically manipulated. It was done not only by those in power till 5 August 2024, some of whom likely sought to cover up their own crimes, but also by those who assumed leadership afterwards. It reveals the pervasive and coercive nature of the culture of impunity, which compels even those not originally directly involved in the commission of offences to protect and perpetuate it.

Additionally, the victims who managed to survive enforced disappearances have provided testimony about the conflicting behaviour of their captors. Whilst many prison guards shared the cruelty of their high ups, a minority of prison guards were reportedly kind – sharing food, information, and expressing empathy by acknowledging the innocence of the detainees. To the prisoners, they excused their inability to confront the injustice they personally oversaw by pleading that they were “hukumer golam” (or slaves to their command).

A striking example of this moral conflict is seen in the testimony of one victim who reports that as he was being handed over to DGFI officials, a DB officer accompanying him in the car had tears in his eyes and begged forgiveness, clearly uncomfortable with the order that he was carrying out. An even starker example comes from another victim, a supporter of Jamaat-e-Islami, who recounted how a police officer, whilst throwing him to his planned death in front of an oncoming vehicle, apologised for doing so, pleading, “Please forgive me. I am a BNP supporter, but I have no choice.” It was only due to the vehicle failing to hit him at the

last minute, possibly due to swerving, and the officer's unwillingness to repeat the murderous attempt that the victim survived. This officer's act of attempted murder, evidently contrary to his personal beliefs, highlights the extent to which the members of the security forces have been compelled into complicity in serious crimes, including capital offences, even when such actions are against their personal and professional interests.

Addressing this entrenched culture of impunity must not be reduced to a mere exercise in retribution. It is not about casting the security forces as our adversaries. Instead, our efforts to ensure accountability can foster a profound cultural transformation—one that uplifts and empowers the security forces. The siloed nature of operations in these forces makes it likely that a significant portion of security personnel did not directly engage in these crimes of their own volition; rather, they have been caught in a system shaped and exploited by a select few in the corridors of power who largely benefited from it. Eradicating this system is as much to the benefit of these forces as it is to the nation's and the victims'.

Our work in the Inquiry Commission is thus rooted in a genuine desire to support the security forces in creating an environment where their members can serve with dignity and pride. We envision a future where they can carry out their duties without the fear of being tainted by the actions of a corrupt and murderous few, where they can retire from their jobs with clear conscience, and without the sword of Damocles hanging over their heads. Ours is not an effort to harm or vilify, but to heal, to reform, and to restore. It is a call to align the values of service and justice, for the benefit of both the nation and the dedicated security personnel. By addressing these systemic injustices and crimes, we hope to build a foundation of trust and integrity that will endure for ages.

## 6. The Commission's General Observations

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In the contemporary world, human rights have become a dominant ideology as it has received almost universal recognition by all societies and people of all creeds. Human rights are now considered as *sine qua non* for the holistic development of human personality. Human dignity and autonomy are the essence of human rights. Indivisibility and unity of the human person in the physical, intellectual and spiritual sense provide the main philosophical basis upon which human rights are predicated. The quest for human rights and human dignity is universal. From a philosophical perspective, the concept of dignity is derived from the reason and autonomy of human beings. Thus, the realisation of human rights eventually safeguards human dignity.

It goes without saying that our Constitution is the 'Suprema Lex' (Supreme Law) of the land. Almost all the human rights enumerated in the Universal Declaration of Human Rights, 1948 have been incorporated as fundamental rights in Part III of the Constitution. The people of this country are supposed to enjoy the unfettered fundamental rights as guaranteed by that Part III. The fundamental rights of the citizens of the country are enforced through the judicial mechanism provided under Article 102 of the Constitution.

Article 31 of the Constitution provides that 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, where 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. Article 32 of the Constitution contemplates that no person shall be deprived of life or personal liberty save in accordance with law. Clause (1) of Article 33 of the Constitution envisages that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. Clause (2) of Article 33 of the Constitution postulates that every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate. Clause (3) of Article 35 of the Constitution provides that every person accused of a criminal offence shall have the right to a speedy and public trial by an independent

and impartial Court or Tribunal established by law. Clause (5) of Article 35 of the Constitution enjoins that no person shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment.

