

CONFIDENTIAL

**Second Interim Report**

Reporting Period: 15 December 2024 – 31 May 2025

# **UNFOLDING THE TRUTH:**

**A STRUCTURAL DIAGNOSIS OF  
ENFORCED DISAPPEARANCE  
IN BANGLADESH**

**THE COMMISSION OF INQUIRY ON  
ENFORCED DISAPPEARANCES**

4 June 2025, Dhaka, Bangladesh

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## List of Acronyms

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<b>ADG</b>	Additional Director General
<b>ATA</b>	Anti-Terrorism Act
<b>BGB</b>	Border Guard Bangladesh
<b>BSF</b>	Border Security Force of India
<b>CDR</b>	Call Detail Records
<b>CID</b>	Criminal Investigation Department
<b>CIA</b>	Central Intelligence Agency of the USA
<b>CPC</b>	Crime Prevention Company
<b>CrPC</b>	Code of Criminal Procedure
<b>CTIB</b>	Counter Terrorism Intelligence Bureau
<b>CTTC</b>	Counter Terrorism and Transnational Crime
<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>GD</b>	General Diary
<b>ICCPR</b>	International Covenant on Civil and Political Rights

<b>ICPPED</b>	International Convention for the Protection of All Persons from Enforced Disappearance
<b>ICT Act</b>	Information and Communication Technology Act
<b>ICT</b>	International Crimes Tribunal
<b>IGP</b>	Inspector General of Police
<b>JIC</b>	Joint Interrogation Centre
<b>LPR</b>	Leave Preparatory to Retirement
<b>NSI</b>	National Security Intelligence
<b>OC</b>	Officer-in-Charge
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>RAB</b>	Rapid Action Battalion
<b>SB</b>	Special Branch
<b>SPA</b>	Special Powers Act
<b>TFI</b>	Task Force for Interrogation

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# 1. Introduction

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আবার আয়া জিজ্ঞাসাবাদ করল। বলে যে, “তুমি কোন দল সমর্থন করো?”

বললাম যে, “স্যার, আমি কোন দল করি না। আমার ব্যক্তিগতভাবে ভালো লাগে বিএনপি। কোন দল করি না, কিন্তু আমি একজন

সমর্থক কর্মী।” তো বলে যে, “তুমি জামাতে ইসলাম করো।” বললাম যে, “স্যার, আমি জামাতে ইসলাম করি না।”

এরকম জিজ্ঞাসাবাদ করার অনেক টাইম, লং টাইম পরে বলে যে, “তুমি তাইলে জঙ্গি দল করো।”

“স্যার, না, আমি এগুলো কোন কিছুই জানি না। এগুলো করি না।”

- 30 year old carpenter forcibly disappeared by RAB in 2017 (Code ECA, 1-1<sup>1</sup>)

Authoritarian regimes are increasingly inclined to consolidate power not by dismantling democratic institutions outright, but by reconfiguring them through the language of security. Counterterrorism frameworks offer a particularly potent toolkit in this process. By recasting political dissent, activism, journalism, and opposition organizing as potential manifestations of terrorism or violent extremism, ruling elites gain access to exceptional legal instruments—detention without charge, expansive surveillance, and emergency powers—that are otherwise illegitimate in democratic settings.

This process, conceptualized as *securitisation*, allows governments to claim legitimacy while shrinking civic space and criminalizing dissent. The strategic ambiguity built into counterterror laws enables selective enforcement, turning institutions like the judiciary and law enforcement into instruments of regime protection. This is termed as “autocratic legalism” in comparative authoritarianism literature. In this way, counterterrorism becomes more than a policy area; it

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<sup>1</sup> In citations such as 1–1, the first number indicates the chapter, and the second denotes the serial number of the translated passage. All English translations of Bangla texts are compiled in Appendix A.

becomes a mechanism of authoritarian resilience, cloaking repression in the language of risk management and national security.

Additionally, counterterrorism facilitates the consolidation of autocratic rule not only through domestic institutional capture but also through its international legitimizing function. Global security cooperation frameworks and donor priorities often privilege stability and counter-extremism collaboration over democratic accountability. This creates what scholars have termed as “authoritarian internationalism”, wherein regimes deliver intelligence or security cooperation in exchange for muted criticism of human rights violations. Thus, in effect, counterterrorism offers authoritarian leaders a dual advantage: it neutralizes internal opposition through coercive legalism and garners external tolerance or even support from international partners.



Fig 1A: Captives faced a variety of torture at secret detention centres (illustration based on witness and survivor accounts)

In Sheikh Hasina’s Bangladesh, the architecture of counterterrorism evolved into an infrastructure of control, transforming what were once temporary emergency measures into permanent instruments of repression. In the process, countless individuals—most of them innocent—were falsely branded as terrorists, subjected to arbitrary detention, brutal interrogation, and, in many cases, tortured or killed without due process. The indiscriminate targeting of innocents is not

merely collateral damage but a deliberate strategy, carefully calibrated to create widespread fear and suppress collective resistance. This institutionalisation of fear not only erodes the rule of law but also devastates the lives of those caught in its dragnet, turning counterterrorism from a protective measure into a machinery of state-sponsored violence.

Bangladesh under the decade and a half of Awami League rule witnessed the systematic entrenchment of enforced disappearances, custodial torture, and extrajudicial killings – practices routinely justified under the banners of “counterterrorism” and “violent extremism prevention”. Initially framed as necessary security measures, these practices rapidly evolved into primary instruments of authoritarian control, emblematic of broader global patterns of democratic erosion and the instrumentalisation of security frameworks for political ends. The security agencies most deeply involved—particularly the Rapid Action Battalion (RAB), Directorate General of Forces Intelligence (DGFI), Detective Branch (DB) and Counter Terrorism and Transnational Crimes (CTTC) unit of the police, originally working as elite units targeting militant threats—increasingly became notorious for assisting the repressive Awami League regime by operating an extrajudicial apparatus of abduction, torture, and intimidation that bypasses judicial accountability.

The Awami League’s strategic utilisation of these forces was deliberate and methodical. Even international interventions, exemplified by targeted US sanctions on some senior RAB officials in December 2021, yielded only transient interruptions. These were quickly overshadowed by fresh surges of enforced disappearances, particularly heightened during politically volatile periods, such as national elections and opposition mobilisations. This cyclical pattern underscores not merely enforcement deficiencies but a calculated strategy aimed at dual domestic and international audiences—a hallmark of authoritarian resilience commonly seen around the world.

Domestically, the regime weaponized counter-terrorism statutes and preventive detention laws, recasting legitimate political activities—such as student activism, investigative journalism, labour organizing, and opposition mobilisation—as manifestations of extremism. This rhetorical reframing allowed the Awami League regime to criminalize dissent systematically while normalizing the pervasive presence and deployment of militarized units in civic life. Such a strategy transforms ordinary political discourse and activities into security threats warranting extraordinary measures.

Consequently, a chilling effect permeated the society: families hesitated to file habeas corpus petitions, covert threats muted witnesses, and journalists imposed self-censorship to evade allegations of supporting terrorism. Legal frameworks were further exploited through repeated

amendments to the Anti-Terrorism Act and expansive digital security legislation, ambiguously defining “terrorist propaganda” to encompass innocuous digital communications, slogans, and political critiques.

Internationally, the regime adeptly positioned itself as an indispensable ally in the global fight against terrorism, reframing domestic suppression as a necessary bulwark against the diffusion of global terrorism. This narrative resonated with Western governments and international security donors inclined towards regional stability over confronting democratic regression. This tacit agreement resulted in an *authoritarian bargain*, where Bangladesh ostensibly delivered counter-extremism cooperation while international actors tolerated systemic human rights abuses and criminalisation of political dissent.

At the heart of this bargain lay a sophisticated legal and bureaucratic machinery that cloaked repression in the language of legality. Charge sheets filed under the anti-terrorism law were often near-carbon copies, vague allegations of “planning sabotage”, standardized claims of confiscated books and pamphlets were used as routine invocations of national security to deny bail. The uniformity of these documents signals not investigative rigors, but state-orchestrated scripting designed to withstand minimal judicial scrutiny while generating maximum public spectacle. Far from isolated abuses, these are the signature mechanics of autocratic power consolidation.

The Commission has received nearly 1800 complaints of enforced disappearances carried out by the security forces during the past Awami League regime. We estimate the actual number may be two to three times higher. We find that disappearances typically began with early-morning or late-night raids by plainclothes operatives in unmarked vehicles. Victims vanished for days or weeks, often resurfacing only after enduring prolonged incommunicado detention marked by severe physical abuses and torture, including electric shocks and waterboarding. Many never returned. Law enforcers routinely falsified the arrest date to obscure the period of incommunicado detention. These practices involved what is known as “grey zones”, deliberately engineered gaps facilitating coercive interrogations, forced confessions, and intimidation of families.

The media ecosystem reinforced this choreography. State-aligned outlets often published front-page accusations labelling the disappeared as “Islamist radicals” or “terrorists”, well before any formal charge was filed or scrutinized—a practice of “narrative sequencing” critical to authoritarian informational control. These narratives both justified repression and inflicted lasting reputational damage, even when courts later dismissed the charges. Journalists and civil society

groups who questioned the official version faced reprisals under the then Digital Security Act and were harassed if their documentation challenged the state’s narrative.

What emerged was not an ad hoc abuse of power but a consolidated strategy of repression, deeply embedded in the authoritarian power consolidation by the then ruling Awami League regime. This report seeks to expose that system and provide a structural diagnosis rather than only anecdotal documentation. Drawing on testimonies from over 250 survivors and many more witnesses, police and court documents, and findings of domestic fact-finding missions, our analysis leverages a broad evidentiary base to trace recurring patterns: replication of charges across districts, multi-agency coordination in targeting dissidents, and clustering of disappearances around elections and mass protests. These are not anomalies but features of an intentional system, where the boundary between national security and regime preservation had been deliberately obliterated.

This report highlights several core signatures of authoritarian manipulation, including *semantic duplication*, evident in replicated charge sheets that reveal centrally issued templates; *custody gaps* that create deliberate delays and allow space for coercive interrogations; *multi-agency coordination*, especially in politically sensitive cases; *narrative sequencing*, whereby the media disseminate official accounts before any judicial review can take place; and so on and so forth.

<b>Signature</b>	<b>Mechanism</b>
Semantic duplication	Charge sheets recycle near-identical language, revealing centralized drafting templates.
Custody gaps	Police falsify arrest dates, creating “grey zones” of unacknowledged detention conducive to torture-based interrogation.
Multi-agency choreography	DGFI, RAB, and the police sequentially transfer detainees, diffusing accountability while amplifying coercive leverage.
Narrative sequencing	Media outlets pre-emptively label victims as “urban extremists”, shaping public opinion before bail hearings can expose loopholes in the garnered materials.
Temporal targeting	Abductions spike during election cycles and mass protests, signalling a deterrent logic calibrated to political opportunity structures.
Procedural spirals	People are charged with a package of cases, ensuring that release from one docket funnels detainees into another, thus extending legal harassment.

Table 1A: Indicators used in this report

**To be clear, Bangladesh does face real militant threats, and effective counterterrorism remains a national security imperative. This is undeniable and needs to be taken seriously with culturally appropriate deradicalisation programs key to keeping the threats at bay.**

However, legitimate responses must rest on transparent investigations, evidence-based prosecutions, and judicial safeguards. These principles are systematically undermined when counter-terror laws are deployed to suppress lawful dissent. In this environment, fabricated plots and real threats coexist, eroding public trust and weakening the long-term efficacy of genuine security operations.

A narrow window for justice now opens. Renewed international scrutiny and recent domestic court rulings favouring habeas corpus petitions create a fleeting but crucial opportunity. Victims falsely accused under manufactured extremism charges require immediate judicial review, medical care, and reparations. At the same time, individuals credibly suspected of terrorism must be prosecuted transparently, with independently tested evidence and full legal safeguards.

These goals are not contradictory. A counterterrorism regime reliant on secret detentions and coerced confessions cannot protect citizens from real threats; it corrodes institutional legitimacy and fuels future cycles of violence.

Bangladesh now stands at a crossroads: it can either continue to trade fundamental rights for international reputation or begin the hard process of institutional reform that meaningful rule of law demands. This report is intended as both a mirror and a roadmap, reflecting the consequences of the current trajectory and offering a path forward that neither ignores real security concerns nor sacrifices democratic principles.

This report is structured into nine substantive sections.

- Next is a *methodology chapter* outlining our key challenges, such as intimidation and procedural obstruction, and the innovative tactical and legal strategies adopted in response.
- The subsequent two sections analyse *patterns in the data*, highlighting both the diversity and the striking uniformity of victim experiences, thereby demonstrating the systemically politicised nature of enforced disappearance.

- The fifth section examines how the *criminal justice system was weaponised*, focusing on coerced confessions, templated charges, and judicial complicity.
- The report then turns to *structural causes*, tracing how security forces were captured for political repression and how international actors, particularly India, helped legitimise these criminal practices.
- The subsequent section explores the wide-ranging *consequences* of the system on national security, judicial integrity, and the entrenchment of torture.
- The eighth section delivers a message to the *judiciary*, urging it to correct course.
- The final section makes *recommendations* and stresses that enforced disappearance affects all of society, irrespective of partisan political identity.
- The *appendices* provide supporting material to the main report. They include translated testimonies, legal commentary on succession issues, detailed feedback on the draft ordinance, a legal opinion on prosecuting serving officials, and selected case studies of enforced disappearance victims. Together, they strengthen the evidentiary and legal foundations of the findings presented.

## 2. Methodology

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This report is grounded in a multi-source, cross-verified investigative approach. It draws on in-depth interviews with the survivors of enforced disappearance and, where needed, their families, as well as conversations with officers and rank-and-file of the security forces. Sometimes interviews have lasted over five hours at a stretch; they are seldom less than an hour in length. Many people have been interviewed multiple times when needed, the highest one person was interviewed was six times.

The Commission has reviewed thousands of legal documents, including charge sheets and confessional statements, and conducted detailed analysis of institutional behaviour through internal records and documents obtained from a range of sources. Intelligence shared by various actors was assessed and corroborated across multiple channels. Field visits were carried out at key sites, during which physical evidence, such as photographs and location data, was collected and cross-checked against written and verbal records.

This layered methodology aimed to ensure both factual accuracy and analytical integrity throughout the inquiry. However, the sheer scale of the work, along with the obstacles detailed over the next few pages, has made the task particularly challenging and daunting.

### 2.1 Documentation

We have adopted a multi-format documentation strategy to ensure the resilience, accessibility, and long-term integrity of the collated materials. Wherever appropriate, data were collected not only in writing but also through audio and video recordings, depending on the nature of the data and context of collection. Physical copies were generated and maintained for archival purposes; however, all such materials were systematically digitised to create mirrored electronic records.

From the outset, a guiding principle of our information management strategy was that, should any part of our physical infrastructure be compromised or destroyed, the evidentiary corpus could be reconstructed from digital sources alone.

To that end, all digitised data are securely hosted on commercial servers located outside the jurisdiction of Bangladesh. These primary repositories are supplemented by a structured system of iterative backups, enabling us to restore not just the most recent version of a file, but also earlier states, should corruption or tampering be detected. The geographic locations and access credentials of these backups are deliberately compartmentalised and kept strictly confidential to protect the data from both physical and cyber threats. Within the practical constraints of our resources, we have prioritised continuity, redundancy, and discretion at every stage of evidence preservation, to ensure that no single point of failure can compromise the integrity of the record.

One of the earliest operational challenges we faced was transcription. A core component of our work involves collecting long-form interviews, often running between 60 to 90 minutes or more, with both survivors and implicated individuals. It quickly became clear that the volume of material requiring transcription far exceeded our available human resources. While English language transcription tools are widely available, no reliable or accurate solution existed for Bangla. This limitation was compounded by additional challenges, including regional accents, overlapping dialogues, background noise, the need for inserting punctuation, and the separation of multiple speakers.

Outsourcing transcription to external vendors was not always a viable option, given the classified and highly sensitive nature of the materials. In response to this constraint, our in-house technical team took the initiative to develop a proprietary Bangla transcription tool. This was done without external prompting or prior instruction – a true testament to the zeal that has engulfed our small team in this extraordinary battle amongst unequals.

The software has since gone through multiple iterations and is now used routinely to generate relatively accurate transcriptions of recorded testimony. Once the initial transcription is produced, trained human operators carefully review the output, correct residual errors, and ensure fidelity to the original audio. As a result, transcription time has been reduced from an average of three working days to approximately three hours per interview. The tool has become indispensable to our workflow. Its development reflects the initiative, discretion, and technical ingenuity that have shaped our operational approach from the very inception.

In parallel with transcription innovations, we have also developed secure, in-house databases tailored to the specific needs of our inquiry. These databases have enabled us to systematically organise and categorise incoming information, including testimonies, case records, and metadata. As a result, we have been able to conduct preliminary forms of quantitative analysis on key patterns within the data. This capacity has proved essential in identifying trends, corroborating narratives, and generating data-driven insights to inform both our investigative and reporting strategies.

The work described above has been carried out by an exceptionally small team operating out of a small office, where the scale of the task has repeatedly outstripped the resources available to us. Entire corridors have been converted into makeshift workstations to accommodate the growing demands of documentation, analysis, and field coordination. The logistical and operational difficulties of managing a nationwide inquiry of this magnitude with such limited infrastructure and manpower have been extraordinary by any measure. That this work has progressed as far as it has is a testament to the perseverance, ingenuity, and deep personal commitment of all involved.

At various points throughout this process, we have been fortunate to receive support from individuals and groups outside the Commission who have been very generous with their time and efforts. The illustrations featured in this report, for instance, were created entirely pro bono by a team that responded at short notice and with remarkable commitment. This spirit of solidarity and civic responsibility has guided many of those who have come forward to assist us in performing this monumental task.

We are especially grateful to the UN Office of High Commissioner for Human Rights for providing crucial staffing and equipment support, and to other friends who stepped in with additional resources when they were most needed. These acts of quiet generosity have had a lasting impact on our capacity to continue this work.

In the preparation of this report, there have been weeks when the team worked well into the night, often past midnight, driven not by obligation but by conviction. This sustained effort, frequently undertaken without complaint and sometimes even without access to basic comforts, like tea or coffee, speaks about their extraordinary dedication.

The work of the Commission has been profoundly meaningful. It has offered a glimpse of what is possible when even a small group of people come together in pursuit of justice, determined to confront a much greater wrong. At its heart, this effort has been guided by the sacrifices of victims

and their families. To them, and the principles they represent, we remain unwaveringly committed, regardless of the challenges placed before us.

## **2.2 Challenges**

The challenges faced by the Commission have been multifaceted and, at times, deeply obstructive. In the early days of our work, the Commission was not perceived as particularly threatening, and was therefore largely ignored. There was perhaps a prevailing notion in the security forces that we lacked the capacity or the mandate to deliver meaningful results. However, as time progressed and the integrity and determination of the Commission became more apparent, the atmosphere began to shift. Disquiet grew across various quarters, and resistance became more pronounced.

### **2.2.1 Intimidation**

The Commission members have faced sustained intimidation, both directly and indirectly. Threats have been issued in person, by phone, and through online communication channels. They have been subjected to systematic harassment, slander, and public disinformation campaigns. Accusations have ranged from being agents of foreign intelligence services, such as ISI, RAW and CIA, to being religious or political extremists. During some interviews, the alleged perpetrators have explicitly stated that they were monitoring the families of the Commission members. These efforts at intimidation, however, have not affected the direction or pace of our work. We have treated such provocations with the disregard they deserve and continued our efforts in full commitment to the victims and our mandate.

### **2.2.2 Procedural obstruction**

Beyond intimidation, the Commission has also faced persistent procedural obstruction. In one instance, a secret detention facility that we had visited and documented with photographic evidence was later denied in writing by the concerned agency. It was only after direct follow-up communication, and the presentation of incontrovertible evidence, that the agency retracted its position and acknowledged the existence of the site.

One of the most consistent procedural difficulties has been obtaining timely responses to official letters. Many institutions have shown clear reluctance to put sensitive information in writing. In some cases, it has taken weeks, even months, to receive answers to basic questions. For example,

a letter sent in December 2024 did not receive a reply until nearly a month later, despite the fact that the requested information was already in the public domain.

Requests for personnel rosters, vehicle logs, deployment histories, or custodianship details, such as who was responsible for a particular facility or who served as its warden, have been met with prolonged silence, delay, or ambiguity. Multiple follow-ups, both written and in person, have often been required to extract even the most routine information. In some cases, senior officers, including at the director general level, have informed us that they were actively discouraged by other agencies from cooperating with the Commission – suggesting an alarmingly coordinated, though ultimately unsuccessful, effort to suppress institutional transparency.

### **2.2.3 Missing records**

The passage of time has also worked against us. Many of the cases under inquiry are more than a decade old. As a result, key official records, such as call detail records (CDR), are no longer available. Telecommunications companies typically retain such data for only one to two years.

In one case, we possessed a photograph of a uniformed RAB member from whose phone a victim who never returned made contact with his family several times from within an unknown detention centre (Code BCJ<sup>2</sup>). The photo had appeared on his then Viber profile. The family received ransom calls from the same number, and made payment to it.

Yet we have been unable to confirm the ownership of the number at that time, as the CDR data no longer exist, the number has since been reassigned, and the original registration data appear to be misleading. These are undoubtedly frustrating roadblocks to victim families but an unavoidable challenge of dealing with unresolved cases sometimes a decade or older.

In the wake of 5 August 2024 transition, a new challenge has emerged: several police stations have begun reporting that their archival records have been destroyed by fires. In some instances, we suspect that such claims may not be entirely truthful. Nevertheless, this has made it particularly difficult for the victims seeking documentation of earlier complaints or proceedings.

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<sup>2</sup> 27 year old male; abducted by RAB in 2015; still missing

## **2.2.4 Climate of fear**

Surviving victims face an entirely separate set of obstacles. If we bring them under the public gaze, for instance, during high-profile visits, such as those of the Chief Adviser to the secret detention centres in February 2025, we take care to ensure that they are prepared for the subsequent pressure they may face. And victims have indeed demonstrated resilience. However, the sustained public attacks and online harassment from political actors, particularly affiliates of Awami League, have exacted a psychological toll on them. Even those victims who appeared ready to face scrutiny, later reported significant mental distress following such targeted backlash. Conversely, when we do not bring some victims in the public eye, sometimes they feel as if they are being sidelined. The balance is a tricky one.

Fear remains pervasive, particularly among those who have not yet come forward. Tears are a frequent and expected part of our interviews. Victims often request that we turn off the audio recorder while they recount their ordeals, and at times their voices fall to a whisper – so low that we must strain to hear them. One survivor, who finally approached us in mid-2025, was asked why he had waited so long to establish contact. His answer was candid: he had not been certain whether the Commission itself was affiliated with RAW! This deep climate of mistrust and fear is one of the primary reasons, we believe, a significant number of cases remain unreported.

In one instance, the Commission members visited a remote village in Barishal to inquire into the provenance of some unidentified bodies buried there. Local accounts had initially suggested one or two possible cases of enforced disappearance in the locality. However, once the Commissioners arrived and engaged with the community, five to seven new cases were brought to our attention at the same village, most of which had not been reported to us previously. The presence of the Commission and the visible seriousness of its work gave the families the much-needed confidence to step forward.

However, this was just one village out of thousands across the country. Due to time and resource limitations, we have not been able to replicate such field visits on a wide scale. Still, experiences like this confirm our belief that many more victims remain uncounted, silenced by fear or isolation.

## **2.2.5 Evidence destruction**

We have previously reported in our first interim report, the destruction of evidence that took place across various forces, including at DGFI's JIC, following 5 August 2024. As our work has

progressed, we have uncovered further instances of evidence destruction. In this report, we present two such cases. The first concerns the facility known as the Task Force for Interrogation (TFI) cell, also referred to within RAB Intelligence Wing as the “hospital”. The second facility, also operated by RAB Intelligence Wing, was the “clinic”.

In the following sections, we will walk the reader through the painstaking process by which these discoveries were made, in order to demonstrate the scale of damage inflicted on the evidence and how it complicates our task by misleading inquiries, prolonging timelines, and erasing key traces of events.

**The hospital:** Despite early reports that Barrister Mir Ahmad Bin Quasem Arman had been held at Aynaghar, the first indication that he had not been detained at DGFI’s JIC came from his own testimony. Over the course of our inquiry, we came to understand that each detention facility bore its own operational signature – a distinct pattern of details by which it could be identified. These included how guards behaved, bathroom schedules, the type of food served, ambient sounds, and other such sensory cues. In Barrister Arman’s account, several of these details did not align with what we knew of JIC, where Brigadier General Abdullahil Aman Azmi had been held.

This prompted us to conduct a prolonged interview with Barrister Arman, attempting to determine the actual location of his detention. Over time, specific features in his testimony began to suggest that he had in fact been held at the TFI centre, a facility located within RAB 1 compound but operated by RAB Headquarters. We first visited the TFI on 16 October 2024. At that time, officials informed us that the site had been abandoned for at least two years. Upon inspection, this appeared plausible: the facility was in disrepair, its infrastructure broken, and the entire area gave the appearance of long-term neglect.

The TFI site was divided into three distinct sections: an administrative area, a larger space used to hold captives, and a smaller zone comprising interrogation and torture rooms. Barrister Arman’s description of his conditions closely matched the features of the torture section. It became clear that a small area within the torture wing had also been used to house long-term detainees, contrary to what we had previously understood.

Early in the inquiry, Barrister Arman mentioned that the floor beneath his feet had been tiled and cold – a tactile memory from the occasions he had been allowed to walk there. However, when we visited the site, the floor was a coarse, uneven slab of cement, clearly unfinished and seemingly long abandoned. This discrepancy was striking and prompted further scrutiny. Upon closer

inspection, we noticed square markings—grid-like impressions—on portions of the floor, which resembled the remnants of tiling. This led us to begin inquiring about the missing tiles during our interviews with officers who had served at the facility during July and August.

Around this time, we asked Barrister Arman to draw a map of his path of movement. Although blindfolded for most of his captivity, like many other captives he retained a sense of his orientation, whether he had turned, descended steps, or walked straight. In his drawing, he described climbing down a short flight of stairs, then walking straight before making a single left turn to reach his cell. However, when we traced the route ourselves, this path did not align with the existing layout. To reach the cell he described, one would have to turn right, then left, then left again. The mismatch raised further doubts.

Then Barrister Arman noticed something subtle in one of the photographs sent to him. The way light reflected off a section of the wall appeared slightly different from the rest. He suggested that this might be where his cell door had once been, and that it could have been sealed up. This observation shifted the course of the inquiry.

Acting on Barrister Arman's insight, we contacted our colleagues at the International Crimes Tribunal (ICT), who have been consistently supportive. We shared a diagram of the space (Fig 2A) and asked them to compare the internal and external measurements of the wall in question. Our hypothesis was straightforward: if there was a significant discrepancy—greater than seven feet—it could indicate the presence of a concealed chamber behind a false wall.

ICT colleagues carried out the measurements and found a significant difference of more than ten feet, confirming our suspicion. The wall was subsequently broken open. Behind it, we discovered a concealed cell, nearly intact, that matched Barrister Arman's description in every detail. This, along with various other evidence, confirmed he had spent most of his eight years in captivity in that space.

It was evident that the room had been sealed off after Barrister Arman's release on 5 August 2024. By the time we visited the site in mid-October, the cell had been entirely hidden from view. Therefore, the concealment must have taken place sometime between August and our visit in mid-October. This constitutes a clear instance of deliberate evidence destruction intended to obstruct accountability, even after the fall of the Hasina regime.

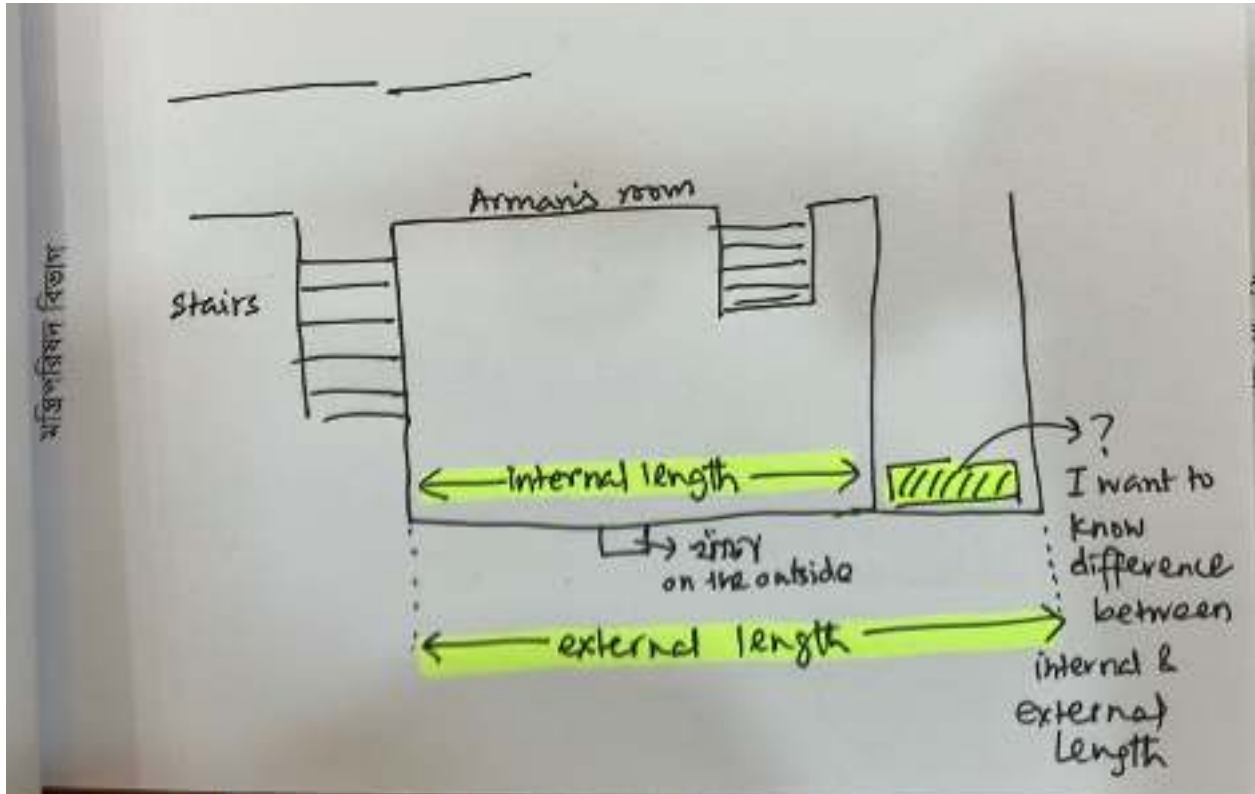


Fig 2A: Diagram sent to an ICT prosecutor on 22 Jan 2025

Since that discovery, we have pursued further inquiries into the timeline of evidence destruction. We now understand that the dismantling and concealment activities at this location began right after Hasina fled in August 2024 and continued well into September.

Although the Director of the Intelligence Wing continued in his post from before the 5 August changeover through our visit on 16 October 2024, the ADG (Operations) had been replaced by the first week of September. Nevertheless, the destruction of evidence continued even under the new ADG (Operations). Subsequently, although the Director of the Intelligence Wing was replaced by an Acting Director, access to information remained obstructed. For example, letters sent in April 2025 requesting some basic information—such as a list of personnel serving in RAB Intelligence—had still not received a proper response by end May 2025.

This pattern suggests a deeper institutional problem: officers, such as the new ADG (Operations), who were not originally involved in specific crimes are becoming newly complicit in crimes through a culture of impunity that incentivises concealment over accountability. As a result, they too are now entangled in the very crimes they inherited. This phenomenon—where successive officers become interested in covering up the misconduct and misdoing of their predecessors—

has, we believe, significantly contributed to the difficulties we have faced in obtaining information from RAB's Intelligence Wing. The legal consequences can only be very harmful to these officers, as we understand.

**The clinic:** RAB Intelligence Wing also operated another secret detention site up until 5 August 2024. This facility was located within the premises of RAB Headquarters itself and was colloquially referred to as the "clinic". It was housed in a structure known informally as the "glass house", due to its glass-panelled exterior. Inside, the site had reportedly once contained approximately six small detention cells on the third floor.

We discovered the glass house site in April 2025, based on analysis of victim and witness statements. Prior to that, we suspected there was an as yet unidentified RAB Intelligence Wing-run detention site somewhere near the airport but could not be certain of its location. Upon inspection, it became apparent that significant structural changes had already taken place. The internal layout no longer fully matched with the descriptions the survivors had provided in their testimonies. However, based on the alignment of ceiling beams, traces of partition walls, and residual wall markings, it was clear that the space had originally been configured into six separate cells. At the time of our visit, only four rooms remained. Two of the dividing walls had been removed entirely, and the altered spaces had been retiled to resemble bathroom interiors. The overall modifications, including the removal of original cell doors, gave the impression of complete repurposing.

The removal of the cell walls, along with the nature of the renovations, indicated that this was not an improvised effort. Even if some materials had been reused from existing stock, the work would still have required a degree of coordination and access to construction supplies. Cement, tiles, tools, and personnel had to be made available. The execution and timing suggest that this process involved some level of logistical planning and budgetary support. While the full extent of these arrangements remains unclear, the renovations were evidently systematic.

We understand that this phase of evidence destruction coincided with the dismantling of torture instruments previously reported at the TFI cell. Our inquiry has established that many of these implements were broken down and removed during the same period. These included rotating chairs, devices used to administer electric shocks, and a particularly painful instrument used to apply thermal torture. In this device, a detainee would sit in a chair chained by his legs. Reaching up to just below the knee, approximately ten inches above the ankle, the legs would be submerged in water which would be heated gradually to an excruciating temperature. Other torture

implements mentioned in survivor testimony, including those that adorned the walls, such as whips, sharp instruments like knives, etc., along with sound proofing equipment were also destroyed. The dismantling of both detention infrastructure and torture equipment appears to have occurred as part of a broader effort to eliminate physical evidence in the weeks following the political transition of 5 August.

Separately, two other RAB Intelligence Wing-operated safe houses—one in Uttara and another in Mirpur—were no longer operational as part of the network of active detention locations for quite some time before 5 August. To the best of our knowledge, and based on site visits, it is our understanding that both these sites had been broken down well before that date.

## **2.3 Strategy**

In a context marked by large-scale evidence destruction and inconsistent institutional cooperation, the Commission has had to make careful strategic decisions about how to approach its caseload of nearly 1800 enforced disappearances. From the outset, we encountered procedural obstruction and active interference, making it clear that conventional inquiry methods would not be adequate. However, within weeks of beginning our work, recurring patterns began to emerge from the data that have since informed the direction of our work.

### **2.3.1 Prioritizing swiftly solvable cases to prevent flight**

Specifically, we began noticing a subset of cases in which the victims could provide some form of contemporaneous documentation from the time of their disappearance. These included general diaries (GDs) filed with the police or media coverage shortly after the abduction. In many of these cases, the victims had also subsequently been shown arrested in formal cases initiated by law enforcement agencies. This meant that, at a minimum, their custodial link to law enforcement was officially acknowledged. Additionally, these victims were alive and capable of identifying the location, conditions, and sometimes even the specific perpetrators involved in their disappearance and detention.

Such cases provided a more stable evidentiary foundation. They were easier to verify, and they allowed us to make quicker progress in identifying potential perpetrators. Strategically, we realized that initiating accountability in these ‘solvable’ cases could serve a broader purpose. Once the process of prosecution or pre-trial investigation begins—and particularly when the alleged perpetrators are incarcerated or suspended—victims and witnesses become significantly more

willing to come forward. This also applies to other witnesses, including law enforcers, who may not be directly implicated but possess valuable information.

### **2.3.2 Shifting the balance of fear**

Additionally, there is always a risk that individuals potentially responsible for enforced disappearances may attempt to flee once they perceive that scrutiny or legal consequences are becoming more likely. Prioritising these more straightforward, well-documented cases allows the broader accountability framework to respond more swiftly. This enables the relevant authorities to take preventative measures, whether by restricting travel or suspending passports, before such individuals are able to leave the country. These opportunities are far more limited in older, unresolved cases involving the victims who have not returned. In such unresolved cases, both the evidentiary threshold and the time required to build a coherent legal pathway are significantly higher, during which time suspects get the opportunity to disappear before any action can be taken.

A clear example is the case of Tareq Syed Mohammad, a prime accused in the Narayanganj seven murder case, who is currently on death row. At the height of his power, he was widely feared and considered untouchable. Yet since his incarceration, we have received several complaints relating to his activities, often from individuals who would previously have been too afraid to speak out. By contrast, fear continues to inhibit disclosure in cases involving officers who remain in service or have not yet been held accountable.

We also came to understand that many of the same officers and units were involved in both categories of enforced disappearances: those where victims returned, and those where victims never resurfaced. The teams deployed to carry out these operations—abduction, detention, and elimination—were often segmented but overlapping. The likelihood that the same personnel were involved in both returned and non-returned cases is therefore high. However, the evidentiary burden in disappearance cases where the victims have not returned is much greater, as the direct testimony of the victim is unavailable. In these cases, the fear of retribution is even more pronounced, particularly when the suspected perpetrators are still in positions of authority.

### **2.3.3 Focusing on detention site identification**

This reality shaped the second dimension of our strategy: focusing on detention site identification. We understood that if a victim could be placed at a particular site—whether through their own testimony or corroborated by architectural features, ambient descriptions, or timelines—then

custodians of that site could be held legally responsible. According to both domestic and international legal norms, individuals in custodial command during periods of unlawful detention carry liability. This approach allowed us to bypass some of the evidentiary limitations inherent in disappearance cases where the victims are still missing.

Over time, we developed a technical skillset around identifying detention sites from even vague or fragmentary descriptions. Having collected hundreds of accounts from the survivors, we built an internal evidentiary corpus that now allows us to match individual testimonies with specific locations based on recurring features. These include layout, sounds, food, physical treatment, verbal interactions, etc. This has become one of the most effective tools at our disposal.

### **2.3.4 Using continuing crime and indirect legal routes**

Another critical legal principle that supports this strategy is the concept of continuing crime in the context of enforced disappearance. An enforced disappearance is not considered a one-time offense but a continuing violation of rights, which remains ongoing until the fate or whereabouts of the disappeared person are clarified. This means that even if the custodians or commanders change during a victim's period of secret detention, each successive officer in the chain of custody inherits legal culpability after a threshold—typically after the 24-hour mark—when detention becomes illegal and unreported. This principle has given us additional leverage in identifying liability even in the absence of complete timelines.

We have also learned that, in complex cases involving overlapping chains of command and historical crimes, strategic entry points can be as important as the final charges. In this sense, our approach bears resemblance to how the US law enforcement pursued the case of Al Capone. Although Capone was widely known to be responsible for serious organized crime, including murder, he was ultimately prosecuted and imprisoned for income tax evasion. The lesson is that indirect accountability measures—whether through misuse of office, obstruction, unlawful detention, or falsification of records—can be equally effective in breaking impunity. Old, unresolved cases involving enforced disappearances often require such non-linear routes to justice.

### **2.3.5 Applying the strategy to the case of Barrister Arman**

To illustrate this strategy, we return to the case of Barrister Arman. He was forcibly disappeared from 9 August 2016 to 5 August 2024. Now that we have identified the location of his detention and confirmed that the structure was under the command and control of RAB Intelligence Wing,

the individuals with *prima facie* culpability in his case include: the Director General of RAB, Additional Director General (Operations), the Director (Intelligence), and the TFI Cell Coordinators who served during the period of his disappearance.

- **The DGs in the relevant period are:** the then AIGs Benazir Ahmed, Chowdhury Abdullah Al-Mamun, M Khurshid Hossain, and Md. Harun Or Rashid.
- **The ADGs (Ops) in the relevant period are:** the then Colonels Md. Anwar Latif Khan, Md. Jahangir Alam, Tofayel Mostofa Sorwar, K M Azad, Md. Kamrul Hasan, Md. Mahbub Alam, and Abdullah Al Momen.
- **The Directors (Intelligence) are:** the then Lieutenant Colonels Mohammad Abul Kalam Azad, Md. Mahbub Alam, Md. Sarwar-Bin-Kasem, Muhammad Khairul Islam, Md. Moshiur Rahman Jewel, and Saiful Islam Sumon.

Our inquiry has established that RAB maintained a clear and centralised command structure during this entire period. We have received testimony indicating that even minor decisions required clearance from senior command. For example, when captives fell ill at the TFI cell, guards had to seek approval from their superiors before even administering basic medication, such as paracetamol. Such information further demonstrates the extent of control and oversight exercised by senior leadership. It reinforces the view that command and superior responsibility, both operational and moral, can be clearly attributed to specific actors within the institution. As such, targeted investigations and accountability mechanisms can begin from these well-documented cases and expand outward to address the broader system of enforced disappearance.

Over the past few months, the Commission has summoned several officers from the list above, with more to be summoned in the future. Most of them uniformly denied any knowledge of the building or of holding captives there. This, of course, is a pointless exercise in denial, as the ownership of the facility has been confirmed by RAB. During our visit there in October 2024, we were informed—and indeed witnessed—that the then Director of RAB Intelligence Wing held the key to the building. To claim that the building had been abandoned years before and never used for this purpose since then makes no sense, given the entire episode surrounding Barrister Arman’s discovery of the cell and the fact that he was released from there only after 5 August 2024. We have also received additional materials demonstrating active involvement with the TFI cell at the DG and ADG levels that, for the sake of inquiry of the Commission and ongoing investigation of the ICT, will be divulged at a later stage.

Furthermore, we have testimonies from other victims who occupied cells at the TFI centre during the same period, many of whom witnessed each other inside the facility. Several of these victims were underage, and some were held captive there for over two years. We have received witness statements from the personnel who served there, acknowledging that some of these individuals were held at the TFI cell. We may, therefore, conclude that the claim the facility was abandoned years ago is plainly false. These officials, accordingly, bear *prima facie* responsibility for what transpired in this building, including systematic inhuman torture and prolonged enforced disappearances of the victims.

Cases like those of Barrister Arman, where the victims returned and strong evidence exists, thus offer a crucial starting point for holding the perpetrators accountable. Many of the same officers responsible for his disappearance were also in charge of the TFI cell during the same period when other victims were abducted by RAB Intelligence Wing and never seen again. By establishing responsibility in cases like his, we begin to erode the culture of impunity. It demonstrates that justice is possible, and that those in command are not beyond reach. This, in turn, reduces the fear that prevents the victims, witnesses, and even insiders from coming forward. As more people speak out, it becomes easier to uncover the truth behind the more difficult cases, particularly those involving individuals who remain missing.

In this way, the missing are never sidelined, and accountability is not limited to those who have survived. Instead, this targeted approach lays the groundwork for **justice for all**.

### 3. Preliminary analysis of enforced disappearances data

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The Commission has received a total of 1837 complaints related to enforced disappearances. Following a first round of review, 1772 of these complaints were entered into the Commission’s database as active cases. Among these active cases, 1427 victims have surfaced alive, and 345 individuals remain missing till date.

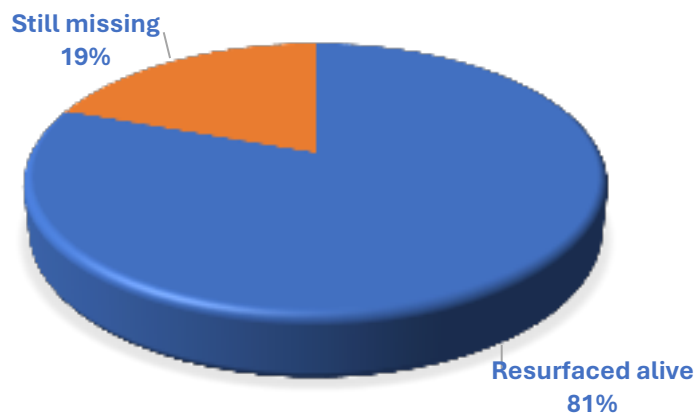


Fig 3A: Breakdown of complaints

The data further reveal the involvement of specific law enforcement and security agencies in these incidents. The vast majority of enforced disappearances are linked to formal State agencies, reflecting systematic practices rather than isolated incidents. Law enforcement bodies, notably the Police, RAB, DB, and CTTC are responsible for over 67% of cases. When their combined operations are included, the proportion rises significantly, underscoring their central role.

Many cases involve joint operations between multiple State bodies, which complicate both oversight and accountability. Specialised and intelligence-driven units – such as DGFI and NSI – often appear in combination with primary law enforcement agencies, suggesting coordinated actions. Though less frequently cited individually, agencies like the Border Guard Bangladesh (BGB) and National Security Intelligence (NSI) appear repeatedly in conjunction with other forces. Their presence, while limited, indicates a pattern of occasional but strategically significant involvement.

The dominance of formal law enforcement and intelligence agencies in the data suggests significant institutional involvement or complicity in these cases. The relatively low figures for agencies like NSI and BGB may indicate either a lesser role in internal security operations or possible underreporting. Additionally, the presence of individuals in plainclothes claiming to be members of law enforcement indicates covert operations, with the resulting challenges in establishing accountability and attribution.

## **Legal concerns**

From a legal standpoint, enforced disappearances reflect a breakdown in lawful identification and procedural safeguards. It undermines the rule of law and the individual's right to security, liberty, and due process. Analysing the data on enforced disappearances from a legal perspective involves assessing the implications under international human rights law, domestic legal frameworks, and the principles of due process, accountability, and the rule of law. It includes evaluating the nature and roles of the institutions involved and the broader legal consequences.

### ***Enforced disappearances form a violation of fundamental rights***

- Right to life and liberty (ICCPR Art. 6 & 9; Constitution of Bangladesh, Articles 31, 32).
- Prohibition of torture and inhuman treatment (CAT, ICCPR Art. 7; Constitution of Bangladesh, Articles 35(5)).
- Due process and fair trial rights are routinely denied when a person is disappeared.

### ***Lack of accountability***

1. The high numbers, especially from State security organs, suggest a culture of impunity.
2. Failure to investigate, prosecute, or acknowledge these cases can itself be a form of State complicity.

### ***Crimes against humanity (Rome Statute, Art. 7)***

- If widespread or systematic, enforced disappearances may amount to crimes against humanity.
- Key elements include: repeated patterns, involvement of high-level orders, targeting of specific groups (e.g., opposition members and activists).

The data strongly indicate State involvement in the acts of enforced disappearances in Bangladesh. The high number of cases attributed to official and specialised security forces like the Police, RAB, and DB, all operating under State command, suggest that these acts were carried out with State knowledge, authorisation, or complicity. The data also paint a picture of militarisation of law enforcement, blurring of institutional boundaries, and a systemic accountability crisis. From a legalistic point of view, this suggests systemic violations of international human rights law, potential for international criminal responsibility, and an urgent need for legal reform, transparency, and accountability.

### **Security forces involved in enforced disappearances**

The Commission's assessment reveals that the majority of enforced disappearances in Bangladesh have been carried out by various units under the Bangladesh police and intelligence agencies. Victims, witnesses, and family members most frequently identified the police, the Rapid Action Battalion (RAB), the Detective Branch (DB), and the Counter Terrorism and Transnational Crimes (CTTC) as the main perpetrators. Additionally, personnel from the Directorate General of Forces Intelligence (DGFI), the National Security Intelligence (NSI), and Border Guard Bangladesh (BGB) were also implicated in playing a role in these disappearances.

Both DGFI and NSI typically operate in intelligence, not law enforcement. As they have no legal mandate to arrest or detain civilians, any involvement in detentions, abductions, or interrogations crosses constitutional boundaries.

This suggests potential illegal parallel enforcement structures—a serious constitutional concern. It is worth noting that all the law enforcement and intelligence agencies have violated and/or overstepped their standard operating procedure or charter of duties while carrying out operations.

## Police

The Bangladesh Police is the principal law enforcement agency of the country, operating under the Ministry of Home Affairs. It is responsible for maintaining law and order, preventing and investigating crimes, and ensuring internal security. Headed by the Inspector General of Police (IGP), the force included specialised units such as the Detective Branch (DB), Special Branch (SB), Criminal Investigation Department (CID), and Rapid Action Battalion (RAB). Although established during British colonial rule, the police has evolved significantly since Bangladesh's independence in 1971.

Under the Awami League government, the police came under sustained scrutiny for widespread human rights violations, including extrajudicial killings, enforced disappearances, torture in custody, suppression of dissent, and excessive use of force. From 2009 onward, the police became increasingly politicised, functioning more as an enforcer of government policy than as a neutral public institution. Numerous national and international reports documented the disproportionate targeting of opposition groups, particularly the Bangladesh Nationalist Party (BNP) and Jamaat-e-Islami, raising serious concerns about the erosion of democratic space and civil liberties.

Extrajudicial killings—frequently labelled as “crossfire” incidents—became a hallmark of police operations, especially during anti-drug raids or crackdowns on suspected criminals. These killings often took place without judicial oversight. Torture in custody was also pervasive. Victims reported severe abuse, including beatings, electric shocks, waterboarding, and other forms of physical and psychological torture. Although the Torture and Custodial Death (Prevention) Act of 2013 was enacted to curb such practices, it was rarely enforced, and few officers faced legal consequences.

The police also routinely cracked down on peaceful protests, student movements, and press freedom, most notably during the July Uprising in 2024. Repressive laws such as the Special Powers Act and the Digital Security Act were widely used to arrest dissenters on vague charges such as “hurting religious sentiment” or “spreading propaganda.”

The Commission has documented hundreds of enforced disappearances carried out by the police. Victims included political activists, students, teachers, businesspeople, and critics of the government. Many were severely tortured and ultimately extrajudicially killed after being disappeared. These patterns revealed a structural crisis within the police: a culture of impunity,

systematic abuse of power, and a lack of institutional accountability—all in direct contradiction to their constitutional mandate to uphold the rule of law and protect citizens.

## **Rapid Action Battalion**

The Rapid Action Battalion (RAB) is a paramilitary law enforcement agency established in 2004 under the Ministry of Home Affairs, originally tasked with tackling serious crimes such as terrorism, drug trafficking, and organised crime. The force comprises 15 battalions across the country, each with three to four Crime Prevention Companies (CPCs) under each battalion. Under the leadership of the Director General, it operates through ten functional wings. Under the direction of ADG (Ops): Operations, Intelligence, Legal and Media, and Air Wings; and under the direction of ADG (Admin): Admin and Finance, Communication and MIS, Investigation and Forensics, Training and Orientation, and Research and Development Wings. RAB's headquarters are located in Kurmitola, Dhaka.

While RAB initially played a prominent role in combating crime and maintaining public order, it soon became synonymous with serious human rights abuses. The Commission has received hundreds of complaints involving RAB's direct participation in enforced disappearances, custodial torture, and extrajudicial killings. National and international organisations have documented a pattern of individuals allegedly picked up by RAB who were later found dead or remained missing, raising grave concerns regarding the agency's adherence to rule of law and human rights standards.

Although RAB had been created with support from the United States and the United Kingdom as a counterterrorism force, it eventually morphed into a political death squad. The force operated with significant autonomy, and the lack of robust oversight enabled widespread abuse. The UK Government withdrew its support and training over a decade ago in response to its poor human rights record, and the United States imposed sanctions in December 2021 citing gross violations, including extrajudicial executions and enforced disappearances.

The Intelligence Wing of RAB, working in close coordination with operational battalions, conducted many covert operations. These included abductions and prolonged detentions in secret facilities under the pretext of fighting militancy, narcotics, and arms trafficking. One of the most notorious sites was the Task Force for Interrogation (TFI) cell, located within the RAB-1 compound. Though publicly framed as an inter-agency facility, it was de facto operated and controlled by RAB Intelligence. Thousands of detainees were held in this facility, confined for weeks or months in pitch-dark rooms, blindfolded and handcuffed at all times.

Testimonies revealed that detainees were subjected to relentless torture within specialised rooms: methods included beatings, electrocution, suspension from ceilings, rotational disorientation, and even physical dismemberment. Children and mentally unwell detainees were not spared. Although the facility was primarily run by military personnel, police officers also participated in operations. Detainees were brought to the TFI Cell from across the country, some directly abducted by RAB Intelligence, others transferred from DGFI or local RAB battalions. In many cases, individuals were later executed and their bodies disposed of in rivers, rendering recovery and identification virtually impossible. The Commission continues to receive near-daily accounts of torture at this site, reflecting the scale and consistency of its abuse.

Following the 5 August 2024 change in government, concerted efforts were made to erase evidence of the facility's true nature. Cells were remodelled to appear larger, torture chambers were dismantled, surveillance equipment was removed, and floor tiles were excavated to obliterate forensic traces. This destruction of evidence was part of a broader pattern of obstruction.

RAB's methods deeply eroded public trust in law enforcement. The force's use in political repression—particularly against opposition parties, activists, and dissenters—transformed it from a crime-fighting body into a coercive political tool. Victims' statements indicated that RAB officers acted with impunity, knowing they were unlikely to be held accountable. This emboldened conduct had far-reaching consequences: it weakened public safety by creating fear of law enforcement, discouraged victims and witnesses from coming forward, and fuelled a wider culture of institutional unaccountability.

Despite the fall of the previous government, RAB as an institution has continued to exist. The legacy of its operations—and the deep mistrust it cultivated—remains a significant barrier to democratic reform. The Commission believes that meaningful change will require **the dismantling of RAB as a force**. Its dissolution is essential to break the cycle of impunity, restore public confidence, and enable the creation of a rights-respecting security framework.

## **Detective Branch**

The Detective Branch (DB) of the Bangladesh Police is a specialised unit responsible for intelligence gathering, investigation of serious crimes, surveillance, and, in many cases, political policing. Functioning under the Dhaka Metropolitan Police (DMP) and other metropolitan

jurisdictions, the DB plays a central role in law enforcement operations, particularly through covert investigations and intelligence-led actions.

However, the unit has come under sustained scrutiny for grave human rights violations. Numerous allegations were made that DB personnel abducted political opponents, activists, and suspected criminals; detained them in undisclosed locations; failed to acknowledge the arrests; conducted arbitrary detentions without warrants; and held individuals incommunicado. Victims frequently reported custodial torture, enforced disappearances, extrajudicial killings, and transfers to other security agencies such as the Rapid Action Battalion (RAB) and the Directorate General of Forces Intelligence (DGFI).

The DB was widely believed to be an instrument of political repression during the tenure of the Awami League Government. It was accused of targeting opposition figures—particularly members and supporters of the Bangladesh Nationalist Party (BNP) and Jamaat-e-Islami—often during politically sensitive periods such as election cycles. A substantial number of enforced disappearances reportedly occurred in the lead-up to national elections, reflecting the DB’s role in suppressing dissent.

Patterns of abuse were consistent across cases. Victims were often taken by plainclothes officers in unmarked vehicles, with families being denied any information about their whereabouts. Some reappeared weeks or months later, while others remained missing indefinitely or were found dead, often bearing signs of torture. These actions, routinely attributed to the DB—either acting alone or in collaboration with RAB and DGFI—highlights systemic abuse within Bangladesh’s security architecture.

The frequency and nature of these disappearances prompted concern from both domestic and international human rights organisations. Although hard evidence remained elusive due to the clandestine nature of the operations, the volume of eyewitness testimonies, the uniformity of the abduction patterns, and the institutional opacity collectively presented a compelling case for accountability.

The DB’s legacy has been one of impunity and repression. The Commission's findings reinforces the urgent need for institutional reform, independent oversight, and judicial accountability. Ending such violations would require not only strong domestic legal mechanisms but also sustained international pressure to uphold human rights and ensure justice for victims of enforced disappearance.

## **Counter Terrorism and Transnational Crime**

The Counter Terrorism and Transnational Crime (CTTC) Unit of the Bangladesh Police, established in 2016, was tasked with combating terrorism, organised crime, and transnational criminal activities. It comprises seven specialised divisions, including the Special Action Group (SWAT), Bomb Disposal Unit, Anti-Illegal Arms Unit, Canine Unit, and Cyber Crime Unit. While the CTTC has claimed to play a vital role in addressing emerging security threats, it has become associated with the same patterns of abuse and impunity that have long plagued other security forces, such as the Rapid Action Battalion (RAB).

Even when they detain captives unlawfully over briefer periods than other agencies, CTTC operatives have been reported to inflict severe harm through strategic misuse of the legal system. The unit has been known to initiate numerous false cases, thereby weaponising the judiciary to wage ‘lawfare’ against targeted individuals. Like RAB in its earlier years—backed by foreign governments in the name of counterterrorism—the CTTC has benefited from international support. Yet, as with RAB, this foreign backing has not prevented its descent into grave human rights violations.

The CTTC has faced serious allegations of enforced disappearances, torture, and arbitrary detention. Human rights defenders both within and outside Bangladesh have consistently raised concerns about the disappearance of individuals suspected of so-called terrorist or criminal affiliations. These actions continue to erode the rule of law and deepen public mistrust in the justice system. The Commission has documented numerous instances where individuals were forcibly disappeared, held incommunicado, and subjected to abuse under the guise of interrogation. In several cases, victims were later presented with concocted charges or have never resurfaced at all. Detainees have described being subjected to brutal torture intended to extract information or forced confessions. Such confessions, obtained under duress, have compromised the integrity of investigations and judicial proceedings. Victims interviewed by the Commission have recounted psychological torment and physical abuse while in CTTC custody. Judicial scrutiny and institutional oversight remain lacking, allowing these abuses to persist unchecked.

A persistent concern has been the CTTC’s arrest of individuals without proper evidence or legal basis, particularly those affiliated, or alleged to be affiliated, with political or religious groups deemed oppositional to the Government. These actions have appeared politically motivated rather than grounded in genuine security concerns. Victims from specific communities have reported feeling disproportionately targeted, fuelling a sense of collective grievance and injustice.

The CTTC has continued to operate under a veil of opacity, with minimal public access to information about its operations or outcomes. Despite serious allegations, meaningful accountability mechanisms have remained absent. Officers accused of misconduct—ranging from unlawful detention to torture—have rarely faced consequences. As a result, the CTTC has fostered an internal culture of impunity not unlike that which ultimately discredited RAB.

The Commission’s findings indicate that the CTTC, rather than functioning as a neutral counterterrorism body, has come to mirror the very practices and impunity that international partners had once condemned in other agencies. If the trajectory of RAB serves as a warning, then the CTTC now stands at a similar crossroads—where unchecked power, foreign backing, and political misuse have led to systematic violations and a widespread loss of public trust.

## **Directorate General of Forces Intelligence**

The Directorate General of Forces Intelligence (DGFI), Bangladesh’s principal military intelligence agency, was formed in 1977 under the Ministry of Defence and is primarily staffed by personnel from the Bangladesh Armed Forces. Its core responsibilities include military intelligence gathering (both domestic and foreign), counter-intelligence, surveillance of national security threats, and conducting internal and external threat assessments. It is headed by a Director General, typically a serving Major General (two-star general) from the Bangladesh Army.

Over the past decade, the DGFI has faced persistent allegations of enforced disappearances, unlawful detentions, torture, and surveillance of political opponents. The agency has also been accused of manipulating domestic politics and interfering in the 2014 Parliamentary elections. Its alignment with the ruling Awami League Government seriously compromised its perceived neutrality. The lack of parliamentary oversight—being answerable only to the Defence Minister—has contributed to accusations of unchecked authority and institutional opacity.

Credible reports from international organisations and media outlets document widespread human rights abuses by DGFI personnel. The agency has reportedly operated black sites—including the notorious Aynaghor (House of Mirrors)<sup>3</sup>—where detainees were held incommunicado and

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<sup>3</sup> Although DGFI’s JIC was originally known as the *aynaghor* (“house of mirrors”), we have increasingly observed that the term is now used colloquially to refer to all secret detention centres. The phenomenon is similar to how all motorcycles are commonly referred to as “Honda” in Bangladesh. Thus, this shift in usage should not cause confusion.

subjected to extreme torture. DGFI's deepening involvement in civilian affairs over the years has raised serious concerns about democratic erosion and the militarisation of governance.

DGFI's elite counterterrorism unit, the Counter Terrorism and Intelligence Bureau (CTIB), was formed in 2006 to combat terrorism and manage threat intelligence. CTIB runs the Joint Interrogation Centre (JIC), colloquially known as "Aynaghor", located within Dhaka Cantonment. This site is one of the most infamous detention facilities in the country, known for its extensive use of torture and prolonged secret detention. Detainees at Aynaghor included military officials, political opponents, and individuals accused—often falsely—of terrorism, such as Brigadier Abdullah Aman Azmi, Ambassador Maruf Zaman, Lt. Col. Hasinur Rahman, Hummam Quader Chowdhury, and Michael Chakma, along with hundreds of lesser-known individuals.

Due to DGFI's limited operational capacity, it frequently relied on RAB Intelligence for operational support when conducting abductions. After interrogation and torture, detainees were either returned to RAB or transferred to the Detective Branch, where many were subsequently executed extrajudicially or held under fabricated charges for extended periods.

Aynaghor was run entirely by military officers seconded to DGFI. It contained multiple interrogation rooms where detainees were tortured using beatings, suspension from ceilings, electric shocks, and disorientation through rotating chairs. Loud exhaust fans masked the noise, and victims were kept blindfolded and shackled for long durations, often in solitary confinement. Survivors interviewed by the Commission continue to exhibit lasting psychological trauma, even years after their release.

Although the DGFI has played an essential role in national defence and counterterrorism, its expansion into civilian and political domains has posed grave risks to democratic governance and civil liberties. Its future legitimacy as an intelligence agency depends on urgent reforms aimed at ensuring transparency, accountability, and compliance with human rights standards. Only then can it function as a professional and apolitical institution within a democratic framework.

## **National Security Intelligence**

The National Security Intelligence (NSI) functions as Bangladesh's principal civilian intelligence agency under the Prime Minister's Office, with mandates covering both domestic and foreign intelligence. It collects and analyses information related to national security, counterintelligence,

counterterrorism, and the surveillance of political and subversive activities. It also engages in border intelligence and monitors threats to state sovereignty.

The NSI operates alongside other agencies, such as the Directorate General of Forces Intelligence (DGFI) and the Special Branch (SB), leading to overlapping jurisdictions, redundancy, and inter-agency friction. Its operational effectiveness has come under serious scrutiny due to increasing politicisation. Allegations suggest that the agency is used to monitor and suppress political opposition, civil society, and journalists rather than focus strictly on national security threats.

The NSI operates without a comprehensive legal statute defining its powers, limitations, and oversight mechanisms. It lacks independent parliamentary or judicial oversight, raising concerns about unchecked authority and the potential for human rights violations. The Commission has received complaints implicating the NSI in enforced disappearances. Human rights organisations also accuse it of involvement in torture and other abuses, with victims having limited legal recourse due to the opaque nature of its operations.

While the NSI plays a vital role in maintaining national security and has contributed to counterterrorism and intelligence efforts, it faces critical challenges. These include politicisation, lack of transparency, inadequate oversight, and serious human rights concerns. Addressing these issues requires substantial legal and institutional reform to ensure the NSI functions as a modern, accountable intelligence agency.

## **Border Guard Bangladesh**

The Border Guard Bangladesh (BGB), formerly known as the Bangladesh Rifles, functions as a paramilitary force primarily responsible for guarding the country's borders. Operating under the Ministry of Home Affairs, it undertakes a range of duties including preventing cross-border crime and smuggling, countering human trafficking, and supporting internal security operations. Following the 2009 BDR mutiny, the force underwent reorganisation and rebranding as BGB, with enhanced oversight and renewed mandates.

Credible allegations from both local and international human rights organisations—including Human Rights Watch and Amnesty International—accuse Bangladeshi security forces, including the BGB, of involvement in enforced disappearances, particularly since 2010. Although elite units such as the Rapid Action Battalion (RAB) and Detective Branch (DB) are more frequently cited, BGB is implicated in several cases, especially in border and counter-insurgency contexts. In areas

bordering India and Myanmar, reports have emerged of extrajudicial killings and disappearances linked to BGB operations. These incidents often remain undocumented due to the remoteness of the regions and restricted media access.

Enforced disappearance constitutes an inter-state crime due to its cross-border dimensions. Victims are at times abducted in one country and delivered to the authorities of another, making the involvement of border security forces from both states almost inevitable. The Commission's inquiry finds that such cross-border transfers or exchanges of captives would not be possible without the collusion or active cooperation of BGB and the Indian Border Security Force (BSF). Cases such as the disappearances of Shukhoranjan Bali, BNP leader Salauddin Ahmed, Mehedi Hasan Dollar, and Rahamatullah serve as stark examples of cross-border rendition involving India.

Testimony before the Commission reveals that RAB usually notified BGB before conducting cross-border renditions, specifying border locations where their vehicles would cross a few hundred metres into Indian territory and captives would be transferred from Bangladesh to India. Detainees were reportedly handed over to Indian intelligence and security agencies directly or through intermediaries.

While the BGB plays a vital role in safeguarding national security, persistent allegations of enforced disappearances seriously undermine its legitimacy and the rule of law. In the absence of accountability, such abuses risk becoming institutionalised, weakening democratic structures and threatening the fundamental rights of citizens. A transparent, rights-based reform process is essential to restoring the credibility of the BGB and strengthening the broader security architecture of Bangladesh.

## 4. Patterns in the data

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The Awami League has long denied the occurrence of enforced disappearances in Bangladesh. Their minions continue to repeat these denials today, despite overwhelming evidence to the contrary. Beyond denial, they actively blame the victims—labelling them as extremists and terrorists—and claim that instead of being forcibly disappeared by the State, these individuals were actually engaged in terrorist training at the time of their disappearance.

Even now, after the Chief Advisor Professor Yunus has publicly visited several secret detention sites accompanied by the victims and the media; after both national and international media have exposed these facilities and featured the voices of the victims; even after many survivors have come forward—at great personal risk—to share their stories ... the denial persists. This refusal to acknowledge reality resembles not political defensiveness but something far more entrenched: a form of historical denialism so extreme that, it echoes the closed loops of a cult.

This chapter, and indeed this report as well as our previous one, directly challenge that denial. It presents the documented cases of 253 individuals, out of the nearly 1800 complaints we have received, whose testimonies are remarkably consistent across time, geography, and experience. These are not random or self-selected stories. As explained below, the individuals involved could not have known the framework by which their cases would later be chosen.

While it is conceivable that a few people in a nation might fabricate stories of disappearance, the notion that hundreds would independently invent such consistent, patterned accounts over more than a decade defies belief. The only credible explanation is that these are not coincidences or conspiracies, but evidence of a systemic, institutionalised practice—one that was not only permitted, but normalised.

## 4.1 The documented sample

The sample contains complaints that meet the following criteria:

1. There was contemporaneous documentation, such as a General Diary (GD), media report, or court case filing at the time of the disappearance.
2. The victim reappeared in law enforcement custody, formally recorded as having been arrested in connection with a case filed by a law enforcement agency.
3. The victim survived and provided firsthand testimony of their detention, including descriptions of secret facilities and fellow detainees.

The sections below explain why we chose these three criteria with which to filter out our sample for the purposes of this second interim report.

### 4.1.1 Contemporaneous evidence at the point of abduction

The absence of official documentation at the point of disappearance has long posed serious obstacles to proving cases of enforced disappearance. This is not simply a bureaucratic failure. It reflects a deliberate system designed to frustrate accountability. For instance, victims' families have long been systematically denied the right to file GDs when their complaints implicated law enforcement agencies in disappearances or extrajudicial killings. In many instances, police stations explicitly refused to accept such complaints unless the language was altered to remove references to security forces. A 2014 Amnesty International report documented this pattern with disturbing clarity: "Police officers said if the family removed all references to RAB and changed the wording from 'abducted' to 'missing,' they would accept the complaint" (Source: Amnesty International, "Stop them NOW", October 2014). This process was designed to neutralise the legal and political implications of the incident.

This pattern is echoed across the nearly 1800 complaints submitted to us. Out of these, only around 250 complaints included any form of contemporaneous documentation, whether through a GD, court record, or media report, at the time of disappearance. The overwhelming majority of families reported being actively discouraged or threatened when attempting to file a formal report. A family member reported (Code FBH<sup>4</sup>): "কর্তব্যরত অফিসারের কাছে ঘটনার বিবরণ বললে, তিনি সাধারণ ডায়েরি নিতে

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<sup>4</sup> 23 year old male; abducted by the police in 2016; disappeared for 17 days

অপারগতা প্রকাশ করেন। পরে ওসি মহোদয়ের শরণাপন্ন হলে তিনি বিভিন্ন জায়গায় ফোনে যোগাযোগ করেন। তিনি বলেন যে, প্রশাসনের নামে জিডি করা যাবে না।” (4-1) Similarly, a survivor recounted (Code EBB<sup>5</sup>):

জিডি নেয় নাই। তিন চার দিন গিয়েছিল আমার ওয়াইফ। বলছে যে খোঁজেন গা, থানায় যান, ডিবি'র কাছে যান। আমরা তো এখন জিডি নিতে পারবো না। ... আমি কি বলব। আমার বউয়ের কান্নায় বলে ওয়াল ভাইঙ্গা যায়। ডিবি'র আই ও বলে যে, তোমার বউ প্রতিদিন আইসা যেন চার-পাঁচ ঘন্টা করে কান্না করতো। মনে হচ্ছে ওয়াল ভাইঙ্গা যাবে। ... থানায় বলেছিল ওরা, খুঁইজা দেখেন। যদি র্যাব-পুলিশ-ডিবি'রা নিয়ে থাকে, অনেক সময় গুম করার ইচ্ছা না থাকলেও জিডি-টিডি করলে গুম কইরা ফালায়। আপনারা আপসে খুঁইজা খুঁইজা দেখেন। (4-2)

This practice continued even after the political transition of 5 August 2024. In one instance, a victim (Code BGDE<sup>6</sup>) who had accompanied the Chief Advisor during a visit to a secret detention facility later received anonymous threats over phone from individuals claiming to represent the Detective Branch. When advised to file a GD with his local police station, he was initially unable to do so because the officers refused to record his complaint. It was only after direct intervention by a member of the Commission that the GD was finally accepted. This incident illustrates the persistence of a culture of institutional denial even after significant political changes.

Therefore, the fact that we have been able to identify over 250 instances of contemporaneous documentation is a feat in itself. The lack of documentation at the point of abduction in most cases is not a matter of ignorance or dereliction of duty. Rather, it is because people were actively prevented from filing such reports. In the absence of documentation at the point of occurrence, proving abduction via eyewitness testimony poses its own challenges, which is why we have not included those cases in this current report but hope to do so in our final report.

To illustrate the type of difficulties that can arise when using eyewitness accounts, we present here two instances: In one case, attempts to locate original witnesses to a victim's abduction (Code DIA<sup>7</sup>) were hindered when handpicked witnesses of CTTC's staged arrest for the media—who are usually linked to law enforcement or local political actors—intimidated the original eyewitnesses into silence. In another case, the abduction of a woman from a hospital was only verified years later when a nearby security guard came forward to testify (Code EDI<sup>8</sup>). Together, these examples show the challenges of relying solely on witness accounts minus official records, especially given the risk of retaliation. Evidently, the system was structured to erase all traces of these crimes.

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<sup>5</sup> 46 year old male; abducted by RAB 4 in 2016; disappeared for 19 days

<sup>6</sup> 37 year old male; abducted by DGFI and RAB in 2016; disappeared for 167 days

<sup>7</sup> 25 year old male; abducted by CTTC in 2019; disappeared for 8 days

<sup>8</sup> 30 year old female; abducted by CTTC in 2023; disappeared for 67 days

### 4.1.2 Resurfaced through the criminal justice system

After weeks or months in secret detention, many victims were reintroduced into the legal system under fabricated charges. Law enforcement would claim to have arrested them the previous day and would present them before a magistrate alongside planted evidence. For instance, Code BDJF<sup>9</sup> remembers:

কোর্টে চালান করার সময় আমাকে বলতেছে যে, “তোমাকে কিন্তু এখন কোর্টে দিয়ে দিব। তুমি যদি বল ম্যাজিস্ট্রেট বা জজের সামনে যে তুমি তিন মাস আগে এরেস্ট হইছো, তাহলে কিন্তু তোমাকে আরো পাঁচটা মামলা দিব। তো বলবা যে আমি আজকে গ্রেফতার হইছি।” (4-3)

This practice has been extensively documented before the 5 August changeover as well. In its 2017 report ‘We Don’t Have Him’, Human Rights Watch stated: “In most cases, the men remain in secret detention for weeks or months before the police suddenly claim to have arrested them the previous day. The men are then taken to the magistrate court and are remanded into police custody on the basis of a concocted story.” Similarly, the US Department of State’s December 2019 report on human rights in Bangladesh also noted this manipulation of due process: “Authorities generally permitted defence lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred weeks or months after the initial arrest.”

### 4.1.3 Survivors testify about captivity conditions

Once abducted, victims were usually taken to secret detention facilities where they were held incommunicado and subjected to interrogation. In some cases, victims were able to see or hear others detained alongside them, forming a hidden network of witnesses that is only now becoming visible.

One survivor described how detainees in facing cells developed creative methods of communication (Code BHFI<sup>10</sup>). He recounted writing messages in the air using mirror writing so others could read them. To demonstrate this, he wrote his name in mirror writing on a Commission member’s notebook. In some instances, victims were unaware that others had witnessed their detention. One detainee told us that across from his cell was a man studying physics at a particular university. Though he did not know the name of this man, we had already received a complaint

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<sup>9</sup> 22 year old male; abducted by CTTC in 2022; disappeared for 96 days

<sup>10</sup> 16 year old male; abducted by RAB 7, RAB Intelligence and RAB 14 in 2017; disappeared for 3.5 years

from that same physicist (Code IGB<sup>11</sup>) and were able to connect the two accounts, allowing them to serve as witnesses to each other's detention.

The period between disappearance and formal arrest would be erased from the official record. During this time, victims, often accused of terrorism, were paraded before the media with planted evidence. Human Rights Watch documented such incidents in its May 2011 report 'Crossfire: Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion' noting, "When he (Masum) woke up, he was taken to his own apartment... RAB had placed seven or eight bottles of Phensedyl... on his bed. When Masum tried to protest, someone punched him again, and he was forcibly photographed with the bottles." In many cases, coerced civilian witnesses were forced to validate these fabrications.

#### **4.1.4 The logic of the sample**

The purpose of this section is to clarify why these 253 cases were selected in this sample and to explain what gives this sample its credibility. There are three reasons to treat this sample seriously.

1. First reason – *previously documented patterns*: As discussed above, the kind of patterns documented here have already been identified, documented, and analysed by independent and international bodies, albeit at much smaller scales. Thus these patterns were visible long before this report was even conceptualised. We are not claiming to have discovered new information but are reaffirming at scale what has been visible to independent actors for over a decade.

2. Second reason – *strict inclusion criteria*: The 253 cases meet the following three conditions: (a) Contemporaneous documentation: A contemporaneous general diary, news report, or legal filing was produced at the time the victim went missing; (b) Reappearance in legal custody: The victim was later produced in state custody with formal acknowledgment; (c) Testimony: The victim is alive and therefore can provide testimony about the period of enforced disappearance including descriptions of their locations of captivity. Each of these three steps is clearly evidenced.

3. Third reason – *temporal and geographic dispersion with no prior coordination*: The credibility of this dataset is further reinforced by the temporal and geographic dispersion of the cases, which span over a decade (2010-2023) and originate from diverse regions across the country. These

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<sup>11</sup> 26 year old male; abducted by DGFI, RAB Intelligence and RAB 3 in 2019; disappeared for 110 days

survivors were not part of a coordinated group, nor could they have anticipated or influenced the selection criteria later adopted by this Commission.

Most crucially, our inclusion requirement of contemporaneous documentation—i.e. GD entries, court case filings, or media reports—was not a foreseeable or obvious threshold at the time the disappearances took place. Prior to the establishment of this Commission, it would not have been clear that the primary obstacle to recognition would be the absence of such records, nor that such documentation would come to determine which cases could be credibly verified.

The victims themselves, held incommunicado, were also in no position to influence the creation of such records. The records were generated by family members, journalists, or lawyers at the time of the disappearance, long before any possibility of retrospective selection or public spotlight. As such, the consistency of these 253 accounts cannot plausibly be explained by coaching, collusion, or fabrication. Instead, their coherence across time, space, and testimony points to a systemic pattern rooted in the institutional behaviour of the security apparatus, not in individual narratives constructed after the fact.

#### **4.1.5 The central assertion**

This therefore is our central assertion: It is not impossible that, in one or two or three cases, a person might disappear and later falsely claim to have been forcibly disappeared. But it is unreasonable to believe that over 250 such people, spread out over a decade, across multiple districts, all gave similarly detailed accounts of captivity, torture, and fabricated charges, simply by coincidence. That level of coordination is implausible.

The cases in our subset are not isolated narratives. They are documented, validated, and collectively point to an institutional pattern. They enabled us to reconstruct the full trajectory of enforced disappearance, from abduction to secret detention and thereafter to fabricated arrest. They also allowed us to identify the locations of clandestine facilities based on repeated, corroborated testimonies.

The burden of explanation lies with those who would suggest that 253 individuals—all of whom were legally acknowledged by the state after their reappearance—fabricated their accounts in identical ways over a span of more than a decade. For these reasons, we assert that this sample offers a legitimate and significant body of evidence for understanding the practice of enforced disappearance in Bangladesh.

## 4.2 Differences in the sample

In this section, we provide evidence of the heterogeneity of the sample—spread across space, time, age, profession, and duration of disappearance—to support the claim that these cases do not indicate the spread of extremism or similar pathology in Bangladesh but rather reveal a coordinated, state-backed system of enforced disappearance.

### 4.2.1 Spread across time

The chart shows that abductions in this sample occurred across a wide span of time, with cases reported every year from 2010 to 2023. While the peak was in 2017, the distribution reveals that incidents were not limited to a single year or period. Instead, they occurred persistently over more than a decade, underscoring the sustained and recurring nature of the practice. This temporal spread reinforces the conclusion that enforced disappearances have been part of a long-standing pattern rather than short-term or isolated events.

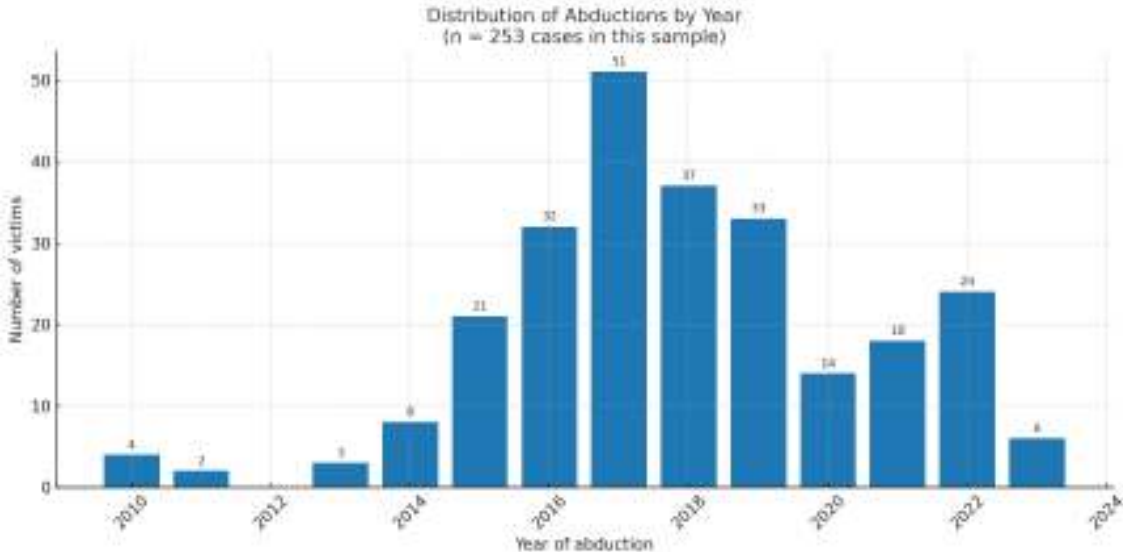


Fig 4A: Distribution of abductions by year in the sample

### 4.2.2 Spread across space

The chart shows that abductions in this sample are spread across 36 out of 64 districts in Bangladesh—covering over half the country. While a few districts have a notably higher number of cases, the presence of incidents across such a wide range of areas demonstrates this is not a



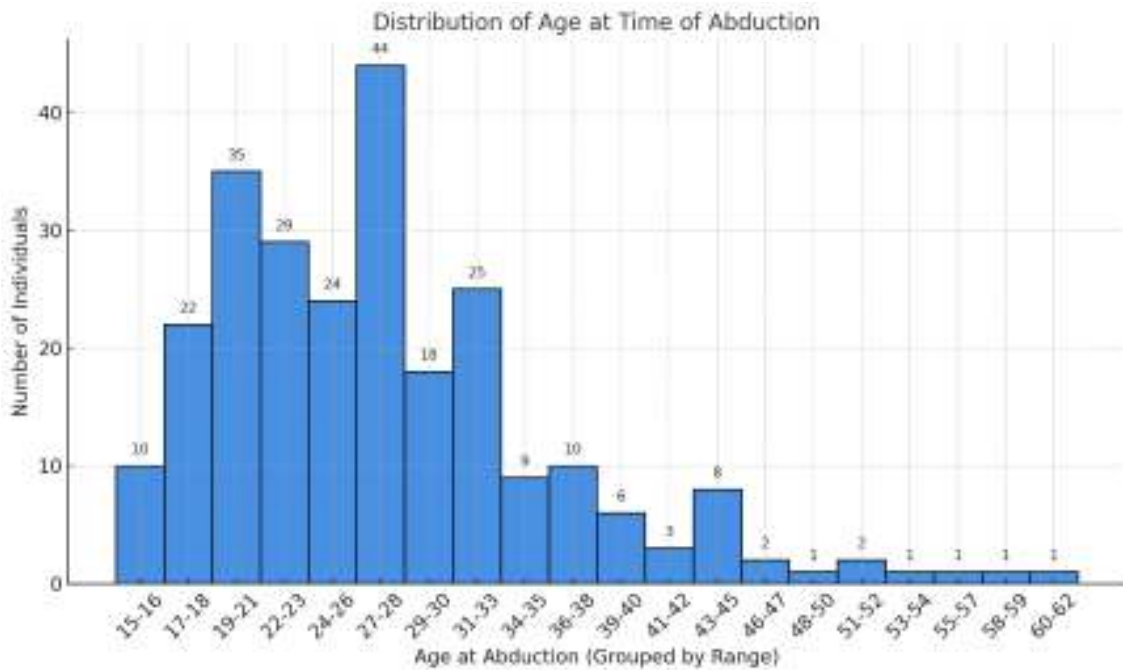


Fig 4C: Distribution of age of abduction in the sample

The peak does not occur in the teenage or early 20s range, where radicalisation is said to most commonly begin. Instead, the largest cohort falls in the late 20s, an age bracket more closely associated with political maturity and organising capacity. This suggests that the system of enforced disappearance may have been driven less by counterterrorism objectives than by an intent to neutralise perceived political threats. The pattern in the chart can support this interpretation.

#### 4.2.4 Spread across professions

Out of a total sample of 253 victims, 228 disclosed their professions, while 25 did not. Among those who did, the data reflect a wide range of backgrounds—students, businesspeople, teachers, private service holders, journalists, day labourers, and others—indicating that individuals from many different sectors were affected. However, the higher numbers among students and businesspeople suggest that certain professions were more heavily targeted, pointing to a pattern in how different groups experienced the impact of abductions.

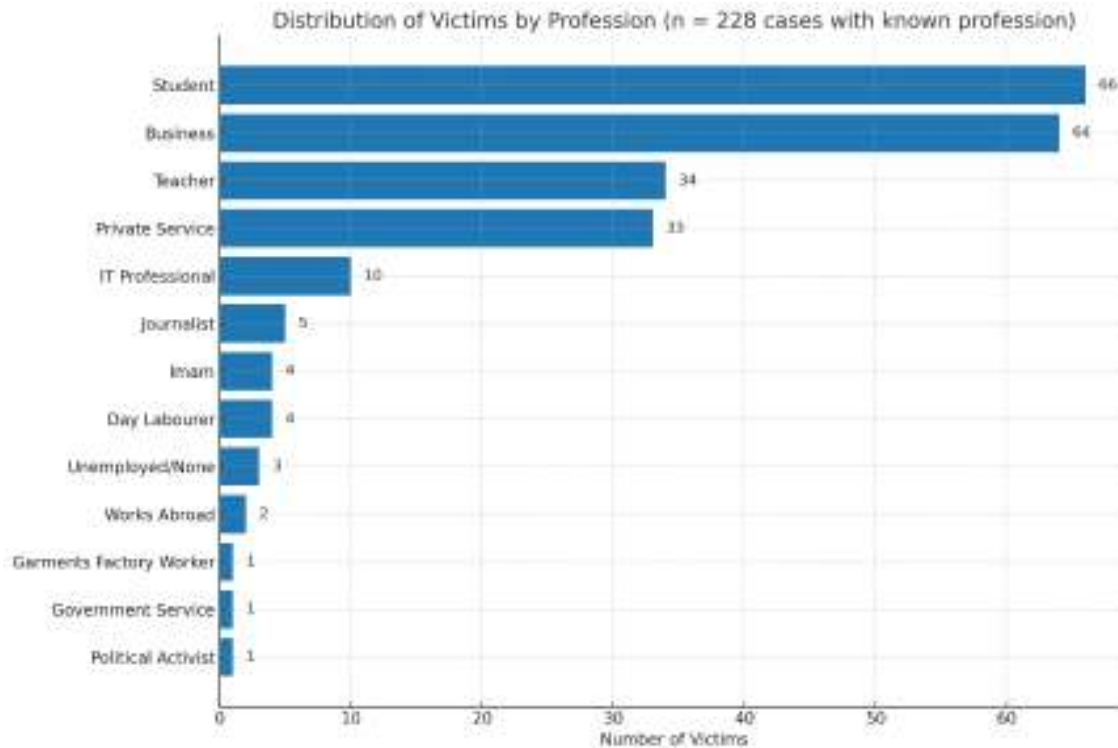


Fig 4D: Distribution of victims’ profession in the sample

This pattern becomes more telling when considered alongside the age data. The peak age of abduction falls in the late 20s, aligning closely with professions such as business, teaching, and private service, which typically involve individuals with growing social or organisational influence. While students also make up a large share of victims, many in this category are older, including postgraduate or politically active individuals. Together, the data suggests that abductions may not have been primarily about deterring youthful radicalisation but instead aimed at suppressing those already engaged in or capable of political organizing.

#### 4.2.5 Arbitrary custody gaps, i.e. periods of enforced disappearance

The distribution of enforced disappearance durations reveals both the unpredictability and psychological toll of the practice. In this sample of 253 cases, victims were held for vastly differing lengths of time – from a single day to over five years. While the median duration of disappearance was 47 days, a significant number of individuals were missing for several months or even years, with outliers extending beyond 1800 days.

The median means half of the victims were held for less than 47 days, and half for more, and is a more reliable indicator than the average in a dataset skewed by extreme cases. The use of a broken y-axis below helps to visually emphasise the existence of these long-term disappearances without diminishing the scale of more common ones. Crucially, the lack of consistency in duration, and the absence of clear justification for why one person is held longer than another, reinforces the extrajudicial and punitive character of the system.

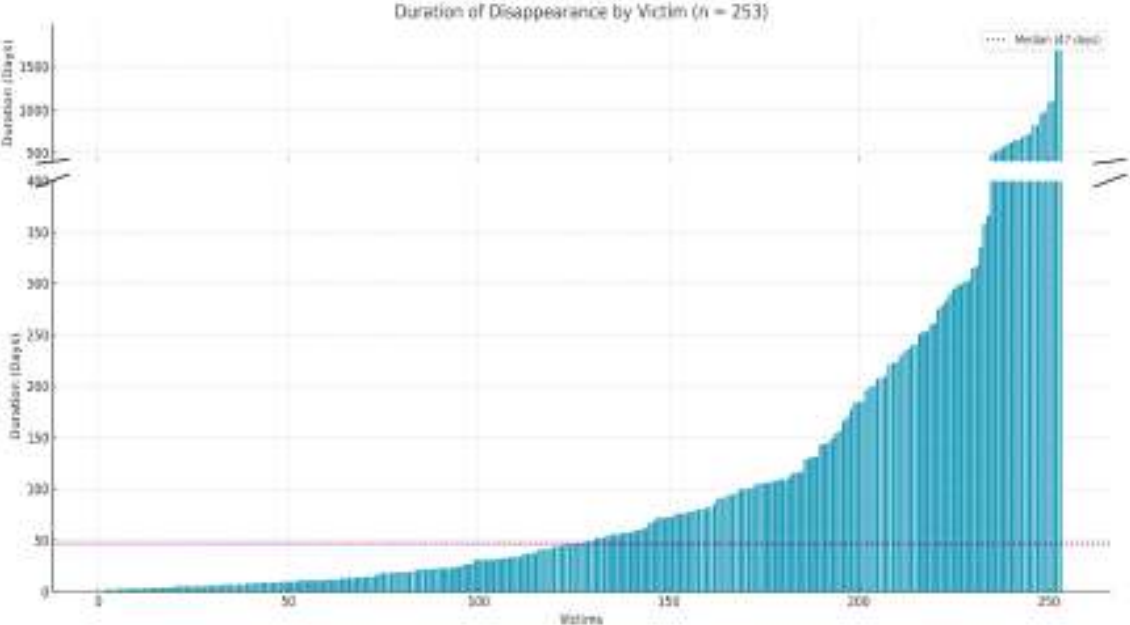


Fig 4E: Duration of disappearance of victim in the sample

The patterns suggest that these were not merely isolated or operational decisions based on individual risk or case complexity, but part of a broader apparatus of intimidation and control. If the variation in how long victims were disappeared had followed some legal or operational logic, we might expect consistent categories—shorter durations for less severe cases, longer for those considered greater threats. Instead, the data shows arbitrary and extreme inconsistencies.

Combined with other patterns, such as the use of plain clothes, blanket terrorism charges, and targeting of politically active or organising-age individuals, the durations appear less a matter of intelligence gathering or national security, and more a method of governance by fear. The uncertainty of how long one might be disappeared becomes, in itself, a tool of repression.

## **4.3 Similarities in the sample**

In this heterogeneous sample, what stands out are the notable categories of homogeneity. For example, victims show striking similarity in their political identification, mode of disappearance, religion, and gender. Many cases also involve multiple security agencies, and there are consistent patterns in media coverage. Furthermore, as we will discuss in the next chapter, despite the diversity in locations and timing of abductions, there is a remarkable uniformity in the judicial treatment of victims, including the coercion used when taking statements, the specific laws invoked, and the language of the charges.

### **4.3.1 Similarities in political identity**

As a whole, we find that victims are often hesitant to disclose their political affiliations—a reluctance that appears to stem from the legacy of the 15-year Sheikh Hasina regime. Many of those who were forcibly disappeared seem to have held oppositional political views, but the trauma associated with their disappearance makes it particularly difficult for them to acknowledge their political identity openly. It is common for victims to initially deny any political involvement; however, as interviews progress, their past affiliation with an opposition party is often revealed, sometimes involuntarily. This lingering fear remains palpable throughout the process.

As a Commission, we have found it difficult to press victims on this point out of concern that they might misinterpret our intentions. We were mindful not to create the impression that we sought to politicise their experiences or show bias towards or against any particular party. As such, we approached the matter with sensitivity and did not insist when the victims were unwilling to disclose such information.

Nonetheless, in a number of cases, the victims did voluntarily acknowledge their political background, either in writing or during oral testimony. Of the 253 complaints under examination in this interim report, we were able to determine the political affiliation of 101 individuals, which constitutes approximately 40 percent of the sample. It is important to reiterate that these 253 cases represent a specific subset of the nearly 1800 complaints currently in our possession. Only those cases for which official documentation exist at the point of abduction, who are alive, and who resurface with a case filed against them by a security force were included in this sample.

The political affiliation data derived from this subset, therefore, should not be assumed to reflect the exact proportions found across the full dataset. When the broader pool of cases is examined,

the distribution across different opposition parties do shift. However, one trend has remained consistent throughout our inquiry: individuals affiliated with opposition political parties are significantly overrepresented among the victims, as compared to supporters of the then ruling party. This observation is supported by the data, even though the exact proportions vary across subsets.

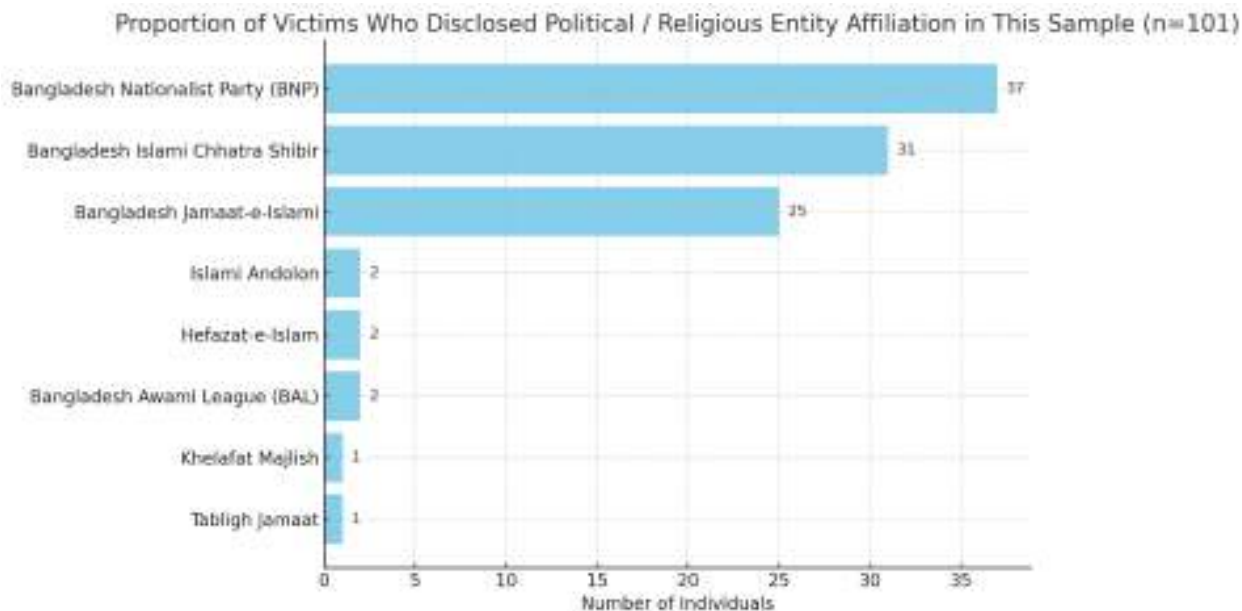


Fig 4F: Disclosed political/religious entity identity in the sample

Within this group of 101 individuals who disclosed their political affiliations, the vast majority identified with what were, at the time, opposition political parties. Only two individuals were associated with the ruling regime. In the rare cases involving supporters or activists of the ruling party, we usually find the enforced disappearances appear to be the result of intra-party factional disputes, personal property conflicts, or other criminal dynamics unrelated to political dissent. In the two instances from our present sample of 253, for example, as far as we have been able to determine, enforced disappearance within Awami League happened because of intra-party dispute regarding upazila parishad elections (Code BGCE<sup>12</sup>) and political mobilisation (Code ECI<sup>13</sup>).

Beyond the demographic breakdown, the political imperative underlying the system of enforced disappearance is also evident in the nature of interrogation described by the victims. Many reported being questioned extensively and explicitly about their political identities, affiliations, and roles.

<sup>12</sup> 38 year old male; abducted by RAB 15 and RAB 7 in 2022; disappeared for 1 year and 5 months

<sup>13</sup> 26 year old male; abducted by RAB Intelligence and RAB 1 in 2017; disappeared for 48 days

We elaborate on two such cases below, where the victims were interrogated by officials from different agencies but were subjected to similarly politically charged questioning.

Despite the differences in the institutions—one being DGFI and the other RAB—and in the professional backgrounds of the interrogators—military versus police—what stands out is the striking similarity in the nature of questioning of the victims. In both cases, the focus was heavily centred on political information: the victims were repeatedly asked about their political identities and associations. This pattern underscores a broader structural reality, which is that the Awami League regime's system of enforced disappearance was constructed with a clear political imperative that also happened to serve other purposes as and when needed.

Code BHHH<sup>14</sup> is a BNP activist who was held at DGFI's JIC, where he was interrogated by military officers, as only military personnel were assigned to that role at that location during the relevant period. He recalls being questioned about BNP leaders:

তারা বুঝায় দিল যে, “আমরা সব আপনার সম্বন্ধে জানি।” আমি বিএনপি করি। ম্যাডামের সাথে চলি। এগুলো সবই তারা জানে। ... “আপনি আমাদেরকে আগে বলেন, আপনি বেগম খালেদা জিয়ার জন্য কি করতেন?” আমি পার্টি করি। আমাকে যখন যে টাস্ক দেওয়া হয়, আমি টাস্কটা ফলো করি। ... ওরা জিজ্ঞেস করছে: “উনার সেফটি সিকিউরিটিতে কোন কোন দেশ ইনভলভ? কারা তাকে সহযোগিতা করে?” আমি বলেছি, “আমি জানি না।” ... তো যখন বলছি জানি না, তখন বলল যে, “দেখেন, আপনি যত আমাদের সাথে নন-কোঅপারেশন করবেন, আপনার জন্য দিন তত খারাপ হবে।” তখন বলল যে, “আপনি এম্বাসিগুলোতে যেতেন। এম্বাসি থেকে গিফট আসতো। উনি গিফট দিত। এগুলো গিফটে কি ছিল?” আমি বললাম, “আমি জানি না।”

তখন মনে আছে, একটা জোরে—মানে হাতুড়ি না কি দিয়ে—বাড়ি মেরেছে জানি না, মানে আমার হাঁটুর মধ্যে। আমার তখন গলায় আওয়াজ আটকে গেছে পুরা। মানে এত জোরে লেগেছে, আমি তখন আর কথা বলতে পারছিলাম না। তো পাশ থেকে আরেকজন ইয়াং অফিসার তখন চিল্লাচ্ছে, “স্যার, একে শেষ করে ফেলি! এই করে ফেলি, ওই করে ফেলি!” তো অন্যজন বলছে, “না, মুখ খুলবে। কয়দিন বন্ধ রাখবে?” তো তখন, ওইদিন ওখানে শেষ। ...

দুই-তিন দিনের মাথায় আবার ছুট করে নিয়ে গেল। নিয়ে গিয়ে আবার শুরু করল, “আচ্ছা, আপনার সাথে তো ওইদিন এই কথা হয়েছিল। আপনি কি এখন রেডি বলার জন্য?” আমি বললাম, “আমি কিছু জানি না।” তো বলছে, “তারেক রহমানের একাউন্ট ডিটেইল বলেন—কোন কোন জায়গায় তার টাকা থাকে।” আমি বললাম, “ভাই, আমি জানি না। আই ডোন'ট নো। সিম্পলি ডোন'ট নো।” তো বলছে, “ম্যাডাম জিয়ার টাকা কোথায় দিয়েছেন? কোথায় রাখেন?” আমি বলি, “আমি জানি না।” তখন আবার দিল—আমার দুইটা নি ক্যাপ, মানে তারা দিল [বাড়ি আবার]। তারপর ফেলে রাখলো। ... তাদের মূলত কথা ছিল দুইটা জিনিস - বেগম খালেদা জিয়ার একাউন্ট কোথায় কোথায়? তারেক রহমান সাহেবের

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<sup>14</sup> 42 year old male; abducted by DGFI and DB in 2017; disappeared for 129 days

একাউন্ট কোথায় কোথায়? বেগম খালেদা জিয়া এবং তারেক রহমানকে কোন কোন দেশ থেকে সহযোগিতা করে বা করে কিনা, কারা করে? এগুলো জানতে চায়। (4-4)

Conversely, Code BHGH<sup>15</sup> was interrogated at RAB 2 by a police officer whose identity we have been able to confirm. He was questioned, whilst being waterboarded, about his Jamaat Islami-Shibir affiliation:

আমারে চিৎ করে শোয়ায় দিছে। দিয়ে দুই হাতের মধ্যে আর দুই পায়ের মধ্যে বাঁশ ঢুকায় দিছে। তারপর হাত-পায়ের উপরে চারজন উঠে বসে। এরপর মুখের উপরে একটা কাপড় দিয়ে উপর থেকে পানি ঢালতেছিল। যেটাকে আমি কিছু বই পুস্তকে পড়ছিলাম। এর নাম হবে ওয়ারটার বোর্ডিং। তো ওই মাইরটা আমি নিতে পারতেছিলাম না। আমার মনে হয় যে যে কোনো সেকেন্ডের মধ্যে আমি মারা যাবো, আমার শ্বাস বন্ধ হয়ে যাবে। তো ওরা মনে হয় হার্ট চেক করতেছিল যে হার্ট বন্ধ হয়ে যায় কিনা। দুই-আড়াই মিনিট, তিন মিনিট এইটা দিছে।

আর জিজ্ঞেস করছে, “বল, তুই জামাতের? তুই শিবিরের? তুই কি করস?” আমি বলছি যে, “দেখেন, আমি এক সময় ছাত্র শিবির করতাম, এখন আমি করি না। আমি এটা অনেক আগেই ছেড়ে দিছি, ২০১৪ সালের পর থেকে আমি কোন রাজনীতি করি না। আমার বাবা মারা যাওয়ার, ভাই মারা যাওয়ার পর থেকে আমি আসলে পড়াশোনা করে একটা চাকরি নেওয়ার চেষ্টা করছি।” এই নানান প্রশ্ন। “তুই কেন ফজরের নামাজ জামাতে পড়স? মেয়েদের সাথে তোর কোন রিলেশন নাই কেন?” এই সব। ... ওয়ারটার বোর্ড করার মাঝে মাঝে এটা জিজ্ঞেস করে। ওইটা থামায় থামায় কোশ্চেন গুলো করতেছে। ... আমার মনে হয় দুই মিনিট পর আমি সেন্সলেস হয়ে যাই। সর্বশেষ শুধু একটা গালি শুনছিলাম যে, “রাজাকারের বাচ্চা”। এরপর আমার হুশ ছিল না। এরপর আমি বেহুশ হয়ে গেছিলাম। ...

জিজ্ঞাসাবাদের সময় প্রশ্ন করত আমার কেন গার্লফ্রেন্ড নাই? ... তখন আমার মুখে আরেকটু বড় দাড়ি ছিল – “কেন মুখে বড় দাড়ি? টাকনোর উপর কেন প্যান্ট পড়ি?” এই নানান কোশ্চেন। “আমার ভাই কেন জামাতে ইসলামী করত?” তো এগুলো বলছে, আর ফাঁকে ফাঁকে উনি খুবই বাজে গালি দিত। ... আমি জাস্ট কান্না করতেছিলাম আর বলতেছিলাম, “স্যার, আমি মিথ্যা কিছুই বলতেছি না। আপনি আমার কথা বিশ্বাস না হইলে আমার এলাকায় যাইয়া খবর নিয়ে দেখেন। আমি মিথ্যা কিছু বলতেছি না। আমি সবই সত্য বলতেছি। আমি এক সময় শিবির করতাম, এখন শিবির করি না, স্যার। আমার ভাই জামাত করতো, সে মারা গেছে। আর আমার পরিবারের অন্য কেউ জামাত-শিবিরের সাথে সরাসরি নাই।” তখন বলছে, “না, তোর বাপেও জামাত করছে।” আমি বলছি, “না, বাবা কখনো জামাত করে নাই। সে ইসলাম প্রিয় মানুষ ছিল, ধর্ম-কর্ম মানতেন। আমার পরিবার ধর্ম-কর্ম করে, তারা জামাত করে না। আমি শিবির করছি, ভাইয়া জামাত-শিবির করছে।” ...

আরো দুইটা জিনিসে খুব ফোকাস করছে। আমরা সাত-আট জন মিলে রোহিঙ্গাদের হেল্প করার জন্য একটা টিম করে গেছিলাম। আর কোন কিছু না। তো ওইখানে কেন গেছিলাম? তাদেরকে কেন হেল্প করছি? আর ভারত-পাকিস্তান। আমার কোনটাকে ভালো লাগে, এই টাইপের। ... প্রশ্নটা বলছে যে, “তোর কি ভারত ভালো লাগে? বাংলাদেশ-ভারত-পাকিস্তানের মধ্যে কাদেরকে ভালো লাগে? বাংলাদেশকে স্বাধীন ভালো লাগে?”... তারপর বলছে যে, “রোহিঙ্গাদেরকে তোরা হেল্প করতে গেছস। তোরা আসলে কী চাস? রোহিঙ্গাদেরকে তোরা কি এই দেশে রাখবি? রাইখা দিতে চাস, নাকি ফেরত

<sup>15</sup> 19 year old male; abducted by RAB 2 in 2017; disappeared for 10 months

দিতে চাস? রোহিঙ্গাদেরকে তোরা কি এরকম তোর জামাত-শিবিরের মত জঙ্গী বানাবি? তোদের চিন্তা-ভাবনা কি?” আমি বলছি যে, “দেখেন, আমার এই ব্যাপারে কোন চিন্তা-ভাবনা নাই। ওদের কষ্ট দেখে আমরা জাস্ট একটা টিম করে টাকা-পয়সা কালেক্ট করে ওদেরকে হেল্প করছি। ওদেরকে আসলে কোন কিছু বানানো বা ইসলামী মানুষ বানানো, এরকম আমার কোন চিন্তা ছিল না।” এই জিনিসগুলো নিয়ে ফোকাস করছে বেশি। আর জামাতের-শিবিরে আমি কোন পদে আছি? কি করি? (4-5)

### **4.3.2 Similarities in the mode of disappearance**

Of the 233 individuals who disclosed information about the appearance of their abductors, 221 reported that the men were in plain clothes rather than in uniform. This overwhelming pattern reinforces the covert and extrajudicial nature of these operations, where official identity was deliberately obscured. The use of “civil dress” was a calculated tactic to avoid institutional accountability, heighten fear, and complicate efforts to trace responsibility. The consistency of this practice across such a wide range of cases suggests it was not incidental, but a standardised method of operation.

### **4.3.3 Similarities in religion and gender**

Out of the 253 cases, the vast majority of victims are Muslim, with only two involving Hindus. Similarly, nearly all victims are male, with just two female victims. This pattern aligns with the overall profile of enforced disappearances in Bangladesh, where Muslim men have been disproportionately targeted. It also reflects challenges in encouraging female victims to come forward and lodge complaints.

Whilst this data alone does not rule out the possibility that victims were targeted solely on suspicion of extremism, it clearly suggests that not all were singled out for that reason. In a Muslim-majority country like Bangladesh, with a large population of politically active Muslim men, the targeting may also have been primarily political. This interpretation gains further weight when considered alongside other data on political identity.

The low number of female victims may reflect a focus on individuals with organisational roles or street-level mobilisation capacity, positions typically occupied by male activists. Additionally, the inclusion of Hindu victims, disappeared for political reasons, indicates that the repression extended beyond allegations of Islamic extremism and into a wider political crackdown.

### 4.3.4 Multi agency involvement

Out of the 253 cases in this sample, 138—i.e. about 55%—involve multi-agency participation. In these cases, one agency carries out the initial abduction and subsequently transfers the victim to another, often involving a third or even fourth agency before the person is ultimately produced before a court.

This degree of coordination has two major implications. First, it appears to serve as a mechanism for masking culpability, diffusing responsibility across multiple institutions so that no single agency bears full accountability. Second, and more significantly, it reveals a high level of inter-agency cooperation, pointing to a deliberate and systematic repression apparatus operated at the state level.

Notably, such multi-agency involvement is most frequently observed in cases connected to RAB Intelligence and DGFI. Intelligence agencies such as these typically do not engage directly with the criminal justice system. They do not file formal charges or produce detainees before the court. Instead, victims are transferred to police or other law enforcement units that possess the legal authority to initiate judicial proceedings. Therefore, multi-agency coordination is a necessity for them.

The coordination between agencies is not only institutional but operationally visible. Victims frequently report being blindfolded and transported in vehicles, only to be stopped mid-transit and handed over to a different team. In many such cases, the blindfolds and handcuffs are physically replaced during the transfer. We infer that each agency uses its own equipment, suggesting a meticulous administrative process during these handovers. This level of detail reinforces the conclusion that such practices are not ad hoc, but part of an organised state security framework.

Importantly, we are attempting to assess agency-level culpability based primarily on victim testimony. Victims are often unable to clearly identify the specific agencies involved, either due to being blindfolded, disoriented, or afraid. In this context, the identification of 138 cases with confirmed multi-agency involvement is in itself a significant finding. The true number may well be higher.

In contrast, cases involving CTTC show a different operational pattern. Multi-agency involvement in such cases is relatively attenuated. Typically, one CTTC team is responsible for the abduction, another for producing the individual before court or filing charges, and a third for presenting

witnesses to substantiate the case. Unlike other agencies, CTTC and DB appear to have more in-house mechanisms for handling the entire cycle from disappearance to legal proceedings. Other forces lack such integrated structures and thus rely more heavily on inter-agency transfers.

Taken together, these findings not only highlight the structural complexity of enforced disappearance practices in Bangladesh but also underscore the extent to which institutional coordination facilitates abuse while shielding perpetrators from accountability. The prevalence of multi-agency operations points toward a centrally managed, state-directed system of repression that is both deliberate and highly organised. A simple counterterrorism operation would not require such cover.

### **4.3.5 Similarities in media treatment**

At the end of their period of enforced disappearance, law enforcement agents held press briefings where most of the individuals in our sample were paraded before cameras, usually branded as terrorists. For the victims, being made to appear before the media (called “মিডিয়া করা” or “doing media”) was a double-edged sword.

On one hand, it meant they would not be killed, and announcing they were held in custody meant they could enter the criminal justice system formally. On the other hand, it ensured their reputations would be permanently besmirched through a media trial. Their names, photographs, and alleged crimes were announced publicly before any formal charges or court hearings, denying them the opportunity to respond or defend themselves. Police narratives would dominate the media coverage, shaping public perception and prejudging guilt before judicial verdicts.

Even if acquitted later, the criminal label often lingered in public memory and online records, creating grave challenges for employment, education, and travel for years to come. Code CIC<sup>16</sup> described being denied US visa, even six years after the incident, despite receiving two post-doc offers from renowned universities. During the visa interview, he reports, “Embassy staff clearly told me that because there is a case against me, it is not possible to grant me a visa.” He was acquitted in the case filed against him by RAB.

As a result of the public shaming, in many cases, their friends and neighbours would shun these victims out of fear that they themselves could become involved in terrorism investigations. Code

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<sup>16</sup> 30 year old male; abducted by RAB 2 in 2018; disappeared for 5 days

BIAI<sup>17</sup> recalls that even her mother’s political party colleagues abandoned the family when she was disappeared and later branded a terrorist, with the situation changing only after the 5 August changeover: “দুঃসম্পর্কের মানুষ অনেকে আগে রিউমার ছড়াতো যে, মেয়ে জঙ্গি হয়ে গেছে। আমার আব্বুকে অনেক টলারেট করতে হয়েছে। তবে এখন পরিস্থিতি চেঞ্জ হয়েছে এবং তারা নিজেরাই স্বেচ্ছায় আমাকে দেখতে চায়, কথা বলতে চায়। বাড়িতে যাওয়ার জন্য বারবার রিকোয়েস্ট করে। এখন পরিস্থিতি চেঞ্জ হয়ে গেছে।” (4-6)

The High Court of Bangladesh has repeatedly condemned media trials as unconstitutional and illegal. In the case of *The State v. Mr. Swadesh Roy*, the Appellate Division of the Supreme Court stated (44 CLC (AD) 49): "Any publication during the pendency of any matter in any Court of law, which tends to interfere with the course of justice in any substantial or real manner by prejudicing the mind of the public against persons concerned in the case before the cause is finally heard, is also contempt... We should not permit anyone to poison the fountain of justice. This would be a grave interference with the administration of justice." This ruling reaffirms the danger of prejudicial reporting and establishes that media influence, regardless of intent, can erode the foundational impartiality of the judiciary and undermine the administration of justice.

