

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	533
Land:	Bangladesh
Kilde:	Human Rights Watch (HRW)
Titel:	Bangladesh - Review Laws and Protect Human Rights Standards
Udgivet:	21. maj 2025
Optaget på baggrundsmaterialet:	27. januar 2026

Bangladesh: Review Laws and Protect Human Rights Standards

Interim Government's Arbitrary Targeting of Former Ruling Party Supporters Fails Accountability



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Members of Bangladesh's paramilitary Rapid Action Battalion or RAB, a unit which is accused of enforced disappearances, stand guard in the capital Dhaka, January 7, 2024. © 2024 Sazzad Hossain / SOPA Images/Sipa USA via AP Photo

(New York) – Recent legislative initiatives by [Bangladesh](#)'s interim government risk undermining fundamental freedoms, Human Rights Watch said today. Instead of pursuing its pledge to reform the criminal justice system and bring accountability for serious abuses, the government, led by Nobel laureate Muhammad Yunus, is attempting to suppress the rights of supporters of the deposed leader, Sheikh Hasina, and the Awami League party.

On May 12, the interim government ordered a “temporary” [ban on the Awami League](#), using newly introduced powers under a draconian amendment to the Anti-Terrorism Act. The ban includes, among other actions, meetings, publications, and online speech supporting the party. Meanwