



PUBLIC STATEMENT

Bangladesh must heed the UN experts: enact a law that protects the disappeared, not one that shields impunity

Manila · Dhaka · 26 June 2026

The Asian Federation Against Involuntary Disappearances (AFAD) welcomes the joint communication issued on 17 June 2026 by four United Nations human rights mechanisms—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 the promotion of truth, justice, reparation and guarantees of non-recurrence—concerning the draft bill “Prevention and Remedy of Enforced Disappearance Act, 2026.”¹ **We endorse the experts’ analysis in full and call upon the Government of Bangladesh to act on it without delay.**

AFAD speaks in solidarity with the families of the disappeared in Bangladesh, and through our member-organisation Odhikar, which has documented and accompanied victims of enforced disappearance in Bangladesh since 2010. This is not a technical dispute over legislative drafting. It is a question of whether Bangladesh, having acceded to the International Convention for the Protection of All Persons from Enforced Disappearance,² will keep the promise of the July 2024 uprising and respect the ICPPED, or legislate impunity into permanence.

A historic opening that is now at risk

For fifteen years, enforced disappearance was an instrument of State repression in Bangladesh. The Commission of Inquiry on Enforced Disappearances, established by the Interim Government, documented over 1,600 cases and found the Rapid Action Battalion, the police and intelligence agencies systematically responsible, with 251 persons still missing and their fate unknown.³ These findings, of incommunicado detention, falsified arrest records, deliberate inter-agency transfers to diffuse accountability, and cross-border renditions, are precisely the structural realities against which any new law must be measured.

Yet the legislative response has gone backwards. The Enforced Disappearance Prevention and Remedy Ordinance, 2025, together with the National Human Rights Commission Ordinance, 2025, instruments that for the first time criminalised enforced

¹Mandates of the Working Group on Enforced or Involuntary Disappearances and others, Communication OL BGD 3/2026, 17 June 2026, concerning the draft bill “Prevention and Remedy of Enforced Disappearance Act, 2026.”

²Bangladesh acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) on 29–30 August 2024.

³Commission of Inquiry on Enforced Disappearances (COIED), final report submitted 5 January 2026; the Commission received 1,569 complaints and documented over 1,600 cases, with 251 persons still missing, finding RAB, the police and intelligence agencies systematically responsible. See The Business Standard, “Is a report enough to end enforced disappearances?”, 6 January 2026.

disappearance and empowered an independent commission to investigate the security forces, were allowed to lapse following the February 2026 general election.⁴ The draft now before Parliament is, as a broad coalition of national and international organisations has warned, a diluted version of what came before.⁵ The UN experts' communication confirms, point by point, that the draft falls short of Bangladesh's binding obligations.

The defects the experts identify are not minor

AFAD draws particular attention to the deficiencies the mandate-holders have flagged, each of which our members have raised directly with the authorities:

- **National Security.** Section 4 would exclude from the definition any arrest followed by production before a magistrate within the constitutional time limit—even where the fact of arrest, the whereabouts, or the condition of the person are concealed in the interim. The reported insistence that detentions on grounds of “national security” be excluded altogether⁶ is the very logic that produced the Aynaghar secret cells. **The prohibition of enforced disappearance is absolute and non-derogable; no temporal, security-based or exceptional limitation is permissible.**
- **AFAD opposes capital punishment in all circumstances.** Its inclusion in Section 6 is incompatible with the rights to truth and to an effective remedy, and is especially indefensible where the Commission itself documented the systematic destruction and falsification of evidence—conditions that make the standard of certainty required for an irreversible sentence impossible to meet.
- **Unequal command responsibility.** Sections 10 and 11 set a higher threshold to prosecute civilian superiors than military ones. Enforced disappearance in Bangladesh was a chain-of-command crime; any gap in superior responsibility, whether by status or institutional affiliation, is a gap engineered for impunity.
- **No statute of limitations, no continuous-offence guarantee.** The draft's silence on imprescriptibility, and its disjunctive treatment of the continuing offence—ceasing on disclosure of either fate or whereabouts—are inconsistent with the cumulative and continuous nature of the crime. Fate and whereabouts are inseparable; the offence persists until both are clarified.
- **No military-jurisdiction exclusion, no autonomous search duty, no real reparation.** The bill fails to bar military and special courts, conflates the search for the disappeared with criminal investigation, and reduces reparation to

⁴The Enforced Disappearance Prevention and Remedy Ordinance, 2025 and the National Human Rights Commission Ordinance, 2025, promulgated by the Interim Government, lapsed without being enacted following the February 2026 general election. See Prothom Alo, “Govt to introduce new bills for enforced disappearances and other lapsed ordinances,” 13 April 2026.