The type of media coverage was divided into two: one uncritically repeated the state narrative, while the other raised some questions about it. The scepticism was usually not about the substance of the accusation. Instead—often based on statements from family members—the reports would question the timing of the person’s arrest and possible detention. For instance, Kaler Kantha covered BNP activist Code BAB’s<sup>18</sup> predicament as: “দুজনকে গ্রেপ্তারসহ ২৯ জনের বিরুদ্ধে র্যাব-১০ সোমবার একটি মামলা করেছে। ... তাঁরা ফেসবুকসহ বিভিন্ন সামাজিক যোগাযোগ মাধ্যমে সরকারবিরোধী অপপ্রচার চালিয়েছেন বলে অভিযোগ করা হয়েছে।” (4-7) The report questions the state’s narrative with: “স্বজনদের দাবি, গত ২৮ অক্টোবর ‘পিএস টার্ন’ নামের একটি লঞ্চ থেকে জুলভার্নকে ‘প্রশাসনের লোক’ পরিচয়ে তুলে নেওয়া হয়। নিখোঁজ হওয়ার ৯ দিন পর মঙ্গলবার মিরপুর থানায় জুলভার্নকে ডিজিটাল নিরাপত্তা মামলায় গ্রেপ্তার দেখানো হয়েছে।” (4-8) Whilst it indicates the victim was taken into custody well before RAB acknowledged it, the substance of the accusation remained largely unchallenged.

The instances we have noted where the narrative is fully challenged were usually where a political party directly intervened to register their disagreement. For example, on 5 August 2010, The Daily Star published a report headlined “RAB Claim Shibir link with Outlaws”: “The Rapid Action Battalion yesterday claimed to have found link between Islami Chhatra Shibir and banned Islamist

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<sup>17</sup> 24 year old female; abducted by the police in 2018; disappeared for 14 days

<sup>18</sup> 59 year old male; abducted by RAB 10 in 2018; disappeared for 10 days

outfits. The elite force claimed that Shibir operatives are collecting arms and explosives from the outlawed organisations to carry out subversive activities in the country.” Shibir provided an addendum, that was published in the same article, arguing: “Meanwhile, in a press release, Islami Chhatra Shibir yesterday alleged that Rab personnel planted the fire-arms and ammunition at the residences of its activists and made the arrests when the activists were in sleep.”

Such instances, however, were few and far between. In the vast majority of cases, we found the media simply parroted the information provided to it by law enforcers who labelled their enforced disappearance victims as terrorists, with no attempt to provide any contrarian accounts whatsoever.

## **5. Weaponised criminal justice system**

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This section demonstrates how Bangladesh’s criminal justice system—particularly its courts and prosecutorial mechanisms—has been systematically weaponised to suppress political dissent and insulate State actors from accountability. Through an analysis of case patterns, legal distortions, and institutional incentives, the Commission submits that the justice system has been repurposed to serve political objectives, shifting from its foundational role of upholding rights and ensuring due process to one of legitimising repression and criminalising opposition.

### **5.1 Coerced statements**

Across numerous testimonies spanning different districts, years, and agencies, a disturbingly consistent pattern emerges in the extraction of confessional statements from the victims of enforced disappearances and arbitrary detentions. The uniformity of these accounts suggests a coordinated method of producing alleged self-incriminating statements through coercion, procedural violation, and institutional complicity.

#### **5.1.1 Threats and coercion as standard practice**

Victims were clearly told that unless they signed the Section 164 confessional statements and repeated to the Magistrate what they had been instructed to say, they would face severe consequences. Over the years, individuals detained by various security forces have consistently described direct threats, physical violence, and psychological coercion during custody. These included threats of death, prolonged disappearance, harm to family members, and repeated torture. In many cases, victims were warned that refusing to follow the dictated narratives would lead to death or fabricated charges of even greater severity.

**Code EDB:**<sup>19</sup> “আমাকে সারা রাস্তা বলে রাখছে, তুই যদি উল্টাপাল্টা করিস বা ১৬৪ না দিস, তাহলে তোর ওয়াইফকে নিয়ে আসবো। তোকে ইচ্ছামতো মারবো। ... আমাদের এখানে কোনো রুলস নাই, বা কেউ কিছু করতে পারবে না।” (5-1)

**Code BGBJ:**<sup>20</sup> চার মাস পরে নিয়ে গেল, “আমাকে চোখ বেঁধে নিয়ে গিয়ে বলতেছে, তুমি কি এখান থেকে বের হতে চাও, নাকি এভাবেই জীবন শেষ হয়ে যাবে?” আমি বললাম, “অবশ্যই আমি এখান থেকে বের হতে চাই।” তখন বলে, “ঠিক আছে, তাহলে আমরা যে কথাগুলো বলবো, তুমি কোর্টে ম্যাজিস্ট্রেটের সামনে তাই বলবা। ... তুমি যদি এটা বলো, তাহলে তুমি এখান থেকে বের হবা। আর যদি না বলো, তাহলে এখানে তোমাকে ক্রসফায়ার দিয়ে দিব, তুমি মরবা।” (5-2)

**Code BBHJ:**<sup>21</sup> একটা কাগজ লিখে দিয়েছেন, “এইভাবে এইভাবে তুমি স্বীকারোক্তি দিবা। আর না হলে তোমাকে বাঁচায় রাখবো না। যদি স্বীকারোক্তি না দাও, তাহলে তোমাকে মেরে ফেলা হবে।” ... আমি প্রথমবার দিতে চাইছিলাম না। ম্যাজিস্ট্রেট সাহেব ডাক দিয়ে বললেন, “আপনাদের আসামি তো ভালো করে স্বীকারোক্তি দিচ্ছে না।” তারপর উনারা আমাকে বাইরে নিয়ে গেছেন। বাইরে নিয়ে গিয়ে শাসিয়েছেন। ... আমি ম্যাজিস্ট্রেট সাহেবের কাছে কেঁদে কেঁদে বললাম, “স্যার, আমাকে আমার ভাইয়ের কাছে যেতে দেন। আমার ছোট ছোট ভাইয়ের জন্য আমার মনটা, প্রাণটা কাঁদছে। আমার মায়ের জন্য কাঁদছে। আমার মায়ের কাছে যেতে দেন।” এইভাবে আকুতি করলাম। (5-3)

## 5.1.2 Pre-coached statements and rehearsed formats

Many victims, spread across years and secret detention centres, recount being forced to memorise scripts prepared by law enforcement officers. These scripts were rehearsed multiple times under duress and then delivered to the Magistrates, as though voluntarily made.

**Code BGIH:**<sup>22</sup> ওই বিভিন্ন জিনিস লেখাইছে, মুখস্ত করাইছে, বলছে এগুলি বলবি ম্যাজিস্ট্রেটের কাছে গিয়ে। নাইলে কিন্তু যতবার খুশি, ততবার আমরা রিমান্ড আনবো। (5-4)

**Code EAF:**<sup>23</sup> লাস্টের চার দিন সময় দিছে যে: “তোমারে চার-পাঁচ দিন সময় দিলাম, এটা মুখস্ত করবা... তুমি এই কথাগুলোই বলবা... যদি না বলো এগুলো, তা তোমারে পাঁচ-সাতটা মামলা দিয়া দিমু, আর যদি বলো, তাহলে তোমার একটা ছোট মামলা দিয়া ছেড়ে দিমু।” (5-5)

**Code EFE:**<sup>24</sup> আমাকে তারা আগে থেকেই ফরমেট সারারাত পড়াইছে, “এইটা এইটা বলবা।” সকালবেলা আবার পড়াইছে, “কোর্টে যাবা, যা যা জিজ্ঞাসা করুক, তুমি এটাই বলবা ম্যাজিস্ট্রেটের কাছে।” ... ম্যাজিস্ট্রেটকে আমি বলছি,

<sup>19</sup> 27 year old male; abducted by CTTC in 2021; disappeared for 32 days

<sup>20</sup> 28 year old male; abducted by DGF and RAB 2 in 2017; disappeared for 208 days

<sup>21</sup> 18 year old male; abducted by CTTC in 2020; disappeared for 3 days

<sup>22</sup> 45 year old male; abducted by CTTC in 2023; disappeared for 4 days

<sup>23</sup> 27 year old male; abducted by RAB 10 in 2017; disappeared for 113 days

<sup>24</sup> 19 year old male; abducted by CTTC in 2020; disappeared for 44 days

“স্যার, আমি একটু আপনার সাথে আলাদাভাবে কথা বলতে চাই...” ম্যাজিস্ট্রেটকে যখন আমি বলছি, “স্যার, এগুলো আমি করি নাই। এরা আমাকে মারধর করে, আমাকে জোর করে এগুলো বলাই দিচ্ছে।” ম্যাজিস্ট্রেট বলছে, “ঠিক আছে, আমি দেখতেছি।” কিন্তু তারপরও সে এটা আমার বিপক্ষে লেখছে। কারণ, এতদিন আমাকে গুম রাখছে, অন্য কোনদিন কিন্তু তারা ম্যাজিস্ট্রেটের সামনে আনতে পারতো না? [কিন্তু আসলে] যেদিন তাদের পছন্দের ম্যাজিস্ট্রেট ছিল, সেদিনই তারা আমাকে কোর্টে হাজির করছে। (5-6)

### 5.1.3 Absence of legal representation

Victims were frequently made to appear before the Magistrates for recording their alleged confessions without access to any counsel. The presence of legal representation at this stage, if permitted by law, may impede the application of procedural safeguards that could have prevented or challenged coerced confessions.

**Code BHCA:**<sup>25</sup> তখন জজ সাহেব বলল, “তোমাদের কোন উকিল আছে কিনা।” আমাদের গুম অবস্থায় সরাসরি ওখানে নিয়ে গেছে। কেমনে উকিল ধরবো? বললাম, “উকিল নাই।” ... তো জজ সাহেব চার দিনের রিমান্ড দিলেন। (5-7)

**Code FGA:**<sup>26</sup> কোর্টে ম্যাজিস্ট্রেট সাহেব আমাদেরকে জিজ্ঞাসা করছে, “আপনাদের তো উকিল নাই, আপনাদের কিছু বলার আছে কিনা?” তখন আমরা বলছি, “স্যার, আমাদের বলার আছে। ... আমাদের এই রিমান্ড কীভাবে হবে, আমরা তো এখানে ছিলামই না।” এইভাবে আমাদের যখন পুরো গুমের ঘটনা বর্ণনা করছি, তখন ম্যাজিস্ট্রেট সাহেব নিজেই আশ্চর্য হয়ে গেছে। উনি তখন বলছে, “আচ্ছা, ঠিক আছে।” উনি বলছে, “এই যে উনারা বলতেছে যে, উনাদেরকে গুম করে রাখা হয়েছে, তো আপনি তো বলতেছেন যে আপনারা গত পরশুদিনে উনাদেরকে গ্রেফতার করছেন, তাহলে এখন কি জবাব দিবেন?” তো তখন আমাদেরকে যে রিমান্ড চেয়েছিল, চট্টগ্রামের একজন পুলিশ কমিশনার, উনি বলছে, “উনারা ট্রেনিং প্রাপ্ত। ট্রেনিং প্রাপ্ত না হলে কি এই ভাবে বলতে পারে?” কারণ বলতেছে, “ওরা যদি গুমে থাকে, তাহলে ওদের মোচ কাটা কেন? ওদের পরনে পরিষ্কার পোশাক কেন?” অথচ মিডিয়াতে শো করার আগের দিন মোচ কেটে, পরিষ্কার পোশাক দিয়ে আমাদেরকে নিয়ে আসা হয়েছে। ... পরবর্তীতে ম্যাজিস্ট্রেট সাহেব আমাদের তিন দিনের রিমান্ড মঞ্জুর করে এবং বলে, “উচ্চ আদালতের নির্দেশনা অনুযায়ী, কোন ধরনের নির্যাতন বা শারীরিক টর্চার ছাড়া রিমান্ড শেষ করতে হবে।” (5-8)

### 5.1.4 Judicial apathy or inaction

Multiple testimonies indicate that the Magistrates failed to meet the minimum legal requirement of verifying whether confessions were made voluntarily. Victims reported being brought before the magistrate by the officers who had tortured them, with no opportunity to speak freely, at which point they would be remanded to custody. In some cases, the Magistrates appeared disinterested

<sup>25</sup> 25 year old male; abducted by RAB 11 in 2019; disappeared for 13 days

<sup>26</sup> 20 year old male; abducted by DGFI, RAB 2 and RAB 7 in 2016; disappeared for 315 days

or rushed, merely rubber-stamping the statements without inquiries. In certain cases, the victims stated the contents recorded in the confessional document bore no resemblance to anything they had said. This suggests not just coercion, but direct fabrication.

**Code BDAH:**<sup>27</sup> আমি বললাম, “স্যার, আপনার সাথে আমার অনেক কথা আছে। উনাদেরকে [অর্থাৎ পুলিশকে] আপনি বের করেন রুম থেকে।” মাহমুদুল হাসান স্যার বলছে, “উনারা বের হবে না, যা বলার এখানে বল।” আমি বলছি, “স্যার, আমাকে উনারা গুম রাখছে। আমার বাবা-মা জানে না আজ পর্যন্ত আমি বেঁচে আছি কি মরে গেছি। ... এই যা লেখছে, আমাকে মুখস্ত করানো হইছে। স্যার, আমি এই সম্পর্কে কিছুই জানি না।” মাহমুদুল হাসান স্যার কম্পিউটারে টাইপ দিয়ে অনেকগুলি লেখা কেটে দিছে। আরও লেখা বড় ছিল। “কই দেখো, অনেক লেখা কেটে দিছি, আর কাটা যাবে না। যা আছে এখানে সাইন করো।” আমি বললাম, “স্যার, আপনার সাথে আমার কথা আছে। স্যার, আমার সামনে পরীক্ষা। স্যার, আপনি উনাদেরকে বের করেন।” কোনভাবেই উনাকে আমি ম্যানেজ করতে পারলাম না। পরবর্তীতে যখন আমি এটা পড়তে গেলাম আবার, ম্যাজিস্ট্রেটের লেখাটা, তখন উনি আমাকে বলতেছে, “তোমার তো এত জায়গা-জমি নাই যে আমি লিখে নিয়ে যাব। সাইন করতে বলছি, সাইন করো।” ... আমাকে উনি কোন সুযোগ দেয় নাই। কোন সময় দেওয়া হয় নাই।” (5-9)

**Code EBG:**<sup>28</sup> ১৬৪ করছিল, কিন্তু ১৬৪ মাইরা করছে “... আমার হাত বাঁধা, আমার দুইটা হাত বাঁধা। ... ম্যাজিস্ট্রেট আমাকে জিজ্ঞেস করতেছে আর লিখতেছে।” ... একবার জিজ্ঞেস করছে, “আপনার বাসায় কি লাইব্রেরি আছিল?” আমি বলছি, “আমার বাসায় বই ছিল, লাইব্রেরি ছিল।” “তো আপনারা কি ওখানে বসে বন্ধুবান্ধব আড্ডা দিতেন?” আমি বলছি, “মাঝে মাঝে আসতো, গল্প করতাম...” এই কথাটা আমি বলছি। কিন্তু সে এখানে যখন লেখছে, তার হাতের লেখা, সে লেখছে যে, আমি জিহাদি কর্মকাণ্ডে জড়িত ছিলাম... আমি তো তাকে এই কথাটা বলি নাই কখনো... সে তো তার মত করে লিখল। ... র্যাবের লোকরা যখন ১৬৪ রুমে ঢুকায়, তখন আমার চোখ বাঁধা। এটা যে ১৬৪ রুম, সেটাও তো আমি জানি না। র্যাবের থেকে আমাকে বলছে, “আমরা যেভাবে শিখাইছি, সেভাবে বলবি। যদি না বলস, এখান থেকে বাইর আনার পরে তুই আর জীবন দেখবি না।” (5-10)

**Code DDB:**<sup>29</sup> ম্যাজিস্ট্রেটের সামনে নিয়ে গেছে... তো আমি উনার কাছে বললাম, “এরা আমাকে সদরঘাট থেকে এরকম এরকম কইরা নিয়ে আসছে। আমাকে এদিকে আটকা রাখা এতদিন আমাকে মারছে, পিটাইছে। আমি জানি না, আমার বাসায় এরা কেমন আছে। ওরা জানে না আমি কেমন আছি...” তো উনি বলতেছে, “কি করমু ভাই? আপনার নাম তো এজহারের মধ্যে আছে।” কয়, “এখন কি করমু? যেই মামলা, আপনারে রিমান্ড তো দেওয়াই লাগে।” তো আমি বললাম, “আমি এতটা দিন এগো কাছে ছিলাম।” “কই ছিলেন?” আমি বললাম, “এই র্যাবরা দিয়া গেছে।” “র্যাবদের কাছে ছিলাম? র্যাব অফিসে ছিলেন?” বললাম, “জি।” “কি করমু এখন? এটা তো নিয়ম, দেওয়াই লাগে।” তো উনি আবার তিন দিনের রিমান্ড দিছে। (5-11)

Together, these patterns reveal that the process of extracting confessional statements in many of these cases was not merely procedurally flawed but systematically abusive as well. The

<sup>27</sup> 19 year old male; abducted by CTTC in 2017; disappeared for 28 days

<sup>28</sup> 37 year old male; abducted by RAB 11 in 2017; disappeared for 11 days

<sup>29</sup> 27 year old male; abducted by RAB 11 in 2019; disappeared for 42 days

combination of threat, scripting and absence of counsel, and judicial complicity forms a closed circuit of impunity that enables the production of legally admissible but fundamentally coerced confessions.

## 5.2 Charged under similar laws

The chart below shows the number of victims in our current sample who have had at least one case filed against them under various laws in Bangladesh. The Anti-Terrorism Act, 2009 stands out as the most frequently invoked law, with 198 victims facing charges under it, far more than any other legislation. The Explosive Substances Act, 1884 and the Arms Act, 1878 follow, with 51 and 43 victims respectively. Fewer cases were filed under the Information and Communication Technology Act, 2006 and its successor, the Digital Security Act, 2018 (9 victims), as well as the Special Powers Act, 1974 (8 victims). The over-reliance on broad national security and criminal statutes, such as the Anti-Terrorism Act, suggests a pattern of systemic criminalisation, often without regard for individualized evidence.

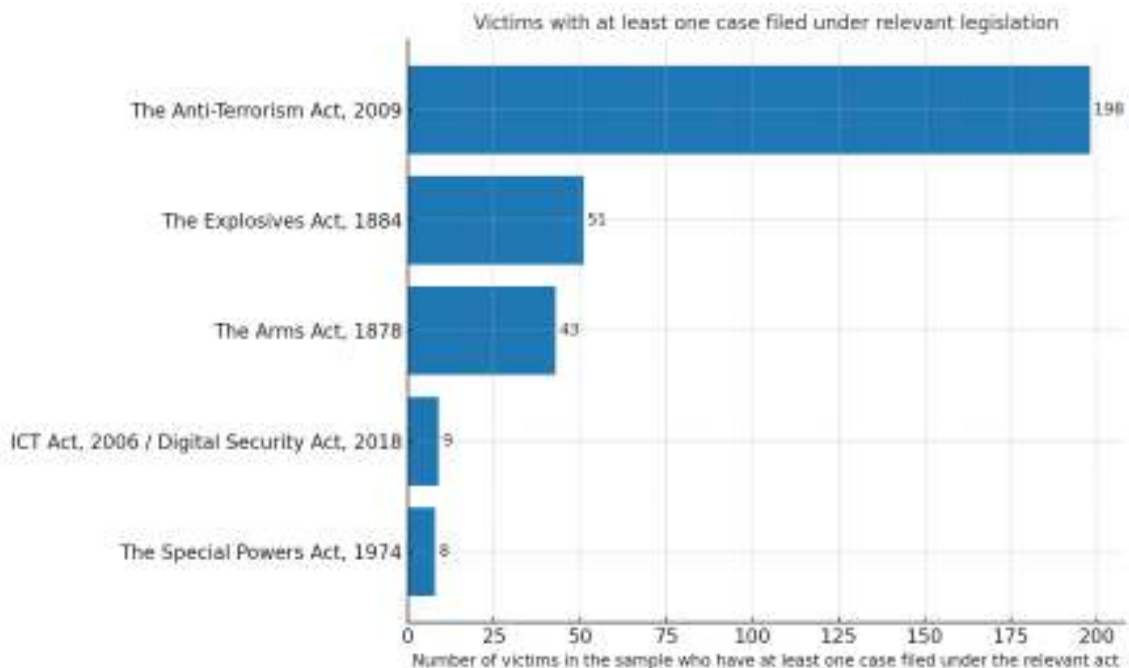


Fig 5A: Acts under which cases have been filed against individuals in the sample

What is particularly striking is that despite the wide variation in the victims' ages, professions, and years of abduction, the vast majority were charged under the same law: the Anti-Terrorism Act. This convergence suggests that these cases were not built on individual circumstances or tailored

allegations but rather reflect a systemic use of national security laws as a blanket tool for repression. Whether student or businessperson, abducted in 2012 or 2022, the uniformity of charges underscores the absence of meaningful case-by-case assessment and reinforces the impression of politically motivated criminalisation.

### 5.3 Similarities in the charges

Over the past decade, State authorities in Bangladesh have deployed a range of criminal statutes to frame charges against individuals in ways that closely resemble one another across time, location, and political context. These charges often rely on vague language, recycled accusations, and formulaic justifications that bypass evidentiary scrutiny. By analysing these charge sheets across a random sample from our subset, it became evident that a pattern of prosecutorial scripting had taken root. It portrayed dissent, protest, and ideological deviation not as acts to be judged on their individual merits, but as parts of a predetermined narrative of national threat. The examples below demonstrate how this system operates through mechanical repetition, pre-empting due process and reinforcing a culture of impunity.

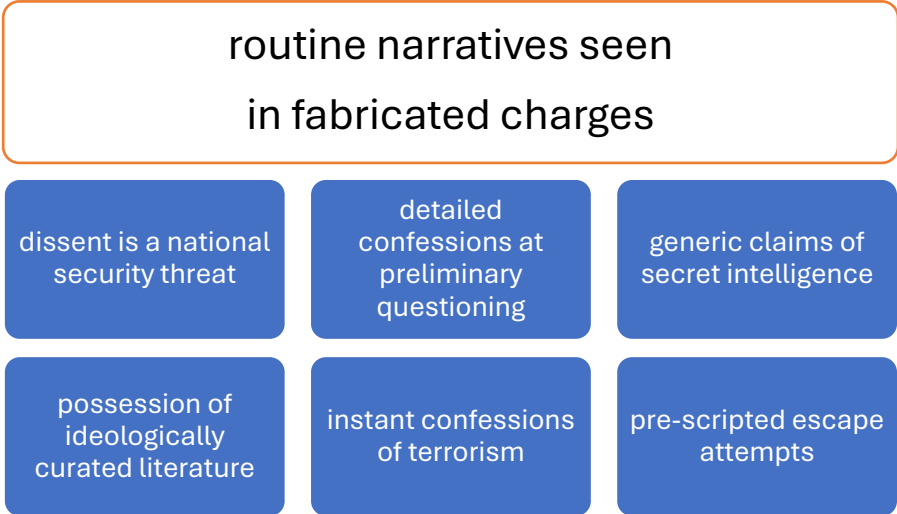


Fig 5B: Routine narratives seen in fabricated charges

#### 5.3.1 Framing dissent as a national security threat

Online expression in Bangladesh, particularly when it involved criticism of Sheikh Hasina, state institutions, or support for protest movements, was routinely framed as a threat to national security. Laws such as the Digital Security Act and Section 57 of the Information and Communication

Technology Act were used to securitize dissent in cyberspace, linking it to extremism, public disorder, or anti-state conspiracies. This legal framing allowed the previous regime to treat political speech not as a civil liberty but as a potential trigger for instability.

Location	Year	Charge language (Information Technology Act, 2006, Sec 57)
Jatrabari, Dhaka	2018	“তাদের নিজ নিজ ফেসবুক আইডি মাধ্যমে ... জাতির জনক বঙ্গবন্ধু শেখ মুজিবুর রহমান, মাননীয় প্রধানমন্ত্রী শেখ হাসিনা, মাননীয় তথ্য প্রযুক্তি উপদেষ্টা জনাব সজীব ওয়াজেদ জয়সহ অন্যান্য মন্ত্রী বর্গের ছবি সুপার এ্যানিমেশন মাধ্যমে অল্পলি ও বিকৃতভাবে তৈরি, সংরক্ষণ ও প্রচার করে ... আওয়ামী লীগসহ সমমনা রাজনৈতিক দল সম্পর্কে মানহানিকর বিরূপ ও কুরুচিকর, বিভ্রান্তিমূলক মিথ্যা গুজব, রটনা প্রচার করে ... হেফাজতে ইসলাম তথা ছাত্র আন্দোলনের দ্বারা অর্থাৎ চাকুরীতে কোটা বিরোধী আন্দোলন, নিরাপদ সড়ক চাই আন্দোলন ইত্যাদি ইস্যুকে কাজে লাগিয়ে সরকার পরিবর্তনের অপতৎপরতা চালিয়েছে।” (Code IDB) <sup>30</sup> (5-12)
Ramna, Dhaka	2018	“শান্তিপূর্ণভাবে চলমান “নিরাপদ সড়ক চাই” আন্দোলনকে ইচ্ছাকৃতভাবে ভিন্নধাতে পরিচালিত করে দেশের আইনশৃঙ্খলা পরিস্থিতি অবনতি করার জন্য ... ফেসবুক আইডি থেকে মিথ্যা, অসত্য, বাণোয়াট, উস্কানিমূলক লিখা ও ভিডিও পোস্ট আপলোড করা হচ্ছে...” (Code BEDD) <sup>31</sup> (5-13)
Jatrabari, Dhaka	2018	“ফেসবুকসহ অন্যান্য সামাজিক যোগাযোগ মাধ্যমে মাননীয় প্রধানমন্ত্রিসহ অন্যান্য মন্ত্রীদের ব্যক্তিগত ছবি বিকৃত আকারে প্রকাশ করে রাষ্ট্র ও সরকারের বিরুদ্ধে নানা প্রকার কুৎসা রটনা ও বিভ্রান্তিকর পোস্ট ... বিচার বিভাগ, সেনাবাহিনী, পুলিশসহ জাতীয় সকল প্রতিষ্ঠান সমূহকে ঘিরে কিছু সাইবার অপরাধী জনগণের মধ্যে বিরূপ ধারণা তৈরির চেষ্টা করছে...” (Code BAB) <sup>32</sup> (5-14)

Tab 5A: Framing dissent as a national security threat using ICT Act 2006

What was most striking was the consistency of charge language across cases involving different individuals, filed at different police stations. Posts about the quota movement, the road safety protests, or even digitally altered images of government leaders were uniformly portrayed as incitement to unrest. Frequently, the language used in charge sheets was virtually identical, suggesting the application of a pre-set prosecutorial script rather than an evidence-based legal process. Note, for instance, the identical language used in the Jatrabari case above and in separate cases filed under different laws against different individuals in both Jatrabari and Mirpur.

Location	Year	Charge language (Digital Security Act 2018)
Mirpur, Dhaka	2018	“ফেসবুকসহ অন্যান্য সামাজিক যোগাযোগ মাধ্যমে মাননীয় প্রধানমন্ত্রিসহ অন্যান্য মন্ত্রীদের ব্যক্তিগত ছবি বিকৃত আকারে প্রকাশ করে রাষ্ট্র ও সরকারের বিরুদ্ধে নানা প্রকার কুৎসা রটনা ও বিভ্রান্তিকর পোস্ট ... বিচার বিভাগ, সেনাবাহিনী, পুলিশসহ জাতীয় সকল প্রতিষ্ঠান সমূহকে ঘিরে কিছু সাইবার অপরাধী জনগণের মধ্যে বিরূপ ধারণা তৈরির চেষ্টা করছে...” (Code BAB) <sup>33</sup> (5-15)

<sup>30</sup> 45 year old male; abducted by RAB 10 in 2018; disappeared for 14 days

<sup>31</sup> 22 year old male; abducted by CTTC in 2018; disappeared for 25 days

<sup>32</sup> 59 year old male; abducted by RAB 10 in 2018; disappeared for 10 days

<sup>33</sup> 59 year old male; abducted by RAB 10 in 2018; disappeared for 10 days

Jatrabari, Dhaka	2018	“ফেসবুকসহ অন্যান্য সামাজিক যোগাযোগ মাধ্যমে মাননীয় প্রধানমন্ত্রীর সহ অন্যান্য মন্ত্রীদের ব্যক্তিগত ছবি বিকৃত আকারে প্রকাশ করে রাষ্ট্র ও সরকারের বিরুদ্ধে নানা প্রকার কুৎসা রটনা ও বিভ্রান্তিকর পোস্ট ... বিচার বিভাগ, সেনাবাহিনী, পুলিশসহ জাতীয় সকল প্রতিষ্ঠান সমূহকে ঘিরে কিছু সাইবার অপরাধী জনগণের মধ্যে বিরূপ ধারণা তৈরির চেষ্টা করছে...” (Code IDB) <sup>34</sup> (5-16)
Mirpur, Dhaka	2018	“আসামী ... ফেসবুকে মাননীয় প্রধানমন্ত্রী, বিভিন্ন মন্ত্রীদের বিরুদ্ধে এবং সরকারবিরোধী উস্কানিমূলক ও অসত্য পোস্ট দেন কিনা জিজ্ঞেস করলে তিনি জানান, তিনি রাষ্ট্র ও সরকারের বিরুদ্ধে নানা প্রকার কুৎসা করে ও বিভ্রান্তিকর পোস্ট ফেসবুকে দিয়ে নাশকতামূলক কর্মকাণ্ড ঘটানোর লক্ষ্যে ... বিচার বিভাগ, সেনাবাহিনী, পুলিশসহ জাতীয় সকল প্রতিষ্ঠানসমূহকে ঘিরে কিছু সাইবার অপরাধী জনগণের মধ্যে বিরূপ ধারণা তৈরি করে থাকেন।” (Code BAB) <sup>35</sup> (5-17)
Jatrabari, Dhaka	2018	“আসামী ... ফেসবুকে মাননীয় প্রধানমন্ত্রী, বিভিন্ন মন্ত্রীদের বিরুদ্ধে এবং সরকারবিরোধী উস্কানিমূলক ও অসত্য পোস্ট দেন কিনা জিজ্ঞেস করলে তিনি জানান, তিনি রাষ্ট্র ও সরকারের বিরুদ্ধে নানা প্রকার কুৎসা করে ও বিভ্রান্তিকর পোস্ট ফেসবুকে দিয়ে নাশকতামূলক কর্মকাণ্ড ঘটানোর লক্ষ্যে ... বিচার বিভাগ, সেনাবাহিনী, পুলিশসহ জাতীয় সকল প্রতিষ্ঠানসমূহকে ঘিরে কিছু সাইবার অপরাধী জনগণের মধ্যে বিরূপ ধারণা তৈরি করে থাকেন।” (Code IDB) <sup>36</sup> (5-18)
Khilgaon, Dhaka	2020	“আসামীর ফেসবুক আইডি [থেকে]... বাংলাদেশ সরকার বিরোধী ষড়যন্ত্র, হত্যা, জনমনে ভ্রাস, ভীতি ও জননিরাপত্তা বিপন্ন করার লক্ষ্যে পরিকল্পনা, প্রশিক্ষণ, অস্ত্র সংগ্রহের চেষ্টা করত। তাহার ব্যবহৃত মোবাইল সেটে বাংলাদেশ সরকার বিরোধী ষড়যন্ত্র সংক্রান্তে বিভিন্ন লিংক আছে ... অনলাইন ভিত্তিক প্রচারণায় দেশের বিদ্যমান গণতান্ত্রিক ব্যবস্থার বিরুদ্ধে ... মাননীয় প্রধানমন্ত্রী সম্পর্কে কটুক্তি সম্বলিত বিভিন্ন পোস্ট এর কপি প্রচার করে।” (Code BBHJ) <sup>37</sup> (5-19)

Tab 5B: Framing dissent as a national security threat using DSA 2018

### 5.3.2 Generic claims of secret intelligence

Across several years and locations, law enforcement repeatedly cites unnamed secret sources, without verifiable evidence or judicial oversight, as a pretext to justify arrests, raids, and surveillance, often without verifiable evidence or judicial oversight. This recurring formula enabled the exercise of broad discretionary power and helped normalise unaccountable policing practices across the country.

Location	Year	Charge language (Anti-Terrorism Act 2009)
Railway PS Sirajganj	2014	“টহল করাকালীন গোপন সংবাদের ভিত্তিতে... টিকেট ঘরের পূর্ব পার্শ্বে প্লাটফর্মে গমনাগমন পথে সন্দেহভাজন যাত্রীদের তল্লাশী কাজ পরিচালনা করি” (Code FCH) <sup>38</sup> (5-20)

<sup>34</sup> 45 year old male; abducted by RAB 10 in 2018; disappeared for 14 days

<sup>35</sup> 59 year old male; abducted by RAB 10 in 2018; disappeared for 10 days

<sup>36</sup> 45 year old male; abducted by RAB 10 in 2018; disappeared for 14 days

<sup>37</sup> 18 year old male; abducted by CTTC in 2020; disappeared for 3 days

<sup>38</sup> 25 year old male; abducted by RAB Intelligence and RAB 12 in 2014; disappeared for 10 days

Akbarshah Chattogram	2016	“টহলদল সরকারী গাড়ীযোগে চট্টগ্রাম মহানগরীর সাগরিকা এলাকায় টহল ডিউটি করাকালে তারিখ ০৮/১২/১৬ইং ০৫:২৫ ঘটিকার সময় আমি গোপন সূত্রে জানতে পারি যে...” (Code FGH) <sup>39</sup> (5-21)
Joydebpur, Gazipur	2016	“জয়দেবপুর থানা এলাকায় সন্ত্রাসী গ্রেফতার ও বিশেষ অভিযান পরিচালনায় বাহির হইয়া জয়দেবপুর থানাধীন রাজেন্দ্রপুর মোড়ে হোটেল নিরিবিল এর সামনে রাস্তায় অবস্থানকালে গোপন সূত্রে সংবাদ পাই যে...” (Code CBG) <sup>40</sup> (5-22)
Bandar Narayanganj	2017	“মদনপুর বাসস্ট্যান্ড এলাকায় টহল ডিউটি করাকালীন ২১/০৮/২০১৭ইং তারিখ রাত্রি অনুমান ১৯.৫০ ঘটিকার সময় গোপন সংবাদের ভিত্তিতে জানতে পারি যে...” (Code CDI) <sup>41</sup> (5-23)
Demra Dhaka	2017	“এই মর্মে এজাহার দায়ের করিতেছি যে, অদ্য ০১/০৮/২০১৭ ৪৮ ১৬:১৫ ঘটিকার সময় গোপন সূত্রে সংবাদ পাই যে...” (Code BDAH) <sup>42</sup> (5-24)
Nandigram Bogura	2017	“নন্দীগ্রাম থানা এলাকায় বিশেষ অভিযান পরিচালনা করাকালে গোপন তথ্যের ভিত্তিতে জানিতে পারেন যে...” (Code BGHI) <sup>43</sup> (5-25)
Cantonment Dhaka	2019	“ঢাকা মহানগর এলাকায় নিয়মিত অভিযান পরিচালনা করার জন্য গুলশান ও উত্তরা বিভাগে অবস্থানকালীন গোপন সংবাদের মাধ্যমে জানা যায় যে...” (Code BGEJ) <sup>44</sup> (5-26)

Tab 5C: Generic claims of receiving secret intelligence

### 5.3.3 Pre-scripted escape attempts

Across multiple years and locations, a recurring claim in charge narratives is that suspects attempted to flee upon sensing the presence of law enforcement, prompting immediate pursuit and arrest. This "attempted escape" trope appears across districts from Narayanganj to Gazipur, Chattogram to Bogura, and is routinely cited to justify arrests without warrants. It often substitutes for concrete evidence, serving as a ready-made justification for police action regardless of the specifics of the case.

Location	Year	Charge language (Anti-Terrorism Act 2009)
Akbarshah Chattogram	2016	“র্যাবের উপস্থিতি টের পেয়ে পালানোর চেষ্টাকালে... সঙ্গীয় অফিসার ফোর্সের সহায়তায় গ্রেফতার করে...” (Code FGH) <sup>45</sup> (5-27)
Demra Dhaka	2017	“১০/১১ জন লোককে গোপন শলাপরামর্শ করিতে দেখিয়া আমরা আগাইয়া গেলে পুলিশের উপস্থিতি টের পাইয়া তাহারা দৌড়াইয়া পলাইবার চেষ্টাকালে...” (Code BDAH) <sup>46</sup> (5-28)

<sup>39</sup> 20 year old male; abducted by DGFI, RAB Intelligence, RAB 2 and RAB 7 in 2016; disappeared for 224 days

<sup>40</sup> 43 year old male; abducted by DB in 2016; disappeared for 5 days

<sup>41</sup> 29 year old male; abducted by RAB 11 in 2017; disappeared for 13 days

<sup>42</sup> 19 year old male; abducted by CTTC in 2017; disappeared for 28 days

<sup>43</sup> 28 year old male; abducted by Bogura DB in 2018; disappeared for 14 days

<sup>44</sup> 54 year old male; abducted by DGFI and RAB 1 in 2019; disappeared for 254 days

<sup>45</sup> 20 year old male; abducted by DGFI, RAB Intelligence, RAB 2 and RAB 7 in 2016; disappeared for 224 days

<sup>46</sup> 19 year old male; abducted by CTTC in 2017; disappeared for 28 days

Nandigram Bogura	2017	“বর্ণিত স্থানে আসা মাত্রই সংকেত দিয়া গতিরোধ করিলে মোটরসাইকেলটি ফেলে রেখে দৌড়াইয়া পালানোর চেষ্টাকালে অফিসার ও ফোর্সের সহায়তায় একজন ব্যক্তিকে আটক করি” (Code BGHI) <sup>47</sup> (5-29)
Bandar Narayanganj	2017	“র্যাবের উপস্থিতি টের পাইয়া দৌড়ে পালানোর চেষ্টাকালে আমি সঙ্গীয় ফোর্সসহ... ০২ জনকে ধৃত করতে সক্ষম হই।”(Code CDI) <sup>48</sup> (5-30)
Tongi West Gazipur	2021	“র্যাবের উপস্থিতি টের পেয়ে সেখানে অবস্থানরত পালানোর জন্য দিক-বেদিক দৌড় দিলে সঙ্গীয় অফিসার ও ফোর্সের সহায়তায় ০১ জনকে আটক করতে সক্ষম হই” (Code DGE) <sup>49</sup> (5-31)

Tab 5D: Pre-scripted escape attempts

### 5.3.4 Instant confessions of terrorism

Across cases spanning years and regions, authorities consistently claim that after arrest, suspects immediately confessed to being members of banned militant groups. Yet such instant and detailed admissions are highly uncharacteristic of ideological actors, who typically resist interrogation and deny affiliation. Unlike common criminals, they are far less likely to incriminate themselves upon capture, making the uniformity and timing of these confessions suspect.

Location	Year	Charge language (Anti-Terrorism Act 2009)
Railway PS Sirajganj	2014	“ধৃত আসামীগণকে জিজ্ঞাসাবাদে জানায় তাহারা নিষিদ্ধ ঘোষিত সন্ত্রাসী জঙ্গী সংগঠন জেএমবি’র সক্রিয় সদস্য” (Code FCH) <sup>50</sup> (5-32)
Akbarshah Chattogram	2016	“ধৃত আসামীদের জিজ্ঞাসাবাদে ... তারা নিজেদেরকে নিষিদ্ধ ঘোষিত জঙ্গি সংগঠন ‘হরকাতুল জিহাদ আল ইসলামীর’ সক্রিয় সদস্য বলে স্বীকার করে” (Code FGH) <sup>51</sup> (5-33)
Demra Dhaka	2017	“জিজ্ঞাসাবাদে ধৃত আসামিরা উল্লিখিত নাম-ঠিকানা প্রকাশ করে এবং তারা নিষিদ্ধ ঘোষিত সংগঠন ‘নব্য জেএমবি’ এর সদস্য বলিয়া স্বীকার করে” (Code BDAH) <sup>52</sup> (5-34)
Nandigram Bogura	2017	“আটককৃত ব্যক্তিকে জিজ্ঞাসাবাদে উপরে উল্লেখিত নাম ঠিকানা জানায় এবং নব্য জেএমবির দক্ষিণ অঞ্চলের প্রধান শুরা সদস্য ও ভারতের মোস্ট ওয়ান্টেড বলিয়া স্বীকার করে” (Code BGHI) <sup>53</sup> (5-35)
Bandar Narayanganj	2017	“ধৃত আসামীদেরকে জিজ্ঞাসাবাদে ... জানায় যে, তারা নিষিদ্ধ ঘোষিত জঙ্গী সংগঠন ‘জামা’আতুল মুজাহিদ্দীন বাংলাদেশ’ (জেএমবি) এর ‘এহসার’ এবং সামরিক শাখার সদস্য” (Code CDI) <sup>54</sup> (5-36)

<sup>47</sup> 28 year old male; abducted by Bogura DB in 2018; disappeared for 14 days

<sup>48</sup> 29 year old male; abducted by RAB 11 in 2017; disappeared for 13 days

<sup>49</sup> 42 year old male; abducted by DB and RAB 2 in 2021; disappeared for 58 days

<sup>50</sup> 25 year old male; abducted by RAB Intelligence and RAB 12 in 2014; disappeared for 10 days

<sup>51</sup> 20 year old male; abducted by DGFI, RAB Intelligence, RAB 2 and RAB 7 in 2016; disappeared for 224 days

<sup>52</sup> 19 year old male; abducted by CTTC in 2017; disappeared for 28 days

<sup>53</sup> 28 year old male; abducted by Bogura DB in 2018; disappeared for 14 days

<sup>54</sup> 29 year old male; abducted by RAB 11 in 2017; disappeared for 13 days

Tongi West Gazipur	2021	“...জিজ্ঞাসাবাদে জানায়, সে সহ পলাতক আসামীরা নিষিদ্ধ ঘোষিত জঙ্গী সংগঠন ‘আনসার আল ইসলাম’ এর স্বশস্ত্র গ্রুপের সদস্য” (Code DGE) <sup>55</sup> (5-37)
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Tab 5E: Instant confessions of terrorism

### 5.3.5 Possession of ideologically curated literature

Across multiple years and regions, many charge sheets list confiscated books and pamphlets, often portraying the mere possession of religious, oppositional, or ideological texts as conclusive proof of terrorist intent. Authorities routinely claim to have recovered dozens of ‘jihadist’ texts at the time of arrest, sometimes stored together in a single bag or drawer. The volume, variety, and immediate classification of these texts as incriminating strains plausibility. This recurring pattern suggests the use of a scripted template in which possession of certain literature is used to construct a preordained narrative of militancy.

Location	Year	Charge language (Anti-Terrorism Act 2009)
Railway PS Sirajganj	2014	“তার নিকটে থাকা কালো রং এর ব্যাগের ভিতর ৪৭ (সাতচল্লিশ) টি বিভিন্ন জিহাদী বই, যার মধ্যে প্রশিক্ষণ পুস্তিকা জেএমবি ১০১ (এফ) টি, তাওহীদের পতাকা বাহকদের প্রতি ... ০১ (এক) টি, তৃতীয় বিশ্বযুদ্ধ এবং দাজ্জালী ০১ (এক) টি, জিহাদের ভূমির পথে (২কপি), আন্তর্জাতিক জিহাদ এবং এর বিভিন্ন সংশয় নিরসন ০১ (এক) টি, মুসলিমদের ভূমিকে প্রতিরক্ষা করা ০১ (এক) টি, আত্ম তহরীদ (গ্রেফতারকৃত আসামীদের কর্তৃক হাতে বাধায় করা) ০১ (এক) টি, সামাজিক বিভীষিকা ও ইসলাম ০১ (এক) টি, নামাজ আঙ্গকারীর বিধান ০১ (এক) টি, রোজার সত্তরটি মসলা মাসায়েল ০১ (এক) টি, হিযনুল মুসলীম ০১ (এক) টি, নূরানী কায়দা ০১ (এক) টি, মুসলীম নারীর নিকট ইসলামের দাবী ০১ (এক) টি, ইসলামী সমাধান ০১ (এক) টি, ইসলামের হাকিকত ০১ (এক) টি, বহুজাতিক সংস্থার ভারতে আগ্রাসন ভারতের মুৎসুদ্দি পুঁজির আত্মসমর্পন ০১ (এক) টি, যুগে যুগে শয়তানের হামলা ০১ (এক) টি, জিভের আপদ ০১ (এক) টি, তাওহীদ আল-আমালী ১ (এক) টি, তুলিদ আল ইলমদের প্রতি উপদেশ ০১ (এক) টি, কোরআন সুন্নাহর দর্পন ০১ (এক) টি, আক্বীদা ০১ (এক) টি, রাসুলুল্লাহর (স) জিহাদ ০১ (এক) টি, জিহাদ ০১ (এক) টি, বাংলাদেশের কমিউনিষ্ট আন্দোলনের রূপরেখা ০১ (এক) টি, রাসায়েল ও মাসায়েল ০১ (এক) টি, গণতন্ত্র এর আসল রূপ ০১ (এক) টি, তাওহীদ ও শীর্ক সুন্নাহ ও বিদআত ০১ (এক) টি, মতভেদ নেই ইসলামের এটাও তাওহীদ পৃথিবীতে সবাই মিলে একই দিনে করি ঈদ ০১ (এক) টি, ইসলামী হুকুম ও প্রতিষ্ঠা করা কি সম্ভব ০১ (এক) টি, গণতন্ত্র একটী দ্বীন ০১ (এক) টি, রক্ত পিচ্ছিল শখের যাত্রী যারা ০১ (এক) টি, তালেবানের মেয়ে (০২টি), প্রসঙ্গঃ তাবলীগ জামাত এবং কোরআন মজিদ এর আলোকে আক্বা হা তায়ালা ০১ (এক) টি, তিনটে শুদ্ধি করার দলিল ০১ (এক) টি, রাজনৈতিক সাংগঠনিক পর্যালোচনা ০১ (এক) টি, তাবিঈদের জীবন কথা ১ম খন্ড ০১ (এক) টি, আফ্রিকার দুলাহান ০১ (এক) টি, ঈমান দীপ্ত দাস্তান ০১ (এক) টি, চোগলখোর ও গীবতকারীর ভয়াবহ পরিণতি এবং প্রতিবেশীর হার ০১ (এক) টি, তাওহীদ রিসালাত ও আখেরাত ০১ (এক) টি, মরণ একদিন আসবেই ০১ (এক) টি, উম্মতে মোহাম্মদীর মুক্তির সঠিকপথ ০১

<sup>55</sup> 42 year old male; abducted by DB and RAB 2 in 2021; disappeared for 58 days

		(এক) টি, কিয়ামতের আলামত ও দাজ্জালের আর্বিভাব ০১ (এক) টি, আকাবিরদের খুনের মিছিল ০১ (এক) টি।” (Code FCH) <sup>56</sup> (5-38)
Akbarshah Chattogram	2016	“অতঃপর আসামীদের দেখানো মতে তাদের হেফাজত হতে ... জিহাদী বই ১৪ (চৌদ্দ) টি। যার মধ্যে i) ফিলিস্তিনের স্মৃতি-আব্দুস সান্তার, ii) আইনী তুহফা সলাতে মুস্তফা দ্বিতীয় খণ্ড-অধ্যাপক মাওলানা হাফেজ শায়খ আইনুল বারী আলিয়ারী, iii) বাজেয়াপ্ত ইতিহাস-মুনশী মোহাম্মদ মেহেরুল্লাহ রিসার্চ একাডেমি, iv) সত্যের মাপকাঠি-মোঃ নাজমুল ইসলাম, v) প্রচলিত রাজনীতি নয় জিহাদই কাম্য-মওলানা মুহাম্মদ আবদুর রহীম (রহঃ), vi) দেশ ধ্বংসের নীল নকশা-সু-আ না হোসেন, vii) এসো তারকীব শিখি-মওলানা খ ম তাওহীদুল ইসলাম দুবাজাইলী, viii) উল্টা বুঝিল রাম ও সাধু সাবধান-মওলানা আবু তাহের বুদ্ধিমাত্রী, ix) ইতিহাসের কাঠগড়ায় হযরত মু'আবিয়া রাঃ-বিচারপতি আলামা তকী উসমানী, x) ইসলামী আন্দোলন কর্মীদের বৈশিষ্ট্য-মুহাম্মদ হুছামুদ্দীন চৌধুরী ২টি, xi) হরকাতুল জিহাদ আল ইসলামী বাংলাদেশ পরিচিতি ২ (দুই) টি, xii) জিহাদের ডাক।” (Code FGH) <sup>57</sup> (5-39)
Bandar Narayanganj	2017	“একটি কালো রংয়ের ব্যাগে রক্ষিত জিহাদী বই (i) ঈমান আনার পর প্রথম ফরজ মুসলিম ভূমির প্রতিরক্ষা-মাওলানা মুহাম্মদ ইসহাক খান (ii) কাফির বলার প্রয়োজনীয়তা ও নিয়ম- মুহাম্মাদ ইকবাল বিন ফাখরুল (iii) আল্লাহপ্রেমের সন্ধানে তিনটি কিতাব তরীকে বেলায়েত কুদৃষ্টি-কুসম্পর্কের ক্ষতি ও প্রতিকার ওলি হওয়ার চারটি আমল- হযরত মাওলানা শাহ হাকীম মুহাম্মদ আখতার ছাহেব (iv) জিহাদের জন্য একজন সর্বজনীন খলীফা বা বিশ্বনেতা থাকা কি শর্ত, নাকি স্থানীয়ভাবে আমীর নিয়োগ করে জিহাদ করা যায়?, জিহাদ কিয়ামত পর্যন্ত অব্যাহত থাকবে, মুসমানগণ কি ইতিহাস ভুলে গেছেন?, জিহাদের ময়দানে নেই কেন খোলা তরবারী-আবু আব্দুল্লাহ।” (Code CDI) <sup>58</sup> (5-40)
Cantonment Dhaka	2019	“একটি ড্রয়ারের মধ্যে ০৭ (সাত) টি জিহাদী পুস্তিকা, পুস্তিকা গুলির উপরের পাতায় যথাক্রমে (ক) আজ-জাওয়াহিরি, আল-হারারি ও আন-নাযারির আল-কায়দা, (খ) আল্লাহর বিধান না মানবরচিত আইন, (গ) আনি তোমাদেরকে যা বলছি অচিরেই তোমরা তা স্মরণ করবে, (ঘ) হয় দাওলাতুল ইসলাম নতুবা মহাপ্লাবন, (ঙ) খিলাফা ঘোষণা ও বাংলাদেশ, (চ) শামে আল-কায়েদার মিত্ররা, (ছ) একটি বোমা তেরী কর তোমার মায়ের রান্নার ঘরে।” (Code BGEJ) <sup>59</sup> (5-41)
Tongi West Gazipur	2021	“(গ) “অপারেশন মাজার-ই-শরীফ” নামক ০১ (এক) টি জিহাদী বই। (ঘ) জিহাদী পুস্তিকা, যথা- ১. তাওহীদের পতাকাবাহকদের প্রতি ২. সতর্কতা, গোপনীয়তা এবং ধুম্রজালঃ সতর্কতার মধ্যমপন্থা ৩. ফিদায়ী অভিযানের বয়সে ইসলামের বিধান ৪. কুফরী একটি গুরুত্বের অপরাধ আর কাফির কখনও নিরপরাধ নয় ৫. হিজরত ও জিহাদের চূড়ান্ত প্রস্তুতি ৬. গেরিলা যুদ্ধে কৌশলগত অতিপ্রসারতা ৭. মানহাজের ব্যাপারে নির্দেশনা ও ৮. তাওত সহ সর্বমোট ০৮ (আট) টি জিহাদী পুস্তিকা।” (Code DGE) <sup>60</sup> (5-42)

Tab 5F: Ideologically curated literature

### 5.3.6 Detailed confessions during preliminary questioning

Authorities consistently claimed that suspects provided full accounts of their activities during preliminary questioning. These alleged confessions often included detailed information about

<sup>56</sup> 25 year old male; abducted by RAB Intelligence and RAB 12 in 2014; disappeared for 10 days

<sup>57</sup> 20 year old male; abducted by DGFI, RAB Intelligence, RAB 2 and RAB 7 in 2016; disappeared for 224 days

<sup>58</sup> 29 year old male; abducted by RAB 11 in 2017; disappeared for 13 days

<sup>59</sup> 54 year old male; abducted by DGFI and RAB 1 in 2019; disappeared for 254 days

<sup>60</sup> 42 year old male; abducted by DB and RAB 2 in 2021; disappeared for 58 days

banned organisations, the suspects’ roles within them, ideological motives, training histories, and long-term plans for subversive activity. The striking uniformity and depth of these statements—given they are given immediately upon arrest, across different districts and years—stretches plausibility. Rather than emerging from case-specific investigations, this pattern suggests reliance on a standardised narrative used to frame individuals within a pre-scripted template of militancy.

Location	Year	Charge language (Anti-Terrorism Act 2009)
Railway PS Sirajganj	2014	“ধৃত আসামীগণকে জিজ্ঞাসাবাদে জানায় তাহারা নিষিদ্ধ ঘোষিত সন্ত্রাসী জঙ্গী সংগঠন জেএমবি’র সক্রিয় সদস্য ... এবং ... জেএমবি’র গায়রে এহসার। তারা রাজশাহী থেকে ঢাকাগামী ধুমকেতু ট্রেন যোগে সাংগঠনিক কাজে সিরাজগঞ্জ আসে বলে জানায়।” (Code FCH) <sup>61</sup> (5-43)
Akbarshah Chattogram	2016	“আসামীদের জিজ্ঞাসাবাদে তারা উপরোক্ত নাম ঠিকানা প্রকাশ করে এবং তারা সকলেই নিষিদ্ধ ঘোষিত ‘হরকাতুল জিহাদ আল ইসলামী’র সক্রিয় সদস্য বলে জানায়। ... তারা জন্মকৃত অস্ত্র-গুলি দ্বারা বাংলাদেশের সংহতি ও জননিরাপত্তা বিপন্ন করাসহ জনগণের মধ্যে আতঙ্ক সৃষ্টির লক্ষ্যে সন্ত্রাসী কার্যক্রম পরিচালনা এবং অপরাধ সংঘটনের মতো জঘন্যতম অপরাধের ষড়যন্ত্র করে।” (Code FGH) <sup>62</sup> (5-44)
Demra Dhaka	2017	“তাহারা আরও জানায়, সরকার ও রাষ্ট্রবিরোধী ধ্বংসাত্মক কর্মকান্ড পরিচালনার পরিকল্পনা বাস্তবায়নের উদ্দেশ্যে শলাপরামর্শ করার নিমিত্ত তাহারা উক্ত স্থানে মিলিত হয়। ... তাহাদের জিজ্ঞাসাবাদে জানা যায় যে, ধৃত ১ নং আসামী ... নব্য জেএমবি’র এক দুর্ধর্য ধর্মীয় আধ্যাত্মিক নেতা। সে পূর্বে পাকিস্তান হইতে অস্ত্র ও সামরিক প্রশিক্ষণ গ্রহন করিয়াছে। সে বর্তমানে নব্য জেএমবি’র জিহাদী শিক্ষাগুরু, সদস্য সংগ্রাহক ও অস্ত্র-বোমা প্রশিক্ষক।” (Code BDAH) <sup>63</sup> (5-45)
Nandigram Bogura	2017	“জিজ্ঞাসাবাদে জানা যায় যে, সে ২০০২ সালের সেপ্টেম্বরের দিকে হিজরত করে বাংলাদেশসহ ভারতের নদীয়া, বিরভূম ও বর্ধমান জেলার নিষিদ্ধ ঘোষিত ‘জেএমবি’ এবং ‘নব্য জেএমবি’ জঙ্গি সংগঠনের দায়িত্বশীল হিসাবে কার্যক্রম পরিচালনা করে আসছিল।” (Code BGHI) <sup>64</sup> (5-46)
Bandar Narayanganj	2017	“ধৃত আসামীদেরকে জিজ্ঞাসাবাদে উপরে ১ নং ও ২ নং ক্রমিকে উল্লেখিত নাম ঠিকানা প্রকাশ করে এবং জানায় যে, তারা নিষিদ্ধ ঘোষিত জঙ্গী সংগঠন জামা’আতুল মুজাহিদ্দীন বাংলাদেশ (জেএমবি) এর ‘এহসার’ এবং সামরিক শাখার সদস্য। তারা জেএমবি’র সাংগঠনিক কার্যক্রম পরিচালনা ও সংঘটিত হওয়া, প্রশিক্ষণ শিবির স্থাপন, আঞ্চলিক কর্মকাণ্ড পরিচালনা, নাশকতার ষড়যন্ত্র ও সংঘটনের প্রস্তুতির নিমিত্তে গোপন বৈঠক করার উদ্দেশ্যে ... মিলিত হয়।” (Code CDI) <sup>65</sup> (5-47)
Tongi West Gazipur	2021	“সে একজন নিষিদ্ধ ঘোষিত জঙ্গি সংগঠনের সদস্য হয়ে রাষ্ট্রের নিরাপত্তার বিরুদ্ধে ষড়যন্ত্র করার মানসে গণতন্ত্রমনা জনসাধারণের নিরাপত্তার বিরুদ্ধে কাজ করা ও নাশকতা সৃষ্টির জন্য নিজেদের সংঘটিত করার লক্ষ্যে অপরাপর পলাতক ও অজ্ঞাতনামা সহযোগীদের নিয়ে টঙ্গী এলাকায় তাদের সংগঠনের দাওয়াতী কার্যক্রম পরিচালনাসহ বিভিন্ন বিষয়ে মিটিং করার জন্য সংঘবদ্ধ হয়েছে। ... গ্রেফতারকৃত আসামীসহ তাদের অপরাপর পলাতক আসামী ধর্মীয় উগ্রবাদিতা ছড়ানো, নাশকতা সৃষ্টির পরিকল্পনা করে নিষিদ্ধ ঘোষিত

<sup>61</sup> 25 year old male; abducted by RAB Intelligence and RAB 12 in 2014; disappeared for 10 days

<sup>62</sup> 20 year old male; abducted by DGFI, RAB Intelligence, RAB 2, and RAB 7 in 2016; disappeared for 224 days

<sup>63</sup> 19 year old male; abducted by CTTC in 2017; disappeared for 28 days

<sup>64</sup> 28 year old male; abducted by Bogura DB in 2018; disappeared for 14 days

<sup>65</sup> 29 year old male; abducted by RAB 11 in 2017; disappeared for 13 days

		‘আনসার আল ইসলাম’ নামীয় সংগঠনে ভিড়িয়ে আত্মঘাতী জঙ্গিবাদী কার্য বা নাশকতার মত অপরাধ সংগঠনের জন্য সাংগঠনিক কার্যক্রম পরিচালনার যড়যন্ত্র করে আসছে।’ (Code DGE) <sup>66</sup> (5-48)
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Tab 5G: Confessions during preliminary questioning

Crucially, interviews with multiple police officers have revealed that there are indeed set scripts. When a new case needs to be filed, these scripts are reused with minimal changes – often underdeveloped, copy-pasted, and lightly edited to fit the individual.

Taken together, these patterns reveal a legal and administrative machinery more focused on ideological containment than impartial justice. Whether through identical charge language, implausibly timed confessions, or the branding of literature as evidence of terrorism, these charges demonstrate a prosecutorial template that prioritises political narratives over factual specificity.

The reliance on unverifiable intelligence, copy-paste confessions, and presumed guilt by association has allowed law enforcement and prosecutors to substitute procedural fairness with a pre-written script of guilt. This calls into question the legitimacy of such prosecutions and underscores the urgent need for legal reform, judicial independence, and safeguards against the instrumentalisation of criminal law for political ends.

## 5.4 Impact on the Courts

This section examines how the (mis)use of the Anti-Terrorism Act 2009 has turned the law into a tool of repression. Through quantitative data and collected testimonies, it reveals how politically motivated filings and performance-driven case disposals have undermined due process, often inflicting prolonged harm on victims rather than delivering justice.

Cases brought under Bangladesh’s Anti-Terrorism Act exhibit an overwhelmingly low conviction rate. To conduct the following analysis, we acquired nationwide data on the Anti-Terrorism Tribunals from official records. Of the 794 resolved cases from 2017 to 2024, only 52 resulted in convictions, yielding a conviction rate of just 7%. This means the vast majority of the accused (93%) were acquitted, despite the free hand law enforcers had in manufacturing these cases, raising serious questions about the evidentiary standards used to initiate such prosecutions. Unlike most other crimes, to be accused of terrorism carries an almost-life long sentence of stigma even if one is adjudged innocent afterwards. This makes the low conviction rate all the more worrisome.

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<sup>66</sup> 42 year old male; abducted by DB and RAB 2 in 2021; disappeared for 58 days

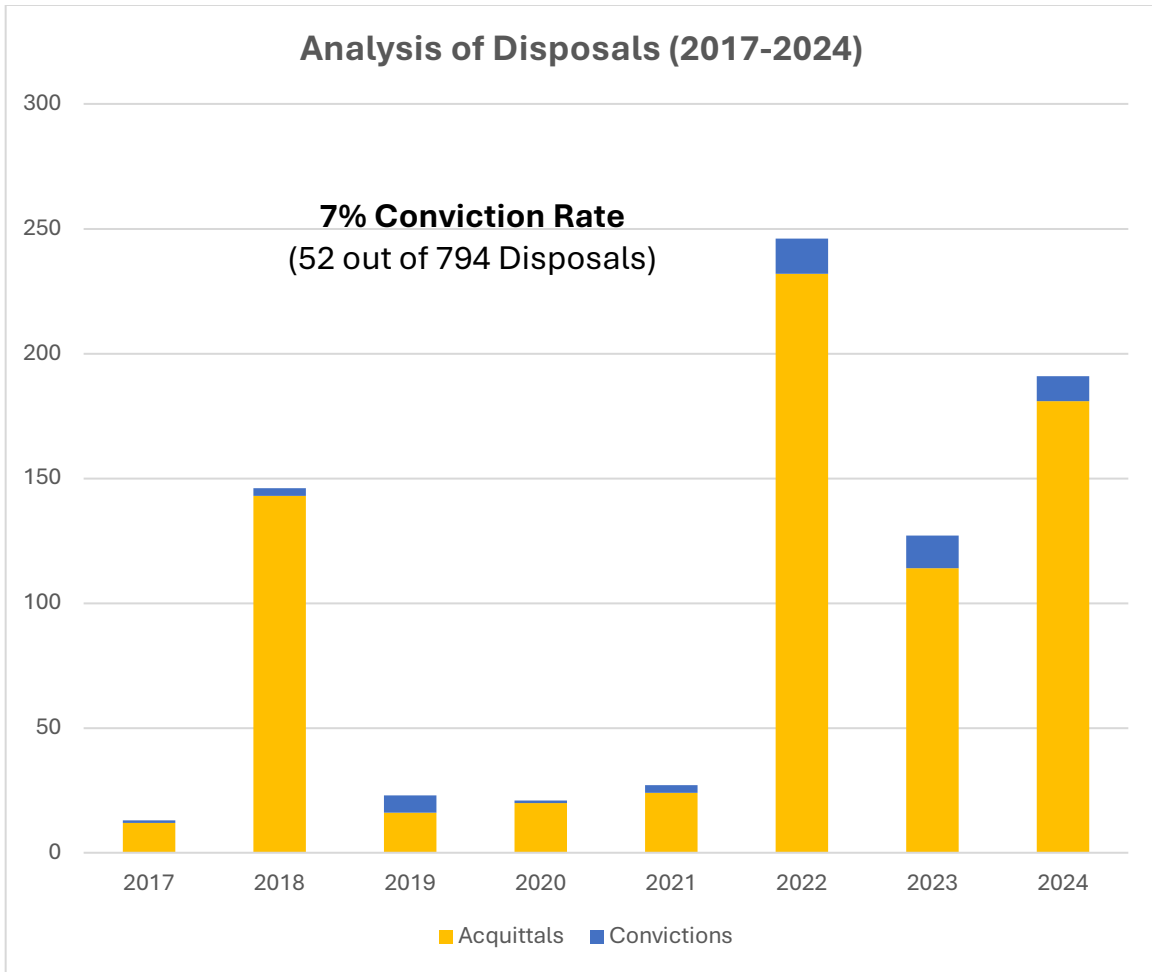


Fig 5C: Analysis of disposals (2017-2024)

Yet, the number of pending cases under trial pursuant to the Anti-Terrorism Act doubled over the analysis period, increasing from under 600 cases in 2017 to over 1200 by 2021. The chart below disaggregates the data into case inflows (new filings and case receipts) and outflows (disposals and transfers) across the 2017-2024 period. Two key patterns emerge from this dataset: the political link and the performance indicator link.

Note - New Cases: Filed directly in the Courts; Case Receipt: Cases initiated at the police station level, transferred to court following submission of charge sheet or final report; Disposals: Resolved cases, including both convictions and acquittals; and Transfers: Cases reassigned to other Courts.

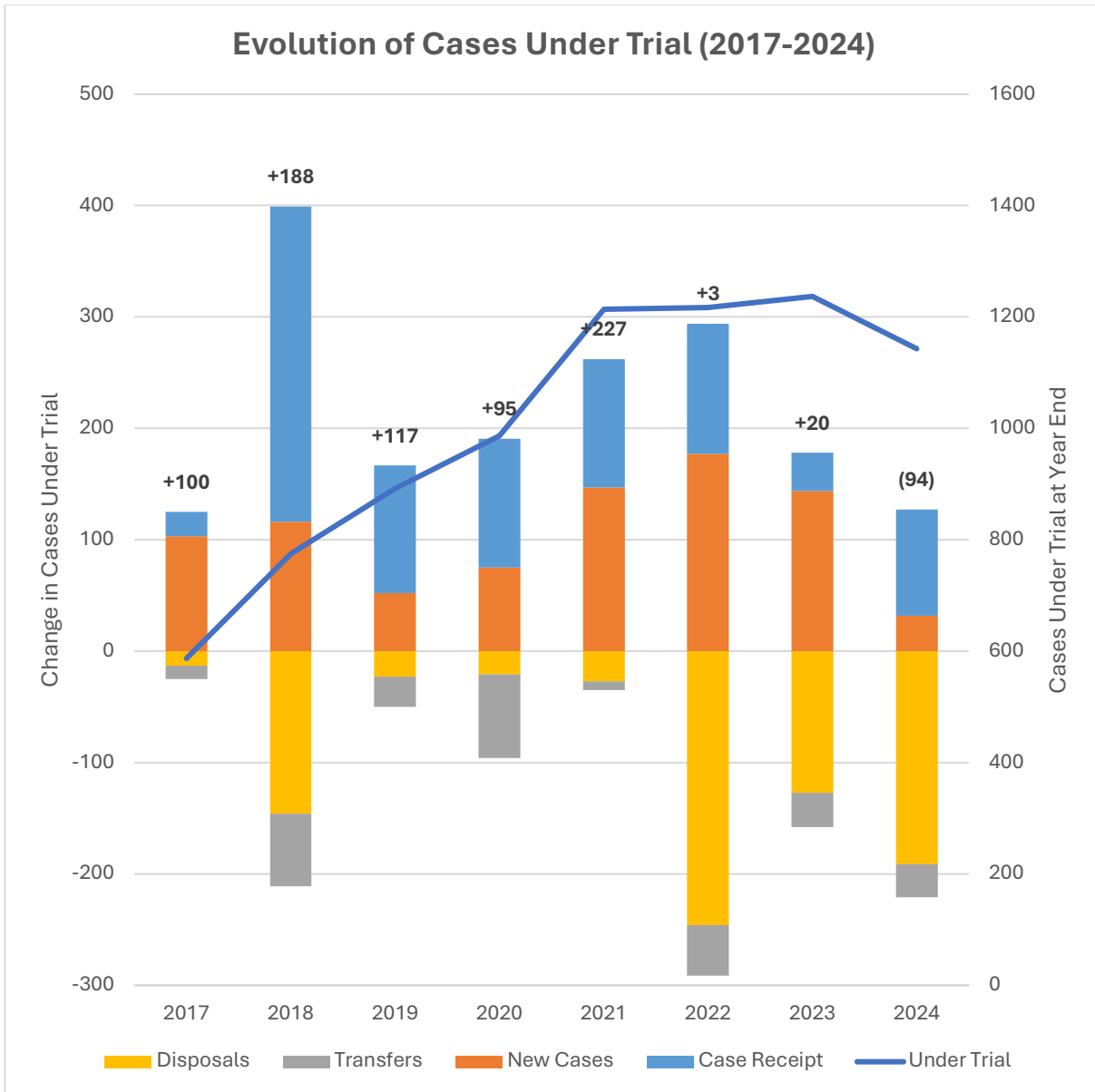


Fig 5D: Evolution of cases under trial (2017-2024)

### 5.4.1 The political link

**If indeed anti-terror laws were used agnostic of the political climate, we would not expect to see any relation between political events and case inflows. And yet, surges in case inflows align with periods of heightened political unrest and subsequent law enforcement crackdown.** The most significant spike occurred in 2018, coinciding with a general election marked by widespread suppression of opposition activities. Similarly, the rise in 2021 reflects the state’s response to mass protests against Indian Prime Minister Narendra Modi’s visit to

Bangladesh. Interviews with multiple police officials suggest that increased mobilisation efforts by the BNP and Jamaat-e-Islami in 2022 contributed to sustained filings of cases that year.

In contrast, opposition activity in 2023 shifted toward more direct street confrontations which, according to senior police officers, were less frequently pursued under anti-terrorism charges. This shift—combined with the concentration of large-scale protests towards the year’s end—contributed to a drop in filings in 2023. By 2024, new cases declined markedly, possibly reflecting the overall lull in opposition activities following the national election. The fact that case inflows dovetail national political events belies the claim that these cases were solely filed to counter terrorism.

#### **5.4.2 The performance indicator link**

**If these anti-terrorism cases were solely about arbitrating the available evidence, we would not expect to see any particular pattern in case resolutions beyond random variation. And yet, there is a revealing pattern in the timing of case outflows.** A performance indicator tracked by the judiciary is the number of cases pending for more than five years. The largest spike in case disposals occurred in 2022, exactly five years after the 2018 surge. This correlation suggests that the judicial system is expediting resolutions to avoid the appearance of backlog, particularly for cases approaching the five-year threshold.

Similar five-year lag patterns between inflows and outflows are evident throughout the dataset. This external pressure to avoid five-year backlogs was confirmed by the interviews with Judges, one of whom noted: “I will hold off on new case disposal when needed but always prioritize cases reaching the five-year mark. This is expected.”

The pattern in the graph strongly suggests the timing of case resolution is driven less by judicial progress and more by the need to meet administrative key performance indicators. The artificial nature of these resolution spikes, coupled with an abysmally low conviction rates, implies that many of these cases lacked prosecutorial merit from the outset. Instead of pursuing justice, the system appears to have allowed these cases to linger until they risked embarrassing the Judiciary.

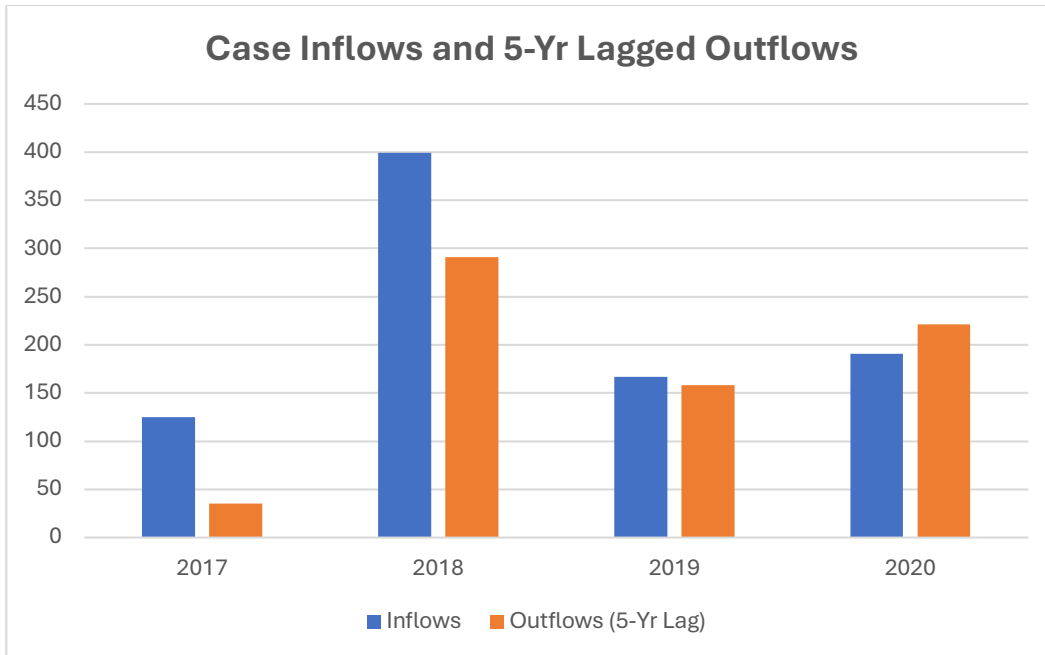


Fig 5E: Case inflows and 5-year lagged outflows

A more troubling interpretation and one consistent with qualitative interviews conducted with relevant stakeholders is that the very burden of prolonged legal proceedings—financial, reputational, and psychological—was not merely a byproduct of flawed prosecution, but the intended outcome. In this view, the Anti-Terrorism Act has been brought into play not primarily as a tool for national security, but as a mechanism of state-sanctioned harassment against political opponents. Victims are frequently told that although they will eventually be released alive, a specific “procedure” must be followed. This typically involves being presented before the media—referred to euphemistically as “মিডিয়া করা” (“doing media”)—after which a fabricated case is filed against them. They are then required to spend a period in jail before being granted bail.

## 5.5 Impact on the victims

The procedural coercion discussed above is not only emotionally and reputationally damaging, it also imposes a severe financial burden on victims and their families. The graph below displays the reported amount spent by families in our sample on legal cases, excluding extreme outliers. Each blue dot represents an individual case, sorted by total expenditure. The red dashed line marks the median spending, which stands at approximately BDT 700,000: half the victims spent more than this, and half spent less.

To understand how much that really is: the average family in Bangladesh earns about BDT 300,000 in a whole year, according to the Household Income and Expenditure Survey 2022 conducted by the Bangladesh Bureau of Statistics. That means most families in this sample spent more than two years' worth of income by way of legal costs. Many spent even more—some as much as five or six years' income—just to try get justice.

This level of financial burden is debilitating for low- and middle-income households. It forces families to sell assets, borrow from informal lenders, or fall into prolonged cycles of debt, compounding the trauma of the initial rights violation with sustained economic hardships. Rather than offering relief, the justice process often imposes further suffering on the families who have already endured significant loss.

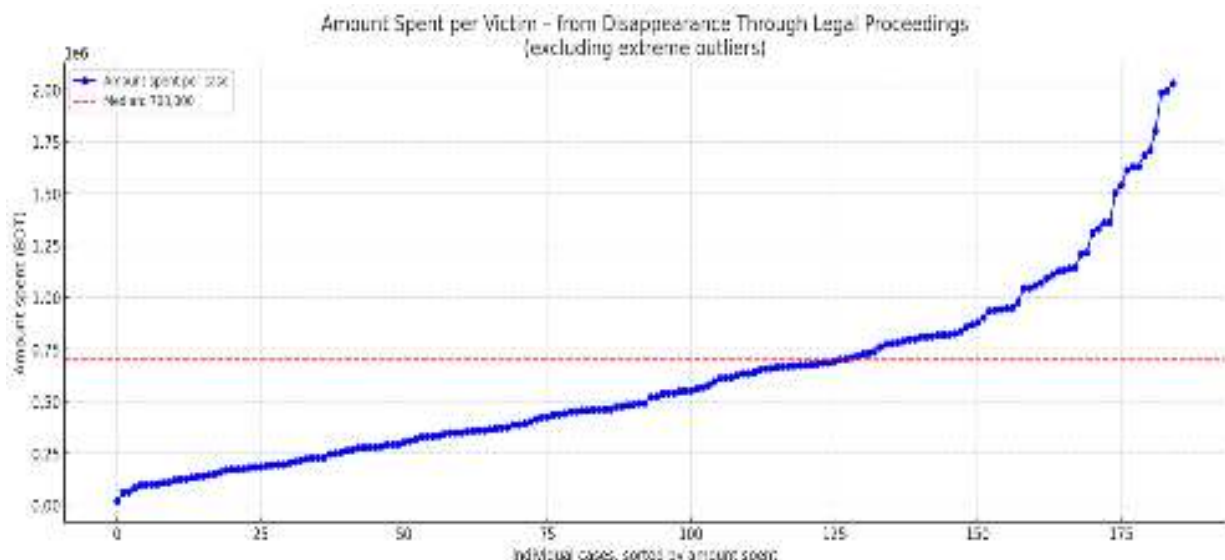


Fig 5F: Amount spent per victim, excluding extreme outliers

While the graph captures the staggering costs associated with legal proceedings, the true burden on victims and their families extends far beyond attorney fees and court expenses. Many victims—a large number still in their primes—spend years shuttling between courtrooms, required to appear before magistrates on a regular basis as part of routine bail conditions. If multiple cases have been filed against them, they may be summoned several times a month, often having to travel from one end of the country to the other to comply. The psychological toll, physical exhaustion, and financial burden of this process are immeasurable. It is important to remember that these are not genuine prosecutions but fabricated cases, designed to punish and exhaust.

On top of this, enforced disappearance often results in long-term psychological trauma, disrupted education, and the need for ongoing medical or psychiatric care—costs that are neither easily measured nor short-lived. One of the most complex and time-consuming identification efforts undertaken by the inquiry involved a male victim (Code BHFG<sup>67</sup>) repeatedly mentioned by survivors of secret detention. Witnesses described a boy, approximately 15 or 16 years old at the time of his abduction, who exhibited clear signs of severe psychological distress while held at TFI. According to multiple accounts, he would cry constantly, and the guards would reportedly respond by escalating the physical abuse. Although numerous captives consistently referred to his presence, we were initially unable to confirm his identity or establish what became of him after his release.

At one point, a former detainee (Code IBG<sup>68</sup>) disclosed he had seen the same boy months after his release, confined in a psychiatric cell at Kashimpur jail, called “pagla cell”, and clearly with his nails removed, likely a sign of torture. He was able to provide some identifying characteristics and a general timeframe. This prompted the team to obtain registry data from that facility’s psychiatric cell. However, without a confirmed name, we could not match the entries to the subject in question.

Further leads proved inconclusive until another witness (Code IGB<sup>69</sup>) recalled that he had once known the boy’s name, though he had since forgotten it. Days later, he recollected the name and shared it with the inquiry team. Yet even this name did not appear in official records, possibly due to inconsistencies between formal and informal naming conventions.

The case remained unresolved until another survivor (Code CEI<sup>70</sup>) reported that he had been transported from jail to court alongside the boy on one occasion several years ago. Though unable to recall the exact date, he suggested two plausible dates based on approximate memory. He added that the boy had received no food during the court visit and that they had shared a meal. This small but verifiable detail prompted the team to target court appearance logs for those dates, despite the continued uncertainty about the boy’s full legal name.

Subsequent outreach to another detainee—who had not been abducted by the same security force but had served time in the same prison during the relevant period—proved unexpectedly successful (Code IBB<sup>71</sup>). Upon hearing the boy’s description, the individual immediately recognised him and confirmed the identity. He further disclosed that, after his release, by chance he had encountered

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<sup>67</sup> 16 year old male; abducted by RAB Intelligence and RAB 3 in 2019; disappeared for 20 months 13 days

<sup>68</sup> 20 year old male; abducted by DGFI, RAB Intelligence and RAB 3 in 2020; disappeared for 73 days

<sup>69</sup> 26 year old male; abducted by DGFI, RAB Intelligence and RAB 3 in 2019; disappeared for 110 days

<sup>70</sup> 33 year old male; abducted by CTTC in 2020; disappeared for 143 days

<sup>71</sup> 25 year old male; abducted by CTTC in 2021; disappeared for 110 days

the boy a year earlier at a bicycle repair shop, where the boy appeared to be living with his father, albeit still suffering from psychological instability.

Acting on this lead, the survivor returned to the location and successfully located the boy, who was then brought to the Commission. His identity was confirmed through cross-verification with prior testimonies. He was the same boy whose plaintive cries had been described by multiple survivors over several years. At the time of his disappearance, he had just been promoted to class nine. Before receiving his new schoolbooks, he had already endured two years in secret detention, two more in prison, and ongoing mental health challenges as a result of sustained abuse.

At the meeting with the Commission, it was immediately evident that the boy remained deeply psychologically unwell, despite undergoing treatment. The family was clearly impoverished, and the father's confusion—both about what had transpired and about the legal process—was palpable. The testimonies of the victim and his father given below are a compelling illustration of the long-term impact of enforced disappearance and its accompanying legal burdens on survivors and their families.

**ভুক্তভোগীর বাবা বলেছেন:** [গুম পরবর্তীতে থানায় যেয়ে] “পরে দূর থেইকা দেখলাম, কথা বললাম, কাছে গেলাম। হে আমারে চিনলো, খালি হাসে, আর কিছুই কয় না।” আমি জিগাইলাম, “এই যে তোর নখগুলা কই গেল? হাত দেখা তো, পা দেখা।” দুই পায়ের নখ নাই। হাতের বৃদ্ধাঙ্গুলের দুইটা নখও নাই। আগেত এমন আছিল না।

আমি জিগাইলাম, “এই কী হইছে?” সে কিছু কইতে পারলো না। শুধু কইলো, “বলা যায় না।” ঠিক বুঝতে পারি না, কিন্তু আমি চোখে দেখি – নখ নাই, দুই পায়েরও নাই।

আমি আবার জিগাইলাম, “স্যার, আমার ছেলেটারে কই থেইকা আনছেন?” তারা কয়, “র্যাব হেফাজতে ছিল, সেখান থেইকা দেওয়া হইছে।” আমি কইলাম, “আমার ছেলে তো দুই বছর ধইরা নিখোঁজ। এতদিন পরে কইরতে আনছেন? আগে কই আছিল?” তারা কয়, “আপনার ছেলের মামলা দিয়া ছিল।” আমি কইলাম, “মামলা যদি দিয়া থাকে, এতদিন পর কেন আনছেন?”

ওনারা কয়, “আপনার এত বাড়াবাড়ির দরকার নাই।” আমি কইলাম, “ভাই, আপনি যদি সহজ করে কইতেন, আমি তো সব শেষ মানুষ। আমার বউ মরে গেছে, ছেলে হারা হইছিলাম।” এতদিন পর যদি পাইলাম, তাহলে আগে জানাইলে আমি জামিনও নিতে পারতাম। আমি তো কিছু বুঝি না। তারা কয়, “উকিলের লগে যান, সব বুঝাই দিমু।” আমি কইলাম, “দোষটা কী? আমি তো শুধু অভিযোগ দিছি, ছেলে নিখোঁজ। আইনশৃঙ্খলা বাহিনীর পরিচয় দিয়া নিছে।” দুই বছর পরে পাইছি। কয় কাগজ দেখাইলে বুঝা যাবে মামলার অবস্থা।

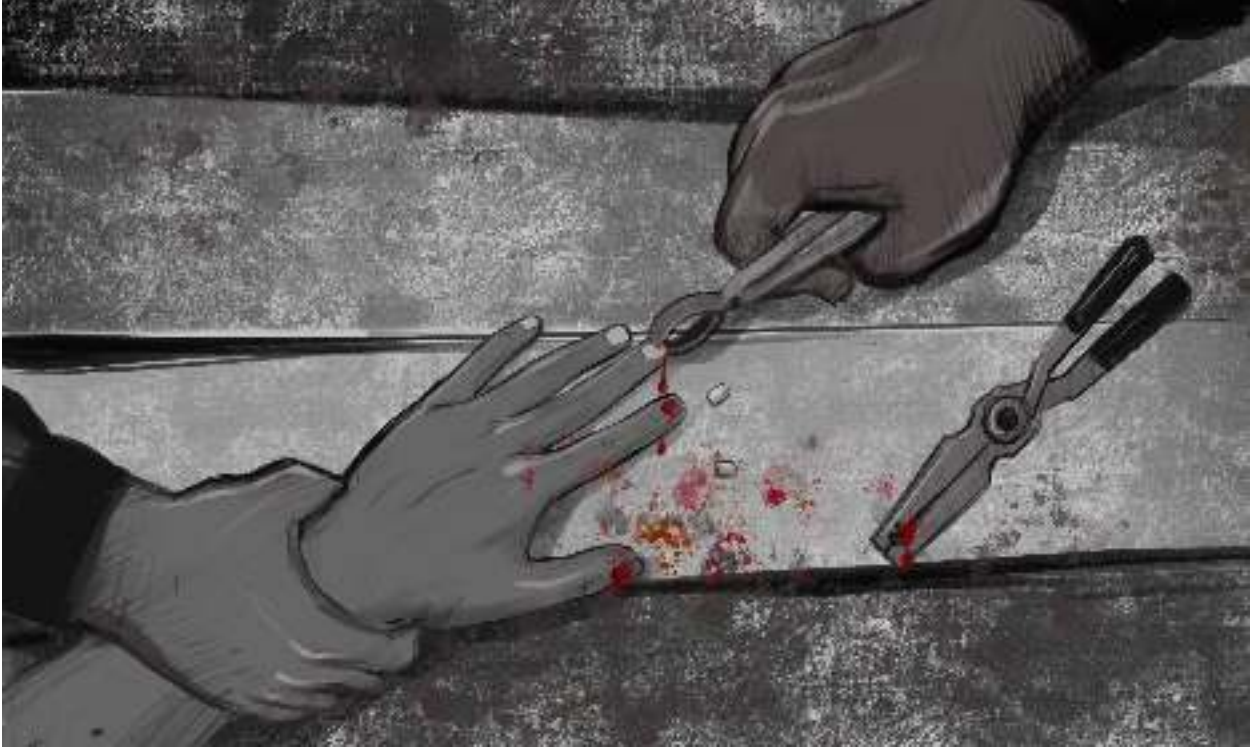


Fig 5G: Nails were frequently uprooted as a form of torture (illustration based on witness and survivor accounts)

একজন লোক নিয়া গেল উকিলের কাছে। ফাইল তুললো। দেখা গেল, মামলায় অনেক কিছু লেখা আছে। তারপর জজ কইলো, “বেল নিতে হইবো।” আমি তো জানতাম না। আমার ছেলে দুই বছর দুই মাস গুম আছিল। হেইখান থেইকা পরে কেস দিছে। দোষটা কী, আমি তো জানি না। উকিল কয়, “আমরা হাজিরা দিয়া জামিন চাইবো।” আমি তো গরিব মানুষ, খরচ চালাইতে কষ্ট হয়। একটা কাগজ লইয়া দেড় বছর ঘুইরা শেষ।

এর মধ্যে দুই জেলে নিছে – একবার কাশিমপুর, আরেকবার কেরানীগঞ্জ। জজ কইছে, দেখা কইরা কথা কওন লাগবো, মাসে একবার সাক্ষাৎ। সাক্ষাতের লাইগা নাম লেখান, ছবি দেন, আইডি দেন। আমি কইলাম, ভাই, একটা ব্যবস্থা করেন। ছেলেটা এতিম, মায় মারা গেছে। লেখাপড়া করত, সব শেষ। ... [গুম থেকে ফেরার পর] ও বসে থাকতো, হঠাৎ রেগে যাইতো। কেউ কথা জিগাইলেই থাপড় দিত। ... এখন ও খালি একা একা হাসে, কিছু কইলে ফেনায়, ঠিকমতো কথা কয় না। আগের মত না। ডাক্তার দেখাইলাম, ওষুধ দেয়, খায় না। কয় শরীর কাপে, ঘুমে ধরে। ওষুধ ফালায় দেয়। ডাক্তার কয়, নিয়ম মতো ওষুধ খাওয়াইতে হইবো।

এই হইলো ঘটনা। আমার ছেলে পাইলাম, এইটাই বড় কথা। সবাই কয়, “যা হইছে হইছে, এখন খাইয়া-পইরা বাঁচ।” কিন্তু আমি জানি কত কথা হজম কইরা এই পর্যন্ত আইছি। “এখন আমি আর উকিলের কাছেও যাই না, কারণ টাকা-পয়সার অভাব।”

**ভুক্তভোগী ছেলে বলেছেন:** সেলের ভিতরে থাকতাম, ওয়াশরুমে যাইতাম – ওই সময় মাইর খাইতাম, লাঠি দিয়া। খুব কান্না করতাম, ব্যথা পাইতাম। মনে হইতো বাড়ি যাই। কিন্তু বইলা দিত, “দিন হইছে গুয়ে থাক, রাত হইছে ঘুমা, কথা বলবি না, আওয়াজ করবি না।” ... আইনের লোক আছিল, কিন্তু ওই জায়গায় কোনো বন্ধু ছিল না। একা আছিলাম। অফিসার আইতো, জিগাইতো নাম, খাবার কি, অসুস্থ লাগলে কইতে। কয়, “কান্না করিস না, কষ্ট হইলে বলিস।” ... এখন কষ্ট পাই না, কিন্তু তখন ভিতর থেইকা খুব কষ্ট পাইতাম। যখন বাড়ি আসলাম, খুব ভালো লাগলো। মনে হইলো দুনিয়া পাইলাম। (5-49)

## 6. How did we arrive here?

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Alongside the weaponisation of the judiciary, two other factors enabled this system: a domestic culture of impunity within the security forces, and an international counterterrorism consensus that emboldened abuses under the guise of stability. This chapter argues that enforced disappearances in Bangladesh were not isolated acts of wrongdoing, but the result of a politicised institutional machinery that condoned, normalised, and often rewarded such crimes, with both domestic and international enablers playing decisive roles. Alarming, this culture of impunity continues to function even after the regime change of 5 August 2024.

### 6.1 Security personnel tormented

Throughout our work, a troubling pattern has emerged. During Sheikh Hasina’s reign, internal dissent within the security forces, especially on issues such as enforced disappearances, political neutrality, or institutional accountability, often carried adverse personal and professional consequences.

One officer in his forties recounted how expressing independent views and refusing to toe the official line on enforced disappearance led to systematic isolation from his colleagues. Before each new posting, his colleagues were warned not to trust him. His family’s communications were monitored, and fabricated allegations of sundry crimes followed him. Although he had never committed any formal wrongdoing, administrative tools like internal investigations and revoked security clearances were reportedly used to derail his career. “In the army,” he noted, “once an investigation is opened against someone, it is permanently recorded, regardless of the outcome.” The officer’s testimony was corroborated by others with knowledge of the event.

An officer (Code BDDJ<sup>72</sup>) who had commanded the task force investigating corruption by an Awami League leader during the 2007-2008 period was dismissed from service, forcibly disappeared, and later jailed under fabricated charges after the Awami League returned to power. The details of the case were confirmed by a former Director General of DGFI who was a witness to the events. His case exemplifies a broader pattern in which law enforcement officers face consequences for actions taken in good faith. As a result, many officers fear taking principled action—even when it is part of their mandate—believing they may be punished in the future for doing what is right.

In another case, a young man (Code BHIC<sup>73</sup>) described his brother’s mental collapse while working in an intelligence agency. The brother had been tasked with submitting a list of active political dissidents from his area of responsibility. To his horror, he subsequently discovered that everyone in the list he had submitted were eliminated. The guilt overwhelmed him to the extent that, his family reported, he was eventually hospitalised for severe psychological distress.

A victim (Code BEDD<sup>74</sup>), now permanently disabled due to the torture he endured, recalled how the CTTC officer assigned to interrogate him broke two instruments during the course of the beating, and then continued the torture using a third instrument. The violence was so extreme that two female officers present in the room broke down in tears and left. Although he was semi-conscious at the time, he vividly remembers their tears.

One soldier in his mid-twenties, upon being posted to a secret detention site particularly notorious for its systematic cruelty to captives, became horrified by what he witnessed. In the basic training, he was given the standing order obeyed by all there: “বন্দীদের সাথে কখনো স্বাভাবিক আচরণ করা যাবেনা, যেটা স্বাভাবিক মানুষের সাথে করা হয়। তাদের সবকিছু থেকে বঞ্চিত রাখতে হবে, সব অধিকার থেকে। যাতে সে কষ্ট অনুভব করতে পারে।” (6-1) Guards were even strongly discouraged from using their voices in close proximity to the prisoners, instead they were told to use “ইশারা”/signs and whistles. (Multiple blindfolded victims have reported these tell-tale whistles used at this site.)

When he asked to be removed from the assignment, he was plainly warned that backing out could get him killed. Whilst this may have been hyperbole on the part of his superior – since we have not yet found any instance of someone actually being killed for refusing to serve there and because

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<sup>72</sup> 37 year old male; abducted by DGFI in 2011; disappeared for 28 months

<sup>73</sup> 32 year old male; abducted by RAB Intelligence and RAB 14 in 2021; disappeared for 33 days

<sup>74</sup> 22 year old male; abducted by CTTC in 2018; disappeared for 25 days

soldiers and officers were routinely rotated in such postings – it indicates that loyalty was often only interpreted as silence and compliance.

### 6.1.1 Dissent

Yet, dissent did exist. That same soldier, though unable to leave, coped through small acts of resistance. He regularly gave his own meals to detainees, who were routinely served only half the rations of the guards. We confirmed this account directly from a victim who had received the soldier's largesse. One day, a captive tearfully thanked him for finally getting a full meal. The soldier stepped aside and silently broke down crying. When a superior asked why he had tears in his eyes, he blamed homesickness.

He was not alone in his anguish. Complicity in these crimes often took an emotional toll on some members of the security forces, as demonstrated in the following extract from the testimony of a government employee who was a victim (Code DFE<sup>75</sup>). He recounts meeting a soldier during his period of enforced disappearance at RAB 4, following two months at DGFI's JIC:

....সময় হয়তো মাঝ রাত হবে। “আমি কোন রকম একটা ওয়ু করছি, দাঁড়িয়া তেলাওয়াত করতেছি। যেহেতু নিয়মিত কোরআন পড়তাম, তেলাওয়াত অনেক সুন্দর ছিল। আমি তেলাওয়াত করতেছি আর এমন কান্না কানতেছি। কান্নার চোটে আমি আর কথা বলতে পারতেছি না।” ... পাশে যে ডিউটি করতেছিল, ও পরবর্তীতে বলছিল, “ভাই, আসলে আমি চাকরি করতে বাধ্য হচ্ছি। আমি হলাম সেনাবাহিনীর সৈনিক। তাদের এই জুলুমগুলো আমার সহ্য হয় না। আমার এখানে ডিউটি করতে মন চায় না।...”

আমি তেলাওয়াত করতেছি আর কানতেছি। তো সম্ভবত ওই যে সৈনিক যে আমারে পাহারা দিতেছে, ও'ও কানতেছে। সে বলতেছিল, “আচ্ছা, এরা কি সন্ত্রাসী? আচ্ছা, ও কি সন্ত্রাসী? ও কি সন্ত্রাসী হতে পারে? ও কি মানুষ মারতে পারে? ওর ব্যাপারে এরা কি করতেছে? অফিসাররা এগুলো কি করতেছে? স্যাররা এগুলো কি শুরু করছে?” নিজে নিজেই। রাত তো গভীর, কেউ নাই, নিজে নিজেই উনি বলতেছে। আমি হালকা হালকা শুনতেছি। ... কয়েকদিন পরে ডিউটির সময় উনি আমারে বলল যে, “দেখেন, আমার দৃঢ় বিশ্বাস আপনারা সন্ত্রাসী-টন্ত্রাসী কিছুই না। আপনারে স্যাররা নিয়ে আসছে, এটা একটা জুলুম করতেছে।” আমি আর কিছু বলি নাই। ...

তো যখন ওই আমাদেরকে মিডিয়া করে নিয়ে আসছে। আনার পরে আমাদেরকে এনে আবার কুঠুরিতে রাখছে। তখন ওই সৈনিক ভাই ডিউটিতে ছিল। উনি তো আমাদেরকে দেখে মহা খুশি। আমারে [জড়িয়ে] ধরতে তো পারতেছে না, তো বলতেছে, “ভাই, আমি রাত্রে ১০টায় ডিউটি করে গেছি আপনার এখান থেকে। তো ভাবছিলাম যে রাত্রে আপনাকে ক্রসফায়ার দিয়ে দিতে পারে। কারণ ওই রাত্রে মিটিং হইছে আপনাদের ব্যাপারে। কারে কি করবে, কারে ক্রসফায়ার দিবে, না মামলা দিবে। সবার ব্যাপারে সিদ্ধান্ত হয়েছে। আমি আবার যখন আসছি ৩টার দিকে ডিউটিতে, তখন দেখলাম

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<sup>75</sup> 31 year old male; abducted by DGFI and RAB 4 in 2017; disappeared for 5 months 11 days

যে, না, আপনারা আছেন। তখন বুঝলাম যে, আপনাদের ক্রসফায়ারের কোন সিদ্ধান্ত হয় নাই। এইজন্য আমি খুব খুশি, কারণ আমি ১০টার দিকে যখন ডিউটি থেকে যাই, আমি কোন ঘুমাই নাই। আমি সারাক্ষণ নামাজে বসে কান্নাকাটি করছি, যাতে আপনাদেরকে ক্রসফায়ার না দেয়।”

... আমি বললাম যে, “আচ্ছা ভাই, যেহেতু আপনি আন্তরিকতা দেখাইছেন, তাহলে একটু বলেন, আপনি নিজেও তো দেখতেছেন যে নাটক সাজাইতেছে তারা। এই যে অস্ত্র-মস্ত্র এগুলো দিয়া। এতে উনাদের লাভটা কি? উনারা দেশের আইনশৃঙ্খলা ঠিক করবে, তো আইনশৃঙ্খলা ঠিক হবে কিভাবে এটা করলে? উনাদের লাভ কি? আমাদেরকে যে রাখতেছে, পালতেছে, এটা তো খরচ আরো হইতেছে।” তো বলল যে, “যদি একটা বড় জঙ্গি ধরা যায়, তাহলে স্যারদের খুব দ্রুত প্রমোশন হয়। আপনারা চলে যাবেন এরপরে স্যারের প্রমোশন হবে। এইটাই লাভ।” আমি বললাম, “একটা প্রমোশনের জন্য আমার জীবনটা এভাবে ধ্বংস করে দিল।” উনি মনে হয় কান্না করে দিবে। চেহারা ঘুরায় ফেলাইছে আর কি। (6-2)

Captives often spoke of moments when they witnessed quiet defiance. Some guards, for instance, untied prisoners or refrained from carrying out the punishment mandated by officers. A female detainee (Code BIAH<sup>76</sup>) held at RAB 11 recalled a guard who loosened the restraints tying her hands to the cell door that had forced her to remain standing as a punishment: “আহা-আপা, আপনার অনেক কষ্ট হইতেছে। আমি আপনাকে একটু খুলে দেই, আপনি একটু রেস্ট নেন। স্যার আসার শব্দ শুনলে আপনি দাঁড়ায়া যাবেন, আপনাকে আমি আবার হ্যান্ডকাফ লাগায়া দিবো।” (6-3) These glimpses of humanity suggest that refusal, though not without risk, was possible.

One RAB Intelligence officer was allegedly ordered to kill a long-term detainee whose whereabouts had been compromised due to a colleague’s indiscretion. He refused, reportedly saying, “যদি ওনাকে মারতে হয়, তাহলে আমাকে এখান থেকে চেঞ্জ করে দিন, আমি মারব না।” (6-4) The victim was not killed and the officer remained in position until after 5 August, showing that resistance to unlawful orders did not always bring immediate fallout. (We received this account from a fellow colleague of his.)

The most striking case of protest we uncovered emerged entirely by accident. A colleague from the International Crimes Tribunal, while reviewing documents abandoned at Gonobhaban after 5 August, discovered two handwritten notes penned by RAB officers addressed to the Director of RAB Intelligence Wing, in which they refused to carry out unlawful orders. These were not formal letters but personal declarations, yet even these had clearly been forwarded to Sheikh Hasina, who retained them in her files from 2015 until her escape to India in 2024. One of the notes reads:

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<sup>76</sup> 25 year old female; abducted by police in 2018; disappeared for 24 days

“...when I was ordered to go on an operation by the RAB authority, I said that if there is any plan of extrajudicial killing or firing which is not permitted by the law of the country, I cannot take part in such kind of act.”

From the public statements made after 5 August 2024 by the then army chief, General Iqbal Karim Bhuiyan, we found out these officers quickly sought refuge at a military police check post, were returned to the army and, notably, did not face any disciplinary consequences for their refusal. This is despite the fact that news of their non-compliance had reached the highest levels of political authority.



Fig 6A: Train lines were used as body disposal sites (illustration based on witness accounts)

The very existence of these notes, handwritten by junior officers yet deemed important enough to be placed before the then Prime Minister, underscores the extent of Sheikh Hasina’s personal oversight. Her decision to preserve such documents for nearly a decade is telling. Their discovery after 5 August not only reveals the depth of her involvement, even in the smallest details of the system of repression, but also serves as a rare reminder that, within even the most coercive environments, some space for conscience and refusal did exist—however limited and fraught with risk.

## 6.1.2 Permissive institutional culture

However, when we consider the duration of the crime period—spanning over 15 years—the sheer number of victims, now nearly 1800 official complaints to the Commission, and the growing number of law enforcement and intelligence officers implicated in this inquiry, a deeper issue becomes evident. The problem is not merely individual misconduct; there exists a systemic problem within the institutional culture. It appears that there was an environment in which such crimes were tacitly condoned, and those who committed them were not regarded as offenders in any meaningful way.

A clear illustration of this is found in the documentation of the intelligence forces. Of all the intelligence files, those maintained by DGFI are considered some of the most detailed. These files cover not only military personnel but also members of other forces, including the police. The Commission had the opportunity to review seven such files belonging to officers against whom there is *prima facie* evidence of complicity in serious crimes, including enforced disappearance.

The nature of these disappearances strongly indicates that they were not the actions of lone individuals. These crimes were carried out with the involvement of many members of the individual units, which makes it nearly impossible that such actions could have been concealed from intelligence agencies, some of which had regularly assigned agents deployed to these units with the explicit mandate to monitor their colleagues and report to their superiors. And yet, not one of the reviewed files contained a single mention of enforced disappearance, despite how widespread the practice was during the period in question.

It is as if these officers, drawn from both the military and the police, had committed no such crimes at all. What the files did contain, often in meticulous detail, were notes on any suspected political affiliations they had. These included associations not only of the officers themselves but also of their extended family members, including such convoluted connections as the political identities of their wives' aunts. Additionally, the files recorded any complaints lodged against the officers, such as allegations of corruption, indiscipline, or misconduct. Yet, conspicuously absent was any mention of enforced disappearance or extrajudicial killing.



Fig 6B: Captives were thrown in front of vehicles to be killed (illustration based on witness and survivor accounts)

For example, one officer, currently a brigadier, against whom we have *prima facie* evidence of involvement in enforced disappearances was described by the then Director General of RAB, Benazir Ahmed, as having an exemplary record. The officer's performance was labelled as “খুবই সন্তোষজনক” (very satisfactory) and his leadership as “উচ্চ মানের” (high quality). Alongside, he is described as a “ভদ্র” (polite) and “সৎ স্বভাবের” (honest) officer who is professionally “অত্যন্ত দক্ষ” (very skilled). He was lauded because “স্ব উদ্যোগে” (self-initiated), “চট্টগ্রামের বিভিন্ন স্থানে অভিযান চালিয়ে” (conducted raids in various places in Chattogram), he had tackled “ইসলামী জঙ্গিবাদ, সন্ত্রাসী, চোরাচালান এবং মাদকের সাথে জড়িত সিডিকেট” (Islamic militancy, terrorism, and smuggling, and drugs syndicate). The report insisted “কোনো নেতিবাচক তথ্য পাওয়া যায়নি” (no negative information was found) about this officer.

Another officer's dossier documents a multitude of complaints of corruption and misconduct made against him by his colleagues. Minute details, such as that he used to regularly send “fish therapy” (gifts of fish) to the then Director Intelligence of RAB, the then Lieutenant Colonel Ziaul Ahsan, is included. But again, there is no mention of the capital crimes he was involved in.

*So, what explains the persistent silence within the forces about such serious allegations?*

One possible explanation is that certain actions, including these grave human rights violations and crimes against humanity we are examining, were not perceived within the security forces at the time as criminal acts. Rather, they may have been regarded as part of a wider operational mandate – understood internally as necessary steps in the pursuit of the proverbial national security and public order. In that context, such actions were possibly not viewed as deviations, but as routine responsibilities carried out by the officers under institutional instructions.

From that standpoint, it would not have occurred to anyone to formally report them as offenses. Much like how routine duties such as submitting a briefing or conducting a patrol are rarely flagged unless something goes wrong, these actions, too, were normalised. This is a reflection of how institutional priorities and norms can shape what is recorded and what is not. It is the only explanation that aligns with the otherwise thorough documentation we have seen.

This idea that certain actions became normalized as part of institutional culture is reflected in an interview we conducted with a high-ranking general. He spoke of the efforts he had made to ensure that officers seconded from the military to RAB did not become involved in capital crimes. One such measure, he said, was a system of briefing and debriefing: officers were spoken to before their deployment to RAB, and again upon their return after the deployment, and warned not to engage in unlawfully killing the defenceless.

In one of these debriefing sessions, a junior officer was asked by his superior whether he had killed anyone during his deputation period, and if so, how many. The officer hesitated, then admitted to having personally killed two individuals and having witnessed the killing of four others. Since funds were reportedly routinely distributed after such incidents, his superior followed up by asking what he had done with the money he had received after the operation. The officer replied that he had donated the money to his village mosque.

Religiosity per se, while meaningful to many, is no substitute for justice. One senior officer recounted confronting a subordinate who had begun to show signs of religiosity following his involvement in serious crimes. He told him that while the prayers he now offered were his duties to God, the crimes he had committed were debts owed to people. God, he said, does not forgive violations of others' rights on a person's behalf. The subordinate would need to seek forgiveness directly from those he had wronged, because prayer alone was not sufficient.

And yet, the junior officer's response is worth pausing over. It revealed an internal conflict – the kind of quiet moral struggle that, even if expressed clumsily, suggested a young man grappling with the weight of what he had done. At just 26-27 years old, the officer appeared to be trying, in his own disordered way, to seek some form of personal redemption. He may not have known how, but the prick of conscience was there.

What stands out even more is what the senior general *didn't* say in response. At no point did he indicate that, upon hearing his junior's admission of committing cold blooded murder twice, he took any steps to initiate an investigation, to identify the victims, or to refer the matter to military or civilian justice mechanisms. Despite having every opportunity to act, he chose not to. Instead, he presented this story to us as an illustration of his own vigilance – as if the debriefing itself fulfilled his responsibility.

This raises a serious question. If such an admission could be treated not as a red flag but as a routine anecdote, then what does that tell us about the prevailing understanding of justice and due diligence in these forces?

Another senior retired officer, widely acknowledged for his honesty, discipline and commitment to institutional standards, expressed concern to us about his officers being posted to RAB. But his concern did not seem to lay in the killings themselves, nor in the fate of the victims. “In the name of crossfire, our officers were getting involved,” he said, lamenting what he saw as a lapse in military decorum. He added, “You have lowered being a soldier to the level of being a member of Ansar or police. Everyone gets on the same pickup and goes on the same operation.” The issue, in his eyes, was one of pride and protocol, not legality or ethics.

That even the most principled officers viewed the matter through this lens spoke volumes about how deeply embedded this culture had become. It also explains why, after the seven-murder episode in Narayanganj, the Army Security Unit reportedly questioned only the soldiers involved in the incident but none of the officers. Even in the midst of accountability efforts, shades of the culture of impunity persisted.

Young officers, especially, often felt deeply disempowered in this environment. In one incident, a soldier recounted how a captive managed to briefly escape from a RAB Intelligence safe house but was caught outside by the soldier and brought back inside, subsequent to which he was likely killed. A young officer nearby was reportedly shaking in fear and broke down in tears, believing that if the captive had managed to escape, in retaliation, he himself might have been killed or

severely punished by his senior officer. That particular senior officer was renowned for his ruthlessness.

This kind of extreme fear persisted even when officers were fully aware that what was happening around them was unlawful. In another account, an officer described how a colleague, who had become heavily involved in enforced disappearances and other illegal operations, told him: “I didn’t have the courage to refuse at the beginning, and now I’m stuck.”

Such testimonies reveal not only a climate of fear but also a striking pattern of dereliction of duty by senior officers, who failed to provide any form of pastoral care or ethical guidance. This dynamic was not confined to the military; sub-inspectors in the police also reported being compelled to sign off on documents prepared by their superiors that implicated them in criminal acts they did not feel they could oppose. The problem thus encompassed all the security forces.

We fully recognise that security forces operate in complex and high-pressure environments, often under political and institutional strain. Still, it is difficult to ignore the fact that had the senior officers collectively taken a stand – had they resisted the pressure from civilian authorities to engage in these acts – things might have been different. Yes, it might have made their career progression harder, but they were Generals already. Yes, there might have been some unpleasant consequences, but a unified stance would have dispersed the risks.

Lawful, unified dissent was always an option. Officers were not bound to carry out illegal orders. This principle was understood then, just as it is now – not only by the officers, but also by the rank-and-file of the security forces as well. The possibility, indeed, the responsibility, of resisting the culture of impunity always existed, not just to protect the victims but also to protect lower ranking members of the forces who might have found it harder to refuse. Tragically, it was a possibility too often missed.

This, perhaps, captures the central moral challenge we face in looking back: whether genuine accountability was ever attempted and what could have been different if it had.

### **6.1.3 Ongoing culture of impunity**

It would be inaccurate to suggest that the culture of impunity has ended. Over the course of our work, we have encountered numerous instances that illustrate its continued presence, as well as its

chilling effect on justice and accountability efforts. In the medium to long term, the culture of impunity harms both the victims and their families as well as the security forces.

In many of our interactions with the members of the security forces, both the officers and the rank-and-file, we have found them to be deeply fearful. However, their fear was not directed at the Commission or its accountability mandate. In fact, during private conversations, many of them were candid in stating that their fear stemmed not from us, nor from any governmental accountability processes, but from their own institutions. Several expressed a genuine fear of retaliation, including the possibility of being killed.

One soldier, for example, initially agreed to communicate with the Commission only through an intermediary, too afraid to even let his voice be heard by any member of the Commission. It was only after repeated reassurances and ongoing engagement that he eventually felt safe enough to speak to us directly. This reflects the depth of fear that has permeated the ranks.

We are also aware of ongoing efforts within certain security agencies to resist cooperation with the Commission. We understand that internal groups have been formed with the explicit purpose of coordinating responses to the Commission's work. Briefing and debriefing sessions take place regularly – members of the security forces have repeatedly confirmed this to us. Some of these sessions have included explicit messaging instructing the security personnel to remain silent before the Commission.

In one instance, an interviewee reported that he was told by his superiors that even if he admits to his own actions, he must not name any other officers or speak of anyone else's conduct. Lawyers have been sent to the Commission accompanying officers summoned for interviews, despite there being no enabling provision in the law allowing their presence. When a military officer was asked why he had brought a lawyer along, he protested it was not his choice but the decision of "Headquarters".

For those who have chosen to break ranks and speak frankly to the Commission, the pressure feels institutional in nature, not the product of individual decisions. In March 2025, a former RAB Intelligence officer messaged, "Most importantly, don't refer my name in any evidence that I am passing you... then Army will sack and arrest me." The perception among many is that the security forces, as institutions, are positioning themselves in opposition to accountability efforts even as many members of the security forces are yearning for a resolution to this decade-long trauma.

We do not believe this perception to be entirely accurate, as we have typically received some cooperation from many forces, including RAB. Nevertheless, it has created a dynamic in which those who may be culpable believe that they need only to wait out the Commission's tenure, confident that their institutions will shield them. Meanwhile, those who are not accused of wrongdoing, but could serve as witnesses, fear that coming forward would place them at risk, as their institutions may ultimately fail to protect them, or worse, may retaliate against them for cooperating.

#### **6.1.4 Impact on accountability efforts and institutional integrity**

This ongoing environment of non-cooperation is causing immeasurable harm to justice and accountability efforts. It is also inflicting profound distress upon the families of the disappeared. The fate of the missing can only be determined through the testimony of those who were present at the time these victims were abducted and transferred to their final resting places. When those very individuals are intimidated into silence, the victim families are denied the possibility of truth and closure. That this denial persists even after the changeover of 5 August, after the window of opportunity opened for greater transparency and independence, marks an especially tragic and unjust outcome.

It is important to note that this resistance to accountability appears to be present across various branches of the security forces. For example, in January 2025, a CTTC officer expressed confidence to the Commission that they would not be implicated in the inquiry. Their reasoning, as conveyed to us, was that while the unit might have held individuals in custody incommunicado for extended periods, they had not engaged in other forms of misconduct. This attitude, which frames secret, unauthorised detention as a lesser offense or a non-offense, reflects the broader culture of institutional minimisation of wrongdoing and reinforces the challenges facing any effort to uncover the whole truth.

The tragedy is not limited to the families of the victims. The failure to bring this episode to a proper close, through comprehensive truth-seeking and meaningful accountability, is also doing lasting harm to the security forces themselves. An illustrative example of this is the event surrounding the issuance of arrest warrants by the International Crimes Tribunal (ICT) on 6 January 2025.

On that date, the ICT issued arrest warrants against eleven individuals who were found, on a *prima facie* basis, to be complicit in the commission of enforced disappearances. These warrants were based on information shared by the Commission from its inquiry, as well as findings from the

prosecution's own investigations. Among the individuals named were several senior military figures, including former Director Generals and a Director of the DGFI: Lieutenant General Md. Akbar Hussain, Major General Md. Saiful Abedin, Lieutenant General Mohammad Saiful Alam, Lieutenant General Ahmed Tabrez Shams Choudhury, Major General Hamidul Haq, and Brigadier General Mohammad Towhid-ul-Islam.

These generals held positions of command at the DGFI at a time when individuals such as Brigadier Azmi, Lieutenant Colonel Hasin, Ambassador Maroof Zaman, and many others were detained inside the JIC, the original Aynaghar. The JIC falls under the operational control of DGFI, which is headed by the Director General while the CTIB Director serves as the direct custodian of JIC. Based on repeated checks on the command structure, we can state with certainty that enforced disappearance at JIC during that period could not have occurred without the explicit knowledge and acquiescence of these Generals.

In fact, Major General Kabir Ahmed, currently serving as the Commandant of the School of Infantry and Tactics, told us that, whilst CTIB Director at DGFI, he personally discussed the presence of Brigadier Azmi at JIC with two DGs of DGFI: Lieutenant General Saiful Alam and Lieutenant General Ahmed Tabrez Shams. Additionally, a more junior DGFI officer told us the then Director of CTIB, Brigadier General Ahmed Tanveer Mazher Siddiqui, personally informed him of Brigadier Azmi and Michael Chakma's presence at JIC in order to oversee their food supply.

Although all of the Generals were retired at the time the arrest warrants were issued, at least three of them were then on Leave Preparatory to Retirement (LPR). Officers on LPR remain subject to the laws applicable to the active-duty personnel, particularly in matters such as foreign travel, which require formal authorisation.

Anticipating flight risk, the Commission had formally requested the revocation of their passports in November 2024. This request was granted by the Ministry of Home Affairs. As a result, when General Akbar appeared before the Commission in response to a summons in December 2024, he expressed frustration over the cancellation of his passport. He made it clear that he felt cornered, without any avenue of departure from the country. Any speculation that he might possess a second passport appeared baseless; he came twice, and his repeated compliance seemed to reflect the absence of alternatives rather than a voluntary willingness to cooperate.

Several of these individuals, as reported by witnesses, were residing in Dhaka Cantonment at least immediately before the warrants for their arrest were issued, except for Major General Abedin who

resides in the USA. Moreover, it is understood that the military leadership was notified well ahead of the issuance of the arrest warrants. And yet, since then, none of the warrants have been executed. In May 2025, the Commission also summoned other individuals from that list, including Major General Hamid. On 21 May 2025, the army headquarters informed us in writing that, despite attempts, the summoned individuals could not be reached over phone and their current whereabouts were unknown.

The army's admission, combined with the non-execution of the warrants, strongly suggests that these individuals are now absconders. Those who were within the country and residing in secured, well-known locations in January 2025, including inside the Dhaka cantonment, are now unavailable to the justice process. This raises serious concerns, particularly given that their passports had been revoked, there appeared to be no alternative travel documents, and the military authorities had been informed in advance of the impending warrants. The implication is that, despite being within reach of enforcement mechanisms, these high-ranking officers were permitted to abscond.

This sequence of events has generated deep disquiet about the future of accountability efforts. Those within the security forces who genuinely wish to support this inquiry have privately expressed concern that if such senior figures are allowed to evade justice without consequence, then the institutional will to pursue accountability is perhaps fundamentally compromised.

Crucially, the point we wish to make here is that the absence of accountability is not only harming the victims and their families, it is also inflicting serious institutional damage on the security forces themselves. The system of enforced disappearance involved multiple tiers of state and security structures, which can be broadly conceptualized as a three-tiered pyramid.

At the top lies the *strategic layer*, occupied by key political figures, such as Sheikh Hasina, General Tariq Siddiqui, the Home Minister, and other senior officials, who held the authority to order abductions and extrajudicial killings. Below this is the *executive layer*, comprising senior Generals and high-ranking members of the police and other security forces. These individuals directly received instructions from the political leadership and, as such, could serve as vital witnesses to their involvement. At the base is the *functional layer*, made up of lower-ranking personnel within the security apparatus who carried out the operations under orders from above.

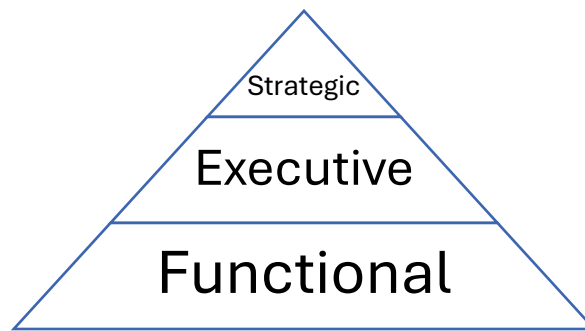


Fig 6C: A three-tiered pyramidal system

In the case at hand, the Generals who headed DGFI served as direct interlocutors between the armed forces and figures such as Sheikh Hasina and General Tariq Siddiqui when they ordered enforced disappearances. For instance, General Akbar informed the Commission that he had directly discussed the case of Humam Quader Chowdhury, a known victim detained in the JIC, with Sheikh Hasina herself. In one case, a junior DGFI officer recalled hearing his Director speak about a detainee's fate in a way that made clear Sheikh Hasina was informed of him and had expressed an opinion on the matter. What surprised the Commission was the casual manner in which the remark was delivered, indicating that even in cases that did not appear especially significant, her involvement was understood to be direct and intentional.

Therefore, it is these senior officers, positioned between civilian command and military execution, whose testimony could best demonstrate that responsibility for these crimes rested at the highest levels of civilian authority. Their testimony could have served a dual purpose: advancing truth and accountability, and protecting the institutional reputation of the security forces by clarifying that operational orders did not originate from within their hierarchy.

However, when these officers absconded, that critical link was at least partly severed. Their disappearance left the armed forces vulnerable to allegations that they had acted on their own when committing crimes against humanity. This is, in fact, the narrative that has begun to unfold. For years, the Awami League categorically denied the occurrence of enforced disappearances in Bangladesh, often offering alternative explanations, such as voluntary disappearance or criminal involvement. And yet, after the escape of the witnesses best positioned to reveal Sheikh Hasina's command responsibility, Awami League's posture shifted radically.

On 16 April 2025, Mohammad Ali Arafat, spokesperson for the Awami League, yet again publicly denied any role played by the party or its leadership but became open to the possibility that

enforced disappearances happened during their reign, albeit at the sole initiative of the military. He told the BBC: “If any such detention did occur, it would have been a product of complex internal military dynamics. I see [no] political benefit for the Awami League or for the government to keep these people in secret detention.” He also asserted that such actions were not conducted under the direction of Sheikh Hasina or any member of her cabinet.

The military’s position, as conveyed by its chief spokesperson Lieutenant Colonel Abdullah Ibn Zaid, was decisive. He said, “The army categorically denies operating any such detention centres,” and added, “The army has no knowledge of the things being implied.”

While Mohammad Ali Arafat’s statements may reflect the Awami League’s political necessity, they underscore the serious consequences of failing to secure testimony from those best positioned to reveal the chain of command. The result is an Awami League narrative that *unfairly* and *untruthfully* isolates the military as the *sole* guilty party while absolving the civilian leadership of its responsibility. This outcome runs counter to any genuine effort to protect the institution’s reputation – an aim we understand the current Armed Forces leadership rightly takes very seriously, as do we.

Preserving institutional credibility requires a process through which the security forces can be visibly and credibly cleansed of the individuals whose personal criminal liability renders them potential threats to national security. It also requires that the origins of unlawful commands within the political leadership be permitted to come to light. Allowing complicit officers to abscond or evade accountability creates a direct obstacle to both of these objectives. It’s self-defeating and harmful to the institution.

More troubling still is the emergence of a new pattern. Individuals who were not originally implicated in enforced disappearances, and who, based on available information, were not involved in the commission of those crimes, now find themselves complicit in a second cycle of wrongdoing. By facilitating the escape of individuals against whom lawful arrest warrants had been issued, they are committing new offenses. This risks drawing more actors into institutional misconduct, expanding the circle of impunity, and deepening reputational harm.

That this situation has arisen not because of a lack of the truth, but because those best placed to reveal it were permitted to abscond, is a profoundly damaging outcome – and one that was entirely avoidable had the institutional inertia against accountability in the security forces not been so strong.

### 6.1.5 Strategic risks and flawed comparisons

An additional risk for all security forces in continuing to protect or retain officers potentially involved in crimes against humanity within their ranks is their high vulnerability to hostile intelligence services. Individuals implicated in serious violations may take extreme and unauthorised measures to prevent their complicity from being exposed. In doing so, they may inadvertently create opportunities for foreign intelligence agencies to exploit their position, secrecy, or fear. This not only compromises individual integrity but also national security. The harm, therefore, is multilayered: there is direct harm to the victims and their families, and there is institutional harm that affects the credibility, cohesion, and long-term stability of the security forces themselves.

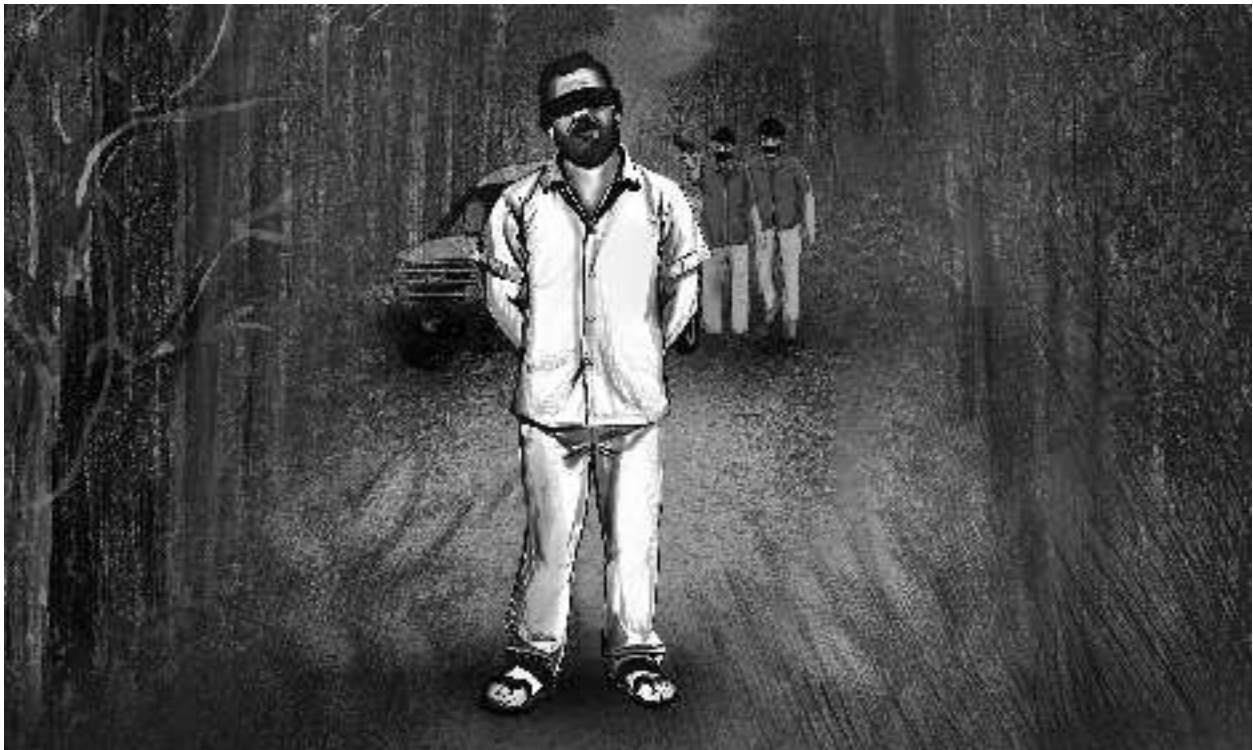


Fig 6D: Captives were executed in isolated locations away from public view (illustration based on witness accounts)

It is possible that, within the security forces, the long-term implications of these accountability dynamics remain unclear. In conversations with high-ranking officers, particularly those currently in decision-making roles, some expressed reservations about the focus on senior intelligence officials. Their view was that holding the heads of intelligence agencies accountable is unprecedented, inappropriate, and harmful for the country's security. They pointed out that

agencies, such as the CIA in the United States, have engaged in numerous controversial or unlawful operations, yet it is rare for the CIA directors to face legal consequences for institutional decisions. The implication was that prosecuting Bangladeshi intelligence heads represents an unusual and unjust precedent.

However, such comparisons overlook a critical distinction. While agencies like the CIA have been involved in contested or covert activities, they have not historically functioned as instruments for persecuting domestic political oppositions during partisan transitions. In the US context, for instance, the CIA has not been known to target Republicans during Democratic administrations, or vice versa. In contrast, in the Bangladeshi case, intelligence agencies have been used to systematically suppress domestic political opposition parties, a dynamic that renders the current situation fundamentally different.

A more appropriate comparison may be found in the experiences of fallen autocratic regimes, such as Iraq after Saddam Hussein or Libya after Colonel Gaddafi. In most of those cases, transitional periods were marked by swift and often violent retribution against former security chiefs. In that light, the process unfolding in Bangladesh, however complex, is notably more restrained and judicial in nature. Far from being an exceptional overreach, it reflects a comparatively measured approach to accountability in the aftermath of systemic, decade-long abuse.

## **6.2 International legitimising function**

Along with compromising the security services, during its time in power, the Awami League also cultivated a narrative that framed itself as the only viable safeguard against the rise of Islamist extremism in Bangladesh. This framing was deployed consistently across diplomatic platforms, public speeches, and party communications. In 2015, the Prime Minister's Office described Sheikh Hasina as “a staunch crusader against fundamentalism and extremism” during a speech at Columbia University, projecting an image of moral leadership in the professed global war on terror.

International partners echoed this message. Jay Kansara, speaking on behalf of the Hindu American Foundation before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs, U.S. House of Representatives, directly linked opposition forces, specifically the BNP and Jamaat-e-Islami, to “a history of collaboration with terrorist elements.” Such statements helped consolidate a consensus in which political competition was viewed as a potential gateway to instability, and authoritarian consolidation as a necessary trade-off.

Domestically, this narrative was reinforced through persistent rhetorical framing by senior government figures. In 2021, Obaidul Quader, General Secretary of the Awami League and Minister of Road Transport and Bridges, declared that “Awami League has always taken a firm stance against militancy and communal forces in Bangladesh.” A year later, he emphasized that the party had “continuously opposed the anti-liberation forces and their efforts to destabilise the country through terrorism.”

State Minister for Foreign Affairs Shahriar Alam likewise stated in 2023 that “যে রাষ্ট্রে একবার জঙ্গিবাদের উত্থান হয়েছে, সেখানে আবারও তা ফিরে আসার আশঙ্কা থেকেই যায়” (“In a state where extremism once appears, the risk of its return always remains”). These pronouncements portrayed national security as something inherently bound to the party’s continued rule, turning governance into a form of counterterrorism by definition and delegitimizing all oppositions as patent or latent threats.

## 6.2.1 Renditions to India

The Awami League’s domestic counter-terror narrative was mirrored in bilateral security cooperation with India. This relationship extended beyond rhetoric and translated into tangible joint operations, cross-border coordination, and illegal renditions. In several testimonies, victims describe being handed over from Indian custody to Bangladeshi intelligence, and vice versa.

In one instance, the individual was first picked up in India by Indian authorities. DGFI then sent a set of questions to Indian intelligence, who posed them to the captive and relayed the responses back. This sequence of activity has been confirmed to us through sources within DGFI. The man was later returned to Bangladesh and transferred to DGFI custody where he was kept forcibly disappeared for years. Code EAD<sup>77</sup> recounted to us the occasion of his handover across the border: “রাতের বেলা, রাত দেড়টার দিকে, [ইন্ডিয়ান অফিসাররা] প্রথমে আমার চোখ বাঁধলো। হ্যান্ডকাফ তো আছেই। ওদের অস্বসহ রেডি হলো। ... তারপর গাড়ি থেকে ওই ১০ মিনিট পরে নামালো। নামানোর পরে বুঝলাম যে, আমাকে হস্তান্তর করতেছে আরকি। ... আমাকে বলছে, “তুমি বস, তুই বস।” আমাকে বসিয়ে, নিচ দিয়ে পার করছে।” (6-5)

Another victim (Code BFI<sup>78</sup>), who we have been able to confirm from RAB sources was kept imprisoned in two facilities run by RAB Intelligence, described being transferred from Bangladesh to India where, afterwards, he was interrogated for posting video content on Indian Muslims.

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<sup>77</sup> 21 year old male; abducted by DGFI, RAB Intelligence and RAB 1 in 2016; disappeared for 2 year 8 months 7 days

<sup>78</sup> 21 year old male; abducted by RAB 4 and RAB Intelligence in 2023; disappeared for 1 year 3 months 24 days

ওরা ওই জায়গায় তিন মাস রাখলো। রাখার পর একদিন ওরা আবার ওদের যে আমাকে প্রথম যে জায়গায় রাখছিল সেই জায়গায় নিয়ে গেল। সেখানে গিয়ে বলল, “বড় বড় অনেক গোয়েন্দা সংস্থা আছে, আমাদের হাত থেকে নিয়ে তোকে মাইরা ফেলবে। আমাদের কাছে এতদিন ছিলি, তোর ভালোর জন্য তোকে দেশের বাইরে কিছুদিন রাখতে চাই।” ... পরে তারা বলল, “তোমার আত্মা অনেক কাল্লাকাটি করতাকে। এর জন্য অনেক ছড়াছড়ি হয়েছে। তাই তোমাকে দেশে রাখা যাবে না, দেশের বাইরে পাঠাব আমরা।” ... “তোমাকে আমরা ইন্ডিয়া পাঠাব।” তারপরের দিনই আমাকে রেডি করে নিয়ে গেল। ... হাইস গাড়িতে করে নিয়ে গেছিল, চোখ বেঁধে। ... বর্ডারে দুইটা লোক আইছিল, হোন্ডায় করে। বলল, “এরা তোরে পার করে দিবো। তারপরে, তুই ওই জায়গায় কতদিন থাকবি, আবার আমরা তোকে ব্যাক নিয়ে আসবো।” “... যখন আমাকে অন্যজনের কাছে তুইলা দিল, তখন আমার চোখ খুলা। তখন যারা আমাকে নিয়ে গেছে, তাদের দেখছি। ... তারপর একটা নদী পার করাইলো। ওই নদী পার করার পর কাটাতারের একটা বেড়া ছিল। ওই বেড়া দিয়ে আমাকে পার করে তারা নিয়ে গেল। ...”

ওরা বইলা দিছিল, “এই বাস যেই জায়গায় থামবে, ওই জায়গায় তুই নেমে পড়বি। ওই জায়গায় লোক আইবো, তারা তোকে নিয়ে যাবে। লোক আইবো, তারা তোকে কাজ কাম দিয়া দিবে। কিছুদিন থাকবি।” পরে আমি নামার পর দেখি, কেউই আসে না। রাত হয়ে যায়। ... [বাংলাদেশে] ওরা টাকা-পয়সা দিছিল - তিন হাজার বাংলাদেশি টাকা দিছিল। ... ইন্ডিয়া আসার পর, ওরা আমার ওই ৩০০০ টাকা নিয়ে যায়। পরে আমাকে ১০০০ টাকা দেয় - ইন্ডিয়ান ১০০০। ... আমি ভাবলাম দেখি, কোনো শোয়ার জায়গা আছে কিনা। পরে হাঁটতে থাকলাম। রাস্তায় ছিলাম প্রায় চার দিন। ... খাবার-দাবারের কিছু ছিল না। ওই যে টাকা দিছিল, শুধু পানি কিনে খাইতাম। মানে পানি খেয়ে বাঁচতাম; খাবার কিনতাম না। কিনলেই তো টাকা ফুরায় যায়। তাই না? ... চার দিন আমি বাসস্ট্যান্ডে শুয়ে আছিলাম। পরে এলাকার লোকজন আমাকে পুলিশের হাতে দিয়ে দেয়। ...

থানায় নিয়ে আমাকে জিজ্ঞাসাবাদ করলো। আমি কিসের জন্য আইছি? পরে আমি সব কিছু খুলে বললাম, “আমাকে এরকম র‍্যাভ ধরছে। তারা আমাকে এই জায়গায় পাঠাইছে। আর আমাকে জঙ্গি বলে ধরছিল।” তারা এগুলো বিশ্বাস করে না। তারা আমাকে “আনপাসপোর্ট কেস” দেয়। আনপাসপোর্ট কেস দিয়ে আমাকে জেলে দেয়। ... দুইটা টয়লেটের মাঝখানে—মানে টয়লেটের যেটা নোংরা, ওইগুলার মাঝখানে আমাকে শোয়াইতো। ... আবার দোতালার পাইপের উপর, ভাঙ্গা টয়লেটে, ওই জায়গা থেকে ছিটা ছিটা আইতো শরীরের উপর। ওই জায়গায় শোয়াইতো। আবার খাবার—কখনো দিত, কখনো দিত না। কাজ করাইতো, কাজ কইরা দেখতাম খাবার নাই। ...

হ্যাঁ, দিল্লি থেকে জিজ্ঞাসাবাদের জন্য লোক আইছে। তারা বলল, “আমরা দিল্লি হেডকোয়ার্টার থেকে আইছি।” ... তারা আইসা জিজ্ঞাসাবাদ করছে, “তুই কিসের জন্য ইন্ডিয়া বিরোধী ভিডিও ছাড়ছিস?” আমি বললাম, “আমি জানি না, আর আমি কিছু ছাড়ি নাই।” ... তারা বাংলা বলছে। ... ভারত বিরোধী ভিডিও কিসের জন্য পোস্ট করতাই, বিশেষ করে কাশ্মীরি বিরোধী ভিডিও। মানে মুসলমানদের একটু জুলুম হইতেছে না, ওইটার পক্ষে কিছু বলা হইছে। ... তারা জিজ্ঞাসা করছে ইন্ডিয়ার প্রসঙ্গে। তারা বলল, “এই ভুল জানি আর জীবনে করবা না। এইবারের মত ছেড়ে দিলাম।” এরকম। ... না, এমানে টর্চার করে নাই। কিন্তু ওই যে খাবারে সমস্যা করছিল—খাইবার দেয় নাই। কাজ করাইছে, কিন্তু খাইবার দেয় নাই। (6-6)

We have documented Code BDIJ<sup>79</sup>, also kept imprisoned by RAB Intelligence, who was handed over to India. There is eyewitness corroboration of his presence inside TFI and we have reviewed the Indian case documents that support his claim. He reports that:

প্রচণ্ড মাথায় যন্ত্রণা হইতো। শরীর প্রচুর দুর্বল হয়ে গেছে। ... তখন আমি মানে হাঙ্গার স্ট্রাইক করি। ওইখানেই ২৪ ঘন্টা হাঙ্গার স্ট্রাইক দিই। তখন গুমখানায় ডিউটি করা একটু অফিসার পর্যায়ে একজন কয়, “তুমি নিজেকে নিজে মাইরা ফেলাইতোছো কেন? তুমি জানো নেলসন ম্যাঙ্গেলা কত বছর জেল খাটছে?” তারাই আবার আমারে বুঝাইতো, “ইউসুফ নবী অনেক জেল খাটছে, ইয়া খাটছে”, এগুলো তারাই বুঝাইতো। তো বলে, “তুমি এখান থেকে বের হইয়া অনেক দিন বাইচা থাকবা। তুমি শুধু নিজেরে নিজে কষ্ট দিতাছো মিঞা।” আমি যেন খাওয়া-দাওয়া করি, এই জন্য কনভিন্স করতো। মানে একটা বিষয় কি জানেন—যেটা মানে পর্জিটিভ-নেগেটিভ সবই তো বলতে হইবো—তারা এইটুকুই চাইতো যে দমটা যেন থাকে, মারাটা যেন না যায়...

পরে, যখন আমি হাঙ্গার স্ট্রাইক দিলাম, আমি বড় স্যারদের সাথে কথা বলতে চাই। পরে একজন বড় স্যার—উনি আমাকে সর্বপ্রথম জিজ্ঞাসাবাদ করছিলেন এবং সর্বশেষও উনি জিজ্ঞাসাবাদ করছিলেন—তার মনে একটু কিস্তি ১% হয়তো মানুষের ছোঁয়া আছে। প্রচণ্ড খারাপ লোক সবাই, কোন সন্দেহ নাই। তো আমি বলতেছি, “স্যার, আমারে আর কষ্ট দিয়োন না। আমারে স্যার ক্রসফায়ার দেন। আমারে শুধু শুধুই রাখছেন।” তো পরে বলে, “না, বাইচে থাকতে হবে।” তারা সবচেয়ে বেশি ফোকাস করতেন, “তুমি কয়টা নাম বলে চলে যাও। নাম বলে।” আমি বলছিলাম, “নাম জানি না... জঙ্গি সংশ্লিষ্ট... আমি নাম জানবো কেনে?” ... বড় স্যারে আমারে বললেন, “ঠিক আছে, যাও, এক সপ্তাহের মধ্যে একটা ব্যবস্থা হবে।” এই ব্যবস্থা করছিল ঠিকই, কিন্তু মাগার আমারে ইন্ডিয়া চালান করে দিলো। সবচেয়ে বেশি আমার কষ্ট হইছে এইটা যে আমারে ইন্ডিয়া চালান করলো...

গাড়িতে উঠাইয়া আমাকে জম টুপি পরিয়ে ফেলে, যেটাতে আপনি স্বাভাবিকভাবে বাতাস নিতে পারবেন না... গাড়ি থেকে নামাইল... রাত দুইটার মতো বাজে আনুমানিক। তো এখান থেকে নামাইয়া অনেক দূর রাস্তা হাঁটায়। দুজন লোকের উপর আমি ভর দেই... পরে দুজন লোকের কাছে হস্তান্তর করলো। তারা একটু সামান্য হাঁটায় অন্য একটা গাড়িতে তোলে... পরে আমাকে থানাতে দিল... বিভিন্ন মাধ্যমে আমি জানার চেষ্টা করলাম, কারা আমাকে দিয়া গেছে এখানে। বলতেছে, “তোরে দিয়া গেছে এসটিএফ-এর লোকেরা।” স্পেশাল টাস্ক ফোর্স, পশ্চিমবঙ্গের গোয়েন্দা সংস্থা। এসটিএফ কী, এটা আমি আগে জানতাম না। ...

আনপাসপোর্ট মামলা দিছিলো... জেল খাটা হলে গাড়ির সিরিয়াল পাওয়ার জন্য অপেক্ষা করতে হইলো জেলখানাতে... এটা আরপি সিরিয়াল বলে। আরপি মিনস হচ্ছে ‘রিলিজড প্রিজনার’—মানে যেসব প্রিজনারদের সাজা খাটা শেষ... অনেক লোক আছে যাদের গাড়ি সিরিয়াল পেতে তিন মাস পর্যন্ত সময় লেগেছে... তখনকার জেল সুপারটা ভালো ছিল বিধায় আমারটা ২৯ দিনে পাওয়া যায়... আমি মনে করি যে, কোনো সময় যদি কেউ ক্লেইম করে যে, তারা কোনো প্রমাণ পায় নাই যে আমি জঙ্গি সংশ্লিষ্ট আছি, অমুক-তমুক আছি, কোনো প্রমাণ পায় নাই—এখনও যদি কেউ কোনো সময় ক্লেইম করে যে, “এই লোকটারে কেন বিনা দোষে শাস্তি দিছেন?” তখন তারা বলতে পারে, “আমরা তো তাদেরকে শাস্তি দেই নাই। সে তো আসছে ইন্ডিয়া থেকে।” (6-7)

<sup>79</sup> 30 year old male; abducted by RAB Intelligence in 2021; disappeared for 10 months

Individuals speaking foreign languages, including Hindi, also visited prisoners at secret detention sites. We have heard this from several prisoners, including a long-term prisoner at TFI who remembers (Code BDAG<sup>80</sup>):

আমি হিন্দি ভাষা বলতে শুনছি। ... যখন পরিদর্শনে আসতো, তখন আমাদেরকে দেয়ালের দিকে মুখ করে হ্যান্ডক্যাফ পরিয়ে বসিয়ে রাখতো, সারাদিন নড়াচড়া করতে দিত না। তারপর আমি বুঝতে পারতাম যে, অনেকজন লোক আসছে – পায়ের আওয়াজ শুনতাম। দুর্গন্ধের জায়গা – পেশাব, পায়খানার গন্ধ থাকতো সব জায়গায়। হঠাৎ করে পারফিউমের ঘ্রাণ পেতাম; অনেকজন আসছে। তারপর মোবাইলের রিংটোন, মোবাইল বাজতেছে, নোটিফিকেশন আসতেছে – এগুলো আওয়াজ শুনতে পারতাম। অনেকজনের পায়ের আওয়াজ শুনতে পারতাম। আর আমাকে ওয়াল ফেসিং দিয়ে রাখত, আমি পেছনে বুঝতে পারতাম অনেকজন আমাকে দেখছেন। তো আমি ভিজিট টাইমে হিন্দি ভাষা শুনছি। ... যে তারা একজন আরেকজনের সাথে হিন্দি ভাষায় কথা বলতেছে। ... A crowd watching over me. Some of them speaking in English. In Hindi. এটা clearly আমি শুনছি। More than once. (6-8)

These accounts point to a pattern of informal, opaque, and bilateral intelligence cooperation between Bangladesh and India, involving cross-border transfers and joint interrogations of captives. The details above suggest that such cooperation was not always driven by exceptional security concerns; at times, it appears to have been triggered by surprisingly trivial reasons. The discussion elsewhere in this document about the prisoner exchange involving Subrata Bain further illustrates the troubling frequency and normalisation of such practices.

## 6.2.2 Security cooperation with Western actors

Parallel to the India nexus, the Awami League also benefited from sustained Western cooperation under the banner of counterterrorism. Senior officers confirmed to us that this partnership, particularly with the United States, enabled capacity building within Bangladesh’s security sector even as abuses mounted. In one testimony, a victim recalled being interrogated by two Americans while in DB custody where there was dispute about, what we suspect was, an informed consent document (Code BEID<sup>81</sup>):

ছয় মাস পর তারা আমাদের আবার ডিবিতে নিয়ে এল। এইবার আমেরিকা থেকে দু’জন লোক এসেছিল... তারা শুধু আমাকে জিজ্ঞাসাবাদ করার জন্য আসেনি, তারা আরও অনেক লোককে এনেছিল... তারা আমাকে ঐ দুজন আমেরিকান লোকের সামনে বসালো, আর তারা আমাকে একটা ফর্ম দিল এবং বলল, “আমরা চাই আপনি এটাতে সই করুন।” আমি বললাম, “আমি কি আগে এটা পড়তে পারি?” তারা বলল, “আপনার কি দোভাষীর দরকার?” আমি বললাম, “আমি সরাসরি আপনার সাথে কথা বলতে পারি।” ...

<sup>80</sup> 32 year old male; abducted by DB and RAB Intelligence in 2016; disappeared for 8 years

<sup>81</sup> 30 year old male; abducted by CTTC in 2015; disappeared for 4 days

তারা আমাকে এই ফর্মটা দিল, আর তাতে আমার নাম এবং অন্যান্য ডিটেইলস ছিল... লেখা ছিল আমার আইনজীবীর সাহায্য পাওয়ার অধিকার আছে এবং সে জিজ্ঞাসাবাদের সময় উপস্থিত থাকতে পারবে... আমি বললাম, “আমার বোন একজন আইনজীবী... আমি চাই আপনারা কিছু জিজ্ঞেস করার আগে সে এখানে থাকুক।” তারা বলল, “আমাদের তো বাংলাদেশে কোনো এখতিয়ার নেই, তাই এটা শুধু একটা কাগজ যার কোনো ব্যবহার নেই।” ...

আমি বললাম, “দেখুন, আপনারা হয় এটা বলুন যে এটা একটা অর্থহীন কাগজ, অথবা আমার বোনকে এখানে আনুন, না হলে আমি এটাতে সই করব না।” তারা বলল, “ঠিক আছে, এই কাগজটা দেখুন... এটা শুধু একটা ফর্মালিটি... আপনি সই করে দিন।” আমি বললাম, “আপনারা স্বীকার করছেন এটা এক প্রকার অর্থহীন, তাই না?” তারা বলল, “হ্যাঁ, আমরা স্বীকার করছি।” ... তারা আমাকে জিজ্ঞেস করল, “আপনি কী করেন?”... “আপনার ইংরেজি এত ভালো কিভাবে?... আপনি কী পড়েছেন?” আমি বললাম, “আমি আন্তর্জাতিক স্কুলে পড়েছি।” ...সব শেষে তারা আমাকে ছেড়ে দিল... আর তারপর তারা আর কিছু জিজ্ঞেস করেনি। (6-9)

Another captive—whose detention in DGFI custody we have independently confirmed—recalled being interrogated by a foreigner. He suspects the interrogator was an English-speaker, based on cues he picked up during the questioning (Code EAD<sup>82</sup>):

[এর অনেক দিন পর] ডিজিএফআই-এর অফিসারটা জাস্ট বললো যে, ফরেন গেস্ট আছে, ইংলিশে কথা বলো। তখন আমার ধারণা হলো ইন্ডিয়া থেকে আসছে। তো আমি পরীক্ষা করার জন্য হিন্দিতে বলি। এটা আমি পরীক্ষা করার জন্য বলছি আরকি। তো বলছে, “না, ইংলিশেই বলতে হবে।” ... অনেকক্ষণ, দুই-তিন ঘন্টা, ঘুরে পিছে একই কথাবার্তা। ... তারপরে আমাক বেশ ভয় লাগায় দিছে। মানে সেদিন আমাক সর্বশেষ বলতেছে, “তুমি যা দিলা এটা তো হবে না।” তা আমি বললাম যে, আমি তো জানি না। তখন বলতেছে, “তুমি যদি না-ই কিছু বলতে পারো, তাহলে তো তোমাকে বাঁচিয়ে রাইখা লাভ নাই আমাদের। মানে ইউ হ্যাভ টু লে গোল্ডেন এগ।” একদম এই কথাই বলছে। ... পরের দিন আমি কি সোনার ডিম দিব, এটা শোনার জন্য পরের দিন আবার নিবে। পরের দিন আমি শুধু একটা কথাই লিখছি যে: “আই এম এক্সট্রিমলি সরি নট টু বি এবল টু গিভ গোল্ডেন এগ।” এই একটা লাইনই শুধু লিখছি। মানে মেজাজও খারাপ হয়ে গেছে যে মানে কি করতেছে এসব অযথা। তো যাই হোক, পরের দিন আর জিজ্ঞাসাবাদ করে নাই। নিয়ে গেছিল জাস্ট, নিয়ে আসছে, আর জিজ্ঞাসাবাদ করে নাই। (6-10)

While as far as we know these foreign individuals did not engage in direct abuse, their presence gave legitimacy to a broader system of enforced detention. Their role appeared more symbolic—reinforcing state narratives and extracting appearances of procedural consent—than protective.

As early as 2011, Human Rights Watch reported that “foreign governments, in particular the UK and the US, regard RAB as Bangladesh’s most effective anti-terrorism force and have expressed strong interest in increasing cooperation with RAB.” This endorsement, echoed in diplomatic and

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<sup>82</sup> 21 year old male; abducted by DGFI, RAB Intelligence and RAB 1 in 2016; disappeared for 2 year 8 months 7 days

security circles, lent significant political and material support to RAB over the following years—despite mounting evidence of extrajudicial killings, secret detentions, and enforced disappearances. The Awami League government, by framing itself as an indispensable bulwark against Islamist extremism, entered into what effectively became an authoritarian bargain: in exchange for visible alignment with global counterterrorism priorities, it received tacit tolerance or even active backing from international partners.

Although some sanctions were eventually imposed in response to systemic abuses, these came only after years of complicity. Throughout much of the preceding decade, the global counterterrorism agenda provided both cover and resources to a force widely accused of grave human rights violations. Intelligence-sharing agreements, training programs, and surveillance cooperation continued largely uninterrupted, even as domestic repression intensified. The portrayal of the Awami League as a counter-extremist anchor helped normalise this support, reinforcing the idea that repression at home was the necessary cost of stability in the region.

Now that the regime is no longer in power, these arrangements and the broader security frameworks they underwrote must be openly reassessed. A serious reckoning with how the rhetoric of extremism enabled sustained foreign complicity is crucial to understanding the institutional landscape that allowed such widespread violations to occur, and to remain unchallenged for so long.

## 7. What is the effect?

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The most prominent effect of the system of enforced disappearances has been the widespread spread of a culture of fear and silence that had severe dampening effect on civic and political life. This culture penetrated deeply into personal lives, even creating fear within families operating in the safety of their own homes, as demonstrated by the following example (Code DFE<sup>83</sup>):

পরিস্থিতিটা এমন ছিল যে আমি জেল থেকে যখন বাড়িতে গেছি, আমারে জোরে কথা বলতে দিত না। আমাদের মেইন রোডের পাশেই বাড়ি। অনেক সময় কথা বললে একটু বাড়ির বাইরে আওয়াজ চলে যায়। তাই জোরে কথা বলতে দিত না। কেন? আন্নার ভয় হলো যে, যদি আমার কোন কথার আওয়াজ বাইরে যায়! ... আন্না কইতো যে, “একটা থেকে বাইচে আসছোস, এ পর্যন্তই থাক।” আমি বলতাম যে, “আন্না, আমারে কেউ মারবে, আমি কি একটু কানতেও পারমু না?” কয় যে, “না, কাঁদার বহু সময় আছে, আল্লাহ কাঁদার সময় দিব। এখন তুই কানতেও পারবি না। তুই কান্দা ছাড়াই থাক।”

আন্নার দেখাদেখি আমার ওয়াইফও আমার সাথে প্রায় সময়ই কঠোর আচরণ করতো। কোন একটা বিষয় আসলে যদি আমি বলতে চাইতাম যে: “ওরা আমাদের জমিগুলো অন্যায়ভাবে দখল করে রাখবে, আপনারা কোন কথা বলবেন না, এটা হইলো? আমার অধিকার কি আমি নিতে পারমু না? মাইরা ফেলবে এই জন্য? গুম-খুন করে ফেলবে? তো ওরা তো ওই চেষ্টা করছেই। এই জন্য কি আমি জমির পাশে যাইয়া দাঁড়াইতে পারমু না?” তো আমার ওয়াইফ আমার ভাইয়েরে ফোন দিত যে, “আপনি ভাইরে বুঝান, উনি যাতে এগুলোর কথা না বলে। জমি যা হয় হবে। জমি তকদীরে থাকলে আসবে।”

... [৫ আগস্টের পর] সরকার কি হইছে না হইছে, ওইটা আমার খুব বেশি মাথা ব্যথার বিষয় না। তকদীরে যেটা আছে, এটাই হবে। বাকি আমি ব্যক্তিগতভাবে এটা উপলব্ধি করি যে, এখন আমার ওয়াইফ আমারে কথা বলার জন্য আর ধমক দেয় না! (7-1)

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<sup>83</sup> 31 year old male; abducted by DGFI and RAB 4 in 2017; disappeared for 5 months 11 days

Dr Anis Ahmed, Consultant Forensic Psychiatrist in the UK and Chair of the Volunteering and International Psychiatry Special Interest Group at the Royal College of Psychiatrists, recently supported survivors of enforced disappearances and their families in Dhaka. Based on global clinical insight, he underscored the complex and often misunderstood mental health impact on both returned victims and the families of those still missing.

He explained that returned victims frequently suffer not only from Post-Traumatic Stress Disorder (PTSD) but also from major depressive disorder, generalised anxiety disorder, complex trauma, and in some cases adjustment disorders and dissociative symptoms. Common presentations include chronic insomnia, emotional numbness, anhedonia, irritability, violent outbursts, and hypervigilance—a heightened state of alertness linked to perceived or real threats. Many also describe a deep fear of public attention, fearing surveillance, social judgment, or renewed targeting. “We often see flattened affect, detachment, and vague speech not because survivors are evasive, but because trauma has interrupted the brain’s ability to form coherent narratives,” Dr Ahmed notes.

The situation is further worsened when survivors are publicly discredited or when their experiences are denied by state or political actors. “To disbelieve someone who has survived state violence is to retraumatise them,” says Dr Ahmed. He advocates for legal redress as a psychological necessity, not merely a judicial process. Survivors must be offered structured trauma-informed judicial mechanisms, including testimonial fitness assessments, supportive interviews, and protection from re-exposure to harm. He warned that cognitive impairments, emotional dysregulation, and memory fragmentation—all well-documented outcomes of chronic trauma—can compromise the clarity of survivor testimonies in court. Without clinical interpretation, such inconsistencies may be wrongly perceived as dishonesty

Crucially, Dr Ahmed urged that these psychological responses must not be pathologized as signs of weakness. “What these individuals are experiencing is not mental fragility,” he clarified, “but a normal response to inhuman conditions.” To illustrate this, he offered an analogy: “If someone is thrown from a tall building, we expect broken bones, and we treat those with graded physical rehabilitation. But when someone is thrown into trauma, we cannot see the injury, so we often ignore or misjudge it.” Invisibility, he notes, is the defining cruelty of mental trauma.

Beyond trauma, the system of enforced disappearance has also impacted the country’s domestic security, its criminal justice system, and fostered a widespread culture of torture. The systematic

and pervasive nature of torture practices suggests that they may constitute a crime against humanity. The following sections discuss these issues.

## **7.1 Effect on domestic security**

A key question that continues to haunt the victim families, particularly those whose loved ones never returned, is why so few individuals were released after the events of 5 August. Given the widespread existence of detention cells across the country, the high number of arrests during that period, and the ongoing street-level confrontations, it is difficult to comprehend why only three individuals—Brigadier Azmi, Barrister Arman, and Michael Chakma—were released. Families are understandably left to wonder whether other victims may still be held in unopened or undiscovered secret detention facilities.

This question has also deeply preoccupied the Commission. When we began our inquiry, we entered the first secret detention facility we discovered after giving a short prior notice. Since then, we have ceased giving notice in the hope of uncovering any secret cells that might still have people alive in them, or where detainees could not be removed in advance. We have carried out these unannounced inspections across several cities. Although we have certainly uncovered many secret detention centres, in none of these sites have we found evidence that they are still being used to commit enforced disappearance. At no site have we located any detainees in custody at the time of inspection.

The central question therefore remains unanswered. With so many sites available for detention, why were only three people released? Does this mean everyone else was murdered that same night? But if that is the case, why were these three spared? And if people were not murdered, are we to believe that all of the cells were empty? These are serious and legitimate questions. They continue to cause confusion, grief, and suspicion among the families seeking the truth.

From nearly the beginning of our work, the Commission knew that more people had been released that night who had not come forward publicly. This is because at the very start of the inquiry, we received a complaint from at least one such individual. Although he was not held in any of the known secret detention centres, the available evidence suggests that he was most likely in DGFI custody. This assessment is based on the fact that he was part of a cluster of detainees, all the rest of whom we have traced to DGFI-controlled sites. However, unlike others in that cluster, he appears to have been treated more specially or as a VIP, and therefore was kept separately in more comfortable facilities.

This allowed us to conclude quite early on in the inquiry process that at least one additional person had been released that night, though he had not entered the public domain nor wanted his identity to be publicly disclosed. Since then, we have discovered that several others were also released that night from both RAB's TFI Cell and DGFI's JIC. None of these individuals have made public statements acknowledging their detention or release. In fact, they have not come to us either. Their presence in the cells and their subsequent release were brought to our attention through our inquiry, including from the people who administered these sites.

Although we cannot definitively conclude that all of these individuals were released alive, the balance of probabilities supports the conclusion that they were released alive between 5-7 August 2024. In fact, all indications suggest that the orders issued during that period were to release detainees alive. However, the manner in which some of these releases were conducted raises concerns about the safety and welfare of the victims during the post-release period. For example, Barrister Arman was released at Diyabari, lying on the ground with his eyes and hands tied. Michael Chakma was also released in the middle of a forest, similarly bound. These methods suggest a level of carelessness regarding the victim's fate after release. In a deeply volatile security environment, they were left to navigate the post-revolution Bangladesh alone, without money, after having been held captive for years together. That they managed to make their way home unhurt is a testament to their courage and resourcefulness.

Our information is that in those three days after 5 August, at least **one more person** was released from JIC, in addition to the two who have come forward in the public domain. From the TFI Cell, in addition to the one person who has come forward publicly, at least **five others** were released. We have some indication of who these unknown individuals are, although we have not yet established contact with them. It should be noted that, to the best of our knowledge, none of the families of these individuals lodged complaints with the Commission. This absence of complaints is another data point suggesting that these individuals were in fact released alive, since if they remained missing, it is likely their families would have contacted us by now, as others have done.

Having corroborated the account through multiple channels, we are certain of the identity of at least one of those released captives. Subrata Bain, a top criminal on Interpol's "Most Wanted List", was released from RAB's TFI Cell between 6-7 August 2024. Bain is a notorious Bangladeshi criminal implicated in numerous serious offenses including murder, extortion, and abduction. He was listed among the 23 most wanted criminals by the Bangladesh Government in 2001 and has long been the subject of an Interpol red notice. He has a history of evading law enforcement, having

escaped from a Nepalese jail in 2012 by digging a tunnel. He was arrested multiple times in India, including in Kolkata, but managed to secure bail and continue his activities.

At the end of April 2022, Bain was handed over to RAB Intelligence Wing as part of a secret, illegal prisoner exchange program operated between Indian and Bangladeshi intelligence agencies. In return for receiving Bain, Bangladesh, via RAB Intelligence Wing, handed over one of its own citizens, who had been kept imprisoned at the TFI Cell, to its Indian counterpart.

The Commission was able to locate this individual (Code BDIJ<sup>84</sup>). We discovered that after arriving in India, a case was filed against him and he served jail term there before returning to Bangladesh. His presence in India was confirmed through Indian case documents he supplied to us. His captivity inside the TFI cell was corroborated by a fellow detainee (Code EEH<sup>85</sup>) who had seen him there and learnt his name. It was only after tracing this arc that we discovered that he was the person who had been exchanged for Bain.

Bain complained of being brought to Bangladesh on 27 Ramadan 2022. This date matched the Indian case documents we saw, which confirmed the timeline of events. While held at TFI, Bain developed a range of illnesses, including piles, but appeared resigned to not retaining any contact with the outside world. Even officers who served at TFI used to avoid meeting him. Contrary to rumours circulating online, we have found no indication at all that he was receiving any form of training during his stay at TFI. Instead he appears to have led a secluded life of captivity.

Since his release, however, he reportedly re-established his criminal empire, secured a wealthy patron with strong political connections, and, to the best of our knowledge, he resumed ordering killings. Prior to his arrest at the end of May 2025, law enforcement agencies were struggling to apprehend him. This case raises significant concerns and illustrates the systemic consequences of enforced disappearance as a practice.

Orders to detain someone of such high international notoreity could not have originated from within RAB alone. As far as we understand RAB's organisational culture, such a decision must have come from the very top of the civil administration, at least from the level of the Home Minister, likely even higher. Still, it is unclear why RAB Intelligence kept Bain secretly imprisoned with no contact with the outside world at all for so long, particularly when they eliminated captives for far lesser offences. We understand that there were specific plans to

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<sup>84</sup> 30 year old male; abducted by RAB Intelligence in 2021; disappeared for 10 months

<sup>85</sup> 33 year old male; abducted by RAB Intelligence and RAB 13 in 2022; disappeared for 40 days

eliminate him but these did not come to fruition; it is our assessment that he simply stopped being a priority captive once he was securely locked away inside a TFI cell.

Nevertheless, had Bain been produced in Court, the criminal justice system might have been able to keep him in prison from the beginning. Since he was kept outside the legal system, his release could not be lawfully regulated or challenged. This failure allowed him to re-establish his network. While there are many failings of the criminal justice system, including its tendency to imprison the innocent while failing to confront powerful offenders, as we argue elsewhere in this report, this case demonstrates that extra-legal detention also harms public safety and institutional legitimacy.

The Bain incident is revealing for several reasons. It shows that covert, illegal exchanges between security agencies across borders do not necessarily yield gains meaningful enough to offset their costs. On the Indian side, the individual transferred by Bangladesh at end April 2022 was quickly released from the custody of a West Bengal security agency, possibly in as little as 48 hours, perhaps even less. If he had truly been a high-value target, that is unlikely to have occurred. On the Bangladeshi side, while Bain was certainly a significant target, the manner in which he was received and detained—through unlawful and unofficial means—ultimately prevented the state from keeping him in custody. Valuable energy and resources had to be expended to return him to custody, by which time he had resumed operating a criminal empire under political protection.

Beyond ascertaining that he was kept in near isolation during the entire period at RAB's TFI Cell, we cannot definitively speculate on why Bain was never formally charged. One possible reason is that his illegal transfer complicated his legal status and made formal prosecution politically or diplomatically difficult. Another is that Indian agencies, with whom RAB Intelligence Wing retained close ties until the very end, might have influenced the decision for their own gains.

What is clear, however, is that this level of secrecy, illegality, and informal manoeuvring has not strengthened Bangladesh's domestic security system. In fact, it has likely weakened it. That is the lasting lesson of this case. Enforced disappearance is so often defended in the name of national security, when, in reality, it frequently undermines that very goal.

## **7.2 Effect on the criminal justice system**

The widespread use of scripted and coercively extracted confessions has deeply distorted the functioning of the criminal justice system. In many instances, confessions operate less as a tool for truth-finding and more as a bureaucratic shortcut for conviction. Where investigative procedures

are lacking, and institutional independence is weak, these confessions provide a ready-made resolution that avoids the need for evidence collection, witness examination, or accountability for misconduct. This results in a fundamental imbalance: confessions become dispositive even when all surrounding circumstances, including illegal detention, torture, and denial of counsel, point to procedural violation.

The cumulative effect is the creation of a criminal justice apparatus that is no longer adversarial, but accusatorial in the most literal sense: once accused and once made to confess, the legal system tends to treat the matter as closed. The space for legal defence shrinks, the burden of proof reverses, and the outcome becomes predetermined. This weakens public faith in legal remedies and transforms the courtroom into an extension of custodial coercion rather than a check on it. One of the legal consequences of coerced confessions is that bail becomes extremely difficult to secure, particularly in cases involving Section 164 statements. As Code EEC<sup>86</sup> shared: “আন্দোলনের পরে পাঁচটা মামলাতে জামিন হইছে। এখন দুইটা মামলা আছে, এই দুইটা মামলাতে ওই যে মারধর করে ১৬৪ নিচ্ছে। এখন এই দুইটা মামলাতে জামিন করাতে পারতেছে না, মানে ঝামেলা হচ্ছে অনেক। বারবার জামিন না মঞ্জুর হচ্ছে।” (7-2) Even after 5 August, despite bail being granted in earlier cases, the cases involving custodial confessions have become highly resistant to judicial relief – the 164 statement, once given, overdetermined the outcome.

Generally speaking, the prevalent justice system in tandem with the security apparatus was grossly abused by the erstwhile Government of Sheikh Hasina to spearhead efforts to stifle Bangladesh’s vibrant civil society. Based on an increasingly repressive legal and institutional framework, the political opponents of the then ruling Awami League, bold journalists and trade unionists, lawyers belonging to the opposition political camps, and writers and victims fighting for fair play and justice were subjected to intimidation, harassment, duress, and in some cases, false legal charges, arbitrary arrests, enforced disappearances, and extra-judicial killings. The filing of fabricated cases often coincided with the election cycle in Bangladesh, compounding the pressure on dissenting voices, as described by a survivor (Code BHFJ<sup>87</sup>): “তখন ইলেকশনের আগ মুহূর্তে আর কি। তো আমি বললাম যে দেখেন, আমার তো এমনি দুইটা কেস চলতেছে, আমি এগুলো হাজিরা দিতেছি। বলছে যে আসলে এই মুহূর্তে তারা মামলা দিবেই।” (7-3)

The statements by victims of enforced disappearance—many of whom were later shown arrested in various cases—may not individually represent the whole truth. For instance, Code BHGJ<sup>88</sup>

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<sup>86</sup> 28 year old male; abducted by DB in 2016; disappeared for 149 days

<sup>87</sup> 46 year old male; abducted by DGFI, RAB 10 and RAB 2 in 2015; disappeared for 391 days

<sup>88</sup> 28 year old male; abducted by RAB 2 in 2019; disappeared for 65 days

recounted: আমি বলছি, “স্যার আমারে মাইরা ফেলাইলেও আমি 164 দিবো না।” ওদেরই একজন... আইসা বলতেছে, “ও 164 দিতে চায় না, অনেক চেষ্টা করছি, দিতে চায় না।” আবার সেই কোর্টের যে জাজ, সে বলতেছে, “ও এখন দাঁড়ায় আছে কিভাবে? ... 164 দেয় না? এটা তো দাঁড়ায় আছে, সুস্থ আছে। 164 দেওয়ার জন্য কিছু মসলা করতে হবে, না?” (7-4) It is possible that, if asked, the judge might offer a subjectively innocent explanation for this seemingly threatening statement. But even if taken as partial or half-truths, they expose significant dereliction of duty by members of law enforcement and judicial officers.

In the criminal justice system of Bangladesh, the Investigating Agency, Prosecutors and Judges play vital roles. However, if the Investigating Agency does not carry out the investigation of cases in a lawful, unbiased and impartial manner, then the criminal justice becomes a casualty at the end of the day. This is because the chargesheet of a criminal case is its foundation and if that foundation is weak or shaky because of biased investigation by the Police, there is hardly any scope for fair play. After the investigating officers, the role of the Prosecutors is important. Unless the Prosecutors prosecute the criminal cases efficiently, skilfully and with dedication and commitment, there shall be undoubtably a miscarriage of justice. Lastly the role of the Judges comes into play.

In our adversarial system, a Judge is virtually like an Umpire in a cricket match. He is supposed to dispose of the pending cases on the basis of the evidence adduced by both the prosecution and the defence, if any, at the trial. So, it is seen that the dispensation of criminal justice in Bangladesh involves a drama of three scenes of which the Investigating Agency plays a dominant role in the first scene and the Prosecutors play their role in the second scene and the Judges play their role in the third scene. Out of all these three classes of actors, if one class fails to perform their duties lawfully, adroitly, ethically, unbiasedly and being uninfluenced by money power, muscle power and political clout, the dispensation of justice will remain a will-o`-the-wisp. At all the three stages of criminal cases, all the three classes of actors, namely, the Investigating Agency (Police), Prosecutors and Judges and Magistrates should be subjected to accountability and transparency by appropriate monitoring mechanisms and if they are found to be neglectful of their duties, proper punitive measures should be taken against them by the concerned Authorities.

### **7.3 Establishment of a widespread and systematic culture of torture**

The system of enforced disappearance in Bangladesh was intrinsically linked to a widespread and systematic culture of torture. This culture was not an anomaly but a normalised practice, as evidenced by the consistent patterns across victim testimony from different regions and different

years. These accounts cover a wide spectrum of experiences, ranging from the trivial to the grotesque, revealing that torture was not isolated but embedded within the security forces. Psychological torture was ubiquitous—from blindfolds to solitary confinement—but in this report we focus on the physical torture.



