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“Where No Sun Can Enter”

A Decade of Enforced Disappearances in Bangladesh





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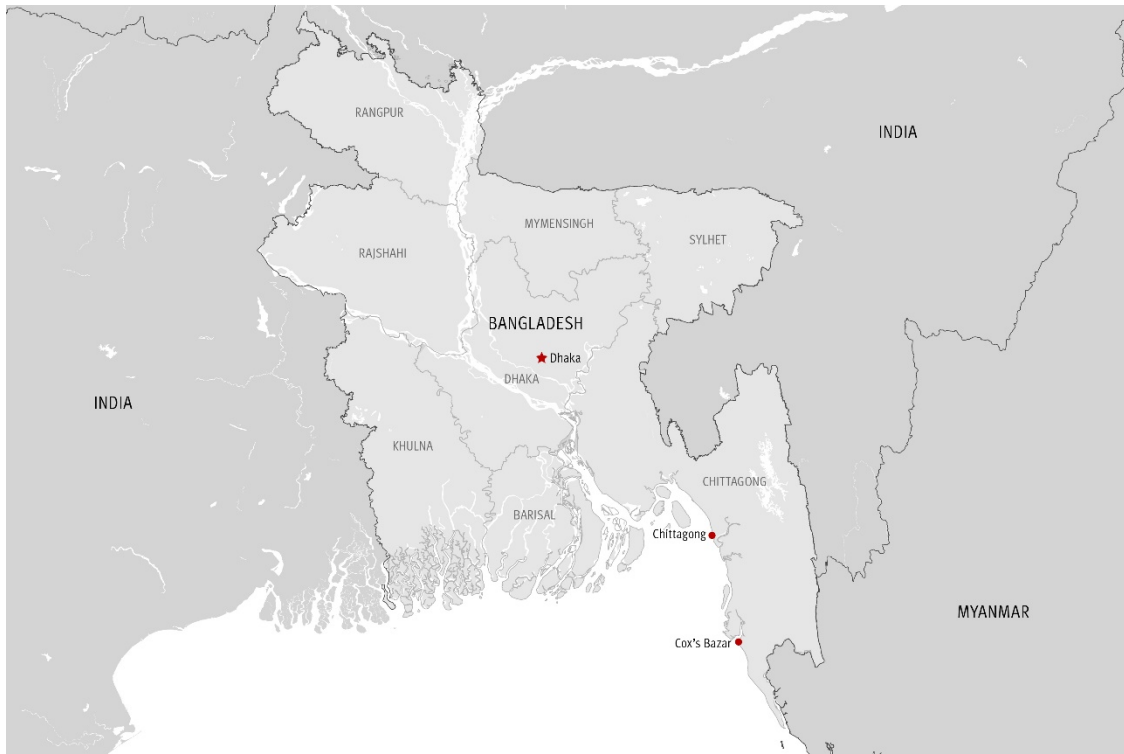
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Map of Bangladesh



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Summary

I am broken. There is nobody here to call me mother. The only thing I want is for my son to return. We won't even talk about it. We'll forget what happened, please just bring him back. Everything is lost from my end.

—Ayesha Ali, mother of Masum, a Bangladesh Nationalist Party activist who was picked up by officers from the Rapid Action Battalion, a counterterror paramilitary unit, in December 2013

Many of the “disappeared” are leaders of the opposition who are accusing the government of kidnapping them while they are, in fact, trying to avoid arrest by disappearing. ... Some of the “disappearances” are almost comical.

—Sajeeb Ahmed Wazed, son of Prime Minister Sheikh Hasina Wazed and government advisor on information and communication technology, in an op-ed published in May 2018

In 2014, a national court sentenced to death Mir Quasem Ali, a prominent leader of the Bangladesh opposition Jamaat-e-Islami party, after convicting him of collaborating with the Pakistan military in committing crimes against humanity during Bangladesh's 1971 War of Independence. His son, Mir Ahmad Bin Quasem, also known as Armaan, was helping to appeal the verdict and was openly outspoken about an unfair trial. The Awami League-led government was determined to quash criticism of the trials. In July 2016, Armaan wrote to a Human Rights Watch researcher: “I can't say I'm not worried about my own safety now.”

A month later, on August 9, 2016, seven or eight men claiming to be from law enforcement picked up Armaan from his home in the presence of his wife, sister, and children. The men did not have a warrant and said that he would be released after questioning. Five years later, Armaan has not returned. Authorities, including senior government officials, deny his arrest. Armaan's family remains distraught about his safety, and their own. At one point, after high-profile media coverage of the disappearance, the family said law enforcement raided their house. “It was scary,” a relative said. “The stairs were full of police officers.” His relatives said that security forces continue to appear unannounced, often at night. They are never accompanied by women constables although there are only women and girls —Armaan's mother, wife, and two young daughters—living in the house.

Although security forces in Bangladesh have long committed grave human rights abuses, including torture and extrajudicial executions, under previous governments including both the opposition Bangladesh Nationalist Party and the ruling Awami League, enforced disappearances in particular have become a hallmark of Prime Minister Sheikh Hasina Wazed's current decade-long rule. When Prime Minister Hasina took office in 2009, there were three reported cases of enforced disappearances. By the next election in January 2014, there had been over 130. In the year ahead of the December 2018 election, there were 98 cases reported.

Yet the government has near-categorically denied all allegations of enforced disappearances. Instead, authorities frequently claim that the fact that some individuals who were allegedly forcibly disappeared either show up or are shown arrested proves they were never forcibly disappeared. During the July 2019 review of Bangladesh by the Committee against Torture, Law Minister Anisul Huq replied to the committee's concerns over well-documented allegations of enforced disappearances:

We do not agree to the proposition that enforced disappearances occur in Bangladesh frequently.... There has been a tendency for quite some time to label all cases of missing [persons] with enforced disappearances. This is done with the obvious intention of maligning the government and its achievements. In many cases the perceived victims have reappeared, proving the allegation of so-called enforced disappearance false.

Enforced disappearances are defined under the Rome Statute—to which Bangladesh is a party—as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons.” That means that whether a person is eventually released or is shown arrested after a period of time does not negate that this period of detention or abduction by state actors constitutes an enforced disappearance. In a 2016 statement, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances emphasized that “there is no time limit, no matter how short, for an enforced disappearance to occur. Every minute counts when a person is put outside the protection of the law.”

According to Bangladeshi human rights groups, nearly 600 people have been forcibly disappeared by security forces since Prime Minister Hasina took office. Of these, the majority were either released or eventually formally produced in court as arrests. Dozens were found dead. Human Rights Watch has verified 86 enforced disappearances cases in Bangladesh over the last decade in which the victim's whereabouts remain unknown.

Enforced disappearances by Bangladesh security forces have been well-documented by international organizations, the United Nations, civil society groups, journalists, the Bangladesh National Human Rights Commission, and victims and their families.

In April 2017, Swedish Radio broadcast a secretly recorded interview with a senior officer in the Rapid Action Battalion (RAB), a counterterror paramilitary unit, who admitted that the force routinely picks up people, kills them, and disposes of the bodies. In a recent documentary, Al Jazeera claims to have secretly filmed one of the brothers of then-Bangladesh Army Chief Gen. Aziz Ahmed boasting that he could deploy Bangladesh security forces for his own personal and political purposes, including RAB. "My gangsters are RAB," he says in the recording. "I don't need thugs. These [RAB] are my thugs. Pick someone up, detain someone. They make money, I make money. A straightforward deal."

This report, based on over 115 interviews with victims, their family members, and witnesses of enforced disappearances, demonstrates Bangladesh authorities' persistent refusal to investigate enforced disappearances and hold perpetrators accountable—both at an institutional level and in specific cases—and outlines immediate steps that international stakeholders should take to ensure justice for victims of enforced disappearances and their families, stop the spread of this practice, and deter future abuses.

Security Force Abuses: Part of a Slide to Authoritarian Rule

The rise in enforced disappearances in Bangladesh has been accompanied by other serious violations that security forces have deployed against critics and the political opposition as part of the Awami League's increasingly authoritarian rule.

Authorities have arrested hundreds of Bangladeshis, even children, for peaceful protests or for criticizing the government on social media. Most of these arrests are under the

Digital Security Act, a vague law passed in 2018 granting law enforcement the powers to arrest anyone accused of posting information that “ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law-and-order situation,” or anything that “injures religious feelings.”

Security forces have killed hundreds of people, including opposition members and activists, in “crossfire” incidents or “gunfights,” euphemisms for extrajudicial killings where the authorities falsely claim that the suspect was shot during an armed exchange. These have become so institutionalized that in 2020 some Bangladeshi parliamentarians openly called for more “crossfire” killings.

Extrajudicial violence by Bangladesh security forces is often political. Reported extrajudicial executions and enforced disappearances have noticeably spiked in the lead-up to national elections over the last decade in which the ruling Awami League has sought to maintain power.

According to human rights organizations, reported extrajudicial killings by security forces skyrocketed ahead of the January 2014 elections from 70 reported cases in 2012 to 329 cases in 2013—a nearly 400 percent increase. Enforced disappearances similarly increased dramatically ahead of the 2014 election, particularly targeting opposition parties. According to human rights organizations, in 2013 there were reportedly 54 alleged enforced disappearances—a more than 100 percent increase from 26 alleged enforced disappearances the previous year.

Parliamentary elections in Bangladesh in January 2014 were extremely violent. Months of political violence before and after the elections left hundreds dead and injured across the country, much of it initiated by members of the opposition. Under Awami League leadership, the government deployed security forces including police and RAB, often under the rubric of “joint forces,” which individually or in joint operations carried out extrajudicial executions, enforced disappearances, and arbitrary arrests. That year, the main opposition parties boycotted the election and the Awami League-led coalition won a majority with over half of the parliament seats uncontested.

In the lead-up to the 2018 election, extrajudicial killings and disappearances by security forces reportedly spiked again. According to reports by human rights organizations,

extrajudicial killings jumped 200 percent and enforced disappearances went up again to a reported 98 cases—up just over 10 percent from the previous year but part of a notable upward trend. As one activist told Human Rights Watch before the 2018 election:

In terms of media space and civil society space, I don't think we've ever had such a bad situation. Even under previous military regimes, people had the right to speak up. They were not subject to disappearance.

The ruling party also deployed tactics of mass arrest. According to the Bangladesh Nationalist Party (BNP), more than 300,000 of their leaders and activists were accused in “false and fabricated” cases, and thousands were arrested. So broad was the sweep that many cases were in fact filed against opposition members who were either dead, abroad, or hospitalized. These sorts of arrests were so frequent that they were colloquially termed “ghost cases.”

Ultimately, through these tactics, mass intimidation, increased surveillance, and silencing of media and critics, the ruling Awami League-led coalition won 96 percent of seats in parliament in the December 2018 general election.

The United States and United Kingdom, as well as the European Union and United Nations, all raised serious concerns over reports of irregularities, many calling for independent investigations, which the ruling Awami League ignored.

Entrenched Impunity

Politicization of the security forces, including through what appear to be promotions and rewards for those who have proven their willingness to oversee rights violations, has been key to quashing dissent in Bangladesh. Far from ensuring accountability, the government has repeatedly ignored calls by donor governments, the UN, human rights organizations, and civil society to address the culture of impunity and passive—if not active—condoning of enforced disappearances. In its annual report in October 2020, the UN Working Group on Enforced or Involuntary Disappearances recorded 70 unresolved cases in Bangladesh and noted:

It is alarmed that it continues to receive cases, many of which relate to individuals linked to opposition political parties, and by the apparent impunity for the practice in the country. It is further concerned by the complete lack of engagement from the State.

In February 2017, the working group issued a statement, endorsed by four UN special rapporteurs, calling on the Bangladesh government to halt the increasing number of enforced disappearances. The government has not responded to repeated requests by the working group to visit Bangladesh, first sent on March 12, 2013, and most recently re-issued on April 23, 2020.

The government has made it clear that it has no intention of meaningfully addressing enforced disappearances by its security forces, leaving victims' families to endure years of trauma as authorities continue to deny reality and deter legitimate investigations. It also sends a message that the practice is condoned, allows the culture of impunity to prevail, and ultimately means that the practice endures and spreads.

For instance, in response to allegations of torture and enforced disappearance documented in a 2019 joint report by World Organization Against Torture (OMCT) and Bangladeshi human rights group Odhikar, Home Minister Asaduzzaman Khan denied all allegations, saying, "We can tell you with emphasis that there is no single incident of disappearance or extrajudicial killing with the knowledge of this government." Following a 2017 report on enforced disappearances, the minister accused Human Rights Watch of a "smear campaign," claiming:

Whom will you say disappeared? Many businessmen went into hiding failing to repay their loans in this country. Some people went missing after developing extramarital relationship.

Such denials and mockery trickles down from the government leadership, through the ranks of authority. For instance, when Marufa Ruma went to the police Detective Branch (DB) office after her husband, Mofizul Islam Rashed, a BNP student leader, was picked up in 2013 by men wearing police DB jackets, she said officers taunted her, saying that they

knew nothing of Mofizul's whereabouts. They suggested he was having an affair and had left her.

Many families whose loved ones were forcibly disappeared said that when they tried to register a police report, the police refused to accept any complaint that included allegations against law enforcement, and some faced threats and harassment.

Role of the UN and Concerned Governments

There are key mechanisms through which concerned governments and the UN can influence the Bangladesh government and security forces to end enforced disappearances and bring justice to victims and their families. Both the UN and concerned governments should apply increased scrutiny to relationships with Bangladesh security forces. UN human rights experts should lead an independent international investigation into enforced disappearances in Bangladesh and the UN Department of Peace Operations should ban any Rapid Action Battalion (RAB) officers from participating in UN peacekeeping. Donor governments and trade partners should call for RAB to be disbanded; the United States, UK, Canada, the EU, and other governments with human rights sanctions regimes should impose targeted sanctions on top officials with command responsibility for reported enforced disappearances and other grave abuses. Trade partners should evaluate all export of dual-use surveillance equipment to Bangladesh.

Security Force Training

Donor governments should bring increased scrutiny to any engagement with Bangladesh security forces. In 2018, the US barred the Rapid Action Battalion from receiving training under the Leahy Amendment, which limits support to state forces with a history of human rights abuses. Britain stopped training RAB in 2011 following widespread criticism after Wikileaks cables revealed that the UK government was funding and training the unit.

However, because RAB is constituted entirely by seconded personnel, US and UK support for other police or military units could ultimately feed in to RAB. The US, UK, and others involved in security sector support in Bangladesh should call for RAB to be disbanded and raise concerns over security force abuses at every opportunity. The US Department of State's Bureau of Political-Military Affairs should ensure that any support under the Global

Peace Operations Initiative is not used to train members of RAB for deployment in UN peacekeeping operations.

UN Peacekeeping

Bangladesh is one of the top contributors to UN peacekeeping. In 2020, it was the highest contributor, deploying 6,731 troops into various missions. In November 2019, the Bangladesh police received the Best Police Unit Award for its contribution to the UN peacekeeping operations.

However, it is unclear whether those committing abuses at home are being deployed to UN missions abroad. In its concluding observations during Bangladesh's 2019 review of its obligations under the Convention against Torture, the Committee against Torture stated that it is "concerned at reports that personnel that have served with the Rapid Action Battalion have frequently been deployed for service with United Nations peace missions."

The UN should undertake a comprehensive review of its ties with the military. All discussions about increasing Bangladeshi troop deployments in UN missions and high-rank posts should be put on hold pending the results of such an investigation. The UN Department of Peace Operations should sever all ties with any units and commanders found responsible for serious human rights abuses, including commanders who failed to prevent or punish abuses by individuals under their command.

In addition, the UN Department of Peace Operations should ban all personnel with a history of RAB-affiliation from UN deployment and provide increased capacity for enhanced screening under the 2012 UN policy on Human Rights Screening of United Nations Personnel, which requires verification that any individual serving the UN has not committed any "violations of international human rights law and international humanitarian law."

Deployment to UN missions offers prestige to military officials in their home countries and abroad. The UN should ensure that those officials who have been implicated in violations of international human rights law—or those who have carried out orders at their direction—are not deployed to future peacekeeping missions or any other UN post.

The current inspector general of police, Benazir Ahmed, who was previously commander of RAB when the force was implicated in grave human rights abuses, earlier served in the UN Mission in Bosnia (UNMIBH), the UN Mission in Kosovo (UNMIK) as a contingent commander, and then-DPKO's Police Division at UN Headquarters in New York as the chief of mission management and support section and officer in charge. From December 2015 to May 2016, the UN appointed him as an expert member in a Global Level "Independent Panel" to review the UN Police Division.

The police chief and other leaders who have been implicated in crimes violating international human rights law—including torture, extrajudicial killings, and enforced disappearances—should be banned from service with the UN pending full investigations of alleged abuses committed under their leadership.

Targeted Sanctions

In October 2020, US senators published a bipartisan letter calling for individual sanctions against top RAB officials for extrajudicial executions, enforced disappearances, and torture under the Global Magnitsky Human Rights Accountability Act and section 7031(c) of the Further Consolidated Appropriations Act, 2020.

The US government should swiftly move forward with these measures and should be joined by other concerned governments with similar sanctions regimes including the UK, EU, and Canada. Imposing sanctions on top officials with command responsibility for long-standing abuses would serve to not only stop ongoing abuses and spur accountability but could deter future abuses.

Export of Surveillance Equipment

Governments should stop all export of surveillance equipment to Bangladesh until necessary reforms have been made both legally and within the security forces to ensure human rights safeguards. Governments should transparently and publicly monitor exports of any dual use surveillance equipment to Bangladesh.

Methodology

This report draws on over 115 interviews conducted between July 2020 and March 2021 with victims, their family members, and witnesses of enforced disappearances. All interviews were conducted in Bangla, at times through a translator. Some were conducted remotely over an encrypted mobile application. We informed interviewees about how the information gathered would be used and that they could decline the interview or terminate it at any point. No payments were made to interviewees.

In many cases, identifying details of witnesses, family members, or alleged perpetrators have been withheld to protect against potential retribution.

Bangladeshi human rights defenders assisted Human Rights Watch in documenting cases, including interviews with witnesses and victims. Those interviews are noted in the footnotes. The government crackdown on civil society organizations is so severe that none of the human rights defenders who assisted us in this project are willing to be named.

Human Rights Watch has listed details of cases of enforced disappearances, which is available at:

https://features.hrw.org/features/features/Bangladesh_Decade_of_Disappearances/

I. History of Security Force Abuses in Bangladesh

Two parties dominate political life in Bangladesh: the Awami League, in power since 2009 and headed by Prime Minister Sheikh Hasina Wazed, and the Bangladesh Nationalist Party (BNP), led by former Prime Minister Begum Khaleda Zia.

The rivalry between the two main parties is longstanding, bitter, and often turns violent.¹ Each party also has active student wings: the Jatiyatabadi Chhatra Dal for BNP and the Bangladesh Chhatra League (BCL) for the Awami League, whose members have been implicated in violent attacks and clashes.² A third party, Jamaat-e-Islami (Jamaat), is presently banned from contesting elections; its student wing, the Bangladesh Islami Chhatra Shibir, has also been accused of violence.³

Human Rights Watch has long documented abuses by security forces under both Awami League and BNP governments, as well as the interim military-backed caretaker government.⁴ These include torture, enforced disappearances, arbitrary arrests, and extrajudicial executions.

¹ Human Rights Watch, *Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post-Election Period in Bangladesh*, April 29, 2014, <https://www.hrw.org/report/2014/04/29/democracy-crossfire/opposition-violence-and-government-abuses-2014-pre-and-post>; “Creating Panic” *Bangladesh Election Crackdown on Political Opponents and Critics*, December 22, 2018, <https://www.hrw.org/report/2018/12/22/creating-panic/bangladesh-election-crackdown-political-opponents-and-critics>; “Bangladesh: Crackdown as Elections Loom,” Human Rights Watch news release, December 13, 2018, <https://www.hrw.org/news/2018/12/13/bangladesh-crackdown-elections-loom>.

² Brad Adams, “Bangladesh Ruling Party Activists Kill Student after Facebook Post,” Human Rights Watch dispatch, October 10, 2019, <https://www.hrw.org/news/2019/10/10/bangladesh-ruling-party-activists-kill-student-after-facebook-post>; Human Rights Watch, *Bangladesh—Political Violence on All Sides*, vol. 8, no. 6(C), June 1996, <https://www.hrw.org/reports/1996/BANGLA.htm>; Human Rights Watch, *Democracy in the Crossfire*; “Bangladesh: Stop Attacks on Student Protesters, Critics,” Human Rights Watch news release, August 6, 2018, <https://www.hrw.org/news/2018/08/06/bangladesh-stop-attacks-student-protesters-critics>.

³ “Bangladesh court declares Jamaat illegal,” Al Jazeera, August 1, 2013, <https://www.aljazeera.com/news/2013/8/1/bangladesh-court-declares-jamaat-illegal> (accessed March 15, 2021); “Jamaat-e-Islami stripped of right to contest in Bangladesh elections,” BDNews24, October 29, 2018, <https://bdnews24.com/politics/2018/10/29/jamaat-e-islami-stripped-of-registration-to-do-politics-in-bangladesh> (accessed March 15, 2021); Canada: Immigration and Refugee Board of Canada, *Bangladesh: Incidents of harassment or violence carried out by members of the Jamaat-e-Islami and the Islami Chhatra Shibir (ICS)*, May 9, 2002, <https://www.refworld.org/docid/3df4be1218.html> (accessed March 15, 2021).

⁴ Human Rights Watch, *Democracy in the Crossfire, Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh’s Elite Security Force*, vol. 18, no. 16(C), December 2006, <https://www.hrw.org/reports/2006/bangladesh1206/>; “Crossfire”: *Continued Human Rights Abuses by Bangladesh’s Rapid Action Battalion*, May 10, 2011, <https://www.hrw.org/report/2011/05/10/crossfire/continued-human-rights-abuses-bangladeshs-rapid-action-battalion>; “No Right to Live” “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces, September 29, 2016, <https://www.hrw.org/report/2016/09/30/no-right-live/kneecapping-and-maiming-detainees-bangladesh-security-forces>;

Political leaders from both parties have justified these excesses as necessary to uphold law and order and to control crime. For instance, in 2003, under BNP leadership, the government granted police authority to arrest people and “shoot-at-sight” as part of its anti-crime campaign, Operation Clean Heart.⁵

In 2008, the interim government responded to Human Rights Watch reporting on security force abuses with denials, claiming that RAB had only killed armed criminals in self-defense and to protect government property.⁶ Family members said the deceased had been extrajudicially executed or had been tortured to death.⁷

In 2015, under Awami League rule, Benazir Ahmed, then-director general of RAB and currently the inspector general of police, responded to reports of extrajudicial killings amid a spike in political violence: “What is extrajudicial killing? Should the law enforcers remain a mute spectator while criminals commit crime?”⁸

Elections

Ahead of the 2014 election, when the opposition parties launched violent protests and boycotted the polls, security force violence targeting the Awami League’s political opponents spiked.⁹ States and human rights groups called on the government to establish an independent, external body to conduct prompt, impartial, and independent investigations into all allegations of election-related violations by law enforcement agencies.

There has been no publicly reported investigation or accountability for these abuses. Most of the political opposition boycotted the elections, and the Awami League-led coalition

Creating Panic; Ignoring Executions and Torture: Impunity for Bangladesh’s Security Forces, May 18, 2009, <https://www.hrw.org/report/2009/05/18/ignoring-executions-and-torture/impunity-bangladeshs-security-forces>.

⁵ “Bangladesh: Revoke ‘Shoot-at-Sight,’” Human Rights Watch news release, June 4, 2003, <https://www.hrw.org/news/2003/06/04/bangladesh-revoke-shoot-sight#>.

⁶ “Bangladesh: Stop Denying Killings and Torture,” Human Rights Watch news release, October 6, 2008, <https://www.hrw.org/news/2008/10/06/bangladesh-stop-denying-killings-and-torture>.

⁷ Ibid.

⁸ “Bangladesh’s national police chief who denies extra-judicial killings,” Netra News, August 1, 2020, <https://netra.news/2020/bangladeshs-national-police-chief-who-denies-extra-judicial-killings-1183> (accessed March 16, 2021).

⁹ Human Rights Watch, *Democracy in the Crossfire*.

was re-elected with nearly half the seats uncontested. After its re-election, the government cracked down on the political opposition and critics.¹⁰

The December 2018 general elections were characterized by increasingly authoritarian measures, including widespread surveillance and a crackdown on free speech, contributing to what was widely described as a climate of fear.¹¹ Security forces arbitrarily detained protesters and political opposition figures, while others were threatened or attacked by members of the ruling party's student and youth wings.¹²

The election itself was marred by serious allegations of abuse, including attacks on opposition party members, voter intimidation, vote rigging, and partisan behavior by election officials.¹³ The ruling Awami League ultimately won, returning Prime Minister Sheikh Hasina to a third consecutive term, with the ruling party coalition winning 288 of the 298 parliamentary seats contested. The prime minister said the election was “free and fair,” while the opposition described the election as “farcical.”¹⁴

Prime Minister Hasina's “War on Drugs”

In May 2018—six months before the general election—Prime Minister Sheikh Hasina announced a “war on drugs” to be led by the Rapid Action Battalion after a reported rise in methamphetamine sales and use. Within a month, authorities said that as many as 10,000 people had been arrested.¹⁵ Law enforcement officers reportedly also committed 466 extrajudicial executions that year, many of them targeting alleged drug traders and users—a threefold increase from the previous year.¹⁶

¹⁰ Ibid.

¹¹ Human Rights Watch, *“Creating Panic.”*

¹² Ibid.

¹³ “Bangladesh: Election Abuses Need Independent Probe,” Human Rights Watch news release, January 2, 2019, <https://www.hrw.org/news/2019/01/02/bangladesh-election-abuses-need-independent-probe>.

¹⁴ Ibid.

¹⁵ “Bangladesh: Suspend Deadly ‘War on Drugs,’” Human Rights Watch news release, June 6, 2018, <https://www.hrw.org/news/2018/06/06/bangladesh-suspend-deadly-war-drugs>.

¹⁶ Odhikar, “Total Extra-Judicial Killing from 2001-2020,” http://odhikar.org/wp-content/uploads/2021/01/KLEA_2001-2020.pdf (accessed March 18, 2021).

Activists allege that some killings also targeted and served to intimidate members of the opposition and to silence critics.¹⁷ According to a communication sent in June 2018 to the Bangladesh government, a group of UN independent experts had received reports that “in some cases killings have been politically motivated.”¹⁸

Many of these arrests and extrajudicial killings began with an enforced disappearance. A 2019 report by Amnesty International found that in all the cases of extrajudicial executions it documented, the victims were first subject to enforced disappearance lasting between a day to over a month.¹⁹ At least 98 people were reportedly forcibly disappeared in 2018—almost 20 percent of all disappearances committed in Bangladesh over the last decade.²⁰

In response to concerns expressed by the UN as well as the EU, US, and others, Prime Minister Sheikh Hasina claimed that “no innocent people are being harassed or targeted [in the ‘war on drugs’], but if any such incidents happen it will be addressed through proper investigation.”²¹ However, there has been little transparency regarding any such investigations and their outcome.

¹⁷ “Are Bangladesh activists being killed amid the war on drugs?” Al Jazeera, August 16, 2018, <https://www.aljazeera.com/features/2018/8/16/are-bangladesh-activists-being-killed-amid-the-war-on-drugs> (accessed March 16, 2021); Ben Farmer and Nicola Smith, “Bangladesh Accused of Using War on Drugs to Hide Political Assassinations,” *Telegraph*, June 1, 2018, <https://www.telegraph.co.uk/news/2018/06/01/bangladesh-accused-using-war-drugs-hide-politicalassassinations/> (accessed March 16, 2021).

¹⁸ OHCHR, “Communication to the Government of Bangladesh,” June 6, 2018, UA BGD 5/2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23888> (accessed March 16, 2021)

¹⁹ Amnesty International, *Killed in “Crossfire,” Allegations of Extrajudicial Executions in Bangladesh in the guise of a War on Drugs*, 2019, <https://www.amnesty.org/download/Documents/ASA1312652019ENGLISH.pdf> (accessed March 18, 2021).

²⁰ Odhikar, “Enforced Disappearances, 2009-2020,” http://odhikar.org/wp-content/uploads/2020/02/Statistics_Disappearance_2009-2019.pdf (accessed March 18, 2021).

²¹ OHCHR, “Communication to the Government of Bangladesh,” June 6, 2018, UA BGD 5/2018; OHCHR, “Killings of Suspected ‘Drug Offenders’ In Bangladesh Must Stop — UN Human Rights Chief,” June 6, 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23178&LangID=E> (accessed March 16, 2021); “EU Missions Want Full Investigation Into Deaths in Bangladesh’s Anti-Drug Crackdown,” *BDNews24*, June 4, 2018, <https://bdnews24.com/bangladesh/2018/06/04/eu-missions-want-full-investigation-into-deaths-in-bangladeshs-anti-drug-crackdown> (accessed March 18, 2021); Ben Farmer and Nicola Smith, “Bangladesh Accused of Using War on Drugs to Hide Political Assassinations,” *Telegraph*.

Killing of Akramul Haque

Akramul Haque, a member of the Awami League and a ward councilor in Teknaf, was shot dead on May 26, 2018, by RAB officers under the guise of the “war on drugs.” The involvement of RAB officers came to light when Akramul’s family released audio recordings of their conversations just before he was killed. Akramul had been receiving some disturbing calls from people claiming to be members of military intelligence so he had set up an automatic recording program on his family’s phones as a precaution.²²

On May 26, 2018, at around 9 p.m., his wife, Ayesha Begum, said that some men in plainclothes picked up Akramul allegedly to discuss the purchase of a plot of land. Ayesha and the children started calling his phone late that night after he failed to return from the meeting.

