



SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

Working Group on Enforced or Involuntary Disappearances
Technical advice on Bangladesh

25 June 2025

I. Introduction

1. A delegation of the United Nations Working Group on Enforced or Involuntary Disappearances conducted a four-day technical visit to Bangladesh from June 15 to 18, 2025. The delegation was composed of Ms. Grażyna Baranowska and Ms. Ana Lorena Delgadillo Pérez.
2. The Working Group requested a country visit to Bangladesh in 2013 and has since reiterated its interest in visiting the country. The Working Group is grateful to the Interim Government of Bangladesh for extending an invitation to conduct an official country visit in January 2025. However, due to the ongoing financial crisis at the United Nations, the visit had to be postponed. Further to various exchanges with the Interim Government of Bangladesh and the Commission of Inquiry on Enforced Disappearances, it was agreed for the Working Group to visit the country to provide technical advice addressed to the Interim Government and the Commission of Inquiry, to subsequently be made publicly available for the benefit of all actors working on these issues. The advice is also aimed at serving the upcoming elected government.
3. During the visit, the Working Group met with the Chief Advisor, the Chief of Army Staff, with representatives of the Ministry of Foreign Affairs, the Law and Justice Ministry, and the Police. It also met with the International Crimes Tribunal's (ICT) prosecution team and the Commission of Inquiry on Enforced Disappearances (the Commission). The delegation is particularly grateful to the Ministry of Foreign Affairs for the cooperation extended prior to and during the visit.
4. The Working Group also held meetings in Dhaka and in Chittagong with victims of enforced disappearances, including both families of persons who are still disappeared, and survivors of enforced disappearance. The Working Group extends its solidarity to all the victims, whose courage and strength have been crucial in the search for their disappeared loved ones and in the pursuit of justice, truth, and reparation. The Working Group particularly recognizes the difficult situation faced by women, as well as other vulnerable group of persons, who are still searching for their loved ones.
5. Throughout the visit, the Working Group held meetings with human rights defenders, lawyers, academics, journalists, representatives of political parties, victims' platforms as well as other civil society representatives. The Working Group wishes to thank all stakeholders met.
6. The Working Group has 71 outstanding cases of alleged enforced disappearances, including one of a woman, attributed to Bangladesh under its humanitarian procedure. It has further addressed three General Allegations letters to Bangladesh in [2017](#), [2019](#), [2021](#) all three relating to the involvement of the Rapid Action Battalion (RAB) in enforced disappearance, as well as addressing additional issues such as impunity, disappearances in election and counter-terrorism context and refusal to access to counsel for detainees. The Working Group has also joined eight communications by Special Procedures, relating to enforced disappearances, and the smearing and harassment of civil society at least since 2010.¹

¹ See publicly available communications: [2/2020](#), [5/2020](#), [2/2021](#), [3/2021](#), [6/2021](#), [1/2022](#), [2/2022](#), [4/2022](#).

7. The Working Group commends the Interim Government for its commitment to addressing the issues of past enforced disappearances. The first and most important point to recognize is the State's acknowledgement — after years of denials — that enforced disappearances have occurred and that security forces have been involved. This recognition marks a crucial first step in the broader process of transitional justice. This is particularly reflected in the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (the International Convention), the establishment of the Commission of Inquiry on Enforced Disappearances and the ongoing work toward enacting a dedicated law on enforced disappearances.
8. The Working Group stands ready to provide support and technical assistance to Bangladesh, including facilitating follow-up to the technical advice outlined below and assisting in its implementation. In addition, the Working Group encourages Bangladesh to consider extending a standing invitation to the Special Procedures and to invite additional mandate holders -particularly the Special Rapporteur on the promotion of truth, justice and reparation, and the Special Rapporteur on extrajudicial, summary or arbitrary executions to support the development of a broader transitional justice process, addressing enforced disappearances as an integral part.

II. Background

9. The Working Group heard numerous testimonies from victims, including survivors of enforced disappearances and relatives of forcibly disappeared persons. The Group was appalled by the accounts of torture and other cruel and inhuman treatment suffered by the survivors, and commends their courage in speaking out, denouncing these acts, and demanding justice and reparation for themselves, as well as the search for their fellow victims who remain disappeared. It also heard from mothers and wives of those who are still disappeared, who, with great bravery, continue the search for their loved ones.
10. The Working Group acknowledges the efforts undertaken by the Interim Government, noting that this is the first time government authorities have addressed the issue of enforced disappearances. It views this as a positive first step in a long-term process of transitional justice. Nevertheless, the Working Group noted the following main concerns.

Fear for victims and witness safety and lack of protection measures

11. In all its meetings, the Working Group heard that victims are deeply afraid to report cases of enforced disappearances or to present themselves before the relevant authorities to provide their testimony. This fear is rooted in several factors, but most notably in the fact that many of the alleged perpetrators of enforced disappearances remain employed within the institutions of police and the army. Victims expressed that it is impossible for them to testify in buildings where the perpetrators may still be present. This concern was also acknowledged by some of the government institutions the Working Group met with.
 12. There is also a lack of effective protection mechanisms for victims and witnesses who come forward to testify. For example, the ICT indicated that, according to its mandate, it can provide protection and is currently doing so for a few victims who are at major risk. However, it acknowledged that its capacity is insufficient to protect all those who require it. As regards
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the police, there appears to be a lack of acknowledgement of the institution's responsibility in implementing protection and prevention measures.

13. The Working Group emphasized in its meetings with government institutions the urgent need to establish a victim and witness protection system. This is essential for sustaining the investigations and prosecutions that are beginning to take shape. Without a solid prevention and protection framework for victims and witnesses, progress in achieving justice, truth, and reparation will be extremely difficult and dangerous for victims, witnesses, human rights defenders and journalists, but also for those who work at the ICT or the Commission who might be at risk as well.

The right of victims to participate and be consulted

14. The Working Group is concerned that there has been insufficient consultation and participation of victims in the development of public policies to address enforced disappearances. While victims are aware of the existence of the Commission and recognize the effort involved in its creation, many families stated that they do not know what the Commission is doing or what outcomes to expect from its work. Some families believe the Commission will deliver concrete results in their individual cases, while others mentioned they have been unable to establish contact with it.
15. Regarding the ICT, some families reported that they are unaware of what the institution is or what its mandate entails. They noted a lack of outreach from the institution and reiterated that they cannot provide testimony without adequate security guarantees. Some survivors reported that investigations appear to focus only on high-ranking officials, stressing the importance of ensuring justice reaches all those involved in the acts of torture and disappearance, regardless of their rank.

The situation of the survivors of enforced disappearances

16. The survivors reported that they were victims of horrific torture and enforced disappearances. Upon their release and return to their communities, many have faced multiple criminal charges that have been unjustly brought against them. Since these charges have been filed in various locations across the country, they are compelled to continually relocate between cities in order to mount their defense. This situation has hindered their ability to secure employment and maintain a means of livelihood.
17. For the majority of these individuals, their life projects have been irrevocably shattered; some who were pursuing education have been unable to resume their studies, while others have lost their businesses. Furthermore, many have been stigmatized and isolated. Some members of their communities wrongly perceive them as criminals due to the unfounded allegations against them, and they also bear the stigma of lacking the resources necessary to rebuild their lives. As one survivor poignantly remarked, "They took everything from us, even our honor."

The Role of the Army and Police in Enforced Disappearances and in the Truth and Justice Process

The Army

18. In the meetings held by the Working Group with various stakeholders, participants expressed strong dissatisfaction, anger, delegitimization, and concern over the army's lack of accountability. According to the information received, the army is not cooperating with the Commission and judicial authorities, nor has it initiated any internal accountability process to investigate the involvement of military personnel in enforced disappearances. Military officers allegedly involved in these disappearances remain active within the institution. There is widespread outrage over the fact that a significant number of high-profile/ highly complicit persons from the armed forces, including serving, were able to leave the country, despite some of them being under arrest warrants.
19. The Working Group appreciates the meeting held with the Chief of Army Staff and the participation of senior military officials during the session on 18 June 2025, which also included victims, journalists, and representatives from other institutions. This is a very important first step in finding a way to address existing problems and a broader transitional justice approach.
20. The Working Group was informed that most of the enforced disappearances were committed by the RAB reporting to the Ministry of Home Affairs, as well as the Directorate General of Forces Intelligence (DGFI) reporting directly to the Prime Minister. Those institutions are composed of delegated army and police officers. To address the committed enforced disappearances, both the individual responsibility of the involved officer, as well as the institutional responsibility of the involved institutions, need to be assessed.