Fig 7A: Code EGB<sup>89</sup> was detained at DGFI's JIC where he sustained wounds on both sides of his navel

Nearly every detention centre we discovered had specialised interrogation rooms equipped with torture devices. Despite significant efforts to destroy this evidence post-5 August, we were able to uncover traces that aligned with survivor testimonies, such as a rotating chair at RAB 2, CPC 3; the “jom tupi” (head covering) at RAB 4 and DB; and the pulley system used to suspend people at TFI cell. In addition, at almost every destroyed location, remnants of soundproofing were found, designed to muffle the victims' screams and prevent them from being heard beyond the room's walls. In some centres, music was also used to deaden sounds of the victims' anguish, and presumably for the enjoyment of the interrogators. For instance, Code BJB<sup>90</sup>, amongst others, remember: “এই যে আমাকে মারতেছিল, এই মারার টাইমে ওরা আবার গান ছাড়াচ্ছে, হিন্দি গান বাজাইতো।” (6-5)

Victims of torture were often held in enforced disappearance during these horrific practices, allowing perpetrators to carry out their actions without the threat of legal consequences. The uncertainty about whether a victim would ever appear in court or simply vanish from the state's records facilitated this unchecked abuse. This environment emboldened perpetrators, making it much less likely for the torture to be interrupted or questioned. In cases where torturers feared additional scrutiny, they took steps to erase the evidence of their actions. For instance, in the case

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<sup>89</sup> 37 year old male; abducted by DGFI, RAB Intelligence and RAB 1 in 2018; disappeared for 179 days

<sup>90</sup> 15 year old male; abducted by RAB Intelligence and RAB 14 in 2018; disappeared for 77 days

of Code BFJA<sup>91</sup>, the perpetrators waited several weeks before the victim was presented to the public. During this time, he was given ointments to apply to the areas where signs of torture were visible, and they waited until the bruises had faded before allowing him to be seen, ensuring that no obvious traces of their crimes remained.

The consistent involvement of personnel over time further demonstrates that the abuse was part of a sustained and organised effort. Equipment had to be procured, personnel trained, and methods institutionalised to ensure the continued operation of this system. The scale of the abuse and its persistent nature indicate that it was not only condoned at the ground level but likely supported by those at the highest echelon of power.

This brings us to the issue of command responsibility. A system of torture like this could not have existed without the explicit approval from higher authorities. There had to be budget allocations for infrastructure, equipment procurement, and maintenance over time. Therefore, responsibility for these crimes against humanity cannot rest solely with the perpetrators on the ground; it extends to commanding officers and senior officials who allowed or even encouraged these practices. For now, we have only begun to uncover the scale of this system of repression; as time progresses, we expect to add more to this growing body of evidence.

The system of torture, enforced disappearance, and extra-judicial execution in Bangladesh involved various forms of brutality that were both systematic and widespread. To accurately depict the horrifying conditions the victims faced, we have worked with illustrators who have generously donated their time, free of charge for the sake of the country, to help put an end to this horrendous practice. These illustrations are based on multiple testimonies from both the victims and security force personnel who were present at these sites when the abuses were being perpetrated.

The recreations aim to show the scope of both torture and execution tactics employed by the perpetrators. The graphic representations capture the details of physical abuse described by survivors and provide visual examples of the severe conditions, such as torture devices and methods used consistently across multiple cases. These illustrations are not only integral to understanding the nature of these abuses but also serve as a powerful tool to convey the level of sufferings and torture endured by the victims. The images have been showcased across this report in the appropriate places.

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<sup>91</sup> 32 year old male; abducted by RAB 11 and RAB 4 in 2017; disappeared for 57 days

### 7.3.1 Generalised discomfort

Victims endured prolonged discomfort due to a combination of physical and psychological abuse. They were often given half the food ration of regular guards, kept handcuffed and blindfolded, and placed in solitary confinement. The uncertainty of their fate, coupled with these harsh conditions, led to constant distress. The system of enforced disappearance worked in tandem with a culture of fear and humiliation, where the simple act of performing bodily functions became a source of further suffering.



Fig 7B: CCTV cameras remained trained on detainees even when they used the toilet (illustration based on survivor accounts)

For male victims, the lack of privacy inside the cells was particularly brutal. The cells, small and confined, were designed with built-in low pans for bathroom functions. However, due to the lack of dividing walls, when victims lay down, their bodies would end up on top of the pans, subjecting them to the unhygienic conditions of dirt, urine, and faeces. Worse still, the CCTV cameras installed in these cells monitored every action, ensuring that victims were subjected to the humiliation of being observed during their most private moments, such as when using the pans. The situation for female victims was only slightly better. Although there was usually a short wall, it was insufficient to provide full privacy, leaving the upper part of their bodies exposed. The

discomfort of being constantly watched while performing bathroom functions, with no personal space or dignity, was compounded by the physical discomfort of the conditions themselves. Additionally, some women victims report feeling distressed due to not being allowed to wear the ‘orna’ whilst in custody.

Code BHFJ<sup>92</sup> highlights the systematic nature of the discomfort inflicted on detainees, designed to break their will and maintain control: “ঘুমাতে নিলে, একজন আইসা বলতেছে, ‘এই ঘুমাতেছেন কেন?’ মানে ঘুমাইতে দিতো না। ... জিজ্ঞাসাবাদ শেষে যাওয়ার পরে বালিশ সরাই ফেলতো। একদম শীতের মধ্যে কম্বল-বালিশ সব সরাই ফেলছে। ... আর এমনি শাস্তি দিতো। চেয়ার ছাড়া [খালি পায়ে ওপর ভর দিয়ে] বসায় রাখতো। ... আবার দেখা গেছে, হ্যান্ডকাপ পরায় বিছানার পাশ আটকে দিয়ে রাখতো। তা আমার এই হাতে মশা হইলে আমি তো মারতে পারতাম না। মশা কামড়াইতো। ... তো কষ্ট পাইতাম আর কি। এরকম শাস্তি দিছে আর কি।” (7-6)



Fig 7C: The structures maximised discomfort for captives (illustration based on survivor accounts)

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<sup>92</sup> 46 year old male; abducted by DGFI, RAB 10 and RAB 2 in 2015; disappeared for 391 days

Maintaining the victim's body in stress positions was another common, albeit passive, form of torture. As described by Code DGD:<sup>93</sup> “তো আলোপ উদ্দিন—পরে নাম জানতে পারছি, তখন জানতাম না—সে লাঠি নিয়ে খুব টর্চার করল। ... একদিন আমাকে বেশি টর্চার করল। টর্চার করে বলল যে, তাকে টাঙ্গায় রাখো, বুলায় রাখো। তো সেলে গিল আছে না? রডগুলা যে আছে ... [ওগুলা সাথে] আমাকে এমনে বুলায় রাখলো।... হাতকড়ার সাথে বাইন্কা রাখলো। ... তো এইভাবে অনেক ঘন্টা রাখার পরে আমি আর পারছি না। ওইদিন পরে যখন টর্চার করলো, আঙ্গুলের নখটা উঠে গেছিল পুরা।” (7-7)



Fig 7D: Inserting pins underneath fingernails was a common torture tactic (illustration based on survivor accounts)

The combination of physical pain, lack of privacy, and constant psychological torment created an environment where detainees were kept in a constant state of distress, with little chance for reprieve or dignity. The widespread use of these torture techniques, along with the normalisation of such practices within the security forces, suggests a deliberate and systematic effort to instil fear and maintain control over the victims.

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<sup>93</sup> 56 year old male; abducted by RAB 11 in 2017; disappeared for 56 days

### 7.3.2 Beatings

Beating was a ubiquitous form of abuse, occurring everywhere and to everyone, even to victims who were not subjected to other forms of torture. Usually, however, it was often used in conjunction with other methods of abuse.

**Code EAF:**<sup>94</sup> আরেক দিন প্রচুর মারছে, প্রচুর মারছে, বলতাকে, “তোমার বাড়িতে আমাদের ইনকোয়ারি গেছে। তোমার নামে রিপোর্ট পাইছি, তোমার পরিবার জামাত-বিএনপির সাথে জড়িত, তোমার নানীর বাড়ি করে জামাত, আর তোমার বাপ করে বিএনপি।” এগুলো বলতাকে, এগুলো বইলা আমাকে মারছে। মারার এক পর্যায়ে আমি মনে হয় টেবিলের কোনো বা কিছু বাড়ি খেয়ে পড়ে গেছি, আমার জ্ঞান হারাইছি। পরে আমাকে বাথরুমে মাথায় পানি দিয়ে আমার জ্ঞান ফিরাইছে। ... এই হাত আমার অবশ। আমি দাঁড়াইতে পারি না। মানে সোজা দাঁড়াইতে পারি না। এমন অবস্থা যে, দাঁড়াইলেই আর বসতে পারি না। বসলে আর দাঁড়াইতে পারি না। ওয়াশরুমে আমাকে নিয়ে গেছে। ... ওয়াশরুমে আমি - একটু লজ্জাকর বিষয় - তারপরও একটু বলতে হচ্ছে, আমি দাঁড়িয়ে ওয়াশরুমে, মানে আমি পারতেছি না। এই অবস্থায় আমাকে আবার মারধর করা হলো।



Fig 7E: This form of torture was more common amongst police personnel than military  
(illustration based on survivor accounts)

<sup>94</sup> 27 year old male; abducted by RAB 10 in 2017; disappeared for 113 days

দুইজনের নাম জিজ্ঞেস করতেছে, এরা কোথায়? আমি কই, “স্যার, আমি জানি না, স্যার, আমি জানি না।” ... যখন আমি কোন আওয়াজ করতে পারতেছি না, তখন আমি এতটুকু শুনতেছি, “মরে গেল কিনা, দেখ মরে গেছে কিনা।” একজন লাথি দিয়ে দেখতেছে, এর মধ্যে আবার চোখ খুলে আমি দেখতেছি, এমনে তাকায় রইছি। ... এর মধ্যে আমাকে কি করলো? গামছা দিয়ে পানি ঢাললো মুখে। “কোথায় আছে, কোথায় আছে, বল, কোথায় আছে বল?” মানে আমাকে একটা সেকেন্ডও সময় দিতাছে না। ... ওরা কয়, “না, তোর বলতে হইব। এখন কোথায় আছে, কোথায় গেলে পাবো?”...

এরপর শুরু হলো, কারেন্টের শক দেওয়া। আমাকে দাঁড় করাই রাখা। গ্রিলের মধ্যে হ্যান্ডকাফ দিয়ে আমাকে দাঁড় করিয়ে রাখতো। আমি যাতে বসতে না পারি। দাঁড় করিয়ে রাখতো। পা এমন ফুলে গেছে আমার। আমার হাতে দাগ পড়ছে। এই যে দাগগুলো... ওয়াশরুমে যেতে চাইলে, ওয়াশরুমে যেতে দিত না। এই অত্যাচার শুরু হয়ে গেল। ... এর মধ্যে একদিন এনে আঙ্গুলটাকে এভাবে প্লাস দিয়ে ধরছে। ধরার পরে টেবিলের উপরে হাত রেখে, প্লাস ধরে, আরেকজন সূঁচ ঢুকাইছে। এই যে সূঁচের দাগ। কয়, “তুই আব্দুল মুমিন না?” “স্যার, আমি আব্দুল মুমিন না, আমার নাম হল হাবিব।” (7-8)



Fig 7F: Code BCG<sup>95</sup> was beaten at a stretch for nearly 24 hours at CTTC, with his captors taking turns reportedly in four-hour shifts; he had permanent injury marks across his body. The fact of his beating was confirmed by a fellow detainee who witnessed his distress at the time.

<sup>95</sup> 46 year old male; abducted by CTTC in 2022; disappeared for 253 days

**Code BHGD:**<sup>96</sup> আমার পা বেঁধে উপর দিকে করে বুলাইছে। মাথা নিচের দিক, পা উপর দিক দিয়ে। আমার শরীরে কোনো পোশাক রাখে নাই তখন, একেবারে উইদাউট ড্রেস। তারপরে এলোপাথাড়ি আমাকে দুইজনে একসঙ্গে পিটাতে থাকে। খুব সম্ভব বেতের লাঠি দিয়ে। পরবর্তীতে আমাকে অসংখ্যবার টর্চার করেছে এবং মারতে মারতে আমার এমন হয়েছে, চোখের কাপড় খুলে গেছে। নাকে-মুখে চড়ানো, থাপড়ানো। ... শুধু পিছে মারছে। ওই সময়ে চামড়া ছিঁড়ে, মানে চামড়া ফেটে রক্ত বরে গেছে। ...

পরবর্তীতে যখন আমাকে একটা সেলের সংকীর্ণ একটা জায়গায় রাখে, তখন আমি পিছনে হাত দিয়ে দেখি যে রক্ত পড়তেছে। আর এটার দাগ প্রায় দেড় বছর পর্যন্ত ছিল। মানে পেটানোর দাগ এরকম পুরো হয়ে গেছিল। ... তা আমি যখন উপর হয়ে শুয়ে আছি, তখন ওইখানে সাইফুল নামক একটা লোক, সে বলে যে, “ভাই, আপনি উপর হয়ে শুয়ে আছেন কেন?” আমি বলছি, “ভাই, আমি বসে থাকতে পারতেছি না।”... আমাকে গায়ে হাত দিয়ে টর্চার করেছে ২৫ দিন। (7-9)



Fig 7G: Across the country, throughout the entire period, victims describe regular beatings (illustration based on witness and survivor accounts)

**Code CFC:**<sup>97</sup> চোখে কখনো গামছা দিয়া, কখনো ওই যে জম টুপি, এগুলো দিয়ে বাঁধা থাকতো। হাত কখনো সামনে, কখনো পিছনে। আর যখন বেশি মারবে, তখন এই হাত পিছনে দিয়ে রাখতো আর আমার এই কনুই গুলো, দুই হাটু এগুলোতে খুব জোরে জোরে মারতো মোটা লাঠি দিয়ে। ... তো আমি মনে করতাম যে, আমার হাড়গুলো বুঝি ভেঙ্গে

<sup>96</sup> 23 year old male; abducted by RAB 11 in 2017; disappeared for 72 days

<sup>97</sup> 47 year old male; abducted by CTTC in 2023; disappeared for 16 days

যাবে, কিন্তু পরবর্তীতে দেখলাম যে ফুলে অবস্থা খুব খারাপ হয়ে গেছে, কিন্তু হাড় ভাঙছে এরকম বুঝি নাই। ... এক পর্যায়ে আমাকে বলল যে, “তোমার হাড় থেকে মাংস আলাদা করে ফেলবো।”

তখন আমার এই কনুইয়ের এই গোশতগুলো এভাবে ঝুইলা রইছে। এই যে জামার মোটা হাতা, এটা টাইট হয়ে গেছিল, এই পরিমাণ ফুলিয়া ঝুইলা গেছে। এবং বলতেছে যে, “তোমার হাত থেকে মাংস আলাদা করে ফেলবো।” ... তো এরপরে দীর্ঘদিন বসে নামাজ পড়াও কষ্টকর ছিল। ... বলতেছে, “এভাবে হবে না। এরে লটকা। টানাইতে হবে।” তো একজন এএসআই লোক হবে, ও আমাকে দুই হাতে রশি লাগায় ওই যে ফ্যানের হুক থাকে ছাদের মধ্যে, এটার মধ্যে ওর রশি দিয়ে এরকম ঝুলাইলো। শুধু পায়ের বুড়ো আঙ্গুলটা লাগানো থাকে মেঝেতে আর পুরা শরীরটা ঝুলানো। ... হাত এখনও উঠাতে পারি না, আমার এটা দুইটা জোড়ার মধ্যে সমস্যা হয়ে গেছে। (7-10)

**Code DDB:**<sup>98</sup> হাত সম্ভবত গামছা বা কাপড় দিয়া বানছে আর কি। বাইনদা, আমার এই হাঁটুর ভিতরে দিয়া হাত ঢুকাইয়া এই দুই হাঁটুর মাঝখান দিয়া লাঠি ঢুকাইয়া একটা উঁচু কোন স্ট্যান্ডের মধ্যে রাখছে। যেটার কারণে আমার পাগুলো উপরে ছিল। আর মাথা নিচু হয়ে গেছে। ... পায়ের তালুর মধ্যে এবার বাড়ি শুরু করছে। চিকন একটা লাঠি হবে সম্ভবত। ... আবার ওই প্রথম থেকে একই প্রশ্ন, “নামগুলো বলো, তোমার সাথে কে কে আছে।” ...

তো ছাড়িয়া দেওয়ার পরে এবার বসাইছে। বসাইয়া, ওই গামছাটা খুইলা, এই চেয়ারের পিছনে দিয়া এভাবে আবার হাতকড়া লাগাইছে। এবার হাঁটুর মধ্যে মারা শুরু করছে। ... এই আল্লাহর একটা কুদরত কি, যখন বাড়ি দিত, অনেক কষ্ট লাগতো, কিন্তু সাথে সাথে আবারই বাড়ি, অর্থাৎ ব্যথাটা দূর হয়ে যাইতো, সাথে সাথে ব্যথা দূর হয়ে যাইতো। ... মাগরিবের পরেই মনে হয়, কারেন্টে শক দিছিল আমার এই জায়গাটাতো। ওই যে মাগরিবের নামাজ যখন পড়তে পাঠাইছে, ওই সময় দেখলাম যে, আমার হাঁটু কালো হয়ে গেছে আর কি। এমন মারা মারছে হাঁটুর ভিতরে। তো এরপরে, এই হাঁটুর কালো দাগ নিয়ে খুব কষ্ট হইতেছিল, এরপরও নামাজ পড়ছি। যেহেতু মুসিবতে পড়ছি, কি করার, নামাজ পড়ি। (7-11)

**Code BFJB:**<sup>99</sup> তার অফিস রুমের ভিতরে ঢুকান পরে বাম সাইডে জানালা ছিল। ... আমার হাত জানালার সাথে বেঁধে, তারা আমার রান, তারপর পা, তারপর মেরুদন্ডের নিচ পর্যন্ত আমাকে পিটায়। তারপর তারা আমাকে বলে যে, “তুই তো সন্ত্রাসী, তুই জঙ্গি।” ... তখন তারা আমাকে মেঝেতে ফেলে টর্চার করে। পায়ের যে গিড়া আছে কিংবা পায়ের পাতা আছে, এগুলোতে তারা টর্চার করে। একবার না, কয়েকবারই তারা করছে। (7-12)

### 7.3.3 Electric shock

The second most common form of torture encountered was the administration of electric shocks, likely due to the ease of acquiring such machines. They were used almost everywhere, including in abduction vehicles on a portable basis. One soldier recalled his commander referring to the portable electric shock machine as a “balls machine”, crudely highlighting the area where the shock would be administered.

<sup>98</sup> 27 year old male; abducted by RAB 11 in 2019; disappeared for 42 days

<sup>99</sup> 21 year old male; abducted by CTTC in 2018; disappeared for 12 days

**Code BFBG:**<sup>100</sup> আমার শরীরে হাফ হাতা গেঞ্জি ছিল, কলারওয়ালা। সেটা মাথার উপর দিয়ে মুখটা বন্ধ করে দেয়। দিয়ে মুখের উপর অনবরত হাত দিয়ে ঘুষি মারছিল, দাঁত দিয়ে ওপরের ঠোঁটটা আমার কেটে গেছিল। তাৎক্ষণিক পায়ে দুইটা ক্লিপ লাগায় দিল ... ফাস্ট সেবার শক খাওয়ার অভিজ্ঞতা। মনে হচ্ছে যখন শক দেয়, টোটাল শরীরটা আমার ফুটবলের মত গোল হয়ে যায়। এরকম আট দশবার মেবি আমাকে শক দিচ্ছে। শকটা হয়তো তিন-চার সেকেন্ড সর্বোচ্চ থাকে। তাৎক্ষণিক শরীরটা গোল হয়ে যায়, সমস্ত রগগুলো চেপে ধরে। তো ওই প্রশ্নগুলো করে আর শক দেয়, প্রশ্নগুলো করে আর শক দেয়। ... খুবই বেপরোয়াভাবে চার-পাঁচ জন পিটানি শুরু করল, দুই হাত ধরে ওই ছকের উপর লাগায় দিয়ে। মনে হচ্ছে হয়তো কিছুতে সুইচ টিপছে, অটোমেটিক আমার শরীরটা উপরে উঠে যাচ্ছে। ... এই মুহূর্তে আমার কাপড় খুলে, আবার ওই একই ক্লিপ লাগায় দেয় আমার গোপন দুইটা অঙ্গে। এবং ওই জিজ্ঞাসাবাদ সেম চলতে থাকে। যখনই সুইচ দেয়, আমার মনে হয়েছে যে, আমার সে অঙ্গগুলো পুড়ে যাচ্ছে ... এবং মাঝে মাঝে আমি গোস্ত পুড়লে যেমন একটা গন্ধ লাগে, সেই গন্ধটা পাইতাম আর কি। ... চার থেকে পাঁচ জন টোটাল বডিতে, আমার পা থেকে একেবারে গলা পর্যন্ত পিটাত। গরু পিটানের মত, সবদিক দিয়ে। মানে, কোন জায়গাতে আমার ফাঁকা ছিল না। আমি জেলখানাতে যাওয়ার পরে শরীরটা যখন দেখি, মানে এমন কোন জায়গা ছিল না, সব কালো হয়ে গেছিল। (7-13)



Fig 7H: Captives endured brutal torture, including forcible teeth extraction (illustration based on survivor accounts)

**Code DHD:**<sup>101</sup> আমারে ধাক্কা দিয়ে গাড়ির ভিতরে বসাইয়া চোখ বেঁধে ফেললো। হ্যান্ডকাফ পরাইয়া গালের মধ্যে জোরে একটা থাপ্পড় মারলো। মাইরা সিটের মধ্যে এরকম ফালাইয়া এনে রিভালভারে ধরে বলে, “একটা কথা কবি তো তোরে

<sup>100</sup> 29 year old male; abducted by RAB Intelligence and RAB 5 in 2010; disappeared for 46 days

<sup>101</sup> 32 year old male; abducted by DGFI and DB in 2014; disappeared for 45 days

মাইরা বুড়িগঙ্গা নদীতে ফালাইয়া দিমু।” হাতের এখানে একটা ক্লিপের মত লাগাইয়া কোথায় জানি একটা সুইচ টিপে দিল। মনে হলো আমার মাথায় একটা ঠাড়া পড়লো। তারপরে আমি আর জানি না। যখন জ্ঞান ফিরছে, রাত্রি বাজে প্রায় একটার মতো। (7-14)



Fig 7I: Electrocution was a very common form of torture (illustration based on witness and survivor accounts)

**Code EHE:**<sup>102</sup> আমাকে ওই হাঁটুতে, তারপর পায়ের তালুতে খুব পিটাইলো। আমি খুব কান্নাকাটি করতেছি। আল্লাহর নাম নিলে আরো বেশি মারে। তো যাই হোক, এরপরে আমারে মারার পরে জিজ্ঞেস করতেছে, “কি জন্য নিয়ে আসছি? তুই কি বলতে পারোস?” আমি বলতেছি যে, “না। কি জন্য নিয়ে আসছেন, এগুলো তো কিছু বললেন না। কোনো ধরনের কথাবার্তা ছাড়া আমাকে শাস্তি দিতেছেন। আপনারা কে বা কারা?” তখন তাদের আর পরিচয় দিল না, বলল যে, “তুই অমুককে চিনিস, তমুককে চিনিস?” এই ধরনের কথা বলছে, যাদের সাথে আমার কোনো ধরনের সংশ্লিষ্টতা নাই। ...

তো যখনই তারা আসতো, তখনই আমি খুব ভয়ে কাঁপতে থাকতাম। ... আরেকদিন রিমাণ্ডে নিয়ে গেল, রাত্রে ১২টা বাজে। ওই সময় ইলেকট্রিক শক দিল। কানের মধ্যে দুইটা ক্লিপ দিয়ে ইলেকট্রিক শক দিতে থাকলো। তারপর আমাকে বলল যে, “তোকে তো অনেক পিটাইলাম, মারলাম। কিন্তু তুই তো কিছু বললি না। অমুকরে তো তুই ভালো করেই চিনিস। তাহলে অমুককে তোকে এই সমস্ত কাজে আনছে।” ...

<sup>102</sup> 28 year old male; abducted by RAB 10 in 2017; disappeared for 131 days

আর ওই মুখের মধ্যে ভিজা কাপড় দিয়ে প্রায় দুই তিন মিনিটের মত পানি ঢালতো। ওই সময় দেখা যায়, আমি প্রায় সময়ই অজ্ঞান হয়ে যেতাম, আর মুখ দিয়ে খুব লোল-টোল ইত্যাদি পড়ত। তারা বলতেছিল যে, “তুই তো অনেক মেধাবী, তোর মেধাটা কিছু কমাই দিই।”তো কানের মধ্যে ক্লিপ লাগায়া অনেকবার শক দিতো। এইভাবে মেধা কমানোর জন্য আমাকে কয়েকবার শক দিত, আর যখন শক দিত, পুরো শরীর ঠাণ্ডা হয়ে যেত। সাথে সাথেই মনে হইতো যেন আমি শেষ। আমি চোখে ঝাপসা দেখতাম। এইভাবে আর কি, দিনের পর দিন শাস্তি দিত। (7-15)

**Code BGIG:**<sup>103</sup> আমাকে ফ্রেন্ড লিস্টের কিছু নাম জিজ্ঞেস করে ... আমি তো এদের কাউকে চিনি না। তারপর আমাকে একটা নাম জিজ্ঞেস করে যে, “মেজর জিয়ার সাথে পরিচয় কত দিনের?” আমি বলি, “আমি তো আসলে নামটাই শুনছি প্রথম।” সত্যি কথা বলতে, আমি নামটাই শুনছি প্রথম। তো এই কথা বলার সাথে সাথেই আমাকে মাইর শুরু করে। মাইরের কারণে আমি অজ্ঞান হয়ে যাই। ...

ওরা চারিদিক থেকে মারে আমাকে। আমার হাত পিছন থেকে হ্যান্ডকাফ পড়ানো ছিল, চোখ বাঁধা ছিল। আর চোখটা এমনভাবে বাঁধা যে, আমার মাথা ব্যথা হয়ে গেছে, এমনভাবে চোখ বাঁধা। তো ওই অবস্থায় মারার পরে আমি অজ্ঞান হয়ে যাই। ... আমাকে চেয়ারের সাথে বাধতো। বাঁধার পরে ওরা চার-পাঁচ জনের মত সাইডে থাকত। এটা বুঝতে পারতাম যে, চারদিক দিয়ে আমাকে পিটাচ্ছে। ... আর ইলেকট্রিক শক দিচ্ছে। ইলেকট্রিক শক দিলে আমি জ্ঞান হারিয়ে ফেলতাম। তো যেদিন জ্ঞান হারিয়ে ফেলতাম, ঐদিন আর করতো না। জ্ঞান ফেরার পর দেখতাম আমি আমার রুমে আবার আসছি। (7-16)

### 7.3.4 Waterboarding

Whilst not as common as electric shocks, there are credible accounts of waterboarding at various detention centres, similar to the one below and the ones shared earlier.

**Code EDE:**<sup>104</sup> শোয়ানোর পরে আমার এই দুহাতের উপরে দিয়া আর ঘাড়ের নিচে দিয়া একটা বাঁশ দিচ্ছে। তার পরবর্তীতে পায়ের নিচে, রানের নিচে দিয়ে একটা দিল, আবার রানের উপরে দিয়েও একটা দিচ্ছে। দেওয়ার পরে এরা ওইভাবে আমাকে কিছুক্ষণ রাখলো যে, “বড় স্যার আসতেছে না।”পরে কিছুক্ষণ পরে সে আসছে। আসার পরে হঠাৎ করেই বললো, “এই উঠো।” বলার সাথে সাথে আমি মনে করলাম যে, আমি আর দুনিয়ার মধ্যে নাই। মানে এরকমের যন্ত্রণা আমার এই দুই হাতের বাহুতে শুরু হইছে, আর দুই পায়ের মধ্যে শুরু হইছে। আমার মনে হইতেছে কেউ আমার এই দুই হাতের আর পায়ের গোস্তুগুলো ছিড়া ফেলতেছে। মানে এরকম অবস্থা। এত খারাপ, ভয়ংকর এরা আমার সাথে ছিল। আমি চিৎকার করতেছি এত জোরে। ... এত কষ্টকর ছিল এই জিনিসটা। ... আমার এই ডান হাত, বাম হাত এগুলো অবশ্য হয়ে গেছে, সম্পূর্ণ ডান হাতটা একেবারে এরকম মুঠ হয়ে গেছে। আমার যে হাতটা সাথে আছে, এটা আমি বলতে পারতাম না। এই হাত দিয়ে আমি কোন ভাতও খাইতে পারতাম না। ... আমি শুধু তিন আঙ্গুল দিয়া যতটুকু ভাত নিয়া খাইতে পারতাম, ওইটা খাইতাম। ... মুখের উপরে গামছা দিয়া উপরে দিয়া পানি মারা শুরু করে দিচ্ছে। ... পানি দিতেছে, জগ ভরতি ... আমার নিঃশ্বাস বন্ধ হয়ে যাইতেছে। ... তারপর ওরা ওই গামছা সরাইয়া বলে, “বল কি

<sup>103</sup> 19 year old male; abducted by RAB in 2021; disappeared for 1 year 10 months

<sup>104</sup> 27 year old male; abducted by RAB 10 in 2017; disappeared for 39 days

করছিস?” “স্যার, কি কমু? আপনি আমারে বলেন, আমার কি জানতে চান? আপনি আমারে কেন ধইরা আনছেন?” তখন বলতেছে, “না, ওরে হইতো না। আবার গামছা দে, আবার গামছা দে, আবার পানি দে।” এইভাবে তিন-চারবার পানি দেওয়ার পরে বলছে, “ওরে নিয়া রাইখা আয়।”(7-17)



Fig 7j: Victims frequently lost consciousness during waterboarding (illustration based on survivor accounts)

### 7.3.5 Rotating devices

We have received multiple descriptions of rotating devices used for torture, with two distinct types emerging in the testimonies. The first, commonly associated with RAB, is a rotating chair where victims would be spun at incredibly high speeds, often resulting in vomiting, urination, defaecation, and loss of consciousness. This device was found in the TFI Cell as well as various RAB battalions, and one soldier described the one at TFI being covered in a plastic sheet to aid in cleanup due to the frequent bodily functions of the victims. The second type of rotating device, described primarily by DGFI victims detained at JIC, was not a chair but a full-body apparatus where the victim was strapped in and the device could rotate almost 360 degrees.



Fig 7K: This form of torture was called ‘bash dola’ (illustration based on survivor accounts)

Since victims were usually blindfolded during torture, understanding the exact nature of the device is challenging, but we have relied on their descriptions of how they were strapped, the degree and direction of movement, the sounds they heard, and other sensory details, along with corroborating testimony from personnel who served at these facilities. One victim, for instance, described the DGFI’s JIC torture device as one that moved him around like “the hand of a clock” (Code EAD<sup>105</sup>). Both types of testimony are shared below.

**Code BGEB:**<sup>106</sup> যখন জিজ্ঞাসাবাদ করতো, তখন তো চোখ বাঁধা থাকতো তিনটা কাপড় দিয়ে। প্রথমে একটা কাপড় দিয়ে চোখ বাঁধতো। জমটুপি পড়ানোর পরে আবার আরেকটা কাপড় দিয়ে বাঁধতো। আর হ্যান্ডকাফ পিছনে লাগানো থাকতো। ... চেয়ারটাতে বেঁধে, আমার দুই হাঁটু পিটাইয়া একবারে ফাটায় ফেলে। প্রায় ১০-১৫ দিন আমি সোজা হয়ে হাঁটতে পারতাম না। হাঁটার তো সুযোগ ছিল না। দাঁড়াইয়া যে নামাজ পড়বো, সেটাও সুযোগ ছিল না। পা বুলাইয়া, মানে ভিন্ন পাশে পা বুলাইয়া দিয়ে তারপর নামাজ পড়তে হতো। ... স্বাভাবিক একটা চেয়ার। ওই ছইল চেয়ারের মত যেমন পা রাখা যায়, ওরকম পা দানি আছে। পা দানির উপরে পা রাখার পরে, পা থেকে মাথা পর্যন্ত অনেকগুলো বেল্ট লাগায়। মাথায় লাগায়, তারপরে বুক, হাতের এদিকেও লাগায়। দুই সাইডে হাতে লাগায় তিনটা, বুক লাগায় দুইটা, পেটে একটা, বুক একটা বড় বেল্ট, মাথা, পায়ে এরকম তিনটা। এগুলোর পর আমাকে কিছুক্ষণ ঘোরানো হয়েছে। এইভাবে ওই চেয়ারে ঘোরানো হয়েছে।

<sup>105</sup> 21 year old male; abducted by DGFI, RAB Int and RAB 1 in 2016; disappeared for 2 year 8 months 7 days

<sup>106</sup> 29 year old male; abducted by DGFI, RAB Int, RAB 4 and RAB 7 in 2016; disappeared for 1 year and 1 month

ওরা বলতেছে, “এখন তোকে ইলেকট্রিক শক দিব।” আমাকে বলতেছে, “তোর গোপনাঙ্গে ইলেকট্রনিক শক দেবো,” এরকম ভয় দেখাচ্ছে। আমি যখন বলতেছি, “আমি এদেরকে চিনি না, আমি কিভাবে বলবো?” তখন তারা দুইজনে দুইপাশ থেকে আমার হাঁটুতে বাইড়াতে থাকে। অনেকক্ষণ, মানে ওই টর্চারিংটা খুব বেশি ছিল। আমি যখন মানে একবারেই সহ্য করতে পারতেছিলাম, তখন তারা থামে। এভাবে আমাকে জিজ্ঞাসা করে প্রতিদিন তিন থেকে চারবার। অধিকাংশ দিন শেষ রাতে, মানে ফজরের আগে, এই সময়গুলোতে জিজ্ঞাসা করতো। এখানে আনুমানিক সাড়ে সাত মাসের মত ছিলাম। (7-18)



Fig 7L: Many specialized interrogation rooms had rotating torture chairs (illustration based on witness and survivor accounts)

**Code BGBJ:**<sup>107</sup> একটা মেশিনে উঠাইছিল। উঠাই এইখানে [মাথায়] বাঁধছে, এইখানে [হাতে] বাঁধছে, পায়ে বাঁধছে, মানে হাঁটুর মিডলে, এইখানে আবার পায়ের নিচেও বাঁধছে। এরকম সোজা দাঁড়ানো। ওই মেশিনটায় উঠায় চালানোর পরে মনে হইছে যে, আমার হাড় সম্পূর্ণ যেন আলাদা হয়ে যাচ্ছে। ... কেন বলতে পারবো না, ওটার সেটিং এরকম যে, মেশিনটাই একটা আজাব। ... ওরা বলছে যে, “তুমি পিঠ একেবারে লাগাইয়া রাখো। এখানে উঠলে কিন্তু সব পায়খানা করে দেয়।” মানে এমন কঠিন অবস্থা ওইখানে। ... মেশিনটা ঘোরানো যায়। কখনো কখনো উল্টা করানো যায়। আবার এরকম ফ্ল্যাট শোয়ানো যায়। ... এরপর ওইখানে থাকা অবস্থায় হাঁটুর উপর বাড়ি দিছে। যেমন জিজ্ঞেস করছে, “তুমি সরকারের বিরুদ্ধে কি কি ষড়যন্ত্র করতেছো?” (7-19)

<sup>107</sup> 28 year old male; abducted by DGFI and RAB 2 in 2017; disappeared for 208 days

### 7.3.6 Sexualised torture

Sexualized forms of torture, while present, have been more difficult to document due to the reluctance of victims to share such experiences. However, we have found credible and repeated instances where the genitals were specifically targeted for torture, as demonstrated in this example (Code BHEA<sup>108</sup>): “এক পর্যায়ে তারা আমার মানে অভ্যন্তরে জোরে চাপ দেয়, আমার শক্তি শেষ হয়ে যায়।” (7-20). In the testimonies below, we particularly highlight electric shock administered to the genitals, when urinating and otherwise.

#### Genital shock

**Code CED:**<sup>109</sup> তারা একটা দাঁড়িতে করে আমাকে মেশিনের মাধ্যমে উপরে বুলায়। বুলাবার পরে, এলোপাথারি মারতে থাকে আর অকথ্য ভাষায় গালিগালাজ করে। এক পর্যায়ে তারা আমাকে বলে, “তুই শিবিরের ক্যাডার।” তুই করে কথা বলে এবং গালিগালাজ করে অনেক। তখন আমি কান্নাকাটি করি। এক পর্যায়ে মারপিটের সাথে সাথে, আমার গোপন জায়গায় কারেন্ট শক দেয়। ... বাথরুমে গেলে বলতো যে, “চোখ একটা খুলবি, তারপরে কাজ সারবি।” তো আমি আসলে ওখানে কাউকে ওভাবে দেখিও নাই। একদিন দুই-তিনজন ব্যক্তি ক্যামেরার সামনে নেয় এবং বলে, “আমরা যেভাবে বলি, ঐভাবে বলতে হবে, যেন কোন ভুল না হয়।” ল্যাপটপ সামনে ছিল, আর তাদের মুখ ঢাকা ছিল, আমি ওইভাবে তাদের ফেস দেখিও নাই। তো তারা সেখানে বলে যে, “তুই তোর জীবনের সবকিছু বল।”(7-21)

**Code DHI:**<sup>110</sup> চোখ বাঁধা, হ্যান্ডকাফ লাগানো। ... এই যে এখনো দাগগুলো যায়নি, ১০-১১ বছর হয়ে গেছে। বাথরুমে নিয়ে যাওয়ার সময়টা ছিল এরকম, যে আমাকে অন্ধের মতো একটা লাঠি ধরায় দিত। আমার হাত পিছনে বাঁধা এ অবস্থায় একটা লাঠি আমার হাতের ফাঁকার মধ্যে দিত। ... উলঙ্গ করে কারেন্ট শক দিয়ে বুলায়ে রাখছিল দুই ঘণ্টার মতো। মানে একটাই দাবি যে আমাকে স্বীকার করতে হবে। ... এই বিষয়টা তো আমি মানতে রাজি হইনি। ... শকটা কিভাবে দিয়েছিল? পেনিসের মধ্যে ক্লিপ বা এই জাতীয় কিছু একটা লাগাইছিল আর হাত দুটো উপরে বাঁধা ছিল। এই অবস্থায় কারেন্ট শক দিতো আর পিছন থেকে মারতো। “হ্যাঁ” বললে মার থামে, কারেন্ট শক থামে। “না” বললেই মার চলে। ... মানে এগুলো অনেকটা সাজেশন টাইপের। বলতো যে, “তুমি এই সংগঠন করো?” আমি বলছি, “না”। শুরু হইলো কারেন্ট শক। (7-22)

**Code DEA:**<sup>111</sup> আমার তখন কোন মামলা পর্যন্ত নাই। তবুও এমনকি আমার শরীরে কোন কাপড় রাখেনি ওরা। আমাকে বুলাইছে। এরপরে কিছু কিছু টর্চার করছে, যেগুলো আমি আপনাকে বলতে পারতেছি না। যেগুলো বলা যায় না। আমার ওয়াইফ জানে। তো ওখানে আমি সেন্সলেস হয়ে যাই। তখন নামায় তারা আমাকে। ... ছয় মাস দাগ ছিল আমার কজিতে। ওইখান থেকে আমার ঘাড়ের সমস্যা হয়ে গেছে, কারণ আমাকে বুলায় রাখতে বলছে যে, আমি থাকতে পারতেছি না। ওরা নামায় নাই আমাকে। আমাকে টর্চার করছে এবং এমন জায়গায় ইলেকট্রিক শক দিচ্ছে, তারা বলতেছে, “তোকে

<sup>108</sup> 22 year old male; abducted by RAB 3 in 2020; disappeared for 11 days

<sup>109</sup> 19 year old male; abducted by RAB Intelligence and RAB 1 in 2016; disappeared for 7 days

<sup>110</sup> 20 year old male; abducted by RAB 12 in 2014; disappeared for 34 days

<sup>111</sup> 29 year old male; abducted by RAB Intelligence and RAB 1 in 2016; disappeared for 53 days

আমি ইম্পোস্টেন্ট বানায় দিব, যদি তথ্য না দিস।”... আমাকে দীর্ঘ সময় ইলেকট্রিক শক দিছে এবং আমি ফিল করতেছিলাম, ইচ এন্ড এভরি পার্ট অফ মাই বডি। মানে ইলেকট্রিক শক খেয়ে আমার মনে হচ্ছিল আমার পা এবং আমার মাথা দুইটা স্কুইজ হয়ে এক হয়ে গেছে, ঠিক আছে? তো তারপরেও সবচেয়ে মজার ব্যাপার, দ্য ওয়্যার লাফিং এট মি। হ্যাঁ? তারা মনে হচ্ছিল মেকিং ফান। (7-23)



Fig 7M: Many victims, such as Code DIA<sup>112</sup> who was imprisoned at CTTC, have retained marks of their injury nearly half a decade after their disappearance.

**Code EDH:**<sup>113</sup> তখন ওরা কিল থাপ্পড় মারে। প্যান্ট খুলে ফেলে। প্যান্ট খুলার পর, আমার একটা বিচির সঙ্গে ক্লিপ লাগায়। গাড়ির মধ্যে উঠে দরজা বন্ধ করে দিছে। প্রায় ছয় সাত জন হবে, চোখ বাঁধা অবস্থায় যা বুঝলাম। কথা বলতেছে, তারপর গাড়ি ছেড়ে দিল, ছেড়ে দিতে দিতে আমার প্যান্ট অলরেডি খোলা শেষ। খুলে, ক্লিপ দিয়ে কারেন্ট শক দেওয়া শুরু হয়ে গেছে। গাড়ির মধ্যে খুব চেঁচাচ্ছি ... দুই পা সামনের সিটে লাফানোর কারণে আমার প্রায় এক ফুট করে দুই পায়ে ছিলে যায়। কিন্তু ওইটার ব্যথা কিছু মনে হয়নি। কারেন্ট শকের ব্যথা এতটা ভয়ঙ্কর। ... প্রায় ১৫ থেকে ২০ মিনিট কারেন্ট শক দিল। এই ২০ মিনিটে গাড়ি চলতেছিল ... এরকম করতে করতে যখন থামলো, মনে হইলো যে দুনিয়া দুনিয়া নাই। কারেন্ট শক বন্ধ করার পরে তিন মিনিট ধরে আমি চেঁচাইছি। লাস্টে বাধ্য হয়ে ওরা মুখ চেপে ধরে। ওই কারেন্ট শকের কষ্টে।

<sup>112</sup> 25 year old male; abducted by CTTC in 2019; disappeared for 8 days

<sup>113</sup> 30 year old male; abducted by RAB Intelligence and RAB 12 in 2014; disappeared for 39 days

সকাল বেলায় আবার আমাকে নিয়ে যেয়ে একটা রুমে ঢুকাইলো। ... আমাকে একটা চেয়ারে বসাইছে। বসানোর পর, চেয়ারে পা বাঁধলো, হাত বাঁধলো, বুক বাঁধলো, মাথা বাঁধলো। বাঁধার পর, আমাকে বলতেছে, “এই চেয়ারে কিন্তু সুইচ দিলাম।” তো, আমি তো চেয়ার সম্পর্কে কোন কিছু জানি না। জানার পর, আবার ওই একই প্রশ্ন করতেছে। করার পর, যখন কোন উত্তর পাইলো না, তখন ... একটা সাধারণ চেয়ারে বসালো। বসানোর পর, যখন আবার দুই-একটা জিজ্ঞাসাবাদ করার পর কোন উত্তর পাইলো না, তখন আমার দুই হাত রশি বাঁধিয়ে বুলাই দিল। বুলিয়ে দিয়ে আমাকে আবার ফুল উলঙ্গ করে ফেলল। উলঙ্গ করে ফেলার পর, আবার [ওই জায়গার] সঙ্গে কারেন্টের ক্লিপ লাগায় দিয়ে কারেন্ট শক দেওয়া শুরু করলো। একদিকে কারেন্ট শক, একদিকে বেতের লাঠি দিয়ে মারা শুরু করলো। ... কি যে ভয়াবহ একটা অবস্থা গেছে সেই ঈদের দিন সকালটা। আমি বলছি, কোন নরকে যে আল্লাহ আমাকে পাঠাইলো। (7-24)

## Genital shock during urination

**Code BAG:**<sup>114</sup> তো এরা মারধর করলো, স্বীকার করানোর জন্য। বলছে যে, “তুই এটা স্বীকার কর, তাহলে তোর কপাল ভালো, নাইলে কিন্তু তোর সমস্যা আছে।” পরে আমি স্বীকার করলাম না। ... অনেক পানি খাওয়ার পরে, পেশাব করতে দিছে। পেশাব করার সময় একটা বালতি দিছে। বালতির মধ্যে পানি ছিল। পানির মধ্যে যখন পেশাব পড়ে, তখন কারেন্টের শক লাগে। ... মারধর করছে। বাইরাইছে। আর হ্যাডকাপটা খুইলা এখানে কি যেন একটা বাঁধলো। বাইন্কা উপরে ঝোলাই থুইয়া দিছিল অনেকক্ষণ। ... আর রাত্রে বেলা হাত পিছনে বাঁধা থাকলে ঘুমাইতে পারতাম না। পিছনে হাত বাঁধা থাকলে হাতগুলো অবশ হয়ে যেত। (7-25)



Fig 7N: Victims have been left with enduring trauma from the torture (illustration based on witness and survivor accounts)

<sup>114</sup> 24 year old male; abducted by RAB 5 in 2019; disappeared for 62 days

**Code CHB:**<sup>115</sup> একটা যে কঠিন শাস্তি দিছে, সে শাস্তিটা হইলো একটা অন্যরকম। আমার তো চোখ বাঁধা, আমার কিন্তু চোখ বাঁধা। আমারে ধইরা নিয়ে জিজ্ঞাসাবাদ করতে ওইদিন, পিটনা দেওয়ার পরে আবার জিজ্ঞাসাবাদ করতেছে। তখন আমি বুঝি যে, আজকে আমার জীবন শেষ। জিজ্ঞাসাবাদ করার পরে কইতেছে, “এখানে প্রশ্নাব কর। এখন এখানে প্রশ্নাব কর।” প্রশ্নাব করার সাথে সাথে আমি অনুমান করছি যে, আমি মনে হয় পাঁচ ফিট উপরে উঠছি, একটা ফাল দিয়া, ইলেকট্রিক শক সবচেয়ে বড় কোন স্থানে। (7-26)

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<sup>115</sup> 18 year old male; abducted by RAB Intelligence and RAB 11 in 2022; disappeared for 45 days

## 8. A message for the Judiciary

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It goes without saying that the Judiciary is one of the vital organs of the State. The Judiciary serves as the Guardian of the Constitution and the protector of the fundamental rights of the people as enshrined in Part III of the Constitution. A resilient, independent and accountable Judiciary is vital not only for democracy and human rights, but also for sustainable economic and social development. Only through coordinated constitutional and institutional reforms, Bangladesh can ensure a Judiciary that is independent, impartial, transparent and worthy of public trust. As Lord Denning rightly said, “When a Judge sits to try a case, he himself is on trial.”

The Judiciary is the dispenser of justice, the shield of the vulnerable and the compass of democracy. Public trust in the Judiciary is not merely desirable—it is a bedrock of a functional society. Without it, the rule of law crumbles and chaos prevails. A trusted Judiciary is the soul of democracy. It ensures that no one—individual, corporation or the Government—is above the law and everybody is subject to the law. Public confidence in the Judges cannot be demanded—it must be earned.

Judges promote and protect human rights through administration of justice. Almost all basic human rights as articulated in the United Nations Universal Declaration of Human Rights, 1948 have been incorporated in Part III of our Constitution. As a matter of fact, human rights are those rights without which human existence is impossible on this planet. Anyway, Judges are charged with saying what the law means. When they speak, the force behind the law begins to operate.

The confidence of the people in the Judge depends upon the quality of justice he administers with integrity and impartiality, neutrally and efficiently, ethically and transparently. A Judge should treat every case whether involving the Prime Minister or a street vendor with equal rigor. Judges

are not merely arbiters of law. They are also custodians of hope. In their hands lies the power to heal societal fractures and inspire a generation.

As the Judges don their robes every morning, they should remember the words of our Constitution:- “The Republic shall be a democracy in which fundamental human rights and freedom.....shall be guaranteed.” This guarantee should begin with the Judges. Let us build a Judiciary where a rickshaw driver in Dhaka and a garment worker in Sylhet alike can say, “We trust the Court – we trust the Judiciary.” The journey is arduous, but the reward—a just, confident Bangladesh—is immeasurable.

Judicial independence is the lifeblood of constitutionalism in a democratic polity. This independence is not for the sake of the Judges, but for the judged. When it comes to judicial independence, the perception of the people is very important. If the perception of the people is that the Judiciary is not functioning independently of the Executive and the Legislature (unfortunately this is the perception of the people of this country), the Judiciary stands nowhere.

In the words of late lamented Chief Justice of the then East Pakistan High Court Mr. Justice Syed Mahbub Murshed, “No tyranny is worse than judicial arbitrariness and no misfortune is worse than judicial subservience.” This insightful observation of Mr. Justice Syed Mahbub Murshed is self-explanatory and very germane to the context of Bangladesh. However, it should be borne in mind that judicial independence does not mean judicial highhandedness at all. There is no conflict between judicial independence and judicial accountability; rather judicial accountability reinforces proper exercise of judicial independence. Judicial independence and accountability are not opposing ideas but complementary pillars of constitutional democracy. Bangladesh’s experience demonstrates that neglecting either principle undermines institutional integrity and public trust.

The members of the law-enforcing and intelligence agencies are not above the law of the land. Any sort of torture and degrading or inhuman treatment on the victims in their custody are expressly illegal, unconstitutional and condemnable. In that event, the victims have the right to seek the protection of the law in any independent and impartial Court or Tribunal, as the case may be. Enforced disappearance and custodial death are the worst forms of violations of human rights. Even a hardcore criminal has the right to be tried in the competent Court of law for his alleged perpetration of crimes. He cannot be subjected to enforced disappearance or physically annihilated by the members of the law-enforcing and intelligence agencies for his alleged offences, if any. By subjecting the victims to enforced disappearance, they took the law into their own hands and by

so doing, they themselves violated the law. This violation of the law cannot be countenanced in a democratic society.

The rule of law requires the protection of the 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. In the absence of this requirement, the rule of law becomes a hollow slogan. Lord Justice Stephen Sedley of the Court of Appeal of the UK once observed, “The irreducible content of the rule of law is a safety net of human rights protected by an independent judicial system” (quoted from Soli, J. Sorabjee).

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) reported in 69 DLR (AD) (2017) 63], our Appellate Division issued the following guidelines for the Magistrates, Judges and Tribunals having power to take cognizance of offences:

- (a) If a person is produced by the law-enforcing agency with a prayer for his detention in any custody, without producing a copy of the entries in the diary as per Section 167(2) of the Code of Criminal Procedure, the Magistrate or the Court or the Tribunal, as the case may be, shall release him in accordance with Section 169 of the Code on taking a bond from him;
- (b) If a law-enforcing officer seeks an arrested person to be shown arrested in a particular case, who is already in custody, such Magistrate or Judge or Tribunal shall not allow such prayer unless the accused/arrestee is produced before him with a copy of the entries in the diary relating to such case and if the prayer for showing him arrested is not well-founded and baseless, he shall reject the prayer;
- (c) On the fulfilment of the above conditions, if the investigation of the case cannot be concluded within 15 days of the detention of the arrested person as required under Section 167(2) of the Code of Criminal Procedure and if the case is exclusively triable by the Court of Session or the Tribunal, the Magistrate may send such accused person on remand under Section 344 of the Code for a term not exceeding 15 days at a time;
- (d) If the Magistrate is satisfied on consideration of the reasons stated in the forwarding report and the case diary that the accused or the information is well-founded and that there are

materials in the case diary for detaining the person in custody, the Magistrate shall pass an order for further detention in such custody as he deems fit and proper;

- (e) The Magistrate shall not make an order of detention of a person in the judicial custody if the police forwarding report discloses that the arrest has been made for the purpose of putting the arrestee in preventive detention;
- (f) It shall be the duty of the Magistrate/Tribunal, before whom the accused person is produced, to satisfy that these requirements have been complied with before making any order relating to such accused person under section 167 of the Code;
- (g) If the Magistrate has reason to believe that any member of the law-enforcing agency or any officer who has legal authority to commit a person to confinement has acted contrary to law, the Magistrate shall proceed against such officer under Section 220 of the Penal Code;
- (h) Whenever a law-enforcing officer takes an accused person in his custody on remand, it is his responsibility to produce such accused person in Court upon expiry of the period of remand and if it is found from the post- remand forwarding report or otherwise that the arrested person is dead, the Magistrate shall direct examination of the victim by a medical board, and in the event of burial of the victim, he shall direct exhumation of the dead body for medical examination by a medical board, and if the report of the board reveals that the death is homicidal in nature, he shall take cognizance of the offence punishable under Section 15 of the Torture and Custodial Death (Prevention) Act, 2013 against such officer and the Officer-in-Charge of the police station concerned or the Commanding Officer of such officer in whose custody the death of the accused person took place; and
- (i) If there are materials or information to a Magistrate that a person has been subjected to 'Nirjatan' or has died in custody within the meaning of Section 2 of the Torture and Custodial Death (Prevention) Act, 2013, the Magistrate shall refer the victim to the nearest doctor in case of 'Nirjatan' and to a medical board in case of a death for ascertaining the injury or the cause of death, as the case may be, and if the medical evidence reveals that the person detained has been tortured or has died due to torture, the Magistrate shall take cognizance of the offence *suo motu* under Section 190(1)(c) of the Code of Criminal Procedure without awaiting the filing of a case under

Sections 4 and 5 of the Torture and Custodial Death (Prevention) Act, 2013 and proceed in accordance with law.

If the above-mentioned guidelines formulated by the Appellate Division are followed in right earnest by the Magistrates, Judges and Tribunals concerned, this will hopefully improve the human right situation and pave the way for the establishment of rule of law in the country.

The Magistrates, Judges and Tribunals are mandated by law to dispense evenhanded justice to the litigant people without fear or favour and ill will or affection. In their day-to-day judicial work, they are supposed to be mindful of the well-known legal dictum—“Let justice be done, though the Heavens fall.” But regrettably our Judiciary failed to play a proactive role in curbing the enforced disappearances of the victims, even though the same were brought to their notice in various cases during the immediate past Hasina-led Administration.

## 9. Conclusion and Recommendations

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A major obstacle to truth and accountability in Bangladesh today is the culture of denialism around the issue of enforced disappearance. The Awami League has consistently denied the existence of a systematic practice of enforced disappearance, and as a nation, even after the changeover of 5 August 2024, we have struggled to confront this denialism largely because many of the perpetrators remain in positions of power. This has led to widespread destruction of evidence, institutional non-cooperation, intimidation of potential witnesses, and a climate of fear. When victims come forward, they are overtly and covertly threatened. When the members of this Commission carry out their lawful duties, they face intimidation of various sorts by the security forces from time to time. As a result, attempts to fully expose the system risk re-victimising those already targeted by it.

It would, however, be incorrect to say that no attempts have been made to expose this system. Many victims have independently come forward, and both national and international media have covered their stories, often in great detail. Numerous media reports have revealed the existence of secret detention cells. The Chief Advisor himself has visited some of these facilities, accompanied by the victims and members of the press. Victims have stood in the very cells they were incarcerated in and recounted their harrowing experience in front of the press. The existence of these secret sites is now an incontrovertible fact. And yet, given that many of their abusers or those complicit in the system still occupy positions of power, particularly within the security forces, a full exposure that brings forward all the victims still risks re-victimising them. This has fostered a culture of fear and silence that we have, so far, struggled to break through.

Given these constraints, we have had to explore alternative means of presenting compelling evidence that enforced disappearance in Bangladesh was not incidental but systemic. This interim report does so through an analysis of a dataset of 253 individuals out of the nearly 1800 complaints

submitted to us. These individuals matter because, at the point of their disappearance, there was contemporaneous documentation—general diary entries, criminal complaints, or media reports—recording that they had gone missing. At the point of reappearance, law enforcement or security agencies filed cases against them, thereby confirming they were in state custody. These individuals are also alive and have testified about the intervening period. In many instances, they encountered each other in secret detention facilities, becoming witnesses to each other's captivity. Thus, what we have is a dataset of 253 people, dispersed across the country and over more than a decade, who describe remarkably similar experiences, despite having no way of coordinating among themselves or anticipating so many years ago that their cases would one day be scrutinised collectively by a Commission like ours. Therefore, the consistency of their accounts offers compelling evidence of a coordinated and systematic practice.

What this dataset shows is the existence of an organised system of enforced disappearance, undergirded by the logic of securitisation, throughout the decade and a half of Sheikh Hasina's rule. It reveals that, under the guise of counterterrorism, the Awami League pursued an *authoritarian bargain*—using the threat of Islamist extremism to consolidate political power, secure international legitimacy, and extend its rule. In doing so, it weaponised the criminal justice system, compromised the security forces, and institutionalised torture and secret detention.