The recordings that the family released suggest increasingly terrifying exchanges with him. In the first two recordings, Akramul tells his daughter that he is visiting the office of a local government official. In the third recording, he says that he is going to Hnila for urgent business, and his daughter asks why he is crying. In the last recording, as Akramul’s wife is trying to speak with him, her husband is heard pleading, saying that he is “not involved.” A gunshot follows, and Akramul can be heard crying out and moaning. Then a second gun shot. An officer is heard saying “hold the motherfucker.”²³

In total there are 12 gunshots. Then the officers can be heard giving directions to stage a gunfight, ordering officers to untie Akramul’s hands and legs, to put *yaba* in his hands, and stuff his pockets with bullets.²⁴

²² Meenakshi Ganguly “A Violation of Rights in Bangladesh,” *Dhaka Tribune*, June 12, 2018, <https://www.hrw.org/news/2018/06/12/violation-rights-bangladesh> (accessed March 16, 2021).

²³ “‘Murder’ it was,” *Daily Star*, June 1, 2018, <https://www.thedailystar.net/frontpage/murder-it-was-1584580> (accessed March 19, 2021).

²⁴ *Ibid.*

The next day, RAB-7 Commander Maj. Ruhul Amin claimed that a drug dealer—“a yaba godfather”—had been killed in a “gunfight” around 1 a.m. on May 27, and that the officers had recovered two guns and thousands of methamphetamine pills.²⁵

Under public pressure when the family released the audio recordings, the authorities finally ordered an investigation. It concluded that RAB officials had killed the wrong person because they acted “without verifying the truth of the information,” and recommended prosecuting the perpetrators.²⁶

But the government continues to deny that Akramul was forcibly disappeared or to hold officers accountable for his murder.²⁷ In August 2020, Ayesha Begum told the media that following the public outcry, two Awami League ministers had promised to arrange a meeting with the prime minister and asked her to stop speaking to journalists, but there has been no progress since. “No one from the authorities came to help us get justice in these two years,” she said. “I want to know why he [Akramul] became a victim of crossfire. If he was killed at the instructions of some high-ups, then I want to know who gave that order.”²⁸

The Rapid Action Battalion (RAB)

International governments supported the then-ruling BNP-led government in setting up the Rapid Action Battalion in 2003 as part of a global war on terror after the 9/11 attacks in 2001 in the United States. The unit operates under a vague mandate ranging from providing “internal security” to “performing any national duty as directed by the government.”²⁹ As a joint force, RAB is under the authority of the Ministry of Home Affairs,

²⁵ “Poura councilor killed in Teknaf,” *Daily Star*, May 28, 2018, <https://www.thedailystar.net/frontpage/teknaf-al-leader-killed-crackdown-1582528> (accessed March 19, 2021); “‘Murder’ it was,” *Daily Star*; Michael Safi and Shaikh Azizur Rahman, “Audio clip captures Bangladeshi police killing drugs suspect,” *Guardian*, June 6, 2018, <https://www.theguardian.com/world/2018/jun/06/audio-clip-captures-bangladeshi-police-killing-drugs-suspect-akramul-haque> (accessed March 19, 2021).

²⁶ Meenakshi Ganguly “A Violation of Rights in Bangladesh,” *Dhaka Tribune*.

²⁷ Tuhin Shubra Adhikary and Wasim Bin Habib, “Extra-Judicial Killings, Deaths in Custody: No case, probe in most cases,” *Daily Star*, August 8, 2020, <https://www.thedailystar.net/frontpage/news/extra-judicial-killings-deaths-custody-no-case-probe-most-cases-1941549> (accessed March 18, 2021).

²⁸ *Ibid.*

²⁹ “Rapid Action Battalion,” <https://www.rab.gov.bd/> (accessed March 16, 2021).

overseen by the police. However, it is the military personnel within its ranks who enjoy greater authority, particularly among its leadership.

Since its creation, RAB has been central to extrajudicial violence in Bangladesh.³⁰ Reported extrajudicial killings skyrocketed following the creation of the unit from a reported 81 cases in 2003 to 396 cases by the end of 2005—an almost 400 percent increase.³¹

Now that the BNP is in opposition, it has called for RAB to be disbanded.³² The Awami League also criticized RAB while in opposition and promised “zero tolerance” for extrajudicial killings after it came to power in 2009.³³ In reality, there is no political will to ensure accountability.

Rather, RAB is key to the rise in enforced disappearances under the ruling Awami League.³⁴ Of the 86 cases of enforced disappearance in which the victim was still missing that Human Rights Watch was able to verify, 78 of those included details identifying a particular unit of security forces involved. More than half of those were RAB.

In a recent documentary, Al Jazeera claims to have secretly filmed one of the brothers of the then-Bangladesh army chief, Gen. Aziz Ahmed, boasting that he can deploy Bangladesh security forces for his own personal and political purposes, including the Rapid Action Battalion. “My gangsters are RAB,” he says in the recording. “I don’t need thugs. These [RAB] are my thugs. Pick someone up, detain someone. They make money, I make money. A straightforward deal.”³⁵

³⁰ Human Rights Watch, *Judge, Jury, and Executioner, No Right to Live: Kneecapping and Maiming Detainees by Bangladesh Security Forces*, September 29, 2016, <https://www.hrw.org/report/2016/09/30/no-right-live/kneecapping-and-maiming-detainees-bangladesh-security-forces>; *We Don’t Have Him: Secret Detentions and Enforced Disappearances in Bangladesh*, July 6, 2017, <https://www.hrw.org/report/2017/07/06/we-dont-have-him/secret-detentions-and-enforced-disappearances-bangladesh>.

³¹ Odhikar, “Total Extra-Judicial Killing from 2001-2020,” http://odhikar.org/wp-content/uploads/2021/01/KLEA_2001-2020.pdf (accessed March 18, 2021).

³² “Khaleda calls for disbanding RAB,” BD News 24, May 11, 2014, <https://bdnews24.com/bangladesh/2014/05/11/khaleda-calls-for-disbanding-rab> (accessed March 19, 2021).

³³ “Extra-judicial killing to be stopped: FM,” *Daily Star*, February 5, 2009, <https://www.thedailystar.net/news-detail-74491> (accessed April 6, 2021).

³⁴ Human Rights Watch, *We Don’t Have Him*.

³⁵ “All the Prime Minister’s Men,” Al Jazeera, February 1, 2021, <https://network.aljazeera.net/pressroom/all-prime-minister%E2%80%99s-men> (accessed March 19, 2021).

Human rights organizations have extensively documented abuses by the Rapid Action Battalion and have called for the unit to be disbanded.³⁶ The US has barred RAB from receiving training under the Leahy Amendment, which limits support to state forces with a history of human rights abuses. Britain stopped training RAB following widespread criticism after Wikileaks cables revealed that the UK government was funding and training the unit.

In October 2020, 10 US senators published a bipartisan letter calling for sanctions against top RAB officials for extrajudicial executions, enforced disappearances, and torture under the Global Magnitsky Human Rights Accountability Act and section 7031(c) of the Further Consolidated Appropriations Act, 2020.³⁷

Police

Bangladesh police have also been long implicated in abuses, including extrajudicial killings and torture. Over the last two decades, police have committed more than half of all reported extrajudicial killings.³⁸

The cross-pollination of police officers with the military when they are seconded to RAB has led to concerns that abusive practices inculcated among the ranks of the battalion could easily spread to other forces. In fact, since the 2014 election, according to human rights organizations, the number of reported enforced disappearances committed by police has surpassed those allegedly committed by RAB officers. And nearly 70 percent of those reportedly committed by police are by one unit in particular: the Detective Branch.

Authorities can bring such unlawful violence under control if they choose. After police killed retired military officer Maj. Sinha Rashed Khan on July 31, 2020, for example, they defaulted to their usual line: drugs had been recovered from his vehicle and Sinha had

³⁶ Meenakshi Ganguly, “After Narayanganj verdict, Bangladesh should disband RAB,” Human Rights Watch dispatch, January 19, 2017, <https://www.hrw.org/news/2017/01/19/after-narayanganj-verdict-bangladesh-should-disband-rab>.

³⁷ United States Senate Committee on Foreign Relations, “Bipartisan Letter Calls for Sanctions on Bangladeshi Battalion for Extrajudicial Killings, Enforced Disappearances, Torture,” October 27, 2020, <https://www.foreign.senate.gov/press/ranking/release/bipartisan-letter-calls-for-sanctions-on-bangladeshi-battalion-for-extrajudicial-killings-enforced-disappearances-torture>.

³⁸ Odhikar, “Total Extra-Judicial Killing from 2001-2020,” http://odhikar.org/wp-content/uploads/2021/01/KLEA_2001-2020.pdf (accessed March 18, 2021).

aimed a gun at the police, so they shot him in self-defense.³⁹ But with increased public scrutiny, authorities were forced to open an investigation, which has thus far reportedly resulted in the arrest of nine police officer and three members of the armed police battalion (APBN).⁴⁰ After those initial arrests, “crossfires” dropped precipitously.

Surveillance as a Tool for Security Force Abuses

As part of its crackdown on opposition and critics, the government has ramped up its surveillance capacities which, in some cases, are deployed in the commission of enforced disappearances. In nearly a quarter of the cases of enforced disappearance investigated by FIDH in its 2019 report, victims’ family members or even the victim themselves reported surveillance leading up to the abduction.⁴¹ This includes not just physical surveillance, but also interception of telecommunications and tracking social media.

Authorities have deployed surveillance tactics specifically to crack down on any criticism of the government, through arrests as well as enforced disappearance.⁴² The government even used the pandemic as an opportunity to expand its surveillance program, creating two separate units to identify Covid-19 “rumors”— one under the Information Ministry and another under the Rapid Action Battalion. These initiatives have led to the enforced disappearance and arbitrary arrest of individuals who criticized shortcomings in the state’s response to the pandemic or were critical of the ruling party.⁴³

In May 2020, for example, Ahmed Kabir Kishore, a cartoonist; Mushtaq Ahmed, a writer and activist; Didarul Bhuiyan, an activist; and Minhaz Mannan Emon, director of the Dhaka Stock Exchange, were arrested under the Digital Security Act for publishing material critical

³⁹ Brad Adams, “Bangladesh’s Crossfire Culture Hits Home,” September 4, 2020, *The Diplomat*, <https://thediplomat.com/2020/09/bangladeshs-crossfire-culture-hits-home/> (accessed March 31, 2021).

⁴⁰ Abdul Kuddus, “Deposition Halted Due to Coronavirus,” July 31, 2021, *Prothom Alo*, <https://en.prothomalo.com/bangladesh/crime-and-law/deposition-halted-due-to-coronavirus> (accessed August 2, 2021).

⁴¹ International Federation for Human Rights, *Vanished without a Trace: The Enforced Disappearance of Opposition and Dissent in Bangladesh*, April 2019, <https://www.fidh.org/en/region/asia/bangladesh/bangladesh-enforced-disappearances-amount-to-crimes-against-humanity> (accessed March 18, 2021).

⁴² “Bangladesh: Online Surveillance, Control,” Human Rights Watch news release, January 8, 2020, <https://www.hrw.org/news/2020/01/08/bangladesh-online-surveillance-control>; “Bangladesh: mass arrests over Cartoons, posts,” Human Rights Watch news release, May 7, 2020, <https://www.hrw.org/news/2020/05/07/bangladesh-mass-arrests-over-cartoons-posts>.

⁴³ “Bangladesh: mass arrests over Cartoons, posts,” Human Rights Watch news release, May 7, 2020, <https://www.hrw.org/news/2020/05/07/bangladesh-mass-arrests-over-cartoons-posts>.

of the ruling party and its handling of the Covid-19 pandemic.⁴⁴ The police said the cartoons and other content had been discovered by the RAB-3 cyber team, the surveillance unit created to weed out any Covid-19 “rumors.”⁴⁵

There are serious allegations that the men were forcibly disappeared and tortured by RAB before they were shown arrested. The First Information Report of the arrest says that Mushtaq and Kishore were arrested in the early morning of May 5 and Bhuiyan was arrested on May 6. However, the men’s families say that they had been picked up days earlier by men in civilian clothes claiming to be from RAB-3.⁴⁶ Mushtaq died while still in custody on February 25, 2021.⁴⁷ Kishore, who was released on bail soon after, said that while they were being held in secret detention, he and Mushtaq were tortured and that he was interrogated over whether his cartoons were depicting Prime Minister Hasina.⁴⁸

Bangladesh government records suggest that authorities are sourcing surveillance equipment and training abroad. Among the tools the government is seeking are international mobile subscriber identity-catchers (IMSI catchers), location-based social network monitoring system software, and Wi-Fi interceptors—all of which are considered “dual-use” technology, meaning it can be used for both peaceful and military aims. Dual-use technology falls under the mandate of the Wassenaar Arrangement which aims to promote greater transparency and responsibility in the transfer of these technologies.⁴⁹

⁴⁴ Ibid.

⁴⁵ Arifur Rahman Rabbi and Hasan Al Javed, “Writer, cartoonist among four held after RAB files case against 11 under DSA,” *Dhaka Tribune*, May 6, 2020, <https://www.dhakatribune.com/bangladesh/dhaka/2020/05/06/writer-cartoonist-among-four-held-after-rab-files-case-against-11-under-dsa> (accessed March 31, 2021).

⁴⁶ “Rashtrochinta organizer picked up from office in Dhaka,” *Dhaka Tribune*, May 6, 2020, <https://www.dhakatribune.com/bangladesh/dhaka/2020/05/06/rab-allegedly-picked-up-rashtrochinta-organiser> (accessed March 19, 2021); “Allegations of Picking up Didar, Against RAB,” *Deshrupantor*, May 5, 2020, https://www.deshrupantor.com/capital/2020/05/05/216049?fbclid=IwAR3Bu5oYdCVfYH-gHWt67W6C_IUDL4l_mVP8loulKs-21Edr1G-DofSSFYs (accessed March 19, 2021); Muktadir Rashid, “Businessman picked up from Lalmatia house,” *New Age*, May 6, 2020, <https://www.newagebd.net/article/105789/businessman-picked-up-from-lalmatia-house> (accessed March 19, 2021).

⁴⁷ “Bangladesh: Writer Dies After 9 Months in Custody,” Human Rights Watch news release, February 26, 2021, <https://www.hrw.org/news/2021/02/26/bangladesh-writer-dies-after-9-months-custody>.

⁴⁸ Zyma Islam, “Scars of torture all over him,” *Daily Star*, March 5, 2021, <https://www.thedailystar.net/frontpage/news/scars-torture-all-over-him-2055265> (accessed March 19, 2021).