From the statements of the victims and the members of the affected families, there is no room for doubt that they were subjected to various forms of physical and mental torture and cruel, inhuman or degrading treatment. After years of denial by the authorities, chilling details about secret detention centres have now emerged as victims of enforced disappearances have spoken out after their release following the dramatic downfall of Sheikh Hasina on August 5, 2024. Although the victims come from different age groups and political and social backgrounds, their narratives of the thick-walled iron-door prison cells are strikingly similar. In many instances, their versions of detention in secret cells of the facilities before the Commission have matched the physical features of those cells at the time of inspections thereof by the Commission.

The immediate past Hasina-led Government maintained that the term ‘Enforced Disappearance’ by the security forces was used to malign the Government and its achievements. “Upon investigation of the alleged enforced disappearance cases, the findings reveal that people often disappear voluntarily to avoid legal action for cases lodged against them. Sometimes they choose to disappear due to family feud or to avoid business liability, and some often willingly disappear with the intention of embarrassing the Government”, the then Government wrote to the UN on May 12, 2022. But this version has fallen apart in the face of the statements of Brigadier General (Retd.) Abdullahil Aman Azmi, former Ambassador Maroof Zaman, Hummam Quader Chowdhury, Nazim Uddin, Masrur Anwar Chowdhury and others. So, the Commission opines that in order to perpetuate her autocratic rule in Bangladesh, Sheikh Hasina made a sort of smokescreen centring the enforced disappearances of the victims by the security forces and thus attempted to beguile the UN and the International Community.

Needless to say, the rule of law provides a potent antidote to executive lawlessness. It is a salutary reminder that wherever law ends, tyranny begins. In the developed as well as developing countries due to the prevalence of rule of law, no administrator or official can arrest or detain a person unless there is legislative authority for such action. In those countries, a police commissioner or any other public functionary cannot ban a meeting or staging of a play or the screening of a movie by passing a departmental order or circular which is not backed by law. The rule of law ensures certainty and predictability as opposed to whimsicality and arbitrariness so that the citizens are able to regulate their conduct according to a published standard against which to measure and judge the legality of any official action. Experience testifies that absence of the rule of law leads to executive highhandedness and arbitrariness. This was exactly the case with Sheikh Hasina during her autocratic regime and hence the much-hyped ‘Aynaghar’ has become a catch word in Bangladesh.

The rule of law requires the protection of fundamental rights of the citizens against the Government and other entities and instrumentalities. Whenever one speaks of law, it must satisfy at least the prerequisite that it guarantees basic human rights and human dignity and ensures their implementation by due process through an independent Judiciary. Absence of arbitrary power is the first essential of the rule of law upon which our constitutional dispensation is based. According to Edmund Burke, an Anglo-Irish statesman and philosopher, “Law and arbitrary power are in eternal conflict”. In other words, there cannot be any coexistence of law and arbitrary power—one must exclude the other. Sheikh Hasina could establish ‘Aynaghar’ and detain people therein for months/years together without any trial by resorting to arbitrariness and executive highhandedness through her Security Adviser Major General (Retd.) Tarique Siddique.

Additionally, on perusal of the complaints, so far as filed in the Commission, it surfaces that most of the victims of the alleged enforced disappearances have not yet returned, and their families have not yet known about their fate and whereabouts. On the other hand, as it appears, immediately after the alleged occurrences, the families of the victims tried to file cases or lodge General Diary (GD) entries, in which cases they needed to follow the instructions of the then police officers in making General Diaries (GDs) stating the fact of bare missing of the victims without alleging the involvement of any member of the Governmental Agencies. Since the receipt of such GDs, the concerned Officers-in-Charge of the police stations have not been taking any effective steps for investigation or finding out the actual fate of the victims. This Commission has, therefore, decided to send the lists of those victims to the Inspector General of Police (IGP) under section 10A of the Commissions of Inquiry Act, 1956 to start immediate and intensive police investigations and undertaking sufficient measures for recovery and searching out the victims' whereabouts. In this regard, the Ministry of Home should give a direction upon the concerned police authorities to initiate investigations and immediate actions based on these GD entries filed earlier by the victim's families, which would help the Commission's efforts in carrying out its assignments.