The Police

21. The information received by the Working Group regarding the police indicated a lack of accountability processes. Some of those allegedly responsible for enforced disappearances continue to serve within the police. While there is a policy of openness, the Working Group was also informed about instances of insufficient cooperation in the ongoing investigations.
22. The Working Group perceived a general lack of understanding within the institution regarding its role in preventing enforced disappearances, protecting individuals, and more broadly, its responsibility in the transitional justice process. There is no evidence that meaningful accountability exercises have been conducted within the police concerning its involvement in disappearances, nor is it clear how the institution is supporting the authorities responsible for delivering justice.
23. Next to investigating alleged involvement of its own officers into disappearances, it is also important to highlight the role of the police in the search for disappeared persons. From what the Working Group has learned, it is the police that should be conducting such searches in Bangladesh. However, according to information received, no such actions are taken.

The Commission of Inquiry on Enforced Disappearances

24. The Working Group initiated dialogue with the Commission in September 2024 and acknowledges the important role it is playing in laying the foundations for a transitional justice

process for victims of enforced disappearance. Two interim reports have been so far submitted by the Commission in November 2024 and June 2025. The Working Group was informed that due to its mandate, only some parts of those have been made public. While the reports are only available in English, the Commission has translated some parts into Bengali; however, these translations are not online or easily accessible to the victims and the general public. During its visit, the Working Group emphasized to all government bodies with which it engaged the critical importance of extending the Commission's mandate and ensuring that it is equipped with the human and material resources necessary to fulfil its responsibilities. The Working Groups welcomed with appreciation the announcement made by the Chief Advisor during the joint meeting concerning the extension of the mandate of the Commission until December 2025.

25. The Working Group stresses the need to strengthen the Commission's engagement with victims and society at large. It is essential that the Commission's mandate be well understood in order to avoid generating unrealistic expectations regarding what can be achieved within the limited timeframe available. Most importantly, the Working Group emphasized that victim participation and consultation must be central to the Commission's work. Victims should be actively involved in the processes and directly informed by the Commission of its findings and reports.
26. The Working Group was informed about the pressure and threats that Commission members faced while carrying out this important work, which further underscores the challenging environment in which they operate.

The International Crimes Tribunal

27. During its visit, the Working Group received information regarding the relevance of the ICT's work. The Working Group welcomes the inclusion of the crime of enforced disappearances in the International Crimes (Tribunal) Act and highlights the importance of prosecutions of perpetrators of enforced disappearances and other serious human rights violations.
28. Several concerns and limitations relating to the work of the ICT were brought to the attention of the Working Group, including:
 29. Material and financial constraints, which influence both the limited victim and witness protection system, as well as force the ICT to prioritize certain emblematic cases given the limited capacity and resources to investigate,
 30. The undue pressure to rush the proceedings may jeopardize outcomes by undermining due process guarantees or failing to meet the evidentiary requirements necessary during the investigative phase to support solid prosecutions, potentially damaging the credibility and perceived impartiality of the process in the eyes of victims and the public.
 31. An inadequate legal framework, as despite the recent amendments, the International Crimes (Tribunal) Act still contains provisions raising concerns about fair trial and due process and allows the Tribunal to deliver sentences with capital punishment.
 32. The potential politicization and pressure on the ICT may undermine its credibility and impartiality in the eyes of victims and the public.
 33. Given the exceedingly high level of impunity in cases of enforced disappearance, investigating, prosecuting, and sanctioning those responsible is crucial for the victims and

society, as it is vital for them to know the truth and to restore trust in institutions. The Working Group underscored the need for a prosecutorial strategy that is victim-centered and respectful of due process guarantees. It also stressed the importance of ensuring that both victims and the general public are informed about the ICT's role and what results may realistically be expected. Finally, the Working Group reiterated the urgent need for an effective protection system for victims.

34. The Working Group was informed about a number of challenges concerning efforts especially by DGFI to destroy evidence in detention places, lack of cooperation/obstruction from a number of agencies, absconding of officials, threats and intimidation against the members of the Commission and the ICT. The institutions responsible for search and justice must be provided with all necessary guarantees to enable them to carry out their work and fulfill the mandate assigned to them.