⁵Joint statement, “Bangladesh: Ensure Justice, Reparation for Victims, and Guarantees of Non-Recurrence of Enforced Disappearances,” issued on the occasion of the International Week of the Disappeared, 26 May 2026, signed by AFAD, Odhikar, FORUM-ASIA, FIDH, OMCT, Human Rights Watch and others.

⁶Special Parliamentary Committee report cited in Netra News, “The BNP promised a better rights watchdog. A draft law shows the opposite,” 23 May 2026, reporting that the government sought to exclude detentions made on grounds of “national security” from the legal definition.

discretionary fines—falling short of the comprehensive, victim-centred framework the Convention and the Declaration require.

- **No protection for survivors, children, or women.** The draft offers no safeguard for released survivors against continued criminalisation, no child-specific provisions, and no gender-sensitive approach. AFAD’s own regional work has consistently shown that women relatives of the disappeared bear distinct and compounding harms that generic provisions do not reach.

Recognition, reparation, and an end to reprisals

Families in Bangladesh continue to be denied the most basic recognition. Without official acknowledgement of a disappearance, relatives cannot operate bank accounts, settle property, or claim assistance—a daily injustice raised by victims, families, and rights defenders at Odhikar’s roundtable in Dhaka in May 2026.⁷ Odhikar, AFAD, and Fortify Rights have called on the State to disclose the fate of all those not yet returned, to enable wives and children to manage the property of the disappeared, and to pursue diplomatic channels regarding those rendered abroad.⁸ Meanwhile, survivors who have returned face fresh harassment through fabricated cases, and other forms of unlawful State violence persist.⁹ These realities make plain why a strong, independent legal framework is not optional.

AFAD’s call to the Government of Bangladesh

AFAD respectfully but firmly urges the Government to:

1. Respond substantively and publicly to the UN experts’ communication within the time it allows, and revise the draft bill to remove every provision the mandate-holders have identified as inconsistent with international standards;
2. Adopt a definition with no “national security” or temporal carve-out; exclude the death penalty; apply command responsibility equally across all State structures; and codify the imprescriptible, continuous and autonomous nature of the offence;
3. Establish an autonomous, *ex officio* and continuous search mechanism, independent civilian jurisdiction, official detention registers with independent inspection, and a secure national database;
4. Guarantee a comprehensive, victim-centred reparation framework—restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition—together with specific protections for survivors, children, and a gender-sensitive approach throughout;

⁷Roundtable organised by Odhikar at the Jatiya Press Club, Dhaka. See The Daily Star, “Disappearance victims need state recognition,” 17 May 2026.

⁸Statement of AFAD, Fortify Rights and Odhikar on the International Day of the Victims of Enforced Disappearances, 30 August 2025.

⁹Odhikar reported more than 40 extrajudicial killings in the fourteen months following the July 2024 uprising; Ain o Salish Kendra (ASK) recorded custodial deaths over the same period. See The Business Standard, 6 January 2026.

5. Recognise victims officially and without delay so that families can secure their legal and economic rights, and end all harassment, reprisals and re-traumatisation of survivors, families and human rights defenders;
6. Conduct genuine, inclusive and accessible consultation—with families of the disappeared, survivors, Odhikar and civil society—before the bill is finalised, and ensure the findings of the Commission of Inquiry are fully reflected in the law and acted upon.

Solidarity

The standards invoked by the UN experts are the standards on which AFAD's work across Asia rests.¹⁰ **Bangladesh now has an opportunity that few States ever receive: to confront a documented history of enforced disappearance and legislate so that it can never recur.** A law that preserves a “national security” escape hatch, retains the death penalty, and leaves families without recognition would betray that opportunity and the thousands who endured the Aynaghar.

AFAD stands with the families of the disappeared in Bangladesh and with Odhikar in their struggle for truth, justice, reparation, and guarantees of non-recurrence. We will continue to monitor this process closely, and we stand ready to support the Government in bringing the legislation fully into line with Bangladesh's international obligations.

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¹⁰ICPPED, arts. 1(2), 2, 6, 7(2), 8, 12, 16(2), 17, 18, 24 and 25; Declaration on the Protection of All Persons from Enforced Disappearance (1992), arts. 4, 6, 10, 13, 17, 19 and 20; CED Guiding Principles for the Search for Disappeared Persons (CED/C/7).