⁴⁹ Wassenaar Arrangement on Export Controls for Dual-Use Goods and Technologies, Volume I Founding Documents, December 2019, <https://www.wassenaar.org/app/uploads/2019/12/WA-DOC-19-Public-Docs-Vol-I-Founding-Documents.pdf>.

the National Telecommunication Monitoring Center (NTMC), a centralized surveillance agency under the Ministry of Home Affairs, reportedly sought to purchase “data interceptors” to help control “expression of ‘undesirable’ views” in 2017.⁵⁰ In November 2018—just one month before the Bangladesh general election—telecommunications companies in Bangladesh were required to install a network tap which included the ability to mirror all traffic, apply deep packet inspection, and filter content in real time. In February 2019, the NTMC reported that it had increased its technical capacity to filter and block “anti-government propaganda” as well as to conduct surveillance on individual online activity including monitoring social media accounts and other internet traffic.⁵¹

⁵⁰ Asif Showkat Kallol, “govt to procure vehicle mounted data interceptor the check militancy,” April 26, 2017, *Dhaka Tribune*, <https://www.dhakatribune.com/bangladesh/crime/2017/04/26/govt-procure-vehicle-mounted-data-interceptor-check-militancy> (accessed August 3, 2021).

⁵¹ “NTMC will soon be able to block anti-govt propaganda,” the Daily Star (February 21, 2019) <https://www.thedailystar.net/city/online-anti-govt-propaganda-in-bangladesh-ntmc-filter-1704910> (accessed March 19, 2021).

II. Patterns of Enforced Disappearances

Human Rights Watch has documented numerous cases where people were literally dragged from their homes or from vehicles in the middle of busy intersections in front of witnesses. The abductors, although sometimes in plainclothes, identified themselves as being from “the administration,” law enforcement, or specifically the Detective Branch of police or the Rapid Action Battalion.

Many victims of enforced disappearances are killed in so-called armed exchanges. Others are still missing. In most cases, however, those arrested remain in unlawful detention for weeks or months before being formally arrested or are released, often disoriented and traumatized.

Humam Chowdhury, for example, was pulled out of his car in front of his mother by men claiming to be from law enforcement on August 4, 2016, and was found blindfolded and disoriented near his family home in Dhaka seven months later.⁵² His mother said at the time that she tried to file a complaint, but the police said they would need permission “from above” to accept the report.⁵³

Maroof Zaman, the former ambassador to Vietnam, was found wandering near his home 15 months after he went missing in December 2017.⁵⁴

In May 2017, Muhammed Iqbal Mahmud, who had been picked up in Dhaka eight months earlier, was left blindfolded on the side of the Dhaka-Raipur road.⁵⁵

⁵² Humam Chowdhury is the son of Salahuddin Quader Chowdhury, a prominent BNP politician who was hanged in 2015 after being convicted of war crimes by the International Crimes Tribunal. See “Bangladesh: Man Released From Long Secret Detention,” Human Rights Watch and Amnesty International news release, March 2, 2017, <https://www.hrw.org/news/2017/03/02/bangladesh-man-released-long-secret-detention>.

⁵³ OHCHR, “UN expert group urges Bangladesh to stop enforced disappearances,” February 24, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E> (accessed March 31, 2021).

⁵⁴ “Missing ex-ambassador returns home after 15 months,” *Daily Star*, March 16, 2019, <https://www.thedailystar.net/city/missing-bangladesh-ex-ambassador-marooof-zaman-returns-home-after-15-months-1715923> (accessed March 31, 2021).

⁵⁵ “Doctor Iqbal returns to home in Lakshmipur seven months after kidnapping,” *BDNews24*, June 1, 2017, <http://bdnews24.com/bangladesh/2017/06/01/kidnapped-doctor-iqbal-returns-to-home-in-lakshmipur-seven-months-after-kidnapping> (accessed January 20, 2021).

Salahuddin Ahmed, a BNP leader, was found disoriented in India two months after he was handcuffed and taken away by men on the evening of March 10, 2015, identifying themselves as from the Detective Branch of the police.⁵⁶

Several of those forcibly disappeared are leaders or supporters of the Awami League's political rivals, the BNP and Jamaat-e-Islami.⁵⁷ Another group targeted is alleged violent Islamists, particularly in the aftermath of a terror attack in 2016.⁵⁸ Others were targeted under the guise of Sheikh Hasina's "war on drugs."

Notably, in recent years, law enforcement has been accused of reportedly forcibly disappearing rivals in interpersonal or business disputes, allegedly at the behest of powerful individuals. For instance, Johirul Haque Khandaker, Korshed Alam Patwari, and Sayed Akidul Ali were picked up in January 2019 by men wearing RAB uniforms following an alleged disagreement between business partners close to the government. The three men were held in secret detention for eight months until they were produced in court under vague charges of "involvement in a banned terrorist organization."⁵⁹

The men, in a written statement, alleged that they had been illegally detained and tortured. Shortly after, on October 11, 2019, Khandaker died in the prison annex of Bangabandhu Sheikh Mujib Medical University Hospital in Dhaka. According to media reports, his death certificate stated that he died from a "cardio-pulmonary failure." A police inquest report stated that there were "various black marks on his stomach."⁶⁰ There has been no investigation into the circumstances of Khandaker's death or the allegations of enforced disappearance. In November 2020, Patwari and Ali were sentenced to life in

⁵⁶ Meenakshi Ganguly, "Forcibly Disappeared in Bangladesh," Human Rights Watch dispatch, March 25, 2015, <https://www.hrw.org/news/2015/03/25/dispatches-forcibly-disappeared-bangladesh> (accessed March 19, 2021); David Bergman and Muktedir Rashid, "Anatomy of a Disappearance, and a Reappearance," *The Wire*, May 23, 2015, <https://thewire.in/external-affairs/anatomy-of-a-disappearance-and-a-reappearance> (accessed March 19, 2021).

⁵⁷ Human Rights Watch, *Democracy in the Crossfire*.

⁵⁸ Human Rights Watch, *We Don't Have Him*.

⁵⁹ David Bergman, "Employee of UK-based Bangladesh businessman dies in custody," Al Jazeera, November 22, 2019, <https://www.aljazeera.com/news/2019/11/22/employee-of-uk-based-bangladeshi-businessman-dies-in-custody> (accessed March 19, 2021).

⁶⁰ Ibid.

prison under charges of carrying illegal arms and, according to police, “conducting anti-government and anti-state activities.”⁶¹

Enforced Disappearances Targeting the Political Opposition

Security forces have, in particular, forcibly disappeared members of the political opposition during the last decade of Awami League rule. Many remain missing.⁶²

Mofizul Islam Rashed, for example, then-senior vice president of the BNP student wing, Chhatra Dal, in Darus Salam, Dhaka, was picked up from a tea stall on April 4, 2014, by three or four men claiming to be members of the law enforcement and allegedly wearing jackets that said “DB” (Detective Branch), according to witnesses.⁶³

Rashed’s wife, Marufa Islam Ruma, said that when she and other family members went to the Detective Branch and other police offices and to the RAB-4 office, security forces denied arresting him. Instead, they taunted her, insisting that perhaps Rashed was having an affair and had left her.⁶⁴ On April 8, 2013, the family filed a General Diary (GD)—a police record—with the Darus Salam police station, but the GD only stated that Rashed was missing because, Ruma said, the police refused to file a report if it mentioned that law enforcement officers had taken Rashed away.⁶⁵ He has not been seen since.

Mohammad Zakir Hossain, then-acting president of student wing of Jamaat-e-Islami for Adabar, Dhaka, was reportedly arrested on April 3, 2013, and has been missing since. His brother, Ataur Rahman, said that he learned that Hossain was picked up through a news scroll on Diganta TV. Zakir’s family immediately went to Dhaka to search for him. They learned from his flat mates that around 3 a.m., four or five men in plainclothes came to their home in Mohammadpur. They identified Hossain by calling his phone and hearing it ring in his pocket. When Zakir’s friends asked the men who they were, they said they were

⁶¹ “Life sentence of four people including Colonel (Retd.) in arms case,” *Dhaka Times* 24, November 10, 2020, <https://bit.ly/3w79MUB> (accessed June 29, 2021).

⁶² See cases in Human Rights Watch, *We Don’t Have Him*.

⁶³ Human Rights Watch phone interview with Marufa Islam Ruma, November 5, 2020.

⁶⁴ Ibid.

⁶⁵ Ibid. GD no. 356, dated 08/04/2013.

from law enforcement. Hossain was last seen being placed in a vehicle with an RAB-2 sticker on the side.⁶⁶

In several cases, victims were first forcibly disappeared, then found dead or shown as killed in a gunfight.⁶⁷

Al Amin Ismail, for instance, then-president of a unit of the student wing of the BNP, was reportedly picked up by men in plainclothes claiming to be from the Detective Branch along with two other opposition activists on November 28, 2011. On December 28, 2011, his body was found in the Dholesori river in Munshiganj.⁶⁸

On November 17, 2013, Jamaat-e-Islami leader Aminul Islam was traveling by bus from Malibag with his wife and son. When the bus stopped routinely at a restaurant in Comilla for a break at about 7 p.m., a group of men in plainclothes reportedly claiming to be from the Detective Branch of police pulled Islam into a white microbus and took him away. Four days later, Islam's body was found at Ponthichila Kosaikhana alongside the Dhaka-Chittagong highway.⁶⁹

Ahead of the 2018 elections, some opposition activists were again subject to enforced disappearance, arrest, and extrajudicial killing.

Disappearances as a Tool of Repression

Authorities have used enforced disappearances—or even the threat of enforced disappearance—as part of a broader strategy to silence dissent. In 2019, the UN Working Group on Enforced or Involuntary Disappearances found that the recent “substantial rise in enforced disappearances has been accompanied by an increased pattern of targeting of

⁶⁶ Human rights defender interview with Ataur Rahman, Dhaka, May 2013.

⁶⁷ Human Rights Watch, *We Don't Have Him*.

⁶⁸ Golam Mortuza, “Show Investigation,” *Prothom Alo*, April 29, 2014, <https://bit.ly/3bnsqiO> (accessed March 19, 2021).

⁶⁹ Rezaul Karim, “Jamaat leader abducted and killed in Chittagong,” *Rising BD*, August 31, 2020, <https://www.risingbd.com/fascinating-world/news/25196> (accessed March 19, 2021).

political opponents and other dissidents through violations of freedoms of expression, association, and peaceful assembly.”⁷⁰

On March 9, 2020, Shafiqul Kajol, a journalist, was named in a criminal defamation complaint by a member of parliament of the ruling Awami League for a social media post.⁷¹ Kajol disappeared the next day. As the family desperately sought answers, 53 days later, on May 3, Kajol was “found” in a field by the border guards in Benapole, a town near the Indian border about 150 miles away from Dhaka. He was blindfolded, with his legs and arms bound.⁷² Instead of investigating his disappearance, authorities charged Kajol in three different cases under the Digital Security Act. Kajol’s disappearance not only silenced him but sent a message to other critical journalists and civil society. The threat of disappearance or the promise of the return of a loved one has a chilling effect on free speech that extends beyond victims or their families. Journalists and activists describe self-censoring out of fear of arrest or disappearance.⁷³ When victims return, there is one thing almost all of them have in common: they are too afraid to speak publicly about their time in detention or make any accusations against law enforcement.

Promises to stay quiet are sometimes a part of victims’ families’ pleas to return their loved ones. As Ayesha Ali, the mother of Masum, a BNP activist who was picked up by RAB officers in December 2013, told Human Rights Watch:

I am broken. There is nobody here to call me mother. The only thing I want is for my son to return. We won’t even talk about it. We’ll forget what happened, please just bring him back. Everything is lost from my end.⁷⁴

⁷⁰ Human Rights Council, “Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances,” A/HRC/WGEID/118/1, July 30, 2019, <https://undocs.org/A/HRC/WGEID/118/1> (accessed March 19, 2021).

⁷¹ “Bangladesh: Urgently Locate Missing Journalist,” Human Rights Watch news release, March 13, 2020, <https://www.hrw.org/news/2020/03/13/bangladesh-urgently-locate-missing-journalist>; “Bangladesh: Joint Call for the Release of Journalist Shafiqul Islam Kajol,” Human Rights Watch news release, August 11, 2020, <https://www.hrw.org/news/2020/08/11/bangladesh-joint-call-release-journalist-shafiqul-islam-kajol>.

⁷² “Case filed against journo Kajol for ‘trespassing into Bangladesh from India,’” *Daily Star*, May 3, 2020, <https://www.thedailystar.net/country/news/missing-journalist-kajol-found-jashore-1898968> (accessed March 19, 2021).

⁷³ Human Rights Watch, *Creating Panic*.

⁷⁴ Human Rights Watch interview with Ayesha Ali, October 29, 2020.

Torture

Although most survivors of enforced disappearance and their families decline to speak out following a victim's return, fearing further abuse or harassment, there is evidence that victims of enforced disappearance are tortured while in custody, particularly in the first days or weeks after being picked up by law enforcement.⁷⁵

In a rare case, cartoonist Ahmed Kabir Kishore spoke out about the torture that he had endured after he was released on bail in March 2021 following 10 months in custody. He was beaten so badly, his eardrum burst, "and blood was pouring out of my nose and ears," he said.⁷⁶ He also described the torture that writer Mushtaq Ahmed said he had undergone when they were illegally detained for two days.

Mushtaq was smelling strongly of urine. He too had been picked up a few days ago and had been beaten a lot. He was electrocuted in the genitals. There were newspapers on the floor and I asked Mushtaq to use that to clean himself. He took off his underwear and threw it away—I saw that it had excrement in it. He had defecated in his pants from the torture, he told me.⁷⁷

After a senior member of the BNP was detained in Chittagong in front of his family by officers wearing Detective Branch uniforms on February 4, 2014, the family was able to speak with him on the phone a few times. He told them that he was being tortured.⁷⁸ However, various law enforcement offices denied his arrest, and eventually the phone calls stopped. He is still missing.

In another case, in September 2018, family members, through an RAB contact, were able to speak with their relative who had been detained by security forces over a year earlier, in April 2017. The man said he was in RAB custody, inside a building "where no sun can enter," and that he had been tortured.⁷⁹ His family said he told them that the officials had

⁷⁵ International Federation for Human Rights, *Vanished without a Trace*.

⁷⁶ Zyma Islam, "Scars of torture all over him," *Daily Star*, March 5, 2021, <https://www.thedailystar.net/frontpage/news/scars-torture-all-over-him-2055265> (accessed March 19, 2021).

⁷⁷ Ibid.

⁷⁸ Human Rights Watch telephone interview with family member (name withheld), November 22, 2020.

⁷⁹ Human Rights Watch interview with family member (name withheld), December 2, 2020.

beaten him and “poured hot water up his nose,” describing acts that potentially constituted waterboarding.⁸⁰

In one case from 2013, among a group of several friends who were detained by the Detective Branch of police, all but two were eventually released.⁸¹ The men who had been released later told family members of those still disappeared that they had all been forced into a white microbus and blindfolded, and then locked in a “cage” and beaten.⁸²

Idris Ali, a leader of Jamaat-e-Islami, Bangladesh’s largest Islamist party, was on his motorbike returning to his house from market on August 4, 2016, when, according to witnesses, plainclothes people from a police post stopped him and forcibly dragged him away. On the morning of August 12, police informed the family that the body of a missing madrasa teacher was found on the Harinakundu-Jhenaidah road. A family member said they went to the morgue:

We went there and found his mutilated body. After conducting autopsy and postmortem examinations, police claimed that it was a case of a road mishap, and Idris’s motorcycle was found at the roadside. We, however, identified marks of severe torture on different parts of the body. There were marks of hammering behind the head. Tendons were slashed. All the parts of the body bore torture marks.⁸³

Family Members Threatened and Harassed by Law Enforcement

Law enforcement officers also threaten relatives not to pursue investigations into enforced disappearances. In some cases, police officers repeatedly visit the family, claiming that the family is sheltering the disappeared individual. Some families reported extortion with false promises of releasing an individual, protecting them from torture, or providing medical care. In numerous cases, the disappeared person had a warrant out for their arrest, and law enforcement officials, instead of investigating the disappearance, threatened families with confiscation of their property for violating an arrest warrant.