III. Technical Advice

35. Addressing the gravity and root causes of human rights violations, including enforced disappearances, demands urgent action and far-reaching reforms to prevent recurrence, as well as acknowledging that achieving truth, justice, and reparations requires far-reaching actions and the involvement of all political parties, institutions, and society as a whole. Important structural changes are needed in some key institutions, and it is essential to assess the foundational elements that this Interim Government can establish in order to begin constructing a transitional justice framework.
36. The Working Group reiterates that all measures and public policies aimed at addressing enforced disappearances must place victims at the center. This means involving them in policy development, consulting them throughout the process, informing them of institutional actions, and clarifying the expected outcomes, to avoid generating false expectations.
37. The Working Group considers that it is essential that victims and affected communities are meaningfully included in shaping a more just and accountable future, and the words "nothing without the victims" must be part of the principles that guide the actions of institutions and the construction of public policies on enforced disappearances. Beyond individual accountability, broader structural reforms—particularly in the security and justice sectors, as well as the repeal of repressive laws—are critical to safeguarding civic space and democratic governance. This means that a comprehensive transitional justice process is essential to effectively address these challenges.
38. In this respect, the Working Group takes note of the recommendations made by the Office of the High Commissioner of Human Rights (OHCHR) following the independent fact-finding inquiry into alleged human rights violations and abuses that occurred between 1 July and 15 August 2024²—the first of its kind for Bangladesh. That inquiry examined not only the human rights violations allegedly committed during this period, but also their underlying root causes.

² [Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh](#), United Nations report issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR), 12 February 2025.

Legal framework

A new law for enforced disappearances

39. The Working Group welcomes the ratification by Bangladesh of the International Convention for the Protection of All Persons from Enforced Disappearance and takes note of the initiative of the Interim Government to work on a law on enforced disappearances. If the law is drafted in consultation with victims and civil society, as well as in accordance with the international standards, that law can be a solid basis to address enforced disappearances and provide support to families of disappeared persons, as well as survivors of enforced disappearance.
40. However, the Working Group is concerned about information relating to the rush in the adoption of the law, which does not allow for comprehensive consultations and assessment on whether it takes into account the international standards for such important legislation.
41. The Working Group was informed about many concerns with regard to the lack of comprehensive consultation, as well as the content of the law, such as the definition of enforced disappearance, and command and superior responsibility therein contained. Some actors expressed that the law, as currently drafted, will not bring truth, justice and reparations to the victims and to society. There is also concern that the law might include the death penalty that has been questioned in international jurisprudence from a human rights perspective.
42. The Working Group considers that a law on enforced disappearances, if drafted according to international standards, might have the potential of becoming one of the most important legacies of the Interim Government. If all relevant actors and society in general are comprehensively consulted in the drafting, it can greatly contribute to a wider process of transitional justice. Such a process takes time. The Working Group reiterates its readiness to support the Interim Government in reviewing the draft law, including by providing relevant examples of similar legislation in other countries. In this regard the Working Group provides the following advice:
 - a. Engaging in a consultative process, which is accessible to persons from the different regions of the country, and which takes into account the different perspectives and needs of both families of disappeared persons and of survivors.
 - b. Aligning the law with the International Convention, including as regards the definition of enforced disappearances in Article 2, the understanding of the victim and the issue of reparation, as per Article 24 of the Convention.
 - c. Ensuring the inclusion of provisions related to the protection of witnesses, victims and other actors that might be in danger.
 - d. Establishing a system for the search of forcibly disappeared persons, taking into consideration the Guiding principles for the search of disappeared persons³ by the Committee on Enforced Disappearances, and including Principle 5 on the right to participation.
 - e. Including provisions, in line with Article 24.6 of the International Convention, concerning the legal situation of disappeared persons whose fate and whereabouts have not been clarified, as well as of their relatives, in fields such as social welfare,

³ See: <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/guiding-principles-search-disappeared-persons>

financial matters, family law and property rights. This can include, for example, establishing a declaration of absence or a certificate of disappearance, which would enable families to engage in various administrative processes, including accessing bank accounts.

The National Human Rights Commission

43. All members of the National Human Rights Commission, which in the past, and similar to other institutions, has been highly politicized, resigned in November 2024. The Commission currently holds B status under the Global Alliance of National Human Rights Institutions, reflecting its partial compliance with the Paris Principles. A strong National Human Rights Commission is critically important in the context of enforced disappearances. The Government should amend the National Human Rights Commission Act of 2009 to bring the Commission into full compliance with the Paris Principles, strengthen its independence and public confidence in it. It should ensure that its members are independent, with an appropriate profile that aligns with international standards and appointed through a transparent and participatory process. The Commission's mandate should also entail the investigation of allegations against military, police, paramilitary and intelligence actors. The Commission should be provided with adequate financial and human resources⁴.