## **Recommendations**

1. The Government should enact a comprehensive anti-disappearance law in line with the International Convention for the Protection of All Persons from Enforced Disappearance. Such legislation should aim at providing justice for victims, holding perpetrators accountable through appropriate penalties, and ensuring effective remedies, including compensation, rehabilitation, and reparation for affected individuals.

2. Bangladesh is yet to create an independent investigative body to address serious human rights violations such as enforced disappearances, torture, and extrajudicial killings committed by law enforcement and security forces. Currently, investigations are conducted by the police, often involving officers from the same units accused of misconduct, raising concerns about their impartiality. Establishing an independent investigative mechanism is critical to ensuring accountability and appropriately punishing offenders, including those with command/superior responsibility.
3. An analysis of complaints submitted to the Commission highlights concerns about law enforcement agencies arbitrarily using the Anti-Terrorism Act, 2009 to file politically motivated cases against individuals held in secret detention centres. Amendments made in the Anti-Terrorism Act in 2012 expanded its scope, including the death penalty for terrorism, while retaining vague definitions of "terrorist activities". This makes the law susceptible to misuse. The Government should consider repealing or significantly amending the Anti-Terrorism Act particularly removing provisions for the death penalty, to prevent its abuse.
4. Section 13 of the Armed Police Battalion Act, 2003, which exempts members of the force from prosecution for actions done "in good faith," has created a perception of immunity for crimes such as torture and extrajudicial killings. This clause hinders victims' access to justice and shields perpetrators under the guise of "good faith." The Government should repeal this provision to ensure the accountability of the members of the armed police personnel and justice for the victims.
5. The Government should ratify the Optional Protocol to the Convention Against Torture (OPCAT), withdraw its reservations to the Convention, and recognise the competence of the Committee Against Torture to receive and review individual complaints of violations under the Convention.
6. To combat impunity for enforced disappearances, extrajudicial killings, and torture, the Government should ensure that the victims and their families have access to justice. This includes establishing accessible complaint mechanisms, protecting witnesses from intimidation and harassment, and creating a faster and more affordable judicial process for all litigants.
7. A National Preventive Mechanism should be established to prevent enforced disappearances and torture, ensuring that security forces operate in full compliance with international human rights standards.

8. The Government should devise a mechanism to ensure judicial oversight of surveillance technology as security forces currently have the ability to conduct surveillance with minimal restrictions.
9. It is undisputed that abduction is an essential ingredient of the offence of 'Enforced Disappearance'. Section 362 of the Penal Code, 1860 provides that whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person. Whenever the abduction of the victim is caused by force, it amounts to his enforced disappearance. But whenever the abduction of the victim is caused by any deceitful means, it will not amount to his enforced disappearance. What we are driving at boils down to this: compulsion by force is the main attribute of the offence of enforced disappearance.

The offence of 'Enforced Disappearance' has neither been defined in the Penal Code, 1860 nor in the International Crimes (Tribunals) Act, 1973 in so many words. As per Article 2 of the International Convention, "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of law. So, this definition of 'Enforced Disappearance' should be incorporated in the Penal Code and the International Crimes (Tribunals) Act by way of amendment in order to give effect to the International Convention for the Protection of all Persons from Enforced Disappearance.

10. All the members of law-enforcing agencies should be sensitised about human rights and various international instruments relating thereto and the fundamental rights as enshrined in Part III of the Constitution through holding training programmes, seminar and symposium, workshops etc.
11. It is the solemn duty of the members of the Armed Forces of Bangladesh to defend its sovereignty and territorial integrity. However, their induction into the RAB, generally speaking, has compromised their professionalism and efficiency. Besides, the involvement of majority members of RAB in various criminal activities, including the offences of enforced disappearance, torture, and extrajudicial killings, has been a cause of serious concern. So, the Commission is of the opinion that the Government should disband the Rapid Action Battalion at the earliest.