⁸⁰ Ibid.

⁸¹ Human rights defender interview with family member (name withheld), August 5, 2020.

⁸² Human rights defender interview with family member (name withheld), August 6, 2020.

⁸³ Human Rights Watch, *“We Don’t Have Him.”*

After Mohammad Rezoun Hossain, a student and Islami Chattra Shibir activist, disappeared on August 4, 2016, his family tried to file a complaint with the Benapole police. The officer-in-charge of the station at the time allegedly told them, “Do not search for Rezoun or we will slaughter you all.”⁸⁴

Mohammad Fokhrul Islam, the owner of Swift Cable Network, was picked up by RAB officers on May 11, 2013, as he was getting his car repaired. A relative said that after RAB denied the arrest, the family filed a General Diary with the police on May 13.⁸⁵ The relative said that soon after, an RAB member told him that if they went too far with the matter, they too would be disappeared.⁸⁶

Shamim Sarder’s wife, Champa Begum, said that on July 31, 2016, a group of eight to ten men picked her up with her husband and nine of their acquaintances. She said they were all pushed into a microbus and blindfolded. The next morning, she said, she was brought to the Detective Branch office in Dhaka, but her husband was not there. She and the others were eventually released but her husband, Shamim, never returned. Champa said that when a DB officer dropped her home in Chittagong, he said, “We are leaving you at your house, but don’t talk about your husband’s case or else this will be a problem for you.”⁸⁷

On December 4, 2016, however, Champa still filed a case against 10 policemen in the Chittagong Court.⁸⁸ Champa said that after she filed the case, she received threatening calls asking her to drop the case and even accusing her of hiding her husband. She reported the details to the Police Bureau of Investigation and the calls stopped in 2018.⁸⁹ The matter is still pending in court.

After Tariqul Jhontu and Nizam Munna were picked up in 2013, Jhontu’s family filed a General Diary with Dakshin Khan police station.⁹⁰ Instead of investigating the case,

⁸⁴ Human rights defender interview with [name withheld], Jessore, September 16, 2019.

⁸⁵ General Diary No 780, May 13, 2013; Human rights defender interview with relative (name withheld), Dhaka, August 8, 2020.

⁸⁶ Ibid.

⁸⁷ Human Rights Watch telephone interview with Champa Begum, November 21, 2020.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ GD numbered 436, dated 09/12/2013; numbered 431, dated 09/12/2013.

however, police harassed the family.⁹¹ Jhontu's brother, Mohammad Saiful Islam Mintu, said that new cases alleging *hartal*-related (general strikes) violence were filed against Jhontu in 2017, four years after he had allegedly been taken into custody.⁹²

Mintu said that after the cases were filed in 2017, police would come looking for Jhontu to fulfill the arrest warrant. He said they would frequently threaten the family and even served a notice that their property would be confiscated if Jhontu did not show up in court. In 2019, Jhontu's mother wrote a letter to the police saying her son had been disappeared in 2013 and requesting that the harassment stop, and the police backed off.⁹³

Local opposition leaders Khaled Hasan Sohel and Somrat Molla were picked by law enforcement outside Dhaka Central jail on November 28, 2013, where they had gone to meet two detained party colleagues. Sohel and Molla were never released, but the police continue to harass their families, accusing them of hiding the two men.⁹⁴

BNP opposition party activists Mahfuzur Rahman Sohel Sarkar, Mohammad Habibul Bashir Zahir, Mohammad Parvez Hossain, and Mohammad Hossain Chanchal were walking to meet friends at an amusement park when a white van drove up and pulled them inside on December 2, 2013.⁹⁵ A day or two after the four men were picked up, a local

⁹¹ Human rights defender interview with Mohammad Saiful Islam Mintu, Dhaka, November 2, 2020.

⁹² Human Rights Watch telephone interview with Mohammad Saiful Islam Mintu, November 11, 2020; Cases filed against opposition members who were either dead, were abroad, or hospitalized were common in the lead-up to the 2018 election, so much so that they were colloquially deemed “ghost cases.” For instance, on October 17, 2018, Zassim Uddin Chaudhary, a BNP supporter, was charged with throwing petrol bombs in Chittagong, exactly a year to the day since his death. Another, Mintu Kumar Das, a Dhaka BNP leader charged with blocking a road on September 11, 2018, died in 2007. Police Chief Mohammad Javed Patwary acknowledged numerous such errors had occurred. The BNP filed a lawsuit challenging these allegations, pointing out that the accusations are frequently identical in numerous cases, with little more than the names, date, and place of the purported incident changed in an otherwise fixed format. According to the BNP's lawsuit, the purpose of these cases is to “keep [the accused] away from the electoral process.” Among those targeted are likely candidates or polling agents whose role would be to supervise voting centers on behalf of the party. The court rejected the petition. Human Rights Watch, *Creating Panic*.

⁹³ Human Rights Watch telephone interview with Mohammad Saiful Islam Mintu, November 11, 2020.

⁹⁴ AFAD, “Disappearance of Justice,” January 30, 2018, https://www.afad-online.org/images/2018/Report_Disappearance_bangladesh2018.pdf (accessed March 31, 2021).

⁹⁵ Ibid. The GD, filed on January 7, 2014, at Bangshal Thana, states that Sohel “went out of the house but never came back.... Even after searching every possible place, we did not find any trace of him.”; Human Rights Watch interviews with Farzeena Akhter, Dhaka, October 15, 2014, and May 9, 2016; Human Rights Watch interview with Anwar Hossain, Dhaka, October 15, 2014.; The GD, filed at the Bangshal police station by Zahir's older brother, Kamal Hossain, states: “My younger brother went out of the house just like every other day. Later on, at 2 p.m. when I called his cell phone number, he told me that he was in the TSC arena. Afterwards I found his phone switched off. After searching every possible place we have found no trace of him.”

businessman said he saw them in custody at the DB office, but the authorities deny the detention.⁹⁶ Instead, their families complained that the police continue to visit them, searching for the disappeared men. One family paid a bribe to the police to stop the harassment.⁹⁷ Another was even issued a notice that the court would confiscate their property if their disappeared relative did not surrender.⁹⁸

Mir Ahmad Bin Quasem, also known as Armaan, was picked up from his house by seven or eight men late on August 9, 2016, in the presence of his wife and sister. After his disappearance, Armaan's family described facing threats and harassment from the police. At one point after some particularly high-profile media coverage, the family said law enforcement raided their house: "After that [media coverage], the entire house was surrounded by RAB. One hundred or more. It was scary. They raided the entire house. The stairs were full of police officers."⁹⁹

Moshidul Islam's family said that since he was picked up on April 19, 2017, police have come frequently, following up on arrest warrants and asking for money, saying, "You give us money and we'll leave you alone."¹⁰⁰

⁹⁶ Ibid.

⁹⁷ Human Rights Watch telephone interview (name withheld), November 11, 2020.

⁹⁸ Ibid.

⁹⁹ Human Rights Watch telephone interview with family member (name withheld), October 27, 2020.

¹⁰⁰ Ibid.

III. Denial of Justice

Bangladesh authorities refuse to admit to serious crimes like extrajudicial killings and enforced disappearances, despite such findings by UN institutions and independent human rights groups.¹⁰¹

As US Senator Patrick Leahy said in October 2017:

In correspondence with officials of the Government of Bangladesh over a period of several years and in conversations with officials of our own State Department, I, like many others, have raised concerns about enforced disappearances, arbitrary arrests, unfair trials, extrajudicial executions, and other flagrant violations of the rule of law by the government of Prime Minister Sheikh Hasina Wajed and particularly by the Rapid Action Battalion, RAB. Like the inquiries and appeals of others, my concerns have been responded to by Bangladeshi officials with blanket denials, obfuscation, and even falsehoods.¹⁰²

In 2018, UN High Commissioner for Human Rights Michelle Bachelet encouraged the government to “take urgent measures to observe human rights in criminal justice and law enforcement officials and address serious allegations of extrajudicial executions, disappearances, and torture.”¹⁰³ The UN Working Group on Enforced or Involuntary Disappearances has repeatedly raised concerns over documented cases of enforced disappearances and requested official visits to Bangladesh, but has been met with almost no response at all.¹⁰⁴ During the 2017 review of Bangladesh’s commitments under the International Covenant on Civil and Political Rights, the committee stated that it was

¹⁰¹ Ruma Paul, “Rights group accuses Bangladesh of torture; government says report baseless,” Reuters, July 29, 2019, <https://www.reuters.com/article/uk-bangladesh-politics-report/rights-group-accuses-bangladesh-of-torture-government-says-report-baseless-idUKKCN1UOoNo> (accessed March 19, 2021).

¹⁰² Senate Congressional Record, S6711, October 23, 2017, <https://www.congress.gov/115/crec/2017/10/23/CREC-2017-10-23-pt1-PgS6711-3.pdf> (accessed June 29, 2021).

¹⁰³ OHCHR, Letter from Michelle Bachelet to Bangladesh Law Minister Anisul Huq, November 2, 2018, https://lib.ohchr.org/HRBodies/UPR/Documents/Session30/BD/HC_LetterBangladesh_30Session.pdf (accessed March 19, 2021).

¹⁰⁴ OHCHR, “UN expert group urges Bangladesh to stop enforced disappearances,” Geneva, February 24, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E> (accessed March 19, 2021).

“concerned that the lack of investigations and accountability of perpetrators leave families of victims without information and redress.”¹⁰⁵

On August 10, 2019, the Committee against Torture released its concluding observations on the review of Bangladesh, noting that the authorities had not independently investigated claims by a senior RAB official on Swedish National Radio that “members of the force regularly abducted, tortured, and killed individuals selected by their superiors and disposed of their bodies without leaving evidence, or planted weapons to support claims that they were killed in self-defence.”¹⁰⁶ Following the review, the UN human rights body described the police as a “state within a state,” asserting that “in general, one got the impression that the police, as well as other law enforcement agencies, were able to operate with impunity and zero accountability.”¹⁰⁷

While the government has refused to admit to serious crimes such as extrajudicial killings and enforced disappearances, some senior officers have openly bragged about these abuses. For instance, one officer implicated in the July 2020 murder of Major Sinha had previously boasted about killing “drug dealers” in “gunfights.” Instead of being investigated, he was awarded a medal. A couple of months later, he openly admitted to being involved in intentional “crossfire” killings, saying that his team “only targeted criminals.”¹⁰⁸ As US Senator Patrick Leahy said, “Despite such attempts to deflect responsibility, it is beyond a doubt that the rule of law is often violated by Bangladeshi law

¹⁰⁵ Human Rights Committee, “Concluding observations on the initial report of Bangladesh,” CCPR/C/BGD/CO/1, April 27, 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBGD%2fCO%2f1&Lang=en (accessed March 19, 2021).

¹⁰⁶ The Committee further outlined specific recommendations including publishing a list of all recognized detention sites, allowing representatives of nongovernment organizations and an independent body to make unannounced visits to these sites, and allowing them to speak confidentially with any individuals in the facility, and called for independent and thorough investigations of all disappearances and prosecution and punishment of officials found responsible. But the government has not even submitted a follow-up report, let alone implemented any of these recommendations. Committee against Torture, “Concluding Observations on the initial report of Bangladesh,” CAT/C/BGD/CO/1, August 26, 2019, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqgRP%2BqMxsHC87lCad8ka3DUpHWZxnSYlrsZb%2BjutT8cwUmdLcjzTGdyUVFhyA3LMfy86GCE%2BvjgX1E8Z61aCE24rf03z5%2fQYIO95H7EP7rO> (accessed March 19, 2021); Human Rights Council, “Report of the Working Group on Enforced or Involuntary Disappearances,” A/HRC/45/13, August 7, 2020, <https://undocs.org/A/HRC/45/13> (accessed March 19, 2021); Human Rights Council Working Group on Enforced or Involuntary Disappearances, “Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances,” A/HRC/WGEID/118/1, July 30, 2019, <https://undocs.org/A/HRC/WGEID/118/1> (accessed March 19, 2021).

¹⁰⁷ OHCHR, “Committee Against Torture examines the situation in Bangladesh,” July 30, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24866&LangID=E> (accessed June 29, 2021).

¹⁰⁸ Brad Adams, “Bangladesh’s Crossfire Culture Hits Home,” *The Diplomat*.

enforcement agencies. This conduct has become so ingrained that it is not an overstatement to describe Prime Minister Wajed's government as one that condones state-sponsored criminality."¹⁰⁹

There is a pattern in which those willing to oversee abuses appear to be promoted and rewarded. A month after the December 2018 general election, for example, the government presented 349 awards to police officers—nearly twice as many as the previous year.¹¹⁰ A number of those awards were specifically for acts of repression and targeting of critics.¹¹¹

One officer received a medal for his role in the arrest of photographer and activist Shahidul Alam who, according to the police medal book, was arrested for his “anti-state propaganda on Al Jazeera TV.”¹¹² Another 15 officials were awarded for surveillance and arrests of student leaders who staged protests during the summer of 2018 calling for a reform to the quota system for government jobs and for improved road safety.¹¹³ Another officer received a President Police Medal for his role in the arrest of a leader of the quota reform movement. The current inspector general of police, Benazir Ahmed, received a medal for his work as the head of RAB in the lead-up to the election and during the bloody “war on drugs”—a period when there were 136 extrajudicial executions and 10 enforced disappearances, allegedly by RAB officers after which he was promoted as the head of police.¹¹⁴ Gen. Aziz Ahmed, who was Bangladesh chief of army staff, Bangladesh's highest-ranking army official, until he retired on June 24, 2021, also faces serious allegations, including involvement of members of his family in abuses by Bangladeshi

¹⁰⁹ Senate Congressional Record, S6711, October 23, 2017.

¹¹⁰ These awards not only convey prestige, but offer lifetime monetary compensation as well. Nurul Amin and Zia Chowdhury, “Police Awards 2020: the number of medalists decreases to one-third,” *TBS News*, December 30, 2019, <https://tbsnews.net/bangladesh/police-awards-2020-number-medallists-decreases-one-third> (accessed March 19, 2021); Shariful Islam, “Medal galore for police personnel,” *Daily Star*, January 30, 2019, <https://www.thedailystar.net/country/349-police-get-police-medal-award-2018-1694515> (accessed March 19, 2021).

¹¹¹ “Bangladesh: Election Abuses Need Independent Probe,” Human Rights Watch news release, January 2, 2019, <https://www.hrw.org/news/2019/01/02/bangladesh-election-abuses-need-independent-probe>.