The Anti-Terrorism Act

44. Based on the information received, the 2009 Anti-Terrorism Act has been one of the most commonly used laws to charge individuals who were forcibly disappeared, with many of those who have reappeared still facing pending cases under it. The Act includes a broad and vague definition of terrorism and grants overly expansive powers of arrest, search, seizure, and surveillance—often without sufficient judicial oversight. It has also been used to bring charges against journalists, human rights defenders, and political opposition figures, raising serious concerns about its use to intimidate and silence dissent. The Working Group recommends this legislation to be reviewed and harmonized according to international standards. The criminal justice system should be utilized to eradicate impunity in cases of enforced disappearance, rather than to unjustly pursue victims and other actors who dissent from the government.

The right to search

45. In the experience of the Working Group, knowing the fate and whereabouts of individuals—specifically, ensuring that search activities are conducted—is one of the most critical actions for families affected by disappearances. However, the Working Group was taken aback by the lack of clarity among the authorities regarding which entity is responsible for carrying out these searches. Furthermore, in discussions with the families, it became evident that they feel no authority is currently undertaking the necessary search efforts.
46. The right to the truth in relation to enforced disappearances encompasses the right to know about the progress and results of an investigation, the fate and whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s).

⁴See para. 324 and 366 of the OHCHR Fact-finding report. See also the recommendations of the Sub-Committee on Accreditation of The Global Alliance of National Human Rights Institutions (GANHRI) https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_MARCH_2015_FINAL_REPORT_-_ENGLISH.pdf

This requires, among others, that States guarantee the adoption of mechanisms and strategies ensuring that, as soon as the competent authorities become aware, by any means, or have indications that a person has been subjected to a disappearance, they begin the search immediately and expeditiously. It is essential to ensure clarity on the institutions bearing responsibility for the search for missing persons.

Strengthening the Commission of Inquiry on Enforced Disappearances

47. The Working Group welcomes the Chief Advisor's assurance that the Commission's mandate will be extended until December 2025. It further advises to:

- a. Provide the Commission with adequate financial and human resources and sufficient time to achieve its goals.
- b. Strengthen a victim-centred approach by consulting families and keeping them up-to-date about the progress and expected results. Consultations should be framed in a way to accomplish a number of objectives: understand families' expectations of the process; clarify the Commission's scope, limitations, and potential outcomes; inform victims of their rights and ensure their meaningful participation; foster trust and open communication between families and the Commission. Such consultations could serve as a catalyst for a broader national dialogue aimed at developing a comprehensive transitional justice framework for Bangladesh.
- c. Victims or witnesses who come forward to testify, as well as civil society organizations and journalists reporting on the work of the Commission, must have protection guarantees in place in the event of any risk or threat.
- d. It is crucial that security guarantees be established for the members of the Commission against any threats or risk they may face.
- e. Additionally, security guarantees must also be put in place for all information and evidence collected by the Commission.
- f. It is important to ensure that there is a clear mechanism for transmitting the reports generated by the current Commission to the relevant institutions so that these reports can contribute to the processes of truth, justice, and reparation.
- g. Ensure that the reports of the Commission are made public and published in Bengali.

48. Access to archives is another essential precondition for ensuring the rights of victims to truth, as well as justice. Authorities should have the power to have full access to the archives of the State, and archives should be preserved and made fully accessible to the public. The Working Group recommends ensuring that the archives of the Commission of Inquiry are kept safely and securely.

The future of addressing enforced disappearances institutionally

49. Having listened to the views of victims, including families of disappeared persons and survivors, civil society organizations, and other stakeholders, the Working Group is convinced that further work with regard to enforced disappearances will be necessary also after the expiration of the currently extended mandate of the Commission. In addition to the advice

shared above with regard to the strengthening of the mandate (par. 43), the Working Group shares the following technical advice on the situation after December 2025:

- a. The duration of the Commission's existence shall be contingent upon its fulfillment of the mandate assigned to it. It is essential to conduct an evaluation involving victims, civil society organizations, and other stakeholders to determine whether there is a desire for the Commission to continue its mandate after December 2025 and if so, whether it should assume additional responsibilities, such as those related to the search for forcibly disappeared persons, with the additional and adequate material and human resources. This process of the discussion should be public and transparent.
- b. Every institution addressing enforced disappearances, such as the Commission on Inquiry, must operate as an institution with the necessary independence to carry out its functions effectively. It is crucial to establish the qualifications required for its members, as well as the consultation process for their appointment or, if applicable, the ratification of current members. The cooperation of all institutions with such a body should be mandatory, to ensure that it can effectively accomplish its goals. Additionally, consultations should be held with these stakeholders regarding the appropriateness of such an institution being entirely independent or whether it should be integrated into another institution, such as the National Human Rights Commission. This is a matter that can be best advised by local actors, including victims, survivors, civil society organizations, and the current Commission, as they have firsthand experience with the existing Commission's operations. The Working Group offers its technical support to guide this process, ensuring that it aligns with international standards and allows for the sharing of similar models from other regions.

Right to justice

50. The Working Group is deeply concerned by the continued widespread impunity for enforced disappearances. All security forces, including the army, DGFI, and RAB, should make a genuine commitment to accountability by cooperating fully with relevant mechanisms. The only way in which security institutions, including military and intelligence agencies, can regain the trust and legitimacy of victims and the population is through genuine accountability processes within these institutions.
51. A genuine accountability processes entails the suspension of officials facing credible allegations of enforced disappearance—including those at command and leadership levels—pending the outcome of a full, independent, and impartial investigation and, where appropriate, prosecution; the preservation of evidence by the institutions who are investigating the cases of enforced disappearance; and a real coordination with the ICT and the Commission, including agreeing on the terms of real and effective cooperation that would have a result in terms of the searching of the people who is disappeared, and in terms of truth, justice and reparation. Law enforcement institutions and military entities must serve as a model for the population in upholding the rule of law. This entails a commitment to preventing enforced disappearances, ensuring that those responsible are held accountable through justice processes, and fostering effective cooperation with the judiciary.
52. The Working Group recommends establishing an independent oversight mechanism (with the participation of institutions, the academy, civil society and victims) to ensure that all the

security forces and the army are investigating impartially and that appropriate disciplinary measures are taking against any personnel found to be involved in enforced disappearances.

53. At the outset, fair trial guarantees are fundamental to ensuring justice in all judicial proceedings. It is essential that every trial, without exception, upholds the principles of impartiality, transparency, and the right to a defence. Including explicit guarantees of a fair trial helps protect the rights of the accused and strengthens public confidence in the justice system.
54. The Working Group acknowledges the efforts of the ICT in initiating criminal proceedings related to enforced disappearances. While the initiation of proceedings is important, the number of such proceedings remains alarmingly low. This may be attributed to several factors. Therefore, the Working Group recommends:
 - a. Ensuring that perpetrators are held accountable according to law and consistent with international standards, including where individuals in positions of command and leadership are suspected of criminal responsibility⁵.
 - b. It is important that the investigations conducted are supported by the necessary legal and evidentiary foundations to ensure they can withstand scrutiny during trial and to guarantee due process for all parties involved.
 - c. The ICT is provided with resources necessary to fulfil its responsibilities
 - d. Mechanisms must be established to ensure that victims and society are informed about the work being undertaken by the ICT. With regard to victims, their participation in the process should be guaranteed, and they must be kept informed about the progress of investigations and criminal proceedings.
55. The Working Group recommends adopting a comprehensive law on witness protection and in the meantime take urgent measures to establish a victim and witness protection programme independent of existing security forces and initiate strict disciplinary measures and criminal investigation in cases of witness intimidation.⁶
56. It is important to reveal and close all clandestine places of detention operated by intelligence, paramilitary, police or military forces, and investigate and prosecute identified perpetrators of enforced disappearances, torture and other crimes committed in such places.⁷
57. Existing laws should be revised to guarantee that crimes involving serious human rights violations against civilians fall under the jurisdiction of ordinary criminal courts, including when committed by individuals affiliated with the military or other security institutions.⁸
58. The Working Group also recommends foreseeing specific measures for the survivors of enforced disappearances, including access to justice and reparation, which must include legal and economic support. This is particularly relevant in view of the information received indicating that many survivors are facing criminal proceedings that have been unjustly initiated, particularly under the 2009 Anti-Terrorism Act, as a form of harassment, without

⁵ See para 337 of the OHCHR report

⁶ See para. 338 of the OHCHR fact finding report

⁷ See para 348 of the OHCHR fact-finding report

⁸ See WG's General Allegations letters to Bangladesh [125th](#) (2021) as well as para. 340 of the OHCHR Fact-finding report

these investigations having any real factual basis. The Working Group recommends reviewing cases brought against survivors of enforced disappearances, including under the Anti-Terrorism Act.