12. In the judgment dated 24-05-2016 passed in Civil Appeal no. 53 of 2004, (Bangladesh, represented by the Secretary Ministry of Law, Justice and Parliamentary Affairs & Others Versus Bangladesh Legal Aid and Services Trust (BLAST) represented by Dr. Shahdeen Malik and Others) the Appellate Division of the Supreme Court of Bangladesh gave some guidelines for the law-enforcing agencies for compliance which are enumerated below:

- (i) A law-enforcing officer making the arrest of any person shall prepare a memorandum of arrest immediately after the arrest and such officer shall obtain the signature of the arrestee with the date and time of arrest in the said memorandum;
- (ii) A law-enforcing officer who arrests a person must intimate to the nearest relative of the arrestee and in the absence of his relative, to a friend to be suggested by the arrestee, as soon as practicable but not later than 12 (twelve) hours of such arrest notifying the time and place of arrest and the place of custody;
- (iii) An entry must be made in the diary as to the ground of arrest and name of the person who informed the law-enforcing officer to arrest the person or made the complaint along with his address and shall also disclose the names and particulars of the relative or the friend, as the case may be, to whom information is given about the arrest and the particulars of the law-enforcing officer in whose custody the arrestee is staying;
- (iv) Registration of a case against the arrested person is the *sine qua non* for seeking the detention of the arrestee in the law-enforcing officer's custody or in the judicial custody under section 167(2) of the Code of Criminal Procedure;
- (v) No law-enforcing officer shall arrest a person under Section 54 of the Code for the purpose of detaining him under Section 3 of the Special Powers Act, 1974;
- (vi) A law-enforcing officer shall disclose his identity and if demanded, shall show his identity card to the person arrested and to the persons present at the time of arrest;
- (vii) If the law-enforcing officer finds any marks of injury on the person arrested, he shall record the reasons for such injury and

shall take the person to the nearest hospital for treatment and shall obtain a certification from the attending doctor;

- (viii) If the person is not arrested from his residence or place of business, the law-enforcing officer shall inform the nearest relation of the person in writing within 12 (twelve) hours of bringing the arrestee to the police station;
- (ix) The law-enforcing officer shall allow the person arrested to consult a lawyer of his choice, if he so desires or to meet any of his nearest relations; and
- (x) When any person is produced before the nearest Magistrate under Section 61 of the Code, the law-enforcing officer shall state in his forwarding report under Section 167(1) of the Code as to why the investigation cannot be completed within twenty-four hours and why he considers that the accusation or the information against that person is well-founded. He shall also transmit a copy of the relevant entries in the case diary B.P. Form 38 to the Magistrate.

The Home Ministry and the Police Headquarters may be directed to issue a circular to all the members of the law-enforcing agencies spelling out the above guidelines of the Appellate Division therein for compliance and thus help the Government in establishing good governance in the country.

13. Section 62 of the Code of Criminal Procedure, 1898 provides that Officers-in-Charge of Police Stations shall report in a Metropolitan Area, to the Chief Metropolitan Magistrate, and in other areas, to the District Magistrate, and also to the Chief Judicial Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise. The Home Ministry and the Police Headquarters may be instructed to issue a circular to all Officers-in-Charge of Police Stations directing their compliance with the abovementioned provisions of Section 62 of the Code without fail.

The affected persons/victims of brutalities or torture and the dependents/family members of the deceased in case of custodial deaths during their captivity at detention centres will be at liberty to file cases against the perpetrators of enforced disappearances both under civil and criminal laws of the land for justice. They may also invoke the writ jurisdiction of the High Court Division under Article 102 of the Constitution for

compensation, if they are so advised, in addition to the reliefs sought for under the prevalent civil as well as criminal laws of Bangladesh.

(Dr. Nabila Idris)  
Member

(Md. Sazzad Hussain)  
Member

(Md. Nur Khan)  
Member

(Justice Md. Farid Ahmed Shibli)  
Member

(Justice Moyeenul Islam Chowdhury)  
President

# List of Appendices

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Appendix A: Formation of the Commission, includes:

The Commissions of Inquiry Act, 1956

Notification bearing SRO no. 298-Law/2024 dated 27-08-2024

Notification bearing SRO no. 312-Law/2024 dated 15-09-2024.