¹¹² Muktadir Rashid, “Police week awards trigger criticism,” *New Age*, February 8, 2019, <https://www.newagebd.net/article/64173/police-week-awards-trigger-criticism> (accessed March 19, 2021); “Bangladesh: Stop Attacks on Student Protestors, Critics,” Human Rights Watch news release, August 6, 2018, <https://www.hrw.org/news/2018/08/06/bangladesh-stop-attacks-student-protesters-critics>.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.* Odhikar, “Total Extra-Judicial Killing from 2001-2020,” http://odhikar.org/wp-content/uploads/2021/01/KLEA_2001-2020.pdf (accessed March 18, 2021); Odhikar, “Enforced Disappearances, 2009-2020,” http://odhikar.org/wp-content/uploads/2020/02/Statistics_Disappearance_2009-2019.pdf (accessed March 18, 2021).

security forces, as well as the commission of grave human rights abuses by military units under his command.¹¹⁵

There have been a limited number of cases in which security forces have been held accountable for abuses. In most, the victims have been members of the ruling party or the security forces, such as in the case of the killing of Major Sinha in 2020. In one high-profile and rare case on January 16, 2017, the Narayanganj District and Sessions Court sentenced 26 people, including 16 members of RAB, to death for their role in a 2014 politically motivated murder case.¹¹⁶ Nine other RAB members were sentenced to prison terms.

The Narayanganj Seven

On April 27, 2014, Nazrul Islam was returning from court when, according to eyewitnesses, he was abducted with three associates and his driver. His lawyer, Chandan Kumar Sarkar, who was following in another car, was abducted along with his driver. Seven bodies floated up in a river in Narayanganj soon after, eliciting public outrage.

A government investigation concluded that members of RAB-11 had been involved in the murders.¹¹⁷ The court ruled that local Awami League politician, Nur Hossain, had contracted members of RAB-11, the unit deployed in the area, to abduct and kill his political rival, Nazrul Islam, also an Awami League official, and convicted 25 RAB officials and 10 others.

The Bangladesh government has held up the Narayanganj case as evidence that it is willing and able to investigate abuses by security forces and hold those responsible

¹¹⁵ Human Rights Watch, *Democracy in the Crossfire*.

¹¹⁶ Kamran Reza Chowdhury, "Bangladesh: RAB Officers Among 26 Sentenced to Die for 2014 Killings," *Benar News*, January 1, 2017, <https://www.benarnews.org/english/news/bengali/death-sentences-01162017105958.html> (accessed March 31, 2021). Human Rights Watch opposes the death penalty in all circumstances because of its inherent cruelty.

¹¹⁷ Meenakshi Ganguly, "After Narayanganj verdict, Bangladesh should disband RAB," Human Rights Watch dispatch, January 19, 2017 <https://www.hrw.org/news/2017/01/19/after-narayanganj-verdict-bangladesh-should-disband-rab> (accessed March 19, 2021).

to account, including RAB officials.¹¹⁸ But this case is an exception, and in fact, some of the accused officers had previously been implicated in other abuses, including enforced disappearances, and had faced no consequences.

Among those convicted in the Narayanganj Seven case was Lt. Col. Tareque Mohammad Sayeed, who had previously been allegedly involved in multiple disappearance cases, including those of BNP politicians Mohammad Saiful Islam Hiru and Mohammad Humayun Kabir Parvez. The men were in an ambulance on their way to the hospital with their friend on November 27, 2013, when RAB officers intercepted the vehicle, forced them into an RAB vehicle, and took them away.¹¹⁹ Saiful and Humayun remain missing.

When the families inquired at the office of RAB-11 the day after the two men were picked up, officers denied the detention. That day, Humayun's father, Mohammad Rongu Mia, filed a case at the Comilla Court against various RAB and police officials who they believed were involved, including Lt. Col. Tareque.¹²⁰ The court directed the police to submit an investigation report to the court, but the report quickly concluded that RAB had not been involved. The family submitted a *Naraji* petition—a petition arguing that the police investigation was fraudulent—and the magistrate ordered the Criminal Investigation Department (CID) to re-investigate the case. Over seven years later, the CID has yet to submit an investigation report and there has been no progress in the case.¹²¹

Two weeks after Mohammad Ismail Hossain was picked up by law enforcement in February 2014, his wife Joshna said she received a letter in her husband's handwriting telling the family to pay 20 million taka (about US\$237,000) in ransom to Lt. Col. Tareque, who was then the commanding officer of Rab-11. Joshna said she

¹¹⁸ Committee against Torture, "Initial report submitted by Bangladesh under article 19 of the Convention, due in 1999," CAT/C/BGD/1 October 3, 2019 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fBGD%2f1&Lang=en (accessed March 19, 2021).

¹¹⁹ Human Rights Watch, *Democracy in the Crossfire*.

¹²⁰ Human rights defender interview with Shahnaaz, Comilla, July 2020. Case number- CR 247/14, dated 29/05/2014. Case filed under sections 147, 148, 149, 447, 448, 380, 364, and 34 of the penal code.

¹²¹ Ibid.

went to Lt. Col. Tareque and told him that they had managed to collect 10 million taka (about US\$118,500), but she said he refused anything below 20 million, and warned her against disclosing to the media.¹²²

In another case a month later, on March 19, 2014, Kazi Rokibul Hassan Shaon was picked up by officers in RAB and police uniforms in front of his father and wife. The family learned through military connections that Shaon was in the custody of RAB-11, and that he was being brutally tortured.¹²³ But when the family pursued Shaon's case with RAB-11, which at the time was under the command of Lt. Col. Tareque, they hit a dead end.

Denying Abuses

Authorities have often used cases in which victims of enforced disappearance are returned to absolve security forces in disappearances cases, alleging that victims are either deliberately in hiding or were targeted by their enemies.

In 2016, Home Minister Asaduzzaman Khan Kamal told Voice of America that those missing were hiding “to embarrass the government globally.”¹²⁴ In 2017, he told the *Guardian*, “Some people are disappearing because they were unable to clear debts.... Some are disappearing for some social reasons. Some disappear also after they know that they have committed serious crimes and the law enforcement agencies are trailing them.”¹²⁵ Prime Minister Sheikh Hasina's son, Sajeeb Wazed, wrote ahead of the 2018 election that allegations of enforced disappearances are all false:

The truth is the government is investigating the so-called disappearances—every one of them. Several have turned out to be ruses staged by individuals who were trying to evade the law because charges were pending

¹²² Human Rights Watch telephone interview with Joshna Begum, December 9, 2020.

¹²³ Human Rights Watch telephone interview with family member (name withheld), November 12, 2020.

¹²⁴ Maaz Hussain, “Enforced Disappearances Rise in Bangladesh,” VOA News, November 1, 2016, <https://www.voanews.com/east-asia-pacific/enforced-disappearances-rise-bangladesh> (accessed March 19, 2021).

¹²⁵ Michael Safi, “Bangladesh PM claims ‘forced disappearances take place in UK and US,’” *Guardian*, November 25, 2017, <https://www.theguardian.com/world/2017/nov/25/bangladesh-pm-sheikh-hasina-claims-forced-disappearances-take-place-in-uk-and-us> (accessed March 19, 2021).

against them.... Many of the “disappeared” are leaders of the opposition who are accusing the government of kidnapping them while they are, in fact, trying to avoid arrest by disappearing.¹²⁶

He described some of the documented disappearances as “almost comical,” citing the case of Salahuddin Ahmed, a prominent BNP politician, and claiming that he had “concocted the entire episode in an attempt to avoid trial in Bangladesh.”¹²⁷ Ahmed was found disoriented in India two months after he was handcuffed and taken away by men identifying themselves to be from the Detective Branch of the police on the evening of March 10, 2015, according to an eyewitness.¹²⁸

Refusal to Acknowledge Disappearances, Lodge Police Complaints

When an alleged enforced disappearance occurs, family members of the victim most often go to the police to report the case in the hopes of initiating an investigation. However, many families said that officers either refused to file a case at all, at times citing “direction from a higher authority,” or only accepted a missing person complaint that removed any allegations of law enforcement involvement.

Tapan Chandra Das, a businessman, was in a rickshaw with his business partner, Gobinda Das, on their way home from a meeting on August 3, 2011, when he was detained by men claiming to be members of the Detective Branch in Dhaka.¹²⁹ According to Gobinda, the two men were pulled into a microbus, blindfolded, and handcuffed.¹³⁰ The vehicle eventually stopped near the police Detective Branch on Mintu Road in Dhaka. The men ordered Gobinda to get out of the microbus and walk straight ahead without looking back. When Tapan’s wife, Shumi Das, heard what happened, she went to the police but was shuffled

¹²⁶ Sajeeb Wazed, “Bangladesh: ‘Disappeared’ Reappear All the Time,” *The Diplomat*, May 23, 2018, <https://thediplomat.com/2018/05/bangladesh-disappeared-reappear-all-the-time/> (accessed March 19, 2021).

¹²⁷ Ibid.

¹²⁸ Meenakshi Ganguly, “Forcibly Disappeared in Bangladesh,” Human Rights Watch dispatch, March 25, 2015, <https://www.hrw.org/news/2015/03/25/dispatches-forcibly-disappeared-bangladesh>; David Bergman and Mukhtadir Rashid “Anatomy of a Disappearance, and a Reappearance,” *The Wire*, May 23, 2015, <https://thewire.in/external-affairs/anatomy-of-a-disappearance-and-a-reappearance> (accessed March 19, 2021).

¹²⁹ Human Rights Watch phone interview with Shumi Das, October 24, 2020.

¹³⁰ Odhikar, “Fact Finding Report: Tapan Das, abducted by alleged DB police from Shyampur in Dhaka,” August 3, 2011, <http://odhikar.org/wp-content/uploads/2012/10/fact-finding-disappearances-Tapan-Das-2011-eng.pdf> (accessed March 19, 2021); Human rights defender interview with Gobinda Das, Dhaka, July 30, 2020; Human Rights Watch phone interview with Shumi Das, October 24, 2020. Later, an eyewitness would tell Tapan’s father and brother-in-law that she had seen seven or eight men pick up Tapan and Gobinda and force them into a white van.

from station to station. She was finally able to file a General Diary at Shyampur police station, but when requested that it be noted that Tapan had been picked up by men identifying themselves as Detective Branch, the police refused, and instead filed it a missing person case.¹³¹

There were numerous witnesses when on June 20, 2011, Nur Hasan Hiru, then-BNP organizing secretary in Uttara, Dhaka, was picked up by five or six men. Eyewitnesses, including Hiru's brother Ali Hossain, said the men were in plainclothes but claimed to be from law enforcement. Hiru's family later heard from a security force contact that he was in RAB custody.¹³² The police initially refused to file a General Diary, then later registered the complaint but refused to include that Hiru was taken by law enforcement officers.¹³³

Former lawmaker and BNP leader Ilias Ali and his driver Mohammad Ansar went missing the night of April 17, 2012.¹³⁴ Witnesses saw a microbus deliberately collide with their car, forcing it stop, and several men jumped out of the microbus, capturing Ilias and Ansar and driving away.¹³⁵ Before Ilias disappeared, there were at least 13 cases brought against him since the ruling Awami League came into power in 2009.¹³⁶

According to a 2019 report by FIDH, before Ilias Ali's disappearance, a member of the Special Security Force claimed that he was "on the list of names against whom the government was making plans."¹³⁷ Ilias's wife, Tahsina Rushdir, lodged a General Diary with the Banani police station on April 18, 2012. But she said the police refused to proceed due to "orders from above."¹³⁸

In the early morning of December 5, 2013, RAB officers in uniform came to the home of Adnan Chowdhury, an opposition party BNP supporter, and dragged him away in front of

¹³¹ Human Rights Watch phone interview with Shumi Das, October 24, 2020.

¹³² Human Rights Watch telephone interview with family member (name withheld), November 6, 2020.

¹³³ Ibid.

¹³⁴ "Bangladesh: Alarming Rise in 'Disappearances,'" Human Rights Watch news release, April 26, 2012, <https://www.hrw.org/news/2012/04/26/bangladesh-alarming-rise-disappearances>.

¹³⁵ Human Rights Watch telephone interview with Mohammad Abrar Ilias, October 28, 2020.

¹³⁶ Ibid.

¹³⁷ International Federation for Human Rights, *Vanished without a Trace*.

¹³⁸ Human Rights Watch telephone interview with family member (name withheld) October 28, 2020.

his father and wife. When Adnan's father went to RAB and police offices, he was told that law enforcement had no information about Adnan's whereabouts. He said:

I went back a number of times [to the police station] over the next month to file a GD [General Diary], but they did not let me file one if I alleged that RAB was involved. I then agreed to drop the word "RAB" and instead put "law enforcement agency," but the police still did not allow me to file a GD. As a result, I did not file a GD.¹³⁹

On the evening of December 6, 2013, witnesses saw a group of men claiming to be law enforcement officers pick up BNP student activists Nizam Munna and Tariqul Jhontu in a white microbus near Dhaka's international airport. Saiful Islam Mithu, Jhontu's younger brother, went to the court assuming that Jhontu would be brought there, but he was not, so Mithu went to file a complaint at Dokinkan police station.¹⁴⁰ He said:

The duty officer said, "If you want to accuse a law enforcing agency of taking your brother, then you have to specify the name of the person in the DB team member who had picked him up. Otherwise, you just file a GD saying that your brother is missing." Since I had no idea about the exact identity of the people who had taken my brother, I filed a GD, stating that he had gone missing.¹⁴¹

Munna's father said he also tried to lodge a complaint but was not allowed:

The duty officer told me that the police would not allow a complaint against RAB or any law enforcing agency. I was told that if I wanted to file a GD, I would have to say that my son went missing.¹⁴²

¹³⁹ Human Rights Watch interviews with Ruhul Amin Chowdhury, Dhaka, October 23, 2014, and May 6, 2016.

¹⁴⁰ Human Rights Watch interviews with Saiful Islam Mithu, Dhaka, October 25, 2014, and May 16, 2016.

¹⁴¹ On December 9, 2013, Jhunta's mother, Hasina Begum, filed a GD at Dokinkan police station stating that her son had gone missing. "Around 10:30 at night on 6/12/13, he went out of the home to go to the shop, and never returned," it states. Copy on file with Human Rights Watch.

¹⁴² Human Rights Watch interview with Shamsuddin, Dhaka, May 14, 2016.

Law Enforcement Refusal to Investigate Disappearances

Even if the police accept a “missing person” complaint, they do not investigate these cases. In several cases documented by Human Rights Watch, the police did not record eyewitness testimony. Nor did they make any attempt to trace mobile phone signals to try and establish the last known location. Instead, they routinely filed closure reports, including in cases where courts ordered an investigation.

On February 12, 2015, Nur Alam, a leader of the opposition party student wing, was picked up by a group of men, some wearing police uniforms and others in plainclothes, according to eyewitnesses. When his brother asked why they were taking him and where they were going, they told him to contact the local police station.¹⁴³ But when the family went to the police and other law enforcement, they all denied having Nur in their custody.¹⁴⁴ Nur’s family filed a General Diary with the Joydebpur police station, but the police only accepted a complaint of abduction by men in plainclothes, not police uniforms.¹⁴⁵ Two years later, Nur’s brother said he received a notice from the chief judicial magistrate that the police had issued a final report, closing the case. Nur is still missing.