Right to reparation

59. It is important to advance and further mobilize resources for a victim-centred reparation process to independently and impartially assess claims and provide integral reparation including compensation, taking into consideration the particular and gendered needs of women victims, including relatives of forcibly disappeared persons. It is crucial for families of the current victims of enforced disappearances and survivors of enforced disappearances to have the support they need to search for their loved ones and search for justice and reparation.
60. The reparation must include survivors of enforced disappearances. As part of reparation, all unfounded or politically motivated charges should be reviewed and, where appropriate, dropped.

Memory and human rights education

61. It is essential for Bangladesh to initiate a wide process of transitional justice that includes the entire population. It is important that a commission formed of government institution, victims, academics human rights defenders and other recognized actors conducts this process with the participation of all society. Transitional justice must be framed as a national policy that engages all stakeholders and society as a whole.
62. In dialogue with victims and civil society organizations, the Government must design places of memory, including in former places of detention.

Guarantees of non-recurrence

63. Many individuals are reluctant to report cases of enforced disappearance or have little confidence in the justice process, as most alleged perpetrators reportedly remain in their positions. A pervasive culture of impunity represents a clear obstacle to ensure non recurrence. The State should consider an overall comprehensive vetting and ensure that individuals responsible for enforced disappearance are removed from security and other institutions.
64. The Government must consider disbanding the Rapid Action Battalion (RAB) as part of broader security sector reform, ensuring that personnel not involved in enforced disappearances are returned to their respective home units⁹. The Government must also restrict the functions of the DGFI to military intelligence and clearly define and limit its resources and legal authority accordingly¹⁰.
65. An effective and sufficiently independent human rights screening system should be established to ensure that no Bangladeshi personnel deployed to United Nations peace operations or other international missions is subject of credible allegations of enforced disappearance. Until such a screening mechanism has been established, the government should agree with the UN Department of Peace Operations not to nominate for peacekeeping

⁹ See paras. 356 and 358 of the OHCHR Fact-finding report

¹⁰ See para. 356 of the OHCHR Fact finding report

any military or police personnel who served with RAB, DGFI or Detective Branch at any previous point.¹¹

Preventive measures

66. To further strengthen the legal framework related to enforced disappearances, the Working Group also advises the Interim Government to ratify the Optional Protocol to the Convention against Torture which represents a crucial tool in preventing and addressing enforced disappearances including through the creation of a National Preventive Mechanism (NPM) and the establishment of an independent detention monitoring programmed.
67. As preventive measure, Arts. 10 to 12 of the Declaration and Arts. 17 to 21 of the International Convention require that deprivation of liberty of persons must be carried out in strict compliance with national and international human rights standards. These safeguards include immediate registration and judicial oversight of detention, notification of family members as soon as an individual is deprived of liberty, the assistance of a defence lawyer of one's choice, wide possibilities of contact by telephone and prompt registration of any transfers.
68. As part of the guarantees for non-repetition, the Working Group invites individuals who will contend for positions in the next government to publicly commit to the ongoing transitional justice process and to implement the recommendations outlined in this report. It is essential that the transition of government does not hinder the initiation of a truth and justice process, which is crucial for the victims and for the country as a whole.

The international community

69. The Working Group had the opportunity to meet with representatives from various embassies. The Working Group expresses its gratitude for this meeting and calls upon the international community to continue supporting the transitional justice process that has been initiated in Bangladesh. Political and financial support is crucial for bringing about the substantial changes required by the victims and the country.

Dissemination

70. The Working Group recommends a wide campaign through which all the population could understand in accessible language, the role and the responsibilities of the Commission and the ICT, in such a way that there is clarity about the functions they perform and the results that can be expected. It is important for institutions to explain why they have made certain decisions in their operations; for instance, in the case of the ICT, regarding the prosecution of high-ranking officials, among other matters.
71. The Working Group invites the Government of Bangladesh to take all necessary measures to disseminate widely the present preliminary observations, in order to raise awareness among the victims, the judicial, legislative and administrative authorities, civil society and non-governmental organisations and the general public.

¹¹ See para. 359 of the OHCHR Fact-Finding report