Notification bearing SRO no. 360-Law/2024 dated 20-10-2024

Notification bearing SRO no. 361-Law/2024 dated 20-10-2024

Appendix B: Interactions with stakeholders

Appendix C: Complaints sent for Police Investigation

## Appendix A: Formation of the Commission

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By a Gazette notification bearing no. SRO 298-Law/2024 dated 27-08-2024, the Government of the People's Republic of Bangladesh constituted a Commission of Inquiry comprising Mr. Justice Moyeenul Islam Chowdhury as President and Mr. Justice Md. Farid Ahmed Shibli, Mr. Md. Nur Khan, a Human Rights Activist, Mr. Md. Sazzad Hussain, a Human Rights Activist and Dr. Nabila Idris, a teacher of BRAC University, Dhaka as members under section 3 of the Commissions of Inquiry Act, 1956 to inquire into the incidents of enforced disappearances of various sections of people caused by the Police, Rapid Action Battalion (RAB), Border Guard, Bangladesh, National Security Intelligence, Special Branch, Intelligence Branch, Ansar Battalion, Defence Forces, Directorate General of Forces Intelligence (DGFI), Coast Guard of Bangladesh and other law-enforcing agencies.

However, the aforementioned notification bearing no. SRO 298-Law/2024 dated 27-08-2024 was subsequently superseded by another notification bearing no. SRO 312- Law/2024 dated 15-09-2024. By the SRO no. 312-Law/2024 dated 15-09-2024, the composition of the Commission of Inquiry was maintained as above. The terms of reference of this Commission under the SRO no. 312- Law/2024 dated 15-09-2024 are as follows:

- (a) From 06-01-2009 to 05-08-2024, the Commission of Inquiry shall inquire into and identify the victims of enforced disappearances confined to "Aynaghar" or any other known or unknown place and ascertain under what circumstances, the incidents of enforced disappearances took place and with that end in view, the Commission shall collect necessary information from any persons or organizations or institutions including the members of the affected families;
- (b) The Commission shall submit the narratives of the incidents of enforced disappearances to the concerned authorities and make necessary recommendations in this regard;
- (c) The Commission shall apprise the relatives of the victims of enforced disappearances, if their whereabouts are traced out;
- (d) The Commission shall collect information, data etc. in respect of the victims of enforced disappearances from other organizations or institutions conducting inquiries thereinto;
- (e) The Commission shall identify the incidents of enforced disappearances, organizations or institutions responsible therefor and make recommendations for taking appropriate legal steps against them;

- (f) The Commission shall make necessary recommendations to the Government for reforms of the relevant laws in order to prevent the recurrence of the incidents of enforced disappearances; and
- (g) The Commission shall perform any other works in connection with the purposes mentioned above.

The Commission of Inquiry may visit any place and summon any person and interrogate him at the Commission. The Commission shall submit its report within 3 months from the date of issuance of the SRO no. 312-Law/2024 dated 15-09-2024 after completing the inquiry.

The Government by a notification bearing SRO no. 361-Law/2024 dated 20-10-2024 under sub-section (1) of section 5 of the Commissions of Inquiry Act, 1956 made the provisions of sub-sections (2), (3), (4), (5) and (6) thereof applicable to the Commission. Besides, the Government by another notification bearing SRO no. 360-Law/2024 dated 20-10-2024 under sub-section (1) of section 10A of the Commissions of Inquiry Act empowered the Commission under section 10A of the Act. Both the notifications dated 20-10-2024 were issued by the Government in order to enable the Commission to perform its functions in a more effective manner.

## **Appendix B: Interactions with stakeholders**

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### **Consultations with the victims and relatives of enforced disappearances**

On 23 November 2024, the Commission of Inquiry on Enforced Disappearances attended a consultation meeting in Chittagong organized by Maayer Daak and Human Rights Support Society (HRSS) in collaboration with the UN Residential Coordinator's Office (UNRCO), Bangladesh. Three members of the Commission, victim-families of enforced disappearances, representatives from Maayer Daak, HRSS and UN were present. During the meeting, 54 families recounted their experiences and introduced details regarding the enforced disappearances of their loved ones. The session aimed to document these cases for in-depth investigation and create a foundation for justice and accountability. The commission members welcomed the participants and shared the insights regarding the Commission's mandate, its functions, complaint procedure and how it aims to assist the victims and their families.

### **Meeting with the UN WGEID**

The Commission had its first interaction with the UN Working Group on Enforced or Involuntary Disappearances (WGEID) on 18 September 2024—member of the Commission Md. Sazzad Hussain briefed the members of the WGEID about the formation and mandate of the Commission. There were discussions on transparency, accountability and communication strategy of the Commission to disseminate information on the mandate. The Commission Member Dr. Nabila Idris clarified to the WGEID about the Commission's working process and communication strategy.

The lessons learned and good practices on how to conduct searches/inquiries, modalities of victim engagement with the Commission and the victims' protection were shared. The WGEID offered specific capacity building in a number of areas including on actual documentation of cases, evidence collection, and preservation of evidence, if the Commission so requires.

### **Meeting with the FAFG**

On 23 September 2024, a delegation of the Forensic Anthropology Foundation of Guatemala (FAFG) led by the Special Assistant to the Executive Director of FAFG visited the Commission to exchange its views and possible mutual cooperation. The FAFG is a forensic science organization based in Guatemala that applies multidisciplinary forensic sciences to the search for and identification of the disappeared and victims of Guatemala's internal armed conflict (1960-1996) to support the families' need for truth, to bury their loved ones with dignity, and to seek justice. During the meeting, FAFG expressed its willingness to assist the Commission in terms of providing forensic support, if required for the confirmation of the identification of the victims.

### **Meeting with the AFAD**

On 17 November 2024, an 18-member delegation of the Asian Federation Against Involuntary Disappearances (AFAD) visited the Commission and shared their experiences and learned more about the Commission's work and progress. Representatives of AFAD from Indonesia, Nepal, Pakistan, the Philippines, South Korea, and Thailand along with the host Bangladesh member organization attended the meeting at the Commission. During the meeting, the Members of the Commission replied to the queries made by the AFAD delegates about the Commission's functions, scope of work, and challenges.

## Appendix C: Complaints sent for Police Investigation

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As per SRO no. 360-Law/2024 dated 20-10-24 of the Cabinet Division, the Terms of Reference of this Commission have been specified therein. Basically, this Commission has been assigned to inquire into the complaints of the enforced disappearances in order to determine the degrees of liability and the alleged complicity or involvement of the members of the intelligence agencies and law-enforcement personnel in the occurrences and to make necessary recommendations to the Government in the light of the findings of the Commission.

After Public Notification circulated through all print and electronic media, the Commission initially received hundreds of complaints, most of which are yet to be scrutinised by the Commission. However, we have by this time sorted out 23 complaints, where the names and identity of the accused or suspected persons do not fall in the category of the members of any intelligence or law enforcing agency of the Government. Taking the said aspect of the matter including the long sufferings of the victims and their families, who have yet been spending days in a traumatic situation, into consideration and the relevant provision of the Commissions of Inquiry Act, 1956, the Commission of Inquiry has decided to refer those complaints along with enclosed documents to the Inspector General of Police requesting him to take necessary step to initiate the proper process of police investigation or/and expedite the same where such investigation has already been initiated and also to recover the victims or to trace the whereabouts of them.

Before taking such decision regarding 23 complaints, the Members of the Commission participated in a full-fledged deliberation and decided to invoke its power given under section 10A of the Act which runs as follows:

“10A (1) The Government may, by notification in the official Gazette and subject to such conditions or restrictions if any, as may be mentioned in the notification, confer upon the Commission the power to order a police investigation into any matter coming before it.

(2) In conducting an investigation ordered under sub-section (1), the police shall exercise the powers conferred on the police in respect of a cognizable case by Chapter XIV of the Code of Criminal Procedure, 1898”

In view of the above decision, the identified complaints have already been sent to the office of the Inspector General of Police requesting him to inform this Commission of the actions taken or the progress made in the process of investigation within 3 weeks from the date of receipt of the Commission's memo bearing no. Go.Ka.E-2/2024-97 dated 10th November, 2024.