Tariqul Islam Tara, a Chhatra Dal leader, was detained on August 13, 2012, by men who told his family that they were police. He was never shown arrested. Tariqul’s family said that after they filed a complaint about the illegal detention, police in plainclothes came to their house at night and tried to take away another family member. They lodged another General Diary with the Pallabi police after this incident. Soon after, the Pallabi police filed a final report in the case of Tariqul’s abduction, closing the case.¹⁴⁶ Tariqul is still missing.

Failure of Redress Mechanisms

There are three main avenues through which victims and their families can seek recourse when police or other authorities fail to uphold their duties to investigate a disappearance or when police are believed to be involved: the Police Internal Oversight (PIO) Unit, the National Human Rights Commission, or the courts. In reality, these mechanisms are essentially set up to fail when it comes to accountability for security forces.

¹⁴³ Human rights defender interview with Rina Alam, Gazipur, July 31, 2019.

¹⁴⁴ Ibid.

¹⁴⁵ Case no. 89(2)15, dated 17/02/2015. Filed under sections 170, 365, and 34 of the penal code.

¹⁴⁶ Human rights defender interview with (name withheld), Dhaka, July 25, 2020.

Police Internal Oversight Unit

The Police Internal Oversight Unit, created in 2007, is responsible for responding to, investigating, and adjudicating all complaints against police. The unit, however, operates without transparency, raising serious concerns about the independence and legitimacy of its investigations.

The government has not released statistics on the reported abuses committed by the police and there is no mechanism by which complainants, let alone civil society, can access information about procedures for PIO investigations or the outcome of cases. According to the 2019 US Human Rights Report, of “the few known instances in which the government brought charges, those found guilty generally received only administrative punishment.”¹⁴⁷

National Human Rights Commission

The National Human Rights Commission’s legal framework limits its purview over security forces, in effect exempting them from any independent oversight.¹⁴⁸ Under the National Human Rights Commission Act, 2009, the most that the commission can do regarding investigations into police abuses is to request investigation reports from the Ministry of Home Affairs. However, the ministry is not obligated to comply, and there are no consequences for failure to do so.

As a result, when victims or their families bring complaints of police misconduct, including enforced disappearances, even if the NHRC does intervene, the measure has no teeth. In 2017, during its review of Bangladesh’s compliance with its commitments under the International Covenant on Civil and Political Rights (ICCPR), the Human Rights Committee stated:

The Committee is concerned that the National Human Rights Commission may not have a broad enough mandate to investigate all alleged human rights violations, including those involving State actors such as the police,

¹⁴⁷ US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices – 2019: Bangladesh,” February 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bangladesh/> (accessed March 19, 2021).

¹⁴⁸ National Human Rights Commission Act, 2009, secs. 12(2), 18.

military and security forces. It is also concerned that the Commission lacks sufficient financial and human resources to fulfil its mandate (art. 2).¹⁴⁹

In the case of the enforced disappearances of BNP opposition student activists Sajedul Islam Sumon and his friends on December 4, 2013, for example, the NHRC was largely ignored and proved ineffective.¹⁵⁰

A year after the detentions, in December 2014, Sajedul Islam Sumon's family made a formal complaint to the National Human Rights Commission. On December 17, then-chair of the NHRC wrote to the most senior civil servant of the Ministry of Home Affairs setting out the allegation and "appealing to the government to take necessary action to bring back the son of Hazera Khatun and the others to the parents," and to inform the NHRC what action the ministry had taken by January 15, 2015.¹⁵¹

The ministry did not respond to this letter or to six other monthly reminders that the NHRC sent. On August 28, 2015, the ministry finally replied, stating that Sumon's family had filed a case with the Vatara police station on January 26, 2014, and that the case was under investigation.¹⁵² In a letter dated November 15, 2015, Sumon's mother wrote that they had never filed a case of this kind because when they had gone to do so, "the police refused to take the case."¹⁵³

The NHRC then wrote to the ministry stating that the police report did not contain any specific steps as to "how you are trying to get the victims back," and asked for a detailed report by December 20, 2015. On January 14, 2016, police sent a letter to Sumon's mother asking her to come to the police station. However, Hazera was afraid to go to the police station, so did not attend the meeting.¹⁵⁴

¹⁴⁹ Human Rights Committee, "Concluding observations on the initial report of Bangladesh," April 27, 2017.

¹⁵⁰ Human Rights Watch, *We Don't Have Him*.

¹⁵¹ Full correspondence of the National Human Rights Commission on file with Human Rights Watch.

¹⁵² Ibid.

¹⁵³ Ibid. The case that the ministry and police were referencing had been filed by Al Amin's family.

¹⁵⁴ Jamil Mahmud and Tuhin Shubhra Adikary, "Picked up, they never return," *Daily Star*, August 30, 2014, <https://www.thedailystar.net/picked-up-they-never-return-39283> (accessed March 19, 2021); Human rights defender interview with Hajera Khatun, Dhaka, August 2, 2020.

Members of RAB-2 allegedly told Mohammad Imam Hassan’s family that they had him in their custody after rescuing him from kidnappers on March 5, 2012. However, when his parents went to pick him up from the RAB-2 offices, some officers demanded a bribe. Even after they were paid, Hassan was not returned.¹⁵⁵ On April 30, after his father Ruhul submitted a complaint, the NHRC directed the Home Ministry to take necessary steps to resolve the case, but the ministry in turn directed RAB to investigate itself.¹⁵⁶

Ruhul said that the NHRC also told him that the Anti-Corruption Commission had investigated the matter and found no evidence of the RAB officer taking any bribe. Ruhul then filed a habeas corpus writ petition to the High Court Division and on November 13, 2012, the court ordered RAB-2 officials to produce Hassan before the court.¹⁵⁷ However, over eight years later, there has been no progress. In 2019, Hassan’s mother, Minara Begum, told the media, “I have been waiting for my son every day for the last seven years.”¹⁵⁸

Courts

Sometimes the courts do intervene to spur investigations, particularly when a complainant files a *Naraji* petition—a petition arguing that the police investigation was fraudulent, biased, or politically influenced. But invariably, the response is to pass the case from unit to unit, each repeatedly closing the case.

Tariqul Alam Tuhin’s wife, Salma Khatun, said that the last she spoke to her husband was at 9:17 a.m. on March 7, 2013, when he told her on the phone that he was coming back to Benapole on a flight from Dhaka. He never returned. She believes that RAB had something to do with Tuhin’s disappearance because some officers had come looking for him in the days before he disappeared, on March 3 and March 5.¹⁵⁹

¹⁵⁵ Ibid.

¹⁵⁶ Lutfar Rahman, “Badal has not returned in seven years,” *KalerKantho*, August 30, 2019, <https://www.kalerkantho.com/print-edition/priyo-desh/2019/08/30/808844> (accessed March 19, 2021).

¹⁵⁷ Writ No. 14880 of 2012.

¹⁵⁸ Lutfar Rahman, “Badal has not returned in seven years,” *KalerKantho*.

¹⁵⁹ Monirul Islam, “Panel Mayor Tuhin was abducted by RAB, the wife alleged,” *Prothom Alo*, May 10, 2014, <https://bit.ly/3bFyKtI> (accessed March 19, 2021).

On March 12, Tuhin's cousin, Sumon Mahmud, filed a General Diary with the Sher-e-Bangla Nagar police station. On March 13, 2014, the family filed a complaint of kidnapping.¹⁶⁰ But Mahmud said that without properly investigating the case, the Sher-e-Bangla Nagar police submitted the final report to the Dhaka Chief Metropolitan Magistrate Court, essentially closing the case. He filed a Naraji petition and the court directed the Detective Branch of police to investigate the case. The DB police also submitted a final report, so Mahmud again filed a Naraji petition.

The court then ordered the Criminal Investigation Department to investigate the case. When the CID, like the others, submitted a final report to the court, Mahmud filed another Naraji petition. The court directed the Police Bureau of Investigation to investigate the case. The PBI filed another final report and again Mahmud filed a Naraji petition. This time, the court referred the case back to the CID to re-investigate the case, where it is currently pending.¹⁶¹ Tariqul is still missing.

Sajedul Islam Sumon's mother filed a habeas corpus petition before the High Court in March 2016, saying that her son had been illegally detained by RAB.¹⁶² On March 10, 2016, the court passed a rule calling upon the Bangladesh government and various policing bodies to "show cause as to why the arrest/abduction/causing disappearance of the petitioner's son Sajedul Islam Sumon ... should not be declared to be illegal and without lawful jurisdiction," and pass such orders as the court considers necessary.¹⁶³

Following this order, the inspector general of police responded in an affidavit: "It was learnt from the respective units that neither Rapid Action Battalion nor any other unit of Bangladesh Police arrested said Sajedul Islam Sumon."¹⁶⁴ RAB also filed an affidavit with the court stating, "RAB-1 did not pick up or arrest the petitioner's son Sajedul Islam Sumon and others," and that "we are trying to find out the victims."¹⁶⁵ At time of writing, there had been no further court hearing since the High Court passed its order.

¹⁶⁰ Case number 15, dated 12/03/2013. Human rights defender interview with Salma Khatun, Dhaka, July 2020.

¹⁶¹ Human rights defender interview with Sumon Mahmud, Dhaka, July 28, 2020.

¹⁶² Writ Petition no. 2604/2016.

¹⁶³ Court order relating to WP 2604/2016, given by Justice Syed Muhammed Dastagir Husain and Justice AKM Shahidul Huq, October 1, 2016.

¹⁶⁴ Affidavit in opposition filed by inspector general of police in WP 2604/2016, in response to order of court.

¹⁶⁵ Affidavit in opposition filed by Lt. Cl. Tuhin Mohammad Masud, commanding officer, RAB-1, in WP 2604/2016, in response to order of court, April 4, 2016.

After Ilias Ali was picked up in April 2012, his family filed a writ petition with the High Court which called on respondents to show cause within 10 days as to why Ilias had not been brought to court. The court ordered police to submit weekly reports updating the court on the status of the case. Although the police initially complied with the order, the reports did not provide any substantial information, and they stopped reporting after six months.¹⁶⁶

After Habibur Rahman was picked up in 2018 by men claiming to be from law enforcement, his daughter, Jesmin Begum, filed a writ petition to the High Court. The court ordered police to file a report of the incident.¹⁶⁷ The police filed a report in the High Court saying that the Criminal Investigation Department had started an inquiry. However, over nine years later, no progress has been made.¹⁶⁸ Habibur Rahman is still missing.

On January 26, 2016, Sheikh Mohammad Moazzem Hossain Tapu, a local leader of the Awami League student wing, was allegedly picked up from an apartment in the Bashundhara neighborhood of Dhaka by men claiming to be from the Detective Branch. However, law enforcement denied having him in custody.¹⁶⁹

After the Vatara police station submitted a final report, closing the case, the family filed a Naraji petition. The court ordered the case be transferred to the Criminal Investigation Department, but the CID filed a final report as well, closing the case. The family filed a new case with the Dhaka Chief Judicial Magistrate's Court in 2020, and the court ordered the Police Bureau of Investigation to investigate. It remains pending.¹⁷⁰

Tapu's family organized several press conferences seeking information and complained about threats and demands for bribes.¹⁷¹ His mother, Saleha Begum, said:

¹⁶⁶ International Federation for Human Rights, *Vanished without a Trace*; Human Rights Watch telephone interview with family member (name withheld), October 28, 2020.

¹⁶⁷ Human rights defender interview with Jesmin Begum, Bagerhat, July 12, 2020.

¹⁶⁸ Ibid.

¹⁶⁹ Human Rights Watch telephone interview with Saleha Begum, January 10, 2017.

¹⁷⁰ Human rights defender interview with Saleha Begum, Dhaka, July 22, 2020.

¹⁷¹ "BCL man missing for 18 days," *Daily Star*, February 14, 2016, <http://www.thedailystar.net/city/bcl-man-missing-18-days-510808> (accessed December 8, 2020).

We've never received an official acknowledgment that he is in custody. We don't know where he is being held. At least if there was a body, we would know what happened. We don't know if he's dead or alive.¹⁷²

¹⁷² Human Rights Watch telephone interview with Saleha Begum, January 10, 2017.

IV. International and National Legal Standards

Bangladesh is party to the Rome Statute setting up the International Criminal Court. The statute includes enforced disappearances as one of the crimes against humanity over which the court has jurisdiction.¹⁷³ Under the Rome Statute, enforced disappearances amount to a crime against humanity when committed as part of a widespread or systematic “attack on a civilian population.”¹⁷⁴

Although Bangladesh law does not contain any specific criminal offense of “enforced disappearance,” the penal code criminalizes various kinds of abduction, which can be punished by up to 10 years in prison.¹⁷⁵ The constitution forbids any action that is “detrimental to the life, liberty, body, reputation or property of any person.”¹⁷⁶ The state is further obligated to secure the right to life and personal liberty.¹⁷⁷

In early November 2016, Bangladesh’s highest court published guidelines requiring law enforcement officers to undertake a basic set of actions when arresting a person. They include an obligation to inform a close relative or friend of the arrested person about the time and place of the detention; to make clear the location where the person is being held; and to allow the arrested person access to a lawyer and relatives. Officers must prepare a memorandum of arrest to be signed by the arrested person and complete a case diary, which must be handed to a magistrate if the officer requests custody of a suspect for more than 24 hours, setting out the allegations and need for further investigation.¹⁷⁸

¹⁷³ Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 7(1)(i).

¹⁷⁴ Ibid.

¹⁷⁵ These include “wrongful confinement;” “wrongful confinement in secret;” “abduction;” “kidnapping or abducting with intent secretly and wrongfully to confine person;” “kidnapping or abducting in order to subject person to grievous hurt, slavery;” and “wrongfully concealing or keeping in confinement, kidnapped or abducted person.” Penal Code, 1860, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11 (accessed January 20, 2021), secs. 340, 346, 362, 365, 367, and 368.

¹⁷⁶ Constitution of Bangladesh, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367 (accessed December 12, 2016), art. 31.

¹⁷⁷ Ibid., art. 32.

¹⁷⁸ Guidelines for the Law Enforcement Agencies, Bangladesh v. Bangladesh Legal Aid and Services Trust (BLAST), Civil Appeal No. 53 of 2004, May 24, 2016, http://www.supremecourt.gov.bd/resources/documents/734650_Civil_Appeal_No_53_of_2004_final_2016.pdf (accessed January 22, 2017), pp. 389-396.