This was not a counterterrorism campaign marred by human rights violations. Whilst that would be bad enough, this was a politically motivated repression apparatus that used counterterrorism as a convenient fig leaf. Instead of being neutral arbiters, the data from the Anti-Terrorism Tribunal shows there was underlying political and performance driven logic to case inflows and outflows.

The 253 individuals in our sample span more than a decade; they vary in age, profession, and the length of their disappearance. Yet their experiences also converge in striking ways. Most were supporters of then-opposition political parties and, in many instances, were interrogated specifically about those affiliations. Even those linked to the ruling party were disappeared in connection with intra-party disputes or political rivalries. Across the board, victims were subjected to the same rituals—exposed to systematic torture, presented to the press as terrorists, charged under similar laws, and described in very similar language.

This convergence of experience from such diverse backgrounds but similar political identities strongly suggest a political logic behind these actions. Heterogeneous lives were processed through a homogenised machinery of repression.

As in the rest of the world, terrorism is a genuine threat to Bangladesh, which must be addressed with analytical clarity and institutional resolve. But it must also be addressed with integrity. The Holey Artisan Bakery attack in 2016, among the deadliest in the country’s history, was a brutal wake-up call; significantly, one of the attackers was the son of an Awami League politician. This undercuts the narrative that extremism is confined to any one segment of society.

And yet, the then government used counterterrorism as a convenient frame to discredit rivals for their political dissent. More fundamentally, the campaign itself descended into lawlessness: enforced disappearances, torture, extra judicial killings, and fabricated charges. Such methods not only violate human rights, they also betray the very principles needed to confront extremist violence. A state cannot credibly fight lawlessness with lawlessness. When it does, it corrodes the institutions meant to protect the public and ultimately makes the country less safe. Terrorism must be countered—but not like this.



Fig 9A: Female captives have complained of not being able to cover themselves with orna and being harassed by male law enforcers (illustration based on survivor accounts)

The human cost of sustaining the Awami League’s rule in this manner has been staggering. Lives have been lost. Careers destroyed. Education derailed. Families torn apart. Victims have endured profound psychological and physical trauma, often compounded by years trapped in fabricated

legal cases. The criminal justice system too has been weaponised into a tool of repression. The median legal cost per victim in our sample is BDT 700,000, nearly twice the average annual household income. These cases stretch on for years, leaving entire communities exhausted by fear, uncertainty, and the slow erosion of hope. Many victims were also forcibly transferred across borders in illegal renditions. Even the security forces were not spared. Demoralised by institutional complicity and compromised by the presence of culpable actors within their ranks—many of whom are now vulnerable to hostile intelligence services and, thus, pose a threat to national security—they require deep reform to resist future political pressure of a similarly criminal nature.

Enforced disappearance is not a partisan political issue and should not be made one. As the examples below demonstrate, under Sheikh Hasina, it affected everyone.

A BNP activist recounted to us the traumatic memory of his torture (Code BJH<sup>116</sup>): “গোপনাক্ষে ইলেকট্রিক শক দেয়ার সাথে সাথে আমি সেন্সলেস হয়ে পড়ে যাই ওইখানে। কতক্ষণ শুয়ে আছি জানিনা। কিছুক্ষণ পর কানে আওয়াজ শুনতেছি, তারা কথা বলতেছে, ‘বেঁচে আছে, বেঁচে আছে’... দাঁড়ানোর পর বলতেছে ‘তাকে বুলা।’ ... আবার বুলাইয়া, আবার পিটানো। ... বলে তুই বুঝস না? তুই পিলখানা হত্যাকাণ্ড নিয়ে লেখস।” (9-1)

A medical student, who was a Shibir activist, was left with permanent injury following his disappearance (Code CEB<sup>117</sup>): “আমাকে ওদের টর্চার রুমটার সামনে রাখতো। তো যখনই খুবই হাই ভলিউম মিউজিক বাজতো, তখনই আমি বুঝতাম যে, কাউকে না কাউকে মারতেছে। এবং তাদের চিৎকারের শব্দ এত বেশি আসতো, আসলে আমার তখনই মানে ডেফিকেশনের [মলত্যাগ] চাপ চলে আসতো। ... আমার কন্টিনিউয়াস দুই মাস চোখ বাঁধা ছিল। ওরা চোখ বেঁধে রাখার কারণে আমার চোখে প্রচণ্ড ব্যথা হতো। মনে হচ্ছে সবকিছু ছিড়ে যাবে। ... পরে যখন আমি বের হলাম, তখন আমার চোখে অপারেশন করা হয়। মানে এই চোখে রেটিনা এন্ডিং যেটা, এটা ছিড়ে যায়।” (9-2).

A female student recalls her humiliation when (Code BIAH<sup>118</sup>): “অনেকটা ট্রুসিফাইড হওয়ার মত করে হাত দুই দিকে বেঁধে ঝুলিয়ে রাখছে। ওরা আমাদের ওড়না নিয়ে নিছিল; আমার গায়ে ওড়না ছিল না। আর যেহেতু জানালার দিকে মুখ করা ছিল, অহরহ পুরুষ মানুষ যে কতগুলো আসছে দেখার জন্য এটা বলার বাহিরে। মানে তারা একটা মজা পাচ্ছে। বলাবলি করতেন যে, ‘এমন পর্দাই করছে, এখন সব পর্দা ছুটে গেসে।’” (9-3) She also added, “আমার পিরিয়ড হওয়ার ডেট ছিল অনেক লেটে। কিন্তু যেই টর্চার করে তাতে আমি এত পরিমাণ অসুস্থ হয়ে যাই যে, সাথে সাথে আমার পিরিয়ড আরম্ভ হয়ে যায়। তারপর উনাদেরকে বলি যে, “আমার তো প্যাড লাগবে” - এটা নিয়ে অনেক হাসাহাসি করে ওরা।” (9-4)

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<sup>116</sup> 38 year old male; abducted by CTTC in 2021; disappeared for 33 days

<sup>117</sup> 21 year old male; abducted by RAB Intelligence and RAB 13 in 2016; disappeared for 2 months

<sup>118</sup> 25 year old female; abducted by police in 2018; disappeared for 24 days

Clearly, the Awami League's regime of fear affected people of all strata of society wearing all political colours. It should, thus, be our unified national goal to eradicate this culture altogether.

## **Recommendations**

Based on this interim report's findings, we have two major recommendations for the government: one forward thinking, the other past oriented.

### **1. Undoing past wrongs: Expedite trials**

A critical challenge now facing the justice system in Bangladesh is how to resolve the thousands of fabricated anti-terrorism cases that continue to entangle the victims of enforced disappearance. Many of those caught in this web have already endured incommunicado detention, torture, and staged reappearances. Upon resurfacing, they found themselves facing charges for crimes they could not have committed, often because they were already in state custody at the time the alleged offenses occurred. This presents a grave miscarriage of justice and a direct violation of legal principles, most notably the requirement that guilt must be established for a specific act, not presumed on the basis of association or ideology.

It must be acknowledged that, within this group, there will be individuals who do harbour radical beliefs. But the right to due process demands that individuals be prosecuted only for acts they have committed. It is also evident that large numbers of those currently being tried under the law are not guilty even of such associations, let alone the specific offenses for which they stand accused. Many, as discussed in this report, were caught up in political dragnets. This complex reality underscores the importance of careful and fair judicial scrutiny.

As per section 33 of the Anti-Terrorism Act (ATA), 2009 trials of cases thereunder shall be concluded within a year including the extended periods from the date of commencement of trial (charge framing). If the Anti-Terrorism Special Tribunals constituted pursuant to Section 28 ATA fail to conclude the trial of the cases pending therein within the aforesaid period of one year, then what consequences will follow? Section 33 of the Act does not contemplate any consequence whatsoever for non-compliance with the timeline (one year in all) for conclusion of trial of the cases under the Act. As a result, a huge number of victims have been languishing in jail custody even more than 10 years, and the cases are being dragged on for an indefinite period. This state of affairs cannot be allowed to continue in view of clause (3) of Article 35 of the Constitution.

Given this scenario, an amendment should be made to the ATA to the effect that if the trial of a case pending in the special tribunal cannot be concluded within the maximum time frame of one year as provided by Section 33 of the Act, in that event, the Anti-Terrorism Special Tribunals must record an order in the order-sheet that the proceedings of the case be terminated and the accused shall stand acquitted of the charge levelled against him.

To that end, the tribunals must expedite the trials of cases. These bodies must be tasked with systematically reviewing and resolving the backlog of pending anti-terrorism cases. Many have languished for years, producing severe psychological and financial hardship for the accused and their families. These include long-term detention without resolution, repeated court appearances that disrupt livelihoods and education, and in some cases, life sentences and death penalties based on flimsy or manufactured evidence.

The judges appointed to the Anti-Terrorism Special Tribunals should be sensitised about the structural realities documented in this report by the Commission.

## **2. Doing better in the future: Rehabilitation, not securitisation**

In multiple conversations with senior police and military intelligence officials with expertise in this area, it became clear that many believed Bangladesh should draw lessons from successful regional examples, where the emphasis has been on prevention and rehabilitation rather than militarised crackdowns as ways of doing counterterrorism. Among the most experienced and thoughtful officers, there was notable frustration with Bangladesh's wholesale adoption of a militarised, securitised American model. They expressed concern that this trajectory was being shaped less by its proven effectiveness in the local context and more by the availability and influence of international funding.

To better understand the roots of the divergence between stated aims and operational practice, it is instructive to consider the models Bangladesh has looked into and the consequences of emulating them. The UK's counter-terrorism strategy is organised around four pillars: Prevent, Pursue, Protect, and Prepare. It emphasises early intervention, community engagement, and safeguarding against radicalisation. In contrast, the U.S. approach has traditionally leaned on hard power, prioritising disruption through domestic surveillance and military-led interventions abroad. While both nations aim to prevent attacks and protect their citizens, the UK emphasises integration and prevention, whereas the U.S. model foregrounds force projection and intelligence dominance.

Bangladesh's counterterrorism posture in the past decade echoed the UK rhetoric, with public statements emphasising deradicalisation and community vigilance. However, the actual operational architecture aligned more closely with the American model of disruption, marked by military-led operations, secret detentions, coercive interrogations, and the weaponisation of anti-terror laws to neutralise dissent. The state projects a soft counter-extremism narrative but practices a form of securitisation divorced from community trust or procedural safeguards. This mismatch between language and action not only undermines counterterrorism legitimacy but also weakens national security by blurring the lines between actual threats and political opposition.

A more effective and sustainable counterterrorism strategy for Bangladesh should move beyond a purely securitised model and embrace a holistic, rehabilitative framework that addresses the ideological, social, and economic drivers of extremism. This includes structured programs for *religious education*, led by credible scholars capable of dismantling misinterpretations of religious doctrine that justify violence. Alongside this, psychological counselling, family-based interventions, and community reintegration efforts should be prioritised to facilitate deradicalisation. Bangladesh could benefit from involving *reformed former extremists* as mentors or interlocutors, who can credibly challenge violent ideologies from within. Additionally, *vocational training, economic support, and long-term monitoring* after release are essential to reducing recidivism and fostering genuine reintegration.

A 'risk reduction' initiative of this kind need not mirror any single model but should be adapted to Bangladesh's context through locally trusted actors and institutions. Indonesia and Malaysia's rehabilitation-oriented approaches have demonstrated that community engagement, religious dialogue, and deradicalisation efforts can yield significant results without resorting to widespread surveillance or militarised policing. These models underscore the importance of building societal resilience and addressing extremism at its roots, rather than framing it solely as a law enforcement issue. For Bangladesh, the way forward lies in constructing a locally grounded, non-coercive strategy that builds trust with communities, protects rights, and weakens the appeal of extremism from within, rather than relying on reactive or punitive measures that risk deepening alienation.

## Appendix A: English translations

### Chapter 1

(1-1) They interrogated me again. He asked, 'Which party do you support?' I said, 'Sir, I don't belong to any party. Personally, I like the BNP. I'm not involved with any party, but I'm a supporter.' Then he said, 'So you're with Jamaat-e-Islami.' I replied, 'Sir, I'm not with Jamaat-e-Islami.' After this kind of interrogation went on for a long time, he finally said, 'Then you must be with a militant group.' I said, 'Sir, no, I don't know anything about those. I'm not involved in any of that.'

### Chapter 4

(4-1) When the incident was described to the duty officer, he expressed his inability to file a general diary. Later, upon approaching the Officer-in-Charge (OC), he made phone calls to various places. He said that a GD could not be filed against the administration.

(4-2) They didn't take the GD. My wife went three or four times. They told her, 'Go look around, go to the police station, go to DB. We can't take a GD right now.' ... What can I say. My wife's crying could break down walls. The DB IO said, 'Your wife used to come every day and cry for four or five hours straight. Felt like the wall would collapse.' ... At the police station they said, 'Go look around. If RAB or police or DB took him, sometimes—even if they didn't intend to disappear someone—once a GD is filed, they end up making them disappear. You all go look quietly among yourselves.'

(4-3) While taking me to court, they were saying, "We're going to hand you over to the court now. But if you tell the magistrate or judge that you were arrested three months ago, then we'll file five more cases against you. So, you'll say that you were arrested today."

(4-4) They made it clear: "We know everything about you." I'm with the BNP. I work with Madam. They knew all of that. ... They asked: "You tell us first, what did you used to do for Begum Khaleda Zia?" I said, "I'm with the party. Whatever task I'm assigned, I carry it out." ... They asked: "Which countries were involved in her safety and security? Who supported her?" I said, "I don't know." When I said I didn't know, they responded, "Look, the more you don't cooperate with us, the worse

things will get for you.” Then they said, “You used to go to the embassies. Gifts used to come from the embassies. She used to give gifts. What were in those gifts?” I replied, “I don’t know.”

Then I remember—a sudden blow, maybe with a hammer or something—I don’t even know exactly—hit me in the knee. My voice got completely stuck in my throat. They hit so hard, I couldn’t speak anymore. From the side, a young officer was shouting, “Sir, let’s finish him off! Let’s do it now, right here!” The other one said, “No, he’ll talk. How long will he stay quiet?” And that was the end of that day there. ...

Two or three days later, they suddenly took me again. Once there, they started again: “So, we had this conversation the other day. Are you ready to talk now?” I said, “I don’t know anything.” Then they said, “Tell us the account details of Tarique Rahman—where does he keep his money?” I replied, “Brother, I don’t know. I simply don’t know.” Then they asked, “Where did Madam Zia put her money? Where does she keep it?” I said, “I don’t know.” Then again—they hit me twice on my kneecaps. After that, they left me there. ... Their main line of questioning boiled down to two things: Where are Begum Khaleeda Zia’s accounts? Where are Tarique Rahman’s accounts? And do any foreign countries support Begum Khaleeda Zia and Tarique Rahman? If so, which ones? These were the things they wanted to know.

(4-5) They laid me flat on my back. Then they inserted bamboo rods between my arms and legs. After that, four people sat on my limbs. They covered my face with a cloth and poured water over it from above. I had read about this in some books: this is called waterboarding. I couldn’t bear the torture. I felt like I would die any second, that I would stop breathing. I think they were checking whether my heart would stop. They kept at it for two and a half to three minutes.

They kept asking, “Say it: are you with Jamaat? Are you with Shibir? What do you do?” I said, “Look, I used to be with Chhatra Shibir, but I’m not anymore. I left it a long time ago. Since 2014, I’ve been out of politics. After my father and brother passed away, I’ve just been trying to study and get a job.” These were the kinds of questions they asked—“Why do you pray Fajr in congregation? Why don’t you have any relationship with women?” They asked these things in between bouts of waterboarding. They’d stop, ask, and resume. I think after about two minutes, I lost consciousness. The last thing I remember hearing was a curse: “You child of a Razakar.” After that, I blacked out.

... During interrogation, they asked me why I didn’t have a girlfriend. At that time, I had a slightly long beard – “Why do you keep your beard long? Why do you wear your pants above your ankles?” “Why did your brother join Jamaat-e-Islami?” They kept throwing these questions at me, and in

between, they hurled abuse. I was just crying and saying, “Sir, I’m not lying about anything. If you don’t believe me, go to my area and ask. I’m telling the truth. I used to be with Shibir, but I’m not anymore, sir. My brother was with Jamaat-Shibir; he’s dead now. No one else in my family is directly involved with Jamaat-Shibir.” Then they said, “No, even your father was with Jamaat.” I said, “No, my father was never in Jamaat. He was a devout Muslim; he practiced his religion. My family is religious, but they don’t belong to Jamaat. I was with Shibir, and my brother was in Jamaat-Shibir.”

... They focused on two more things. A group of seven or eight of us had formed a team to help the Rohingya. That’s all. They asked: Why did we go? Why did we help them? And then came questions about India and Pakistan. They asked, “Do you like India? Between Bangladesh, India, and Pakistan—which one do you like? Do you like Bangladesh’s independence?” Then they asked, “You went to help the Rohingya; —what are your intentions? Do you want to keep them in this country or send them back? Do you want to turn the Rohingya into militants like Jamaat-Shibir? What are your goals?” I said, “Look, I have no such thoughts. We just saw their suffering, formed a team, collected money, and helped. We had no plan to convert them or anything like that.” These are the things they focused on the most – what position I held in Jamaat-Shibir, and what my role was.

(4-6) Many distant relatives used to spread rumours before that the girl had become a militant. My father had to tolerate a lot. But now the situation has changed, and they themselves voluntarily want to see me, want to talk to me. They repeatedly request me to come home. Now the situation has changed.

(4-7) RAB-10 filed a case on Monday against 29 individuals, including the arrest of two. ... It has been alleged that they carried out anti-government propaganda through Facebook and other social media platforms.

(4-8) According to family members, on October 28, Jules Verne was picked up from a launch named ‘PS Turn’ by individuals identifying themselves as members of the administration. Nine days after his disappearance, he was shown as arrested on Tuesday in a Digital Security Act case at Mirpur Police Station.

## Chapter 5

(5-1) They kept saying to me the entire way, 'If you act up or don't give the 164, then we'll bring your wife. We'll beat you as we please. ... There are no rules here, and no one will be able to do anything.'

(5-2) Four months later they took me, blindfolded me, and said, 'Do you want to get out of here, or do you want your life to end like this?' I said, 'Of course I want to get out of here.' Then they said, 'Alright, then whatever we tell you, you will say that in court in front of the magistrate. ... If you say it, you will get out of here. And if you don't, then we'll kill you in a crossfire here, you will die.'

(5-3) They wrote a statement on a piece of paper and said, "This is how you will confess. And if you don't, we won't let you live. If you don't give the confession, you will be killed." ... I didn't want to give it the first time. The magistrate called and said, "Your accused isn't giving the confession properly." Then they took me outside. After taking me outside, they threatened me. ... I cried and begged the magistrate, "Sir, please let me go to my brother. My heart, my soul is crying for my little brothers. I'm crying for my mother. Please let me go to my mother." I pleaded like this.

(5-4) They made me write various things, made me memorize them, and said, "You will say these to the magistrate. Otherwise, we will bring you on remand as many times as we want."

(5-5) In the last four days they said, "We're giving you four or five days, you will memorize this... you will say exactly these things... if you don't say them, we'll file five to seven cases against you, and if you do say them, we'll let you go with just a small case."

(5-6) They made me rehearse the format all night beforehand, "You will say this and this." In the morning, they made me rehearse again, "You will go to court, whatever they ask, you will say exactly this to the magistrate." ... I told the magistrate, "Sir, I want to speak with you privately..." When I told the magistrate, "Sir, I didn't do these things. They beat me and forced me to say all this," the magistrate said, "Alright, I'll look into it." But still, he wrote it down against me. Because they had kept me disappeared all this time, why didn't they produce me before the magistrate on any other day? [But in reality] they only brought me to court on the day when the magistrate was someone of their choice.

(5-7) At that time the judge said, "Do you have any lawyer?" They had taken us there directly while we were in a disappeared state. How could we arrange a lawyer? I said, "No lawyer." ... So, the judge granted four days of remand.

(5-8) In court, the magistrate asked us, "You don't have a lawyer, do you have anything to say?" Then we said, "Sir, we do have something to say. ... How can this remand happen; we weren't even here." When we were describing the entire disappearance incident, the magistrate himself was surprised. He then said, "Alright, okay." He said, "They are saying they were kept disappeared, but you are saying you arrested them the day before yesterday, then what will you answer now?" So, then the one who had requested our remand, a police commissioner from Chattogram, said, "They are trained. If they weren't trained, how could they speak like this?" Because he said, "If they were disappeared, then why are their moustaches trimmed? Why are they wearing clean clothes?" But the day before showing us to the media, they trimmed our moustaches and dressed us in clean clothes and brought us. ... Later the magistrate granted us three days of remand and said, "According to the High Court's instructions, the remand must be completed without any form of torture or physical abuse."

(5-9) I said, "Sir, I have many things to say to you. Please ask them [meaning the police] to leave the room." Mahmudul Hasan Sir said, "They will not leave. Say whatever you have to say here." I said, "Sir, they kept me disappeared. My parents still don't know whether I am alive or dead. ... What is written here, I was forced to memorize. Sir, I don't know anything about this." Mahmudul Hasan Sir deleted a lot of the text on the computer by typing. There was more written before. "Look, I've cut a lot of it, I can't cut anymore. Sign what's here." I said, "Sir, I need to speak with you. Sir, I have exams coming up. Sir, please ask them to leave." I couldn't get him to cooperate with me in any way. Later, when I went to read what the magistrate had written, he said to me, "You don't own so much land that I'll write everything for you. I'm telling you to sign, so sign." ... He didn't give me any chance. No time was given.

(5-10) I gave the 164 statement, but they beat me into giving the 164... my hands were tied, both of my hands were tied. ... The magistrate was asking me questions and writing. ... At one point he asked, "Did you have a library at your house?" I said, "There were books at my house, there was a library." "So did you and your friends hang out there?" I said, "Sometimes they would come, we would chat..." This is what I said. But when he wrote it down, in his own handwriting, he wrote that I was involved in jihadi activities... I never told him that... he wrote whatever he wanted. ... When the RAB personnel brought me into the 164 room, my eyes were blindfolded. I didn't even know it was the 164 room. Someone from RAB told me, "Say exactly what we taught you. If you don't, once you're taken out of here, you will never see life again."

(5-11) They took me before the magistrate... so I told him, "They brought me like this and that from Sadarghat. They kept me confined here and beat me, tortured me all these days. I don't know how things are at my house. They don't know how I am..." Then he said, "What can I do, brother? Your name is in the FIR. Now what can I do? Since there's a case, you have to be remanded." So I said, "I was with them all this time." "Where were you?" I said, "These RAB men brought me." "You were with the RAB? You were at the RAB office?" I said, "Yes." "What can I do now? It's the rule, you must be remanded." So, he gave a three-day remand again.

(5-12) Through their respective Facebook IDs ... created, stored, and circulated obscene and distorted images in super animation format of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman, the Honourable Prime Minister Sheikh Hasina, the Honourable ICT Advisor Mr. Sajeeb Wazed Joy, and other ministers ... spread defamatory, offensive, misleading, and false rumours about the Awami League and like-minded political parties ... carried out subversive activities to overthrow the government by exploiting issues like the Hefazat-e-Islam movement and student protests, such as the anti-quota movement and the Safe Roads movement.

(5-13) In order to deliberately divert the peaceful "Safe Roads Movement" and destabilize the country's law and order situation ... false, untrue, fabricated, and provocative writings and videos are being uploaded and posted from Facebook IDs...

(5-14) By publishing distorted personal images of the Honourable Prime Minister and other ministers on Facebook and other social media platforms, various kinds of slander and misleading posts are being spread against the state and the government ... some cyber criminals are attempting to create negative perceptions among the public about national institutions including the judiciary, the army, and the police...

(5-15) By publishing distorted personal images of the Honourable Prime Minister and other ministers on Facebook and other social media platforms, various kinds of slander and misleading posts are being spread against the state and the government ... some cyber criminals are attempting to create negative perceptions among the public about all national institutions including the judiciary, the army, and the police...

(5-16) By publishing distorted personal photos of the Honourable Prime Minister and other ministers on Facebook and other social media platforms, various forms of slander and misleading posts are being spread against the state and the government ... some cyber criminals are attempting to create

negative perceptions among the public regarding the judiciary, the army, the police, and all other national institutions...

(5-17) When the accused was asked whether he posted provocative and false content on Facebook against the Honourable Prime Minister, various ministers, and the government, he stated that he spreads various forms of slander and misleading posts against the state and government on Facebook with the intention of carrying out subversive activities ... he admitted that some cyber criminals, including himself, attempt to create negative perceptions among the public regarding the judiciary, the army, the police, and all other national institutions.

(5-18) The accused ... when asked whether he posts provocative and false content on Facebook against the Honourable Prime Minister, various ministers, and the government, stated that he spreads various forms of slander and misleading posts against the state and the government on Facebook with the intention of carrying out subversive activities ... he continues to create negative perceptions among the public about the judiciary, the army, the police, and all other national institutions along with some cyber criminals.

(5-19) From the accused's Facebook ID ... he used to engage in planning, training, and attempts to collect weapons with the intention of conspiring against the Government of Bangladesh, committing murder, creating panic and fear among the public, and endangering public safety. On the mobile phone used by him, there are various links related to conspiracies against the Government of Bangladesh ... through online-based campaigns, he spreads copies of various posts containing offensive remarks about the Honourable Prime Minister and against the existing democratic system of the country.

(5-20) While on patrol, based on secret information... we conducted a search operation on suspected passengers on the platform, on the passageway adjacent to the eastern side of the ticket counter.

(5-21) While the patrol team was conducting patrol duty with a government vehicle in the Sagorika area of Chattogram Metropolitan at 05:25 hours on 08/12/2016, I received secret information that...

(5-22) While stationed on the road in front of Hotel Niribili at Rajendrapur intersection under Joydebpur Police Station, having gone out to conduct a terrorist arrest and special operation in the Joydebpur Police Station area, I received secret information that...

(5-23) While on patrol duty in the Madanpur Bus Stand area, on 21/08/2017 at night at approximately 19:50 hours, based on secret information, I came to know that...

(5-24) Accordingly, I am filing this First Information Report stating that today, 01/08/2017 at 16:15 hours, I received secret information that...

(5-25) While conducting a special operation in the Nandigram Police Station area, he learned based on secret information that...

(5-26) While stationed in Gulshan and Uttara divisions to conduct regular operations in the Dhaka Metropolitan area, it was learned through secret information that...

(5-27) Sensing the presence of RAB while attempting to flee... was arrested with the help of accompanying officer force...

(5-28) Upon seeing 10/11 individuals in secret discussion, as we advanced, sensing the presence of police, they attempted to flee by running...

(5-29) As soon as we arrived at the described location, we signalled to stop them; as they abandoned the motorcycle and attempted to flee by running, one individual was detained with the assistance of officers and force.

(5-30) Sensing the presence of RAB and attempting to flee by running, I, along with the accompanying force, was able to apprehend 02 individuals.

(5-31) Sensing the presence of RAB, those present there tried to flee in different directions, and with the assistance of accompanying officer and force, 01 individual was apprehended.

(5-32) The arrested accused during interrogation stated that they are active members of the banned terrorist militant organisation JMB.

(5-33) During interrogation, the arrested accused admitted that they are active members of the banned militant organisation Harkat-ul-Jihad-al-Islami.

(5-34) In the interrogation, the arrested accused revealed the mentioned names and addresses and admitted that they are members of the banned organisation Neo-JMB.

(5-35) During interrogation, the detained individual disclosed the above-mentioned name and address and admitted to being a top Shura member of Neo-JMB's southern region and one of India's most wanted.

(5-36) During interrogation, the arrested accused stated that they are members of the banned militant organisation Jama'atul Mujahideen Bangladesh (JMB)'s 'Ehsar' and military wing.

(5-37) ...in interrogation, he stated that he and the absconding accused are members of the armed group of the banned militant organisation Ansar al-Islam.

(5-38) Inside the black-coloured bag in his possession, there were 47 (forty-seven) different Jihadi books, including: Training Manual JMB 101 (F) – 01 (one) copy, "To the Flag Bearers of Tawheed" – 01 (one) copy, "Third World War and the Dajjal" – 01 (one) copy, "On the Path of the Land of Jihad" (2 copies), "International Jihad and Its Misconceptions Resolved" – 01 (one) copy, "Defending the Lands of Muslims" – 01 (one) copy, "At-Tahreed" (handwritten by the arrested accused) – 01 (one) copy, "Social Terror and Islam" – 01 (one) copy, "The Ruling on Abandoning Prayer" – 01 (one) copy, "Seventy Issues on Fasting" – 01 (one) copy, "Hisnul Muslim" – 01 (one) copy, "Noorani Qaida" – 01 (one) copy, "Islam's Demands from Muslim Women" – 01 (one) copy, "Islamic Solutions" – 01 (one) copy, "The Reality of Islam" – 01 (one) copy, "Aggression of Multinational Corporations in India and the Capitulation of Indian Capitalism" – 01 (one) copy, "Satanic Attacks Through the Ages" – 01 (one) copy, "The Calamity of the Tongue" – 01 (one) copy, "Tawheed Al-A'mali" – 01 (one) copy, "Advice to Taqleed Scholars" – 01 (one) copy, "Mirror of Quran and Sunnah" – 01 (one) copy, "Aqidah" – 01 (one) copy, "The Jihad of the Messenger (SAW)" – 01 (one) copy, "Jihad" – 01 (one) copy, "Outline of the Communist Movement in Bangladesh" – 01 (one) copy, "Rasaal o Masael" – 01 (one) copy, "The True Nature of Democracy" – 01 (one) copy, "Tawheed and Shirk, Sunnah and Bid'ah" – 01 (one) copy, "There Is No Dispute in Islam, This Too Is Tawheed, Let Us All Celebrate Eid on the Same Day" – 01 (one) copy, "Is It Possible to Implement Islamic Rulings?" – 01 (one) copy, "Democracy Is a Religion" – 01 (one) copy, "Blood-Slick Hobbyist Travelers" – 01 (one) copy, "The Daughter of the Taliban" (02 copies), "Regarding: Tabligh Jamaat and Allah Ta'ala in the Light of the Quran" – 01 (one) copy, "Three Proofs of Purification" –

01 (one) copy, "Political Organisational Review" – 01 (one) copy, "Life Stories of the Tabi'een Vol. 1" – 01 (one) copy, "Bride of Africa" – 01 (one) copy, "Faith-Lit Tales" – 01 (one) copy, "Horrific Consequences of Slanderers and Backbiters and Rights of Neighbours" – 01 (one) copy, "Tawheed, Prophethood and Afterlife" – 01 (one) copy, "Death Will Surely Come One Day" – 01 (one) copy, "The Right Path to Salvation for the Ummah of Muhammad" – 01 (one) copy, "Signs of the Day of Judgment and the Appearance of Dajjal" – 01 (one) copy, "The Procession of Bloodshed of the Elders" – 01 (one) copy.

(5-39) Thereafter, as indicated by the accused, from their custody ... 14 (fourteen) jihadi books were recovered. Among them: i) "Palestinian Memories" – Abdus Sattar, ii) "Ayni Tuhfa Salate Mustafa, Volume II" – Professor Mawlana Hafiz Shaikh Aynul Bari Aliyari, iii) "Confiscated History" – Munshi Muhammad Meherullah Research Academy, iv) "Standard of Truth" – Md. Nazmul Islam, v) "Not the Current Politics, Only Jihad is Desired" – Mawlana Muhammad Abdur Rahim (R.A.), vi) "Blueprint for National Destruction" – Su-A Na Hossain, vii) "Come, Let's Learn Tarkib" – Mawlana Kh M Tawhidul Islam Dubazaili, viii) "Ram Misunderstood and Saint Beware" – Mawlana Abu Taher Buddhmani, ix) "In the Dock of History: Hazrat Mu'awiya (R.A.)" – Justice Allama Taqi Usmani, x) "Characteristics of Islamic Movement Workers" – Muhammad Hossamuddin Chowdhury (2 copies), xi) "Introduction to Harkat-ul-Jihad al-Islami Bangladesh" (2 copies), xii) "The Call of Jihad"

(5-40) A set of jihadi books stored in a black-coloured bag: (i) After Bringing Faith, the First Obligation is to Defend Muslim Lands – Mawlana Muhammad Ishaq Khan (ii) The Necessity and Rules of Declaring Someone a Kafir – Muhammad Iqbal bin Fakhrul (iii) Three Books in Search of Divine Love: The Path of Wilayah, The Harm and Remedy of Illicit Gazes and Relationships, Four Practices to Become a Saint – Hazrat Mawlana Shah Hakim Muhammad Akhtar Saheb (iv) Is the Presence of a Universal Caliph or Global Leader a Prerequisite for Jihad, or Can an Ameer Be Appointed Locally to Conduct Jihad?, Jihad Will Continue Until the Day of Judgment, Have Muslims Forgotten Their History?, Why is the Sword Not Unsheathed in the Battlefield of Jihad? – Abu Abdullah

(5-41) Inside a drawer were found 7 (seven) jihadi booklets. The covers of these booklets respectively contained the following titles: (a) Al-Qaeda of Al-Zawahiri, Al-Harari, and An-Nazari, (b) Allah's Law vs Man-made Law, (c) What I Am Telling You—Soon You Will Remember It, (d) Either the Islamic State or a Great Deluge, (e) Declaration of Caliphate and Bangladesh, (f) Allies of Al-Qaeda in the Levant, (g) Make a Bomb in Your Mother's Kitchen.

(5-42) One jihadi book titled “Operation Mazar-e-Sharif” and eight jihadi booklets respectively titled: To the Bearers of the Banner of Tawheed, Caution, Secrecy and Deception: A Balanced Approach to Discretion, Islamic Rulings on Fidai Operations, Kufr Is a Grave Crime and a Kafir Is Never Innocent, Final Preparations for Hijrah and Jihad, Strategic Overextension in Guerrilla Warfare, Guidelines on the Manhaj (Ideological Methodology), and On Taghut (Tyrants).

(5-43) During interrogation, the arrested individuals stated that they were active members of the banned militant organisation Jama'atul Mujahideen Bangladesh (JMB) and part of the JMB's Ghair-e-Ehsar (outer circle). They further stated that they had travelled from Rajshahi to Sirajganj by the Dhumketu train for organisational purposes.

(5-44) During interrogation, the accused disclosed the aforementioned names and addresses and stated that they were all active members of the banned organisation Harkat-ul-Jihad al-Islami. They conspired to commit heinous crimes, including conducting terrorist activities and using the seized arms and ammunition to threaten the sovereignty and public safety of Bangladesh and instil fear among the public.

(5-45) They further stated that they had gathered at the said location to conduct consultations with the intent of executing plans for anti-government and anti-state destructive activities. Interrogation revealed that Accused No. 1 is a radical religious and spiritual leader of the neo-JMB. He previously received arms and military training from Pakistan. He currently serves as a jihadist instructor, recruiter, and weapons-and-explosives trainer for neo-JMB.

(5-46) Interrogation revealed that around September 2002, he migrated and began operating as a key figure for the banned militant organisations JMB and neo-JMB in Bangladesh as well as in India's Nadia, Birbhum, and Bardhaman districts.

(5-47) During interrogation, the arrested individuals disclosed the names and addresses listed under serials 1 and 2 and stated that they are members of the military wing and the ‘Ehsar’ of the banned militant organisation Jama'atul Mujahideen Bangladesh (JMB). They admitted to convening secretly for the purpose of organizing JMB's activities, conducting recruitment and training camps, coordinating regional operations, and planning and preparing acts of sabotage.

(5-48) He, as a member of a banned militant organisation, conspired against the security of the state and acted against the safety of the democratic public. Along with other fugitive and unidentified

accomplices, he gathered in the Tongi area to organize meetings and conduct proselytizing activities for their organisation. The arrested accused, along with the absconding individuals, have been involved in spreading religious extremism and planning sabotage. They conspired to recruit for the banned organisation named Ansar al-Islam and to carry out suicide attacks and other acts of militant violence as part of their organisational agenda.

(5-49) The victim's father said: [After the disappearance, when I went to the police station] later I saw him from a distance, spoke, and went closer. He recognized me, just smiled, didn't say anything else. I asked, "Where did your nails go? Show me your hands, your feet." The nails on both feet were gone. The thumbnails on both hands were also gone. It wasn't like this before.

I asked, "What happened?" He couldn't say anything. He only said, "Can't be told." I don't quite understand, but I saw with my own eyes—there were no nails, not even on both feet.

I asked again, "Sir, from where did you bring my son?" They said, "He was in RAB custody, he's been handed over from there." I said, "My son has been missing for two years. After all this time, you're just bringing him back? Where was he before?" They said, "There was a case against your son." I said, "If there was a case, why are you bringing him now after so long?"

They said, "You don't need to make such a fuss." I said, "Brother, if you had spoken kindly, I'm already a broken man. My wife is dead; I had lost my son." If I had gotten him earlier, I could have arranged bail. I don't understand anything. They said, "Go to a lawyer, we'll explain everything." I said, "What's the fault? I only filed a complaint that my son was missing. He was taken away by people identifying as law enforcement." I found him after two years. They said, when you see the documents, you'll understand the status of the case.

Someone took me to the lawyer. He pulled the file. It turned out many things were written in the case. Then the judge said, "You'll need to apply for bail." I didn't know. My son was disappeared for two years and two months. After that, they filed a case. What the fault is, I don't know. The lawyer said, "We'll appear and request bail." I'm a poor man, it's hard to bear the expenses. One paper took one and a half years to process.

In the meantime, he was taken to jail twice—once to Kashimpur, another time to Keraniganj. The judge said, after verifying, you'll have to speak, once a month for visitation. To visit, register your name, give a photo, give ID. I said, brother, please make some arrangement. The boy is an orphan;

his mother is dead. He used to study, now everything is lost. ... [After returning from disappearance] he would sit, suddenly get angry. If anyone asked him something, he would slap them. ... Now he just laughs to himself, foams at the mouth when spoken to, can't speak properly. Not like before. I took him to a doctor, they prescribed medicine, but he doesn't take it. Says his body shakes, he falls asleep. He throws the medicine away. The doctor said, the medicine must be taken regularly.

This is the story. I found my son; that's the main thing. Everyone says, "What's happened has happened, now just eat and survive." But I know how many things I had to swallow to reach this point. Now I don't even go to the lawyer anymore, because I don't have money.

The victim (son) said: I used to stay in the cell, when I went to the washroom—that's when they beat me, with sticks. I used to cry a lot; I was in pain. I used to feel like going home. But they used to say, "It's daytime, lie down. It's night, sleep. Don't speak. Don't make noise." ... They were law enforcement, but in that place, there were no friends. I was alone. An officer would come, ask my name, what food I wanted, tell me to speak if I felt unwell. Said, "Don't cry. If you're in pain, tell us." ... Now I don't feel pain, but back then it hurt a lot inside. When I came home, I felt really happy. Felt like I had gotten the whole world.

## Chapter 6

(6-1) Prisoners must never be treated normally, the way normal people are treated. They must be deprived of everything, of all rights, so that they can feel the suffering.

(6-2) It was probably the middle of the night. I made ablution somehow and then stood to recite the Qur'an. Since I regularly read the Qur'an, my recitation was very beautiful. I was reciting and crying intensely at the same time. The crying was so severe that I couldn't speak anymore. ... The soldier who was on duty nearby later said to me, "Brother, I'm forced to do this job. I'm a soldier in the army. I can't tolerate this kind of injustice. I don't even want to be posted here." ...

I kept reciting and crying. Maybe the soldier guarding me was crying too. He was saying things like, "Are these people terrorists? Is he a terrorist? Could he possibly be a terrorist? Could he kill anyone? What are they doing to him? What are the officers doing? What have the sirs started here?" He was saying these things to himself. It was late at night, no one else around—he was just talking to himself. I could faintly hear him. ... A few days later, while he was on duty again, he told me, "Look, I firmly

believe you people are not terrorists or anything like that. The sirs brought you in, and they're doing injustice." I didn't say anything in response. ...

Then came the day they brought us out before the media. After the media appearance, they put us back into the cells. That same soldier brother was on duty. He was thrilled to see us. He couldn't come hug us or anything, but he said, "Brother, I went off duty from this post around 10 p.m. at night. I was afraid they might kill you in a crossfire that night. Because there was a meeting that night about you all: about who would be crossfired, who would be charged with a case. Decisions were made about everyone. When I came back around 3 a.m., I saw you were still here. Then I realized they hadn't decided to crossfire you. That's why I was so happy. Because after going off duty at 10, I didn't sleep at all. I just sat in prayer the whole time, crying, hoping you wouldn't be killed in a crossfire." ...

I said, "Brother, since you've shown such sincerity, tell me something—you see with your own eyes that they're staging a whole drama with these weapons and such. What benefit do they get from all this? They're supposed to maintain law and order in the country. How does this help with that? What do they gain? Keeping us locked up, feeding us, it's costing more money." He replied, "If a big 'militant' is caught, the sirs get promoted very quickly. You all will be gone, and the sir will get promoted. That's the benefit." I said, "So for one promotion, my whole life was destroyed like this?" He looked like he was about to cry. He turned his face away

(6-3) Ah, Apa, you're in a lot of pain. Let me loosen it a little for you, you take some rest. When you hear the sound of Sir coming, you stand up, I will handcuff you again.

(6-4) If she has to be beaten, then transfer me from here, I won't do it.

(6-5) In the middle of the night, around 1:30 a.m., [the Indian officers] first blindfolded me. I was already handcuffed. They got ready with their weapons... Then after about 10 minutes, they took me out of the vehicle. Once I got out, I realized they were handing me over. They told me, "Sit down, you sit." They had me sit and passed me under it

(6-6) They kept me in that place for three months. After that period, one day they took me back to the place where they had initially kept me. There, they said, "There are many big intelligence agencies. They will take you from us and kill you. You've been with us this whole time — for your own good, we want to keep you outside the country for a few days." ... Later they said, "Your mother

is crying a lot. There's been a lot of chaos because of this. So, you can't stay in the country — we will send you abroad." ... "We will send you to India." The very next day they got me ready and took me away. ... They took me in a HiAce vehicle, blindfolded. ...

At the border, two men arrived on a motorcycle. They said, "We'll get you across. After that, you'll stay there for some time, and then we'll bring you back." ... When they handed me over to someone else and my blindfold was removed, I could see again. I saw the people who had brought me there. ... Then they took me across a river. After crossing the river, there was a barbed wire fence. They took me across that fence. ...

They had told me, "Wherever this bus stops, you get off there. Someone will come to pick you up. People will come; they'll give you some work. You'll stay for a few days." But when I got off the bus, I saw that no one came. It got late into the night. ... [Back in Bangladesh] they had given me some money — three thousand Bangladeshi Taka. ... After arriving in India, they took that 3000 from me. Later they gave me 1000 — Indian 1000. ...

(6-7) I used to have severe headaches. My body had become extremely weak. That's when I went on a hunger strike. Right there, I did a 24-hour hunger strike. Then an officer-level person on duty at the secret detention site said, "Why are you trying to kill yourself? Do you know how many years Nelson Mandela served in jail?" They were the same ones who would lecture me. "Prophet Yusuf spent many years in prison. He endured," they said. They told me, "You'll come out of here and live a long life. You're just hurting yourself for no reason, brother." They tried to convince me to eat. You know, the thing is, both the positive and negative sides have to be told. They just wanted the breath to stay in the body. They didn't want death to happen.

Later, when I went on hunger strike, I asked to speak to the senior officers. Then one senior officer — he was the first to interrogate me and also the last — seemed to have a little bit, maybe one percent, of human feeling. Everyone else was absolutely cruel, no doubt. So, I said, "Sir, please don't torture me anymore. Just give me a crossfire. You're just keeping me here for no reason." He replied, "No, you have to stay alive." They were focused mostly on getting names. "Just give us a few names and you can go. Tell us names." I said, "I don't know any names. I don't know anyone linked to militancy. How would I know names?" The senior officer told me, "Okay, go. Within a week there will be an arrangement." They did make an arrangement, but instead they deported me to India. That is what hurt me the most — that they sent me to India.

They put me in a car and made me wear a thick head covering that made it hard to breathe normally. When they took me out of the car, I had no energy left in my body. It was around two in the morning. From there they made me walk a long way. I had to lean on two people to stay upright. Then they handed me over to two others. They walked me a bit and put me in another vehicle. Later, they handed me over to the police station. Through various means I tried to find out who had sent me there. They said, “You were handed over by the STF.” The Special Task Force, an intelligence agency in West Bengal. I didn’t even know what STF was before.

I thought, maybe I can find a place to sleep. So, I started walking. I stayed on the street for about four days. ... There was no food or drink. With the little money they gave, I just bought water to drink. I stayed alive drinking water; I didn’t buy food. If I bought food, the money would run out, right? ... For four days, I slept at a bus stand. Later, some local people handed me over to the police. ... At the police station, they interrogated me. Asked, “Why did you come here?” I told them everything: “RAB caught me like this. They sent me to this place. They had arrested me saying I was a jihadi.” They didn’t believe any of it. They charged me under an “unpassport” case. Then they put me in jail under that case. ...

They made me sleep between two toilets — I mean, between the dirty parts of the toilet. ... Sometimes upstairs, over the pipe, in a broken toilet, where dirty water would splash on my body — they’d make me sleep there. As for food — sometimes they gave it, sometimes they didn’t. They made us work, but even after working, we often didn’t get food. ...

Yes, people came from Delhi for interrogation. They said, “We’ve come from Delhi headquarters.” ... They asked, “Why did you release anti-India videos?” I said, “I don’t know, and I didn’t release anything.” ... They spoke in Bangla. ... They asked why I posted anti-India videos — especially those against Kashmir policy. I mean, there’s a bit of oppression against Muslims, right? Some support was expressed for that. ... They kept questioning me about India. They said, “Now you know your mistake, don’t do it again in your life. We’re letting you go this time.” That’s how it was. ... No, they didn’t torture me like that. But the food situation was bad — they didn’t give us food. They made us work, but didn’t give us food.

They filed an “unpassport” case against me. After serving time, I had to wait in jail for my release to be processed through what they called an “RP Serial.” RP means “Released Prisoner,” referring to those who had completed their sentence. There were many people who had to wait up to three months to get that turn. Luckily, the jail superintendent at the time was decent, so I got mine in 29 days. I believe that if, at any time, someone claims there was no proof I was linked to militancy or any group,

and no evidence against me, and asks why I was punished without cause, then they will just say, “We didn’t punish him. He came from India, didn’t he?”

(6-8) I heard people speaking in Hindi. ... During inspections, they would make us sit facing the wall with handcuffs on, not letting us move all day. Then I would understand that many people were coming – I could hear the sound of footsteps. The place reeked – urine, faeces, the smell was everywhere. Suddenly, I would get the scent of perfume; many people had arrived. Then the sound of mobile ringtones, phones ringing, notifications going off – I could hear all of that. I could hear many footsteps. And they would keep me wall-facing, but from behind I could sense that many people were watching me. So, during visitation time, I heard Hindi being spoken. ... That they were speaking to each other in Hindi. ... A crowd watching over me. Some of them speaking in English. In Hindi. I clearly heard this. More than once.

(6-9) Six months later, they brought us back to DB. This time, two people had come from America... They didn’t come just to interrogate me; they had brought several others as well... They sat me down in front of those two Americans, and they gave me a form and said, “We’d like you to sign this.” I said, “Can I read it first?” They said, “Do you need a translator?” I replied, “I can speak to you directly.” ...

They handed me the form, and it had my name and other details... It stated that I had the right to legal counsel and that a lawyer could be present during questioning... I said, “My sister is a lawyer... I want her to be present before you ask me anything.” They said, “We don’t have jurisdiction in Bangladesh, so this is just a document without any legal effect.” ...

I said, “Look, either you acknowledge that this is a meaningless paper, or you bring my sister here—otherwise, I won’t sign it.” They said, “Alright, look at this paper... it’s just a formality... please go ahead and sign.” I said, “So you’re admitting that this is basically meaningless, right?” They said, “Yes, we acknowledge that.” ... Then they asked me, “What do you do?”... “How is your English so good?... What did you study?” I said, “I studied in an international school.” ... At the end, they let me go... and they didn’t ask anything else after that.

(6-10) [Many months later] the DGFI officer just said that there was a foreign guest, and I should speak in English. At that point, I figured they had come from India. So, to test it, I spoke in Hindi. I was doing it just to test them. Then they said, “No, you have to speak in English.”... For a long time, two or three hours, they kept going in circles with the same conversation... After that, they really started scaring me. That day, toward the end, they told me, “What you’ve given us won’t work.” I

said, “I don't know anything.” Then they said, “If you really can't tell us anything, then there's no point in keeping you alive. You have to lay a golden egg.” That's exactly what they said... The next day, they were going to take me again – just to hear if I would give them the golden egg. The next day, I wrote only one thing: “I am extremely sorry not to be able to give golden egg.” That's the only line I wrote. I was in a bad mood too, thinking what is this nonsense they're doing. Anyway, the next day, they didn't interrogate me. They just took me there and brought me back – no interrogation.

## Chapter 7

(7-1) The situation was such that when I came home from jail, I wasn't allowed to speak loudly. Our house is right beside the main road. Often, if someone speaks, the sound goes a little outside the house. So, they didn't allow me to speak loudly. Why? Abba was afraid that if any of my words were heard outside! ... Abba used to say, “You've escaped from one thing, let it stay that way.” I used to say, “Abba, someone might kill me, can't I even cry a little?” He said, “No, there's plenty of time to cry, Allah will give you time to cry. For now, you can't even cry. You have to stay without crying.”

Seeing Abba, my wife too would often behave harshly with me. If a topic came up and I wanted to say: “They will unlawfully keep occupying our lands, and you all will say nothing, is that it? Can't I claim my rights? Just because they might kill me? Disappear me—murder me? Well, that's exactly what they're trying to do. So, for this reason, can't I even go stand near the land?” Then my wife would call my brother. Saying, “Please explain to Bhai, so he doesn't talk about these things. Whatever happens with the land will happen. If land is in fate, it will come.”

... [After 5 August] whatever happened or didn't happen with the government, that's not really my concern. Whatever is in fate, that's what will happen. But personally, I now realize that my wife no longer scolds me for speaking!

(7-2) After the movement, I got bail in five cases. Now there are two cases remaining, and in these two cases—those are the ones where they beat me and took the 164 statement. Now they can't manage to get bail in these two cases, meaning there's a lot of trouble. Bail is being denied again and again.

(7-3) It was just before the election, you see. So I said, look, I already have two cases ongoing, I'm attending the hearings for those. They said that actually, at this moment, they will definitely file the case.

(7-4) I said, “Sir, even if you kill me, I won’t give the 164.” One of them... came and said, “He doesn’t want to give the 164, we’ve tried a lot, he just doesn’t want to.” Then the judge of that very court said, “How is he even standing right now? ... Doesn’t want to give the 164? But he’s standing, he looks fine. You have to cook up something for the 164, no?”

(7-5) While they were beating me, during that very time, they were also playing music. They were playing Hindi songs.

(7-6) When I tried to sleep, someone would come and say, ‘Why are you sleeping?’ That is, they wouldn’t let me sleep. ... After the interrogation was over, they would take away the pillow. In the middle of winter, they removed the blanket and pillow altogether. ... And they gave punishments like that. They made me sit without a chair [squatting on bare feet]. ... Sometimes they handcuffed me and fastened it to the side of the bed. So, if a mosquito bit me on this hand, I couldn’t even slap it. The mosquitoes would bite. ... So, I suffered, you see. This is the kind of punishment they gave.

(7-7) So Alep Uddin—later I came to know his name, didn’t know it at the time—he tortured me severely with a stick. ... One day he tortured me excessively. After torturing, he said, “Hang him up, suspend him.” So, you know the cell has a grill, right? The rods that are there... [to those] they hung me like that. ... Tied me up with handcuffs. ... After keeping me like that for many hours, I couldn’t take it anymore. That day, after the torture, one of my fingernails completely came off.

(7-8) One day they beat me a lot, beat me brutally, and kept saying, “We’ve conducted an inquiry at your house. We’ve received reports about you—your family is involved with Jamaat-BNP, your grandmother’s side is with Jamaat, and your father is with BNP.” They said these things, and said them while beating me. At one point during the beating, I think I hit a table corner or something and fell—I lost consciousness. Later, they poured water on my head in the bathroom and brought me back to consciousness. ... This hand of mine is numb. I can’t stand up. I mean, I can’t stand up straight. My condition is such that once I stand, I can’t sit, and if I sit, I can’t stand up again. They took me to the washroom. ... In the washroom—I know this is a bit shameful—but I still have to say it: I was standing in the washroom, I mean, I couldn’t manage. In that condition, they beat me again.

They kept asking the names of two people—“Where are they?” I said, “Sir, I don’t know, sir, I don’t know.” ... When I could no longer make any sound, I barely heard, “Did he die? Check if he’s dead.” One of them kicked me to see. By then my eyes opened slightly, and I just stared like that. ... And then what did they do? They poured water over my face using a towel. “Where are they? Where are they? Tell us where they are!” I mean, they didn’t give me even a second to breathe. ... They said,

“No, you’ll have to tell us. Where are they now? Where can we find them?” ... Then it started—the electric shocks. They kept me standing. They would handcuff me to the grill to keep me standing so I couldn’t sit. They made me stand. My legs were so swollen. My hands had marks. These marks here... If I wanted to go to the washroom, they wouldn’t let me. That’s when the torture escalated. ... One day, they brought me in and grabbed my finger with pliers. After gripping it, they placed my hand on the table, held it with the pliers, and someone else inserted a needle. These are the needle marks. They said, “Aren’t you Abdul Mumin?” “Sir, I’m not Abdul Mumin, my name is Habib.”

(7-9) They tied my legs and hung me upside down. Head facing down, legs up. They didn’t leave any clothing on my body at that time—completely without dress. Then two of them started beating me together, randomly. Most likely with cane sticks. Later, they tortured me countless times and beat me so much that the blindfold over my eyes came off. Slaps and blows on the nose and mouth. ... They only beat me on the back. At that time, the skin tore—meaning the skin cracked and blood started to drip. ... Later, when they put me in a narrow cell space, I touched my back with my hand and saw that blood was coming out. And the marks from that lasted for almost one and a half years. I mean, the beating marks were that bad. ... So, when I was lying face-up, a person named Saiful there said, “Bhai, why are you lying face-up?” I said, “Bhai, I can’t sit.” ... They tortured me physically for 25 days.

(7-10) Sometimes my eyes were tied with a towel, sometimes with that jom tupi—those things. My hands were sometimes tied in front, sometimes behind. And when they were going to beat me more severely, they would tie my hands behind my back and hit hard with thick sticks on my elbows and both knees. ... I used to think my bones would break, but later I saw that although the swelling was severe, it didn’t seem the bones were broken. ... At one point they said, “We’ll separate the flesh from your bones.” At that time, the flesh around my elbows was hanging like this. The thick sleeve of my shirt became tight—it had swollen so much that the flesh was hanging. And they kept saying, “We’ll separate the flesh from your hands.” ... After that, for a long time, even sitting to pray was painful. ... They said, “This won’t work. Hang him. He needs to be stretched.” So, one person, probably an ASI, tied both my hands with rope and hung me like this from that ceiling fan hook using rope. Only the tip of my big toes touched the floor, and the whole body was suspended. ... I still can’t raise my hands—there’s a problem between the joints.

(7-11) They probably tied my hands with a towel or cloth or something. Then, inserting my hands through the insides of my knees, they passed a stick between both knees and placed me on a high stand. Because of that, my legs were up and my head was down. ... Then they started hitting the soles of my feet. Probably with a thin stick. ... And from the very beginning again, the same question, “Give us the names, who was with you?” ... After releasing me, they made me sit. After making me

sit, they untied that towel and then handcuffed me like this behind the chair. Then they started hitting me in the knees. ... One of Allah's wonders, maybe, when they hit, it hurt a lot, but immediately they hit again, and the pain would go away. The pain would just go away instantly. ... Right after Maghrib, I think, they gave me electric shock in this spot. That is, when they sent me to pray Maghrib, I saw that my knees had turned black. That's how badly they had beaten the insides of my knees. So, after that, with the black marks on my knees, it was very painful, but still I prayed. Since I was in hardship, what else could I do, I prayed.

(7-12) After entering his office room, there was a window on the left side. ... They tied my hand to the window and then beat me on my thigh, then my leg, then all the way down to the lower part of my spine. Then they told me, "You're a terrorist, you're a militant." ... Then they threw me on the floor and tortured me. They tortured the joints of my feet, the soles of my feet. Not just once, they did it multiple times.

(7-13) I was wearing a short-sleeved shirt, with a collar. They pulled it over my head and covered my face with it. Then they kept punching me in the face with their hands, and my upper lip was cut by my own teeth. Immediately, they attached two clips to my legs ... First-time experience of getting shocked. It felt like when they gave the shock, my whole body curled up like a football. They gave me shocks like this maybe eight to ten times. Each shock lasted maybe three to four seconds at most. Instantly, the body curled up, all the veins would tighten. So, they asked those questions and gave shocks, asked those questions and gave shocks. ... Four or five people very recklessly started beating me, holding both hands and hanging me on that hook. It felt like maybe they pressed some switch and automatically my body was being lifted upward. ... At that moment, they removed my clothes and again attached those same clips to my two private parts. And that interrogation continued in the same way. Whenever they pressed the switch, I felt like those parts of mine were burning ... and sometimes I would smell something like the smell of burning flesh. ... Four to five people would beat my entire body, from my feet all the way up to my neck. Like beating a cow, from all sides, I mean, there was no spot left untouched. When I first saw my body after going to jail, I saw that there was no spot left—everything had turned black.

(7-14) They shoved me into the car and blindfolded me. They handcuffed me and slapped me hard on the cheek. After beating, they threw me onto the seat like this and held a revolver to me, saying, "If you say a single word, I'll kill you and throw you into the Buriganga River." They attached something like a clip here on my hand and pressed some switch somewhere. It felt like a thunderclap hit my head. After that, I don't remember anything. When I regained consciousness, it was around 1 a.m.

(7-15) They beat me badly on my knees, then on the soles of my feet. I was crying a lot. If I said Allah's name, they would beat me even more. So anyway, after beating me, they asked, "Why did we bring you here? Can you tell us?" I said, "No. You haven't told me why you brought me. You're punishing me without saying anything. Who are you people?" Then they didn't give any identity, just said, "Do you know such and such person, do you know so-and-so?" They said things like that; people I have no connection with. ...

So whenever they came, I would start trembling with fear. ... One day they took me on remand again, it was 12 at night. At that time, they gave me electric shock. They used two clips in my ears and kept giving me electric shock. Then they said, "We beat you a lot, tortured you. But you didn't say anything. You know so-and-so very well. So it's him who brought you into all this." ...

And they would pour water into my mouth with a wet cloth for about two to three minutes. During that time, I would often become unconscious, and saliva and such would come out of my mouth. They said, "You're very intelligent, let's reduce that intelligence a bit." So, they attached clips to my ears and gave me shock many times. To reduce my intelligence like that, they shocked me several times, and whenever they triggered the shock, my whole body would go cold. Right then it would feel like I was finished. My vision would blur. That's how it was, they gave me punishment day after day.

(7-16) They asked me about some names from my friend list ... I don't know any of them. Then they asked me about one name, "How long have you known Major Zia?" I said, "I've actually heard this name for the first time." To be honest, I had heard the name for the first time. The moment I said that, they started beating me. Because of the beating, I lost consciousness. ...

They beat me from all sides. My hands were handcuffed behind my back, my eyes were blindfolded. And the blindfold was so tight that my head started to ache, the blindfold was that tight. In that condition, after the beating, I lost consciousness. ... They used to tie me to a chair. After tying me, four or five of them would stand on the sides. I could tell I was being beaten from all directions. ... And they gave electric shock. When they gave electric shock, I would lose consciousness. On the days I lost consciousness, they wouldn't do anything else. After regaining consciousness, I would find that I was back in my room again.

(7-17) After laying me down, they placed a bamboo stick over both my arms and under my neck. After that, they placed another one under my feet, under my thighs, and again one over my thighs. After placing them, they kept me like that for a while, saying, "Big Sir is coming." After a while, he

came. Upon arrival, he suddenly said, “Get up.” The moment he said that, I felt like I was no longer in this world. I mean, such unbearable pain started in both my arms and between both legs. I felt like someone was tearing the flesh from my arms and legs. That’s how it felt. They were so cruel, so terrifying with me. I was screaming so loudly. ... It was such an agonizing thing. ... My right arm, left arm—they went numb, the entire right arm became clenched like this. The arm that I had, I couldn’t even describe it. I couldn’t even eat rice with that hand. ... I would eat as much rice as I could pick up with three fingers—that’s what I ate. ... They placed a towel over my face and started pouring water from above. ... They kept pouring water, a jug full ... I couldn’t breathe. ... Then they removed the towel and said, “Say what you did.” “Sir, what can I say? You tell me, what do you want to know? Why have you brought me?” Then they said, “No, it’s not working. Put the towel back, put the towel back, pour the water again.” After pouring water like this three or four times, they said, “Take him away and keep him.”

(7-18) During interrogation, my eyes used to be blindfolded with three layers of cloth. First, they would blindfold me with one cloth. After putting on the jom cap, they would blindfold again with another cloth. And the handcuffs were put on behind my back. ... Tied to the chair, they beat both my knees until they were completely damaged. For almost 10-15 days, I couldn’t walk upright. There wasn’t even a chance to walk. I couldn’t even stand for prayer. I had to pray by hanging my legs—meaning, letting my legs hang to the side and then praying. ... It was a regular chair. Like those wheelchairs where there’s a footrest, there was a similar footrest. After placing my feet on the footrest, they tied many belts from my feet to my head. One on the head, then on the chest, also on this part of the hands, three on both sides of the hands, two on the chest, one on the stomach, a large belt on the chest, three like that on the legs. After putting these on, they spun me around for a while. I was spun around on that chair like that.

They said, “Now we’ll give you electric shock.” They told me, “We’ll give you electric shock on your genitals,” threatening me like that. When I said, “I don’t know them, how can I say anything?” then the two of them started beating on my knees from both sides. For a long time, I mean, that torture was very intense. When I absolutely couldn’t endure it anymore, then they stopped. They questioned me like this three to four times a day. Most days it was in the last part of the night, meaning before Fajr, during those times they would interrogate. I was here for approximately seven and a half months.

(7-19) They placed me on a machine. After putting me on, they tied me here [on the head], tied here [on the hand], tied on the legs—meaning, in the middle of the knees—and again tied at the level of the feet. Standing straight like this. After putting me on that machine and starting it, it felt like all my bones were being separated. ... I can’t say why, but the setting of that machine is such that the

machine itself is a punishment. ... They said, "Keep your back completely flat against it. People lose control of their bowels on this thing." Meaning the condition is that severe. ... The machine can be rotated. Sometimes it can be flipped upside down. And it can also be laid flat like this. ... After that, while I was on it, they hit me on the knees. Like asking, "What conspiracies are you plotting against the government?"

(7-20) At one point, they pressed hard on my testicles, and all my strength drained out.

(7-21) They tied me to a rope and hung me up using a machine. After hanging me, they started beating me randomly and using obscene language. At one point, they said to me, "You are a Shibir cadre." Then they spoke using "tui" and cursed a lot. I started crying. At one point, along with the beating, they gave an electric shock to my private parts. ... When I went to the bathroom, they would say, "Open one eye first, then do your business." But honestly, I didn't really see anyone clearly there. One day, two or three people took me in front of a camera and said, "You have to say it exactly the way we tell you, so that there are no mistakes." A laptop was in front of me, and their faces were covered, so I didn't see their faces either. Then they said there, "Say everything about your life."

(7-22) Blindfolded, handcuffed. ... These marks still haven't gone away, it's been 10–11 years. The way they took me to the bathroom was like this—they would give me a stick to hold like a blind man. My hands were tied behind my back, and in that state, they would place a stick between the gap of my hands. ... They kept me hanging naked and gave electric shock for about two hours, meaning the only demand was that I had to confess. ... I wasn't willing to accept that. ... How did they give the shock? They attached a clip or something like that to the penis, and my hands were tied above. In this condition, they would give electric shock and beat me from behind. If I said "yes," the beating stopped, the electric shock stopped. If I said "no," the beating continued. ... These were more like suggestions. They would say, "You are part of this organisation?" I said "no." Then the electric shock started.

(7-23) At that time, I didn't even have any case against me. Still, they didn't even leave any clothes on my body. They hung me up. After that, they did certain kinds of torture that I cannot tell you. Things that cannot be spoken. My wife knows. So, there I became senseless. Then they took me down. ... The marks on my wrists lasted for six months. From that, I developed a neck problem, because when I said I couldn't bear to be kept hanging, they didn't take me down. They tortured me and gave electric shock in such a place, they said, "I will make you impotent if you don't give us information." ... They gave me electric shock for a long time, and I was feeling it in each and every part of my body. I mean, after getting the shock, it felt like my legs and my head were being squeezed

into one, alright? But even then, the most absurd thing was, they were laughing at me. Yes. It felt like they were making fun.

(7-24) Then they started slapping and hitting me. They pulled down my pants. After pulling down my pants, they attached a clip to one of my testicles. They got into the car and closed the door. There were probably six or seven people, as far as I could tell while blindfolded. They were talking, then the car started moving, and by the time it was moving, my pants were already fully removed. They started giving electric shock with the clip. I was screaming loudly in the car ... from jumping forward onto the front seat, the skin on both my legs got scraped about a foot each. But I didn't feel that pain. The pain from the electric shock was so much worse. ... They gave me electric shock for about 15 to 20 minutes. During those 20 minutes the car was moving ... after doing this when they finally stopped, it felt like the world no longer existed. After they stopped the electric shock, I kept screaming for three minutes. In the end, they were forced to hold my mouth shut. From the pain of that electric shock.

In the morning, they took me again and brought me into a room. ... They sat me in a chair. After making me sit, they tied my legs to the chair, tied my hands, tied my chest, tied my head. After tying me, they said, "We're going to press the switch on this chair." Now, I didn't know anything about the chair. After that, they started asking the same questions again. When they didn't get any answer, then ... they made me sit on a regular chair. After making me sit, when they asked a few questions again and didn't get any answers, then they tied both my hands with rope and hung me. After hanging me, they completely stripped me naked again. After stripping me, they attached the electric clip to that area and started giving electric shock. On one side electric shock, on the other side beating me with a cane stick. ... What a terrifying condition that Eid morning turned into. I said, what kind of hell did Allah send me to.

(7-25) So they beat me to force a confession. They said, "If you confess to this, then you'll be lucky, otherwise you'll be in trouble." Later, I didn't confess. ... After drinking a lot of water, they let me urinate. While urinating, they gave me a bucket. There was water in the bucket. When the urine fell into the water, I got an electric shock. ... They beat me. Then left. And after opening the handcuffs, they tied something here. After tying it, they hung me up for a long time. ... And at night, when my hands were tied behind me, I couldn't sleep. When hands were tied behind my back, they would go numb.

(7-26) One of the harsh punishments they gave was a different kind of punishment. My eyes were blindfolded. They took me and started interrogating that day, after beating me they started interrogating again. At that moment I understood that today my life is over. After the interrogation,

they said, "Urinate here. Urinate right here now." As soon as I started to urinate, I felt like I was lifted about five feet into the air with a jolt, electric shock in the most extreme place.

## Chapter 9

(9-1) As soon as they gave electric shock to my genitals, I lost consciousness right there. I don't know how long I was lying down. After a while I started hearing voices in my ear, they were saying, "He's alive, he's alive"... After standing me up, they said, "Hang him"... Hung again, beaten again... They said, "Don't you understand? You wrote about the Pilkhana massacre."

(9-2) They used to keep me in front of their torture room. So whenever very high volume music played, I would understand that they were beating someone. And the sound of their screams was so intense, actually at that moment I would feel a pressure for defecation... My eyes were continuously blindfolded for two months. Because they kept them tied, my eyes would hurt terribly. It felt like everything would tear apart... Later, when I got out, they had to operate on my eye. I mean, in this eye, the retina ending—this part—it tore.

(9-3) They hung me with my arms tied out to the sides, almost like being crucified. They had taken away our scarves; I didn't have a scarf on me. And since I was facing the window, it's beyond words how many men came just to look. I mean, they were enjoying it. They were saying, "She used to be so modest, now all her modesty is gone." ... My period date was quite late. But the torture they inflicted made me so sick that my period started immediately. Then I told them, 'I need a pad' – they laughed a lot about it.

## **Appendix B: Succession of the missing victim's person and property**

1. Since its constitution under section 3 of the Commissions of Inquiry Act, 1956, this Commission of Inquiry has been receiving and recording hundreds of complaints filed by the released victims, their families and missing victim's families along with incriminating materials enclosed therewith. On scrutiny of those complaints so far, it reveals that the whereabouts and ultimate fate of around 300 victims have not yet been traced out or identified. There is no, as it appears, immediate prospect of having them back alive. In such a precarious situation on 22 February 2025, the Members of this Commission participated in a program at a hall in Gulshan, Dhaka, where a good number of the missing/disappeared victims' family members attended and tried to know about the last fate of their near and dear ones.

2. In that meeting, at one stage realizing the unfortunate fate of the missing victims, their family members started shedding tears and requested this Commission with a heavy heart to help them so that at least they could succeed to the property or withdraw money from Bank Accounts of the missing victims and enable them to defray the essential costs of their lives. They narrated stories of their financial hardships and deplorable conditions and wanted to know a definite information, if any, as to whether the victims are dead or alive. Truly speaking, for want of any definite information about the missing victims, their family members have not yet been able to derive any benefit from the properties of the victims. To minimize such untold sufferings of those wretched family members, it becomes inevitable for this Commission to embark on an exercise of recommending some legislative changes in order to simplify the existing laws by incorporating suitable provisions therein so that the prospective heirs of the missing victims could succeed and derive benefits from the properties left by the missing propositus. Let us have a peep into the infrastructure of the existing laws and impediments to be faced in succeeding to or charging the properties by the victims' prospective heirs.

3. A missing victim may have both immovable and moveable properties. If the Commission of Inquiry or any investigating agency could succeed in unveiling the actual fate of the victim's body or his remains, it would not be then difficult to legally assist the descendants of the missing victim. When the factum of death of the disappeared victim could be ascertained, in that case, the concerned authority would be bound to issue a certificate to that effect under section 11 of the Birth and Death Registration Act 2004 producing which the legal heirs of the deceased might inherit and get their concerned Records-of-Rights or holdings revised and mutated under section 143B of the State Acquisition and Tenancy Act 1950. As per section 53C of the Transfer of Property Act 1882, no immoveable property acquired by inheritance shall be sold by a heir of any

deceased unless his or her name has been mutated in the latest Khatian. So, it is crystal clear that the missing victims' family members desperately need a legal document like the **Death Certificate**, otherwise it would hardly be possible for them even to enjoy or dispose of the property of the victim.

4. To enjoy or derive benefit from any moveable property like- debenture, company share, bank account, etc. belonging to the missing victim, his prospective heirs must obtain a **Succession Certificate** from the Court having jurisdiction under the Succession Act 1925. Along with an application for such a Certificate, the victim's heirs must submit a Death Certificate, otherwise the District Delegate would have no other option but to refuse to issue any certificate.

5. In the existing legal framework, the family members of the missing victim should file a suit under section 42 of the Specific Relief Act 1882 and obtain a declaratory decree presuming the victim as dead due to his long absence. In that case, it is to be proved that he has not been heard of for more than 7 years by those who would naturally have heard of him if he had been alive in view of section 108 of the Evidence Act 1872. Using such a decree as a substitute of the Death Certificate, the victims' family members may file the following 2 types of cases in the competent Court and a petition for mutation before the concerned Revenue Officer: - i) a case under the Succession Act 1925; ii) a case under the Guardians and Wards Act, 1890 for guardianship and sale permission; and iii) a petition for mutation under section 143B of the SAT Act 1950.

6. According to the Constitution of the Peoples' Republic of Bangladesh, no person shall be deprived of his life or personal liberty which are inalienable fundamental rights of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and no action detrimental to the life, liberty or property of any person shall be taken except in accordance with law. Truly speaking, the then Government failed to protect the life and liberty of the missing victims, who deserve recognition to be attributed under a statutory framework where in lieu of a Death Certificate, any authority to be prescribed can issue a Certificate of Enforced Disappearance at the request of any relative or prospective heir of the missing victim. Such a Certificate should have a legal force and applications at least for purpose of enabling the heirs of the victim to use the same in place of a Death Certificate before any Court or Authority in succeeding to and enjoying the property left by the missing victim/propositus. In the proposed legal framework, there must be some precautionary devices so that when any interested person other than a heir requests for a Certificate of Enforced Disappearance, at least any heir or cognate relative can intervene or oppose issuance of such Certificate. Undoubtedly, that would ensure a cautious treatment for protecting and managing both moveable and immoveable properties of the missing victims. To

address the said requirement of natural justice, any Court or Authority assigned for the above purpose should publish a prior notice giving a reasonable time through at least 2 daily newspapers and after giving person(s) intervening or opposing the application an opportunity of being heard, the proposed Certificate may be issued.

7. Keeping the existing legal framework, that is, obtaining a declaratory decree under section 42 of the SR Act 1877, undisturbed, it would be wise to design and propose necessary amendments where the wretched family members may easily, without any procedural hustle or bustle, be able to get an alternative document like Enforced Disappearance Certificate. Since the then Government failed to protect the life and liberty of its citizens or to search for, locate or release the disappeared persons, being a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance 2010, it becomes imperative for the present Government to take appropriate measures for rehabilitation and reparation of the missing victims or their wretched family members. That is why this Commission hereby decides to recommend incorporation of some provisions in the concerned laws and their simplification for obtaining the proposed certificate as an alternative legal document of the Death Certificate of the victim.

8. It may be proposed for necessary amendments in the existing laws empowering the District Judge of the concerned district to issue a Certificate of Enforced Disappearance after obtaining a report to be submitted to him by the concerned Legal Aid Officer. Where the duration of an alleged enforced disappearance be found not less than 5 years, any prospective heir of the victim particularly his or her wife/husband, children, mother or father may directly file an application for a certificate with relevant documents in the office of the Legal Aid Officer of the concerned district, where the missing victim resided or wherefrom he was abducted or disappeared. On receipt of such application, the Legal Aid Officer shall publish a notice giving minimum 15 days' time through one national and one local daily Bangla newspaper. On such publication of notice, if any person appears to oppose or contest, he shall be given an opportunity of being heard and then the Legal Aid Officer shall submit his report to the District Judge of the concerned district. The Government may, by notification in the Official Gazette, invest any court inferior in grade to a District Judge with power to exercise the functions of a District Judge in view of section 388 of the Succession Act 1925. To avoid future legal complications and provide an easy and effective remedy to the family members of the missing victims, it would be expedient for the Government to bring some amendments in the relevant part of the International Crimes (Tribunals) Act 1973, which has a clear non-obstante clause laid down in section 26 of the Act having the coverage of article-47 & 47A of the Constitution of the Republic.

9. In order to accommodate the above requirements, the International Crimes (Tribunals) Act 1973 may be amended by substituting the existing provisions of section 23B of the Act in following manner: -

“23B. Participation and the Protection of the Victim’s Person and Property: -

(1) Victims of crimes under this Act, either personally or through duly authorized legal representation, shall have the right to participate in the proceedings of a Tribunal where they or their families hold a position contrary to that of the prosecution and the Tribunal shall record the perspective of the victims for judicial consideration.

(2) A Tribunal may, of its own motion or upon request by the prosecution or the victims concerned, order any of the protective measures it deems necessary to safeguard the victims.

(3) A Tribunal may, of its own motion or upon an application of any prospective heir of a missing victim of enforced disappearance, who has not been seen or heard of for five years by those who would naturally have seen or heard of him if he had been alive, refer such application with its observation to the District Judge of the concerned district, who, in turn, shall transmit the same to the Legal Aid Officer of that district for publication of a notice under the provisions of sub-section

(4) and verification, if necessary, thereof.

Explanation- (i) “The period of disappearance” shall be reckoned from the day on which the victim was allegedly arrested, detained or abducted by, or with the authorisation, support or acquiescence of any member(s) of the intelligence or law enforcement agencies or any group or any entity having connection with the affairs of the Republic.

(ii) “Concerned district” means the area of a district, wherefrom the victim was allegedly disappeared forcibly or whereat he ordinarily resided last.

(4) Any prospective heir of a missing victim, who has not been seen or heard of for five years by those who would naturally have heard of him if he had been alive, may apply enclosing relevant documents directly to the office of the Legal Aid Officer of a district praying for a Certificate of Enforced Disappearance of the missing victim. On receipt of such an application, the Legal Aid Officer shall issue a **notice** to that effect giving 15 (fifteen) days’ time to be published at least in one national and one local daily Bangla Newspaper. After such publication, if any person appears and intends to oppose or contest, he shall then be given a reasonable opportunity of being heard.

After examining all the papers and hearing the person, if so required, the Legal Aid Officer shall submit a report to the District Judge of the concerned district without any delay.

Explanation- (i) “Prospective heirs” mean the relatives of the missing victim, who are supposed to inherit the property of the victim on his death.

(ii) The Government may, by notification in the Official Gazette, invest any court inferior in grade to a District Judge with power to exercise the functions of a District Judge in view of section 388 of the Succession Act 1925.

(5) After receiving a report from the Legal Aid Officer, the District Judge of the concerned district shall examine and, if satisfied, may order for issuance of a Certificate of Enforced Disappearance of the missing victim. Such a Certificate shall have all legal force and applications similar to that of a Death Certificate having validity so long as the victim remains missing or untraced. By producing such a certificate, any prospective heir shall be entitled to take all steps necessary for acquiring his or her ownership or possession over all properties of the missing victim and for drawing all benefits therefrom.

Explanation- By producing a Certificate of Enforced Disappearance, the family members particularly prospective heir(s) of the missing victim shall be entitled to get concerned Record-of-Rights of the immovable property revised or mutated under section 143B of the State Acquisition and Tenancy Act 1950.

(6) The District Judge shall issue a Certificate of Enforced Disappearance in the form prescribed under section 21B of the Legal Aid Services Act, 2000.

(7) After issuance of a Certificate of Enforced Disappearance, if, at any time in future, the missing victim be found alive, he would be debarred from raising any claim against or objection to any transfer of the property made by any prospective heir or any actions or liability taken or created thereto by such heir.

10. In order to enable the Legal Aid Officer of the concerned district to conduct the process of publication of notice, verification or preparation of a report, under sub-sections (3),(4),(5) and (6) of section 23B of the International Crimes (Tribunals) Act, 1973, a new provision namely section 21B is to be inserted in the Legal Aid Services Act, 2000. Proposed version of section-21B may be in following manner:-

“21B- (1) The Legal Aid Officer of the concerned district shall entertain an application referred to by the Tribunal under section 23B(3) or submitted by any prospective legal heir of a missing victim of enforced disappearance under section 23B(4) of the International Crimes (Tribunals) Act, 1973. He shall not demand any charge or fee for application or notice publication including submission of report to the district Judge of the concerned district.

(2) On receipt of the report from the Legal Aid Officer, the District Judge of the concerned district shall examine the report together with the enclosed papers. If the District Judge decides to issue a certificate under section 23B (5) of the International Crimes (Tribunals) Act, 1973, he shall issue the same in the manner shown below:-

“This is to certify that -----(name of the missing victim)----- son of- ----- of address- ----- having the date of birth- ----- was allegedly abducted/forcibly disappeared on ----- . Regarding the missing victim’s whereabouts or fate, nothing has yet been known till today. Since the missing victim has not been seen or heard of for the period of five (5) years above, the scheduled property shall, therefore, devolve upon his following prospective legal heirs, who are supposed to inherit the same on the death of their propositus: -

Sl. No.	Name	Date of Birth	Relationship with Missing victim	Proportionate Share

Schedule of the Property

.....  
 .....

(3) The Legal Aid Officer shall not only provide legal aid and financial support to the missing victims family in getting the above referred certificate, but he shall also render legal advice and other assistance including relevant expenses to be required in connection with cases under the Succession Act, 1925, the Guardians and Wards Act, 1890 and the State Acquisition and Tenancy Act, 1950, or any other law filed to protect or derive interest from the property of the missing victim.”

## **Appendix C: Feedback on the proposed Prevention and Redress of Disappearances Ordinance 2025**

This feedback highlights seven major structural issues in the draft Enforced Disappearance Prevention and Redress Ordinance in Bangladesh. These issues pose serious risks to justice and institutional accountability. Drawing on both domestic and international legal models, the brief urges concrete reforms to prevent erasure of 15 years of crimes and to ensure meaningful legal remedy for victims. The key problems are:

1. The consultation process was rushed, preventing meaningful input.
2. Lack of explicit definition of crimes relating to enforced disappearances.
3. The law fails to establish enforceable command responsibility for senior officials.
4. The commission's formation lacks independence, structural integrity, and diversity.
5. Lack of protection of victims and witnesses.
6. Insufficient fine/compensation and flawed provisions.
7. Jurisdictional provisions exclude most historical cases and widespread crimes.

Each section below offers detailed analysis and reform proposals to ensure the law's effectiveness, legitimacy, and alignment with international standards.

### **1. Insufficient Timeframe for Meaningful Consultation**

One of the core mandates of the Commission is to recommend legal reforms to prevent enforced disappearances. A law of this magnitude—affecting the safety of every citizen—cannot be credibly developed through a closed, desk-based process without meaningful consultation. Such a law is imperative to ensure the safety and security of every citizen of Bangladesh. If a law is to be framed based on international compulsions, it must be developed through transparent, inclusive and persistent dialogue. Otherwise, the acceptability and effectiveness of the law will be questionable. However, the Commission believes that it is not appropriate to adopt such a law of public importance in a hurry without holding adequate consultations with the relevant stakeholders.

Moreover, providing a meaningful, analytical feedback requires sufficient time to review relevant international conventions, assess how the draft aligns with those standards, and compare best practices from other jurisdictions, and evaluate coherence with existing national laws. It was not possible within a short span of time to do so. To meet all these criteria, it requires a series of

consultation with various stakeholders. Yet, in light of the draft Ordinance, some major issues have been highlighted by the Commission, which are substantial to include in the proposed Ordinance:

## **2. Lack of Explicit Definition of Crimes Relating to Enforced Disappearances**

The Commission expresses its deep concerns about the draft Enforced Disappearance Prevention and Redress Ordinance 2025 as the current draft law contains provisions that fail to adhere to international standards. The definition of ‘enforced disappearance’ in the draft Ordinance is not compatible with the International Convention, among other serious shortcomings. An enforced disappearance is a heinous criminal offense and is considered as a crime against humanity when occurred in a widespread and systematic manner under international law. Therefore, it is pivotal to ensure a legally binding protection of the victims of enforced disappearance, affected families and witnesses. It is crucial to include the basic issues of victims and witnesses’ protection in this law by calling it “Enforced Disappearances Prevention, Redress and Protection Ordinance, 2025” and take effective measures accordingly.

The term “detention” has not defined in the draft law. We observe the tendency to call people in the name of ‘interrogation’ or to detain them in the name of ‘providing protection’, which was witnessed during the July Revolution. It was desirable that this law should have an explanation of that. Therefore, it is important to include or encompass the definition of ‘detention’ in the context of taking a citizen, whether voluntarily or involuntarily, with the police or any other law enforcement agencies or taking them to any official facilities. In this regard, it is important to fully comply with the directives of the Appellate Division of the Supreme Court of Bangladesh in the matter of BLAST and Others vs. Bangladesh and Others.

There should be a precise definition of ‘disciplined force’ not as is defined in Article 152 of the Constitution. Article 152 of the Constitution does not mention any such institution or force as intelligence agency (DGFI, NSI), investigative agency (PBI) or specialized force or joint force or task force. Moreover, DGFI and NSI were not formed as intelligence agencies by any specific law. To avoid ambiguity in the definition of “disciplined force”, it is necessary to mention the names of all law enforcement agencies, intelligence agencies, investigative agencies and armed forces of Bangladesh in turn and also to indicate that any state security force or intelligence agency formed in future will be considered to be within the meaning of this definition.

### **3. Command Responsibility and Superior Accountability**

The current draft law on enforced disappearances in Bangladesh does not adequately address the concept of command and superior accountability. This gap poses a significant obstacle to securing justice for victims and ensuring institutional deterrence. In Bangladesh, as in many countries, law enforcement and security operations are executed through hierarchical command structures. Subordinates rarely act independently—orders are given, often informally, by those in higher positions. Any legal framework that fails to hold these superiors accountable undermines both the justice system and operational discipline. Therefore, it is signally significant to ensure command and/or superior responsibility.

Under this law only an indirect provision has been made to exempt the actors from liability. There needs to be a clear guideline on what actions a senior official should take to be exempted from liability, setting the criteria for “not taking effective action”. In this case, a list of actions such as initiating an investigation, reporting, dismissal or disciplinary action can be provided. Furthermore, the command structure of every state security force should be documented and due diligence should be made mandatory. There should be a mechanism to provide any high-level call records, Government documents or orders of law enforcement agencies to the Commission upon request and a provision should be made for senior officers to keep written records of their subordinates' responsibilities reviewed every month.

Section 5(7) of the draft law is vague and internally inconsistent. According to Section 5(7), the onus of positively proving the initiative of the commanding authority to bring the commanding and superior authority under the law, the issue of giving instructions to the commission of illegal or unethical acts or providing assistance or instigation has been imposed on the victim or his family. This onus should have been imposed on the Prosecution.

As per Sections 5(7) (a) and (b) superiors will be held liable only if there is evidence of order or assistance. If a superior exercises responsibility or authority in any act involving disappearance, he shall be punished for the crime of enforced disappearance. It will be hard to prove superior or command responsibility of a senior officer under this section. Deterrence can never be established under this section. It is essential to incorporate the responsibility of senior officers, not limiting the responsibility for disappearances to the persons directly involved, as the activities of the security forces are always carried out within a command structure. In reality, in most cases, subordinates commit such crimes on verbal or unsubstantiated orders from their superiors. It is almost impossible to conduct such operations without the knowledge of their superiors or

commanders. The concern is that the language of the proposed Ordinance in this regard is quite weak and devoid of reality, which would effectively create impunity for the senior officials who issued the orders.

The Commission's findings show that instructions for committing disappearance are usually delivered verbally or through informal channels; no written evidence is kept. As a result, it will be inconceivable for the victims or their families to present any evidence of instructions, assistance, instigation, or secret knowledge of superiors in these cases. It is particularly noteworthy that the command/superior responsibility structure should be kept in such a way that any crime committed unintentionally will be considered equally punishable. This is rational in the context of Bangladesh.

Under Article 28 of the Rome Statute of the International Criminal Court, commanders are criminally responsible if they knew or should have known about crimes by subordinates but failed to take all necessary and reasonable measures to prevent or investigate the crimes. Therefore, the current draft Ordinance risks excluding key perpetrators from liability before investigations have begun.

### ***Better Legal Models Exist: Bangladesh and the Philippines***

In this context, the provisions relating to command and superior responsibility/ accountability should be stronger and accurate. In this regard, it would be logical to comply with the defined relevant provisions in the International Crimes (Tribunals) Act, 1973 as the Act is already a part of the existing law and is well-established legal model of the country that can be followed. The International Crimes (Tribunals) Act of 1973 provides a clear, enforceable framework for holding commanders accountable. Article 4(3) of the ICT Act states:

*“Any commander, superior officer or leader who orders, permits, acquiesces, incites or participates in the commission of any of the crimes specified in section 3 or is connected with any plans or activities involving the commission of such crimes or who fails or omits to discharge his duty to maintain discipline, or to control or supervise the actions of the persons under his command or his subordinates, whereby such persons or subordinates or any of them commit any such crimes, or who fails to take necessary measures to prevent the commission of such crimes, either knowing or owing to the circumstances at the time should have known or consciously disregarded information which clearly indicated that*

*the subordinates were committing or about to commit such crimes, is guilty of these crimes.”*

This provision recognizes both actions and failures to act as punishable offenses. It also uses the internationally recognized standard of "**constructive knowledge**"—where a commander may be held liable if he should have known of the crimes due to available information or the surrounding circumstances.

Additionally, Section 5 of the ICT Act is germane for our purpose which is as follows:

- (1) The official position, at any time, of an accused shall not be considered freeing him from responsibility or mitigating punishment.
- (2) The fact that the accused acted pursuant to his domestic law or to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal deems that justice so requires.

The said two clauses need to be followed in the draft Ordinance. This clearly states that superiors will be held responsible if preventive measures are not taken despite having the authority and responsibility. Section 24 of the draft Ordinance, similar to Section 26 of the ICT Act, 1973, must contain a non-obstante clause.

Similarly, the Philippines' Anti-Enforced or Involuntary Disappearance Act of 2012 provides a useful international model. Section 14 of that law states:

**“Liability of Commanding Officer or Superior.** - The immediate commanding officer of the unit concerned of the Armed Forces of the Philippines or the immediate senior official of the PNP and other law enforcement agencies shall be held liable as a principal to the crime of enforced or involuntary disappearance for acts committed by him or her that shall have led, assisted, abetted or allowed, whether directly or indirectly, the commission thereof by his or her subordinates. If such commanding officer has knowledge of or, owing to the circumstances at the time, should have known that an enforced or involuntary disappearance is being committed, or has been committed by subordinates or by others within the officer’s area of responsibility and, despite such knowledge, did not take preventive or coercive action either before, during or immediately after its commission, when he or she has the authority to prevent or investigate allegations of enforced or

involuntary disappearance but failed to prevent or investigate such allegations, whether deliberately or due to negligence, shall also be held liable as principal.”

This provision explicitly holds superior officers accountable when they fail to act despite having the authority and opportunity to do so.

Furthermore, while the draft law rightly affirms in Section 7(1) that no circumstances—including a state of war, threat of war, national security, or internal political instability—can justify enforced disappearance, this strong stance is **diluted by** putting conditions, which allow courts to consider “good faith” obedience to government or superior orders as a mitigating factor during sentencing violating Article 1(2) of the ICCPED. This introduces a logical inconsistency. On the one hand, the law asserts that enforced disappearance is absolutely impermissible under any circumstance; on the other hand, it creates space for partial exoneration if the accused claims to have followed orders in good faith. According to the International Convention, ‘Obeying or carrying out an order’ is not a justification for the commission of enforced disappearance.

This not only **undermines the principle of non-derogability but also weakens deterrence** by signalling to subordinates that unlawful orders may still be met with leniency. International norms are clear that obedience to orders cannot serve as justification for acts of enforced disappearance, and any legal framework on this issue must reflect that without ambiguity.

#### **4. Issues with Formation and Independence of the Commission**

It is to be noted that a permanent body and tribunals are required for impartial investigation and prosecution. The Ordinance should ensure that the body tasked with investigating enforced disappearances is independent and that its mandate on this issue is established through legislation, rather than executive order. The only acceptable solution in this case is to establish an independent and strong Commission through this Ordinance; to establish specialized tribunals in each division; and not to impose any alternative path or conditions in the law. Any interim or temporary measure will defeat the main purpose of this law. However, the manner in which this commission is to be formed raises serious concerns regarding its independence and effectiveness.

Under Section 8(1), the establishment of the Commission is entirely at the discretion of the government, through a gazette notification. While Section 8(2) states that the commission will be a statutory body, this directly contradicts the discretionary nature described in 8(1). If the commission is to function as a genuinely independent oversight body, it cannot be formed or

dissolved based on the government's will. The Commission must be constituted and governed by law so that the Commission can function as an independent institution. In the case of appointment of members of the Commission as a statutory body, there should be a neutral selection committee through which the members of the Commission will be selected and appointed by the President.

Furthermore, a separate Ordinance called the "Disappearance Prevention, Remedies and Protection Commission Ordinance, 2025" can be approved to establish a National Commission on the Prevention of Enforced Disappearances, in lieu of this Ordinance, through which a permanent independent Commission will be formed in this regard. Accordingly, if the commission is formed, the formation process, powers, terms of reference, selection and appointment of members of the commission, selection committee, term, resignation, manpower recruitment process, budget, salaries and allowances, functions of the Commission and powers of investigation, formation of funds, financial independence, power to issue summons and make rules, etc., are separately included in the Ordinance related to the establishment of the Commission, and the Commission will acquire national and international acceptance as a neutral and independent institution.

Furthermore, the commission's composition, as outlined in Section 8(3), leans heavily on retired officials: a retired judge of the High Court Division, a retired District and Sessions Judge, a retired government secretary, a professor from the medical forensic department, and a human rights practitioner with at least 15 years of experience. While experience is valuable, this structure overly prioritizes individuals who are either state affiliated or past government employees. There is no representation from youth, civil society, or individuals with field experience in disappearance investigations. The emphasis on retired personnel may lead to a commission that lacks diversity in age, perspective, and lived experience.

##### **5. Lack of protection of victims and witnesses**

The criminal laws are absolutely silent about the protection of victims and witnesses in Bangladesh. Besides no blanket law relating to the protection of victims and witnesses has yet been enacted till date. Despite the increasing rate of crimes in the country, the legislators did not adopt any measures to protect the victims and witnesses. It is necessary that we should take appropriate steps in this matter. Intimidation of victims and witnesses hamper the investigation and prosecution of crime throughout the country – overt intimidation, when someone does something explicitly to intimidate a victim or witness; and implicit intimidation, when there is a real but unexpressed threat of harm, as when state-sponsored crime creates a community-wide

atmosphere of fear. Regrettably, there is nothing concretely specified safeguarding victims of enforced disappearances, the affected families and witnesses.

There is no provision for the protection of children and adolescents who are victims of enforced disappearance under this law. It is utmost important to take appropriate measures to provide them with special protection. We, the Commission of Inquiry on Enforced Disappearances, have found several child victims who have been subjected to extensive torture and some of them have lost their mental poise.

In accordance with the International Convention, it is essential to provide for amnesty provisions in this law, especially for those persons who, despite being involved in the crime of enforced disappearance, have made effective contributions to the return of the disappeared person alive or to the investigation of the incident or the identification of the perpetrators involved in the enforced disappearance. In this regard, it is necessary to follow Article 7(2)(a) of the ICPPED.

## **6. Insufficient Fine/Compensation and Flawed Provisions**

A provision has been made for fine of fifty lakh and one crore taka in Section 5(2) and 5(3) of this draft law respectively. But in some cases, even 50 lakh or one crore taka may not be sufficient. Therefore, it is important to include such a provision so that a comprehensive compensation can be provided to the victims and affected families. At the same time, a minimum limit of fine needs to be mentioned along with the maximum limit of fine. Otherwise, it may be detrimental to the protection of victims in the future.

According to Section 15(1) and (2) of the draft Ordinance, if it is not possible to recover the fine or compensation from the convicted person or from his/her existing assets, it shall be recovered from the assets which he/she will own or possess in the future. And in such a case, the claim for fine or compensation shall prevail over other claims on such assets. This provision is vague and if it remains, obtaining compensation for the victims will be uncertain. Moreover, there is no timeframe determined for the future, which is almost impossible to determine. In the meantime, the victim or the convicted person may also die. If a convicted person has no assets and is unlikely to acquire any in the future, then victims typically face significant challenges in receiving compensation directly from that person. In such cases, a possible alternative for victim compensation can be brought under the **Victim Compensation Programmes** run by the government as in many countries have state-run funds to help victims of crime, particularly violent

crimes. These programmes can provide financial assistance for legal and medical expenses, psycho-social counselling, lost wages, and sometimes even livelihood.

Although the crimes of individuals or groups of individuals involved in disappearances are not the responsibility of any institution, RAB, DGFI, DB, CTTC cannot still evade their responsibilities as institutions. Over the past 15 years, the heads of these institutions and their subordinate officers have been directly and/or indirectly involved in the acts of enforced disappearance and subsequent murder. Since they are state forces/institutions, the state must take responsibility for the crimes committed by members of its forces. If it is not possible to recover the compensation from the convicted person or from his existing movable and immovable assets, the state must provide appropriate financial compensation to the victims and, where applicable, the affected families.

The obligation to inform the victim or his family members about the progress and results of the investigation into enforced disappearances (Section 19(1)(b)) may, in some cases, violate the confidentiality and disrupt the investigation process. In such cases, it is preferable not to have the obligation to inform the victim about the progress of the investigation.

It is important to ensure the rights of the wife and children of the disappeared person in allowing them to use their property. Section 20 of this draft law is vague and insufficient to ensure such rights. Although the rights of the victim and his/her close relatives are recognized, the responsibility of ensuring those rights has not been assigned to anyone. Moreover, appropriate and effective measures should be put in place to resolve the legal complications of the victim's family members regarding the withdrawal of money from the bank of the disappeared persons' accounts. This is also the right of the wife and children of the disappeared persons.

To establish a fund under Section 21, it is important to include psychosocial support and counseling, including medical assistance in addition to rehabilitation, compensation, and legal assistance for the victims of enforced disappearance and their families. Needless to say, all victims of enforced disappearance are deeply traumatized, and they are suffering from post-traumatic stress disorder (PTSD).

The proposed law includes death penalty as the maximum punishment. Considering the real context of Bangladesh, it is seen that the provision of death penalty in criminal law creates judicial delays which often helps in granting immunity to the real culprits. The death penalty is inherently flawed and dangerous due to its irreversible nature, the ongoing risk of wrongful convictions, and its historically disproportionate use—especially against marginalized communities and political dissenters. Expanding its use in Bangladesh through this legislation would not only undermine the

constitutional right to life but also breach the country's international legal obligations, particularly under Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party. Moreover, ensuring speedy trial through due process of law is essential for the victims and the state, which will open the door to justice and establish deterrence between the law enforcement agencies and the criminals. Additionally, a good number of accused persons have fled the country and they are living abroad as fugitives. If the death penalty remains in the law, it would be tough to bring back the fugitives.

Furthermore, the proposed law should not include the death penalty for one more reason as the law is being formulated in line with the ICPPED, to which Bangladesh has recently acceded and is committed to fulfilling its obligations as a state party to the international treaty. Needless to say, the abolition of the death penalty provision would give the law greater international acceptance. The search for a missing person is a continuing process. This process requires adherence to the UN Guiding Principles on the Search for Missing Persons. The search for a missing person should be conducted on the assumption that he/she is alive and the search process should continue until the missing person is found or his/her fate or consequence is identified. In addition, provisions should be made to ensure that all appropriate steps are taken to locate, trace and release missing persons and, in the event of death, locate, respect and return their remains, including reparation and prompt, fair and adequate compensation to the affected persons or family members, including: (a) restitution; (b) rehabilitation; (c) satisfaction, including restoration of dignity and reputation; and (d) guarantees of non-repetition of the incident. Since Bangladesh is a party to the ICPPED and is constrained by the obligations of this Convention, ironically Section 10 of the draft Ordinance, makes it mandatory for the Commission to approach the court for a search warrant to search for a disappeared person. As an independent Commission, this power should be vested in the Commission in accordance with law.

Enforced disappearance is sometimes an inter-state crime, and this needs to be reflected in the law. There is clear evidence of the involvement of neighboring India in many incidents of enforced disappearance in Bangladesh. In many cases, it has been observed that people arrested from Bangladesh have been handed over to India and detained there. Similarly, there are proven allegations of victims being brought to Bangladesh from India and secretly detained. Such incidents mark enforced disappearances not only as a domestic human rights violation, but also as an inter-state crime. Given this reality, the law must recognize enforced disappearance as an international and irreparable crime and reflect its inter-state character as well. It is, therefore, necessary to include specific provisions on mutual legal assistance, extradition, joint investigations and information exchange in light of the ICPPED. In addition, parliamentary or judicial oversight

of security or intelligence activities involving foreign powers must be ensured. A central register of detainees must be established and all practices of abduction or rendition of persons illegally across borders must be strictly prohibited. Whoever is involved in such activities—whether domestic or foreign—must be held accountable. In this regard, it is essential to follow Article 13 of the ICPPED in particular.

## **7. Risks of Jurisdictional Gaps and Case Erasure**

Section 24 of the draft law introduces serious concerns about the jurisdictional treatment of widespread and systematic enforced disappearances. It states that such crimes fall exclusively under the jurisdiction of the International Crimes (Tribunals) Act, 1973 (ICT Act), particularly its Section 3(2)(a), which defines **crimes against humanity** as including widespread or systematic acts like enforced disappearance as is also denoted in Article 7 of the Rome Statute. While this legal standard is consistent with international law, it fails to account for the current scope of the existing complaints and backlog of cases. Currently so far, the Commission of Inquiry has received nearly 1,900 complaints of enforced disappearances. However, data and testimony received by the inquiry commission, indicate that at least double or triple number of such complaints remains undocumented. Many victims have not yet submitted their complaints out of fear and/or lack of knowledge.

If the new Commission is not authorized to investigate cases of widespread or systematic disappearances, the result will be a virtual elimination of investigations into most cases of enforced disappearance perpetrated over the past 15 years. The International Crimes Tribunal will struggle to absorb thousands of cases at once – is not a specific flaw of the ICT – would be difficult for one or two agencies. There is currently no mechanism that would collect, verify, and resolve these cases. This creates a serious legal and ethical vacuum. Moreover, if the new Commission formed under this Ordinance only works on isolated incidents of enforced disappearance that is likely to occur in the future, its scope of work will be extremely limited. This severely undermines its institutional relevance and utility. Data show that most cases of enforced disappearances in Bangladesh are predominantly committed through coordinated units or management, not through isolated rogue actors.

The draft provision also fails to mention or directly include law enforcement agencies—who are frequently implicated in these acts—within its scope. This omission raises the risk that many old cases will fall outside the jurisdiction of both the new commission and the ICT. As a result, they may simply vanish from the justice system altogether.

In addition, the powers of the Commission have been weakened by adding a condition to subsection 24(2). It says that if the Commission, after investigating a complaint, considers that it is triable by the International Crimes Tribunal, it may, subject to the permission of the court, send the investigation report to the Chief Prosecutor of the International Crimes Tribunal. This has abridged the power of the Commission. Since the Commission is to be an independent, neutral and impartial institution, it is vital for the Commission to have independent jurisdiction in transferring or rendering any complaints elsewhere.

## **Recommendations for Strengthening the Law**

To ensure accountability and deterrence, and to align the law with domestic and international best practices, the following reforms are recommended:

- **Shift the burden of proof:** Instead of requiring victims to prove a superior's knowledge or involvement, it should require the superiors to demonstrate that they took appropriate preventive or disciplinary measures.
- **Adopt clear definitions:** Adopt the standard of "constructive knowledge," which considers what a reasonable person in that position would have known.
- **List acceptable preventive actions:** Define what steps a superior must take to avoid liability, such as initiating investigations, reporting misconduct, or taking disciplinary action.
- **Institutionalize documentation:** Require the regular documentation of command structures, monthly reviews of subordinates' conduct, and retention of communications (even informal ones).
- **Ensure access to evidence:** Mandate that authorities provide relevant communication records, such as call logs, chat records, and command orders, when requested by the commission or the court.
- **Recognize informal command mechanisms:** Acknowledge that in the Bangladeshi context, many commands are informal and undocumented. The law must not rely on written proofs only.
- **Mandatory and statutory creation:** The law must require the formation of the commission through a dedicated statute (e.g., "Enforced Disappearances Prevention, Redress and Protection Ordinance, 2025"), not merely a gazette notification.

- **Guarantee institutional independence:** The commission should be a permanent, independent body, not one subject to Government control and discretion. Its operations must be protected from executive interference.
- **Establish an independent selection committee:** A neutral, multi-stakeholder committee should be responsible for shortlisting commission members, with final appointments to be made by the President.
- **Ensure diversity in composition:** The commission should include members from diverse backgrounds, including younger professionals or activists and experts in trauma, human rights, and investigative journalism.
- **Codify structure and functions in detail:** The enabling law should outline all procedural and structural elements, including Member selection and tenure; Resignation and removal processes; Staffing and budget procedures; Remuneration, investigative powers, fund management, financial autonomy, and authority to issue summons.
- **Clarify shared or sequential jurisdiction:** The new commission should be able to investigate all cases, including those that appear widespread or systematic. If during the investigation, a pattern is confirmed, it may then refer such cases to the ICT.
- **Establish a documentation handover process:** The commission must have the ability to gather, verify, and prepare case files for submission to the ICT when applicable.
- **Ensure all existing and future cases are absorbed:** No pending or historical case should be considered outside jurisdiction simply because of its scale or classification. The law must explicitly state that all known and unknown cases can be processed, with triable mechanisms in place.
- **Include law enforcement agencies in the legal text:** Their omission creates loopholes. Specific reference to their accountability must be included.

## **Appendix D: Legal opinion on serving officers and those accused of crimes against humanity**

A question has arisen from different quarters as to whether the serving officers of the Armed Forces, who are *prima facie* involved in the commission of enforced disappearances, are liable to be tried by the Tribunals formed under the International Crimes (Tribunals) Act, 1973. Those quarters have also raised another question that the former officers of the Armed Forces, who are *prima facie* involved in the commission of enforced disappearances, can be tried by the above-mentioned Tribunals and the serving officers of the Armed Forces who are *prima facie* placed in the category of perpetrators of enforced disappearances, should be tried by the Court Martial formed under the Army Act, 1952. This Commission has made an in-depth study of the relevant provisions of the Constitution, the International Crimes (Tribunals) Act, 1973 and the Army Act, 1952 and given its opinion on the questions in the following manner:-

“The International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973) is an overriding law in view of the non-obstante Clause embodied in Section 26 of the Act. A Tribunal constituted under the Act No. XIX of 1973 shall have the power to try and punish an individual or group of individuals, or organisation, or any member of any disciplined force, auxiliary force, or intelligence agency, who, irrespective of his nationality, commits or has committed, within or beyond the territory of Bangladesh, whether before or after the commencement of this Act, any of the crimes mentioned in Sub-Section (2) of Section 3 of the Act.

Crimes against humanity like murder, abduction, enforced disappearance are cognizable and triable by the Tribunals when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack or persecution on political, racial, ethnic or religious ground, whether or not in violation of the domestic law of the country where perpetrated.

During the period from 6<sup>th</sup> January, 2009 to 5<sup>th</sup> August, 2024, abduction and enforced disappearance of the people (mainly the political opponents/dissidents of the then Hasina-led Administration) were committed as part of a widespread and systematic attack directed against them as contemplated by Clause (a) of Sub-Section (2) of Section 3 of the Act No. XIX of 1973.

The Army Act, 1952 (Act No. XXXIX of 1952) was enacted to consolidate and amend the law relating to the Bangladesh Army. As the offences of murder, abduction and enforced disappearance of the victims by the Army personnel including the members of the DGFI are not

specified in the Act No. XXXIX of 1952, those are exclusively cognizable and triable by the Tribunals under the Act No. XIX of 1973.

Assuming for the sake of argument (but not conceding) that the above-mentioned offences are specified in the Act No. XXXIX of 1952, even then the perpetrators (whether serving or retired army officers) are subject to the jurisdiction of the Tribunals under the Act No. XIX of 1973 due to the non-obstante Clause provided in Section 26 of the Act No. XIX of 1973.

The Constitution is the *suprema lex* (Supreme Law) of the land. Anyway, Clause (1) of Article 35 of the Constitution postulates that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to penalty greater than or different from, that which might have been inflicted under the law in force at the time of the commission of the act.

The offence of enforced disappearance was not originally in the Act No. XIX of 1973. But by the International Crimes (Tribunals) (Amendment) Ordinance, 2024 (Ordinance No. XIV 2024), enforced disappearance, amongst others, was incorporated in Clause (a) of Sub-Section (2) of Section 3 of the Act No. XIX of 1973.

At this stage, a pertinent question arises as to whether the Tribunals under the Act No. XIX of 1973 can try the perpetrators of enforced disappearances of the victims in the face of the embargo imposed by Clause (1) of Article 35 of the Constitution as adverted to above.

In view of the provisions envisioned in Clause (3) of Article 47 and those of Article 47A of the Constitution, the Tribunals are empowered to try the perpetrators of enforced disappearances, notwithstanding the embargo imposed by Clause (1) of Article 35 of the Constitution.”

We have already sent a copy of this opinion of the Commission to the Army Headquarters, DGFI and the Chief Prosecutor of ICTs for information and necessary action at their end. Hopefully they will be benefited by this exposition/interpretation of the relevant provisions of the laws specified above.

About a couple of months back, Mr. Badiul Alam Majumdar, Chairman of the Election Reform Commission, approached this Commission for its opinion on necessary amendments of The International Crimes (Tribunals) Act, 1973 and The Representation of the People Order, 1972

and to provide him with draft amendments of the laws with a view to preventing any person accused of, or detained, prosecuted or punished for any crime specified in section 3 of the International Crimes (Tribunals) Act, 1973 from being a Member of Parliament etc. This Commission complied with his request and made the draft amendments of the two laws in the manner as shown in the next two pages as appended to this report. Mr. Badiul Alam Majumdar, however, expressed his heartfelt gratitude and thanks to this Commission for having drafted the amendments of the International Crimes (Tribunals) Act, 1973 and The Representation of the People Order, 1972.

**The International Crimes (Tribunals) Ordinance, 2025**

(২০২৫ সনের..... নং অধ্যাদেশ)

যেহেতু The International Crimes (Tribunals) Act, 1973 (ACT NO. XIX OF 1973) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়; এবং

যেহেতু সংসদ ভাংগিয়া যাওয়া অবস্থায় রহিয়াছে এবং রাষ্ট্রপতির নিকট ইহা সন্তোষজনকভাবে প্রতীয়মান হইয়াছে যে, আশু ব্যবস্থা গ্রহণের জন্য প্রয়োজনীয় পরিস্থিতি বিদ্যমান রহিয়াছে;

সেহেতু গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ৯৩(১) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে রাষ্ট্রপতি নিম্নরূপ অধ্যাদেশ প্রণয়ন ও জারী করিলেন, যথাঃ

**১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন I-** (১) এই অধ্যাদেশ The International Crimes (Tribunals) Ordinance, 2025 নামে অভিহিত হইবে।

(২) ইহা ০৬-০১-২০০৯ খ্রিঃ তারিখ হইতে কার্যকর হইয়াছে বলিয়া গণ্য হইবে।

**২। The International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973) এ নতুন Section 5A এর সন্নিবেশ I-** The International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973) এর section 5 এর পর নিম্নরূপ নতুন section 5A সন্নিবেশিত হইবে, যথাঃ

**“ 5A. Disqualification of a person accused of, or detained, prosecuted or punished.**  
Any person accused of, or detained, prosecuted or punished for any crime specified in section 3 of the Act shall be disqualified for election as, or for being, a member of Parliament or for holding any statutory public authority or any service of the Republic declared by or under any Act, Ordinance, Order or Instrument having the force of law in Bangladesh.”

বঙ্গাব্দ  
তারিখঃ-----  
খ্রিষ্টাব্দ

মোঃ সাহাবুদ্দিন  
রাষ্ট্রপতি  
গণপ্রজাতন্ত্রী বাংলাদেশ

## The Representation of the People Order (Amendment) Ordinance, 2025

(২০২৫ সনের..... নং অধ্যাদেশ)

যেহেতু The Representation of the People Order, 1972 (P.O. No. 155 of 1972) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়; এবং

যেহেতু সংসদ ভাংগিয়া যাওয়া অবস্থায় রহিয়াছে এবং রাষ্ট্রপতির নিকট ইহা সন্তোষজনকভাবে প্রতীয়মান হইয়াছে যে, আশু ব্যবস্থা গ্রহণের জন্য প্রয়োজনীয় পরিস্থিতি বিদ্যমান রহিয়াছে;

সেহেতু গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ৯৩(১) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে রাষ্ট্রপতি নিম্নরূপ অধ্যাদেশ প্রণয়ন ও জারী করিলেন, যথাঃ

**১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন** I- (১) এই অধ্যাদেশ The Representation of the People Order (Amendment) Ordinance, 2025 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

**২। The Representation of the People Order, 1972 (P.O No. 155 of 1972) এর Article 12 এর সংশোধন** I- The Representation of the People Order, 1972 (P.O No. 155 of 1972) এর Article 12(1) এর sub-clause (o) এর পরিবর্তে নিম্নরূপ sub-clause (o) প্রতিস্থাপিত হইবে, যথাঃ

(o) has been accused of, or detained, prosecuted or convicted of, the crimes as specified in section 3 of the International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973).

তারিখঃ-----  
বঙ্গাব্দ  
খ্রিষ্টাব্দ

মোঃ সাহাবুদ্দিন  
রাষ্ট্রপতি  
গণপ্রজাতন্ত্রী বাংলাদেশ