In 2013, the government passed the Torture and Custodial Death (Prevention) Act, signaling a commitment to eliminating torture. Causing death by torture is punishable by a life sentence.¹⁷⁹ Bangladeshi police have repeatedly called for the government to amend the Torture Act to be less prohibitive. In 2015, the police submitted a proposal to the Ministry of Home Affairs to repeal section 12 of the Torture Act, which states that circumstances such as war, political instability, or emergency are not considered an acceptable excuse for the commission of torture.¹⁸⁰ They also proposed that certain law enforcement units be excluded from prosecution under the act, including those with the most notorious reputations for committing torture such as RAB, the Criminal Investigation Department, Special Branch, and Detective Branch.¹⁸¹

The first ever conviction under the act was delivered in September 2020.¹⁸² Activists hoped this would pave the way for investigations and accountability for the dozens of documented reports of torture by security forces. However, following the 2020 conviction, the victim's family told the media that they faced repeated pressure, threats, and bribes by law enforcement to drop the case.¹⁸³

Functional Legal Immunity

The culture of impunity for Bangladesh security forces is institutionalized through a variety of legal mechanisms.

¹⁷⁹ BLAST, "Review of the Torture and Custodial Death (Prohibition) Act, 2013," December 2015, [https://www.blast.org.bd/content/publications/Review%20of%20The%20Torture%20&%20Custodial%20Death\(Prevention\)%20Act,%202013.pdf](https://www.blast.org.bd/content/publications/Review%20of%20The%20Torture%20&%20Custodial%20Death(Prevention)%20Act,%202013.pdf) (accessed January 20, 2021).

¹⁸⁰ Amnesty International, "Bangladesh: Reject Police Proposal for Immunity from Persecution for Torture," March 10, 2015, <https://www.amnesty.org/download/Documents/ASA1311732015ENGLISH.pdf> (access March 16, 2021).

¹⁸¹ Jamal Uddin, "Police Want Amendment of Custodial Death Prevention Act," *Dhaka Tribune*, January 11, 2018, <https://www.dhakatribune.com/bangladesh/law-rights/2018/01/11/police-want-amendment-custodial-death-prevention-act/> (accessed March 18, 2021).

¹⁸² "A Historic Verdict: 3 Policemen Get Life Term for Custodial Death," *Daily Star*, September 9, 2020, <https://www.thedailystar.net/city/news/custodial-death-jonny-3-policemen-get-life-term-2-get-7-years-jail-1958473> (accessed March 18, 2021).

¹⁸³ Md Sanaul Islam Tipu, "3 ex-cops jailed for life in first custodial death verdict under new law," *Dhaka Tribune*, September 9, 2020, <https://www.dhakatribune.com/bangladesh/court/2020/09/09/first-ever-verdict-over-custodial-death-former-si-2-others-sentenced-to-life> (accessed June 29, 2021).

Bangladesh Constitution

Section 46 of the Constitution of Bangladesh entitles parliament to provide indemnity through law to any state officer for any act done to maintain or restore order, and to lift any sanctions inflicted on this person:

Parliament may by law make provision for indemnifying any person in the service of the Republic or any other person in respect of any act done by him in connection with the national liberation struggle or the maintenance or restoration of order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area.¹⁸⁴

Criminal Procedure Code

Section 197(1) of the Criminal Procedure Code requires government approval to bring criminal charges against public officials—including police officers—if the offense is committed while the officer is acting or purporting to act in his official capacity.¹⁸⁵ The Supreme Court has, in several cases, declared that police officers committing murder and other human rights violations are not acting within the scope of their official duties. However, in practice the provision enables impunity. Even when permission is requested, the relevant government department often fails to grant approval.

In addition, section 132 provides that a prosecutor must obtain a prior government “sanction” before lodging any criminal complaint against a state official, permission that is seldom granted.¹⁸⁶ This includes the prosecution of persons assisting in dispersing an assembly that is deemed unlawful or deemed likely to disturb public peace.¹⁸⁷ This section is particularly relevant in light of the fact that mass demonstrations and general strikes have traditionally been a common means of protest in Bangladesh, and that law enforcement officials often use excessive force, as was reported, for example, in the lead up to the 2014 election.¹⁸⁸

¹⁸⁴ Constitution of the People’s Republic of Bangladesh, 1972, sec. 46.

¹⁸⁵ Code of Criminal Procedure, 1898, sec. 197(1).

¹⁸⁶ Code of Criminal Procedure, sec. 132 states: “No Prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Government.”

¹⁸⁷ Ibid.

¹⁸⁸ Human Rights Watch, *Democracy in the Crossfire*.

Military Laws

Bangladesh's military laws effectively shield members of the armed forces from being prosecuted by the civilian justice system for human rights violations. This is particularly relevant given that many of the officers that make up the Rapid Action Battalion are seconded from the military. The Army Act, 1952, Air Force Act, 1953, and Navy Ordinance, 1961, provide that a serviceman who commits a crime while on active duty shall be tried by a military court martial regardless of the nature of the crime or the circumstances under which it was committed.¹⁸⁹ Once a person has been convicted by a court martial, they cannot be tried by a civilian court.¹⁹⁰

Bangladesh's military laws stand in stark conflict with the opinions of the Human Rights Committee and other treaty bodies and mechanisms of the United Nations, which have held that military tribunals should only have jurisdiction over offenses that are strictly military in nature, and that gross human rights violations by members of the armed force cannot be considered military offenses.¹⁹¹ The Human Rights Committee has also recognized that the powers of military courts to deal with violations of human rights contribute to impunity.¹⁹²

Armed Police Battalions Ordinance

The Armed Police Battalions Ordinance, which lays the foundation and legal framework for the Rapid Action Battalion, provides blanket immunity under Section 13, stating: "No suit, prosecution or other legal proceedings shall be against any member of the Force for anything which is done or intended to be done in good faith under this Ordinance."¹⁹³ The vague and overly broad use of the term "good faith" means that cases of alleged violations can be easily dismissed.

¹⁸⁹ Army Act, 1952, sec. 9; Air Force Act, 1952, secs. 71, 72; Navy Ordinance, 1961, secs. 78, 79. The only situation under which a serviceman may be prosecuted by a civilian court is when he or she is not on active duty and is suspected of having committed one of the following crimes against a civilian: murder, culpable homicide not amounting to murder, or rape.

¹⁹⁰ Army Act, 1952, sec. 96; Air Force Act, 1953, sec. 150.

¹⁹¹ See, for example, Human Rights Committee, "Consideration of Reports Submitted by State Parties under Article 40 of the Covenant, Concluding Observations of the Human Rights Committee, Chile," CCPR/C/CHL/CO/5, May 18, 2007, para. 5; "Consideration of Reports Submitted by State Parties under Article 40 of the Covenant, Concluding Observations of the Human Rights Committee, Guatemala," CCPR/CO/72/GTM, August 27, 2001, para. 20; "Concluding Observations of the Human Rights Committee, Lebanon," CCPR/C/79/Add. 78, April 1, 1997, para. 14.

¹⁹² Ibid.

¹⁹³ Armed Police Battalions Ordinance, 1979, sec. 13.

Although RAB is tasked with civilian law enforcement duties, jurisdiction over RAB offenses under the ordinance are referred to internal tribunals, similar to a court martial. Like their military equivalent, these courts operate without any transparency, and little is therefore known about decisions they have made in specific cases. The courts are headed by senior RAB or police officers, and a conviction can be appealed to either the president of Bangladesh or the inspector general of police.

The offenses listed in the ordinance are almost identical to those set out in the Army Act. Most relate to such issues as neglect of duty, disobedience, and assisting an enemy.¹⁹⁴ While the listed offenses include two crimes that may be considered civilian in nature—extortion and rape—there are concerns about the absence of any guidance on other crimes under the penal code, including murder.¹⁹⁵

In its 2019 review of Bangladesh under the Convention against Torture, the Committee against Torture recommended the repeal of the “good faith” clause of the Armed Police Battalion Act, and expressed concern that it has “in practice given the impression that members of the force enjoy legal immunity from prosecution for torture or extrajudicial killing.”¹⁹⁶

¹⁹⁴ Ibid., secs. 8 and 9.

¹⁹⁵ M I Farooqui, “Armed Police Battalions Ordinance: A Hybrid Law,” *Dhaka Law Report*, 57, 2005.

¹⁹⁶ Committee against Torture, “Concluding observations on the initial report of Bangladesh,” August 26, 2019.

Recommendations

To Donors and Trade Partners

The United States

- Implement targeted Global Magnitsky sanctions against top RAB officials and other leadership responsible for ongoing abuses.
- Make publicly available all past and ongoing exports of dual-use technologies to Bangladesh, and ban export of all dual-use surveillance technology to Bangladesh.
- The US Department of State's Bureau of Political-Military Affairs should ensure that any support under the Global Peace Operations Initiative is not used to train members of RAB for deployment in UN peacekeeping operations.
- Publicly and privately call for the disbanding of RAB, particularly in the context of US engagement on security sector reform.

The European Union

- Implement targeted sanctions under the new EU global human rights sanction regime against top RAB officials and other leadership responsible for ongoing abuses.
- Make publicly available all past and ongoing exports of dual-use technologies to Bangladesh, and ban export of all dual-use surveillance technology to Bangladesh.
- Place a stronger focus on civil and political rights as part of the ongoing enhanced engagement under the Everything But Arms (EBA) scheme and in future discussions around the GSP+, as Bangladesh is expected to graduate from Least Developing Country status in the next couple years.
- Ensure that protection of the right to freedom of expression is central to the EU's enhanced engagement with Bangladesh, and that any discussion of GSP+ status is contingent on revision of the Digital Security Act and the cessation of arrests, intimidation, and violence against critics.
- As part of its ongoing enhanced engagement under the EBA, identify specific, public benchmarks with a clear timeline for Bangladesh to:
 - Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

- Disband the Rapid Action Battalion;
- Initiate transparent and independent investigations into allegations of extrajudicial killings, enforced disappearances, and torture; and
- Revise the Digital Security Act in accordance with international law.

The United Kingdom

- Implement targeted sanctions under the new UK global human rights sanction regime against top RAB officials and other leadership responsible for abuses.
- Make publicly available all past and ongoing exports of dual-use technologies to Bangladesh, and ban export of all dual use surveillance technology to Bangladesh.
- Publicly and privately call for the disbanding of RAB, particularly in the context of UK engagement on security sector reform.

Canada

- Implement targeted sanctions under the Justice for Victims of Corrupt Foreign Officials Act against top RAB officials and other leadership implicated in abuses.
- Make publicly available all past and ongoing exports of dual-use technologies to Bangladesh, and ban export of all dual-use surveillance technology to Bangladesh.
- Publicly and privately call for the disbanding of RAB.

To the United Nations

Office of the United Nations High Commissioner for Human Rights

- Work closely with the Department of Peace Operations to increase capacity for enhanced screening of UN peacekeepers under the 2012 Human Rights Screening Policy.

The United Nations High Commissioner for Human Rights, Special Procedures, and Human Rights Council

- Monitor, report on, and seek accountability for enforced disappearances, torture, and extrajudicial killings by Bangladesh security forces, including through an independent investigation.

Department of Peace Operations

- Ban from deployment to UN peacekeeping or any other UN post, any officer who has been seconded to the Rapid Action Battalion.
- Publicize lists of all commanding officers deployed in peacekeeping operations.
- Improve transparency of the human rights screening policy.
- Open an investigation into relationships with the Bangladesh military in light of serious allegations of abuses, particularly by members of the Rapid Action Battalion and Detective Branch of the police.

To Bangladesh

- Disband RAB.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Promptly investigate existing allegations of enforced disappearances, locate and release those held illegally by security forces, and prosecute the perpetrators. These investigations should include politically motivated cases involving members or supporters of the opposition Bangladesh Nationalist Party and the Jamaat-e-Islami party.
- Investigate allegations of deaths of individuals in so-called crossfire or gunfights after they were already in security force custody, and prosecute officers responsible for these deaths.
- Instruct police stations to accept complaints, including General Diaries and First Information Reports, from family members containing allegations against law enforcement authorities including the DB and RAB. Encourage and empower police to respond to complaints and investigate allegations of enforced disappearances.
- Ensure serious and independent investigations by inviting relevant United Nations special procedures—including the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention, the special rapporteur on extrajudicial, summary or arbitrary executions, and the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment—to visit Bangladesh to investigate and make appropriate recommendations to ensure justice and accountability, as well as reform of the security forces to act independently and professionally.

- Respond speedily to various queries forwarded by the National Human Rights Commission.
- Respond promptly to queries from the Working Group on Enforced or Involuntary Disappearances.
- Prosecute fully law enforcement authority officers of all ranks, including those with superior authority, who are found to be responsible for enforced disappearances. Punish commanding officers and others in a position of government authority who ordered or knew of these abuses.
- Make strong and repeated public statements at the highest government levels which make clear that all law enforcement authorities and investigation agencies should comply with the law, and that all detained people must be brought to court within 24 hours.
- Ensure that the police, RAB, DB, and other law enforcement agencies comply with the legally mandated guidelines set out in the May 2016 judgment of the Appellate Division of the Supreme Court. In particular:
 - Ensure that a relative or friend of the detained person is informed within 12 hours of the arrest about the time and place of arrest and place of detention; and
 - Allow an arrested person to consult a lawyer of their choice or meet any of their nearest relations.
- Ensure that independent, qualified forensic experts examine all suspicious deaths to determine exact cause of death.
- Establish an independent commission of inquiry to investigate all cases of disappearances and custodial deaths; ensure it is mandated to recommend cases for prosecution.
- Ensure that people who state authorities detain are held in known places of detention.
- Expand the mandate of the National Human Rights Commission to ensure unfettered and unannounced access to all places of detention, as well as sufficient powers of investigation.

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We would also like to thank all of the families of victims of enforced disappearances for sharing their testimony, even when it is painful. To read more about the disappearance of their loved ones, please visit our website:

https://features.hrw.org/features/features/Bangladesh_Decade_of_Disappearances/



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“Where No Sun Can Enter”

A Decade of Enforced Disappearances in Bangladesh

Enforced disappearances by Bangladesh security forces have become a hallmark of Prime Minister Sheikh Hasina’s more than decade-long rule, with nearly 600 cases documented by human rights groups since she took office in 2009. While some victims are released or produced in court after weeks or months of secret detention, others are subject to extrajudicial killings that authorities falsely claimed to be deaths during gunfights. Scores are still missing.

Based on over 115 interviews with victims, their family members, and witnesses of enforced disappearances, *“Where No Sun Can Enter”* demonstrates a persistent refusal by authorities to investigate enforced disappearances and hold perpetrators accountable. Instead, members of security forces accused of grave abuses appear to have been promoted and decorated, while authorities continue to deter legitimate investigations and the government repeatedly ignores calls by donor governments, the United Nations, human rights organizations, and civil society to address the culture of impunity.

Ahead of the International Day of the Victims of Enforced Disappearances on August 30, this report lays out key mechanisms through which concerned governments and the UN can influence the Bangladesh government and security forces to end enforced disappearances and bring justice to victims and their families. The report calls on UN human rights experts to lead an independent international investigation into enforced disappearances in Bangladesh and for United Nations Secretary-General António Guterres to ban any officers from the Rapid Action Battalion (RAB) from participating in UN peacekeeping. It also calls on the United States, UK, Canada, the EU, and other concerned governments with human rights sanctions regimes to impose targeted sanctions on top officials with command responsibility for reported enforced disappearances and other grave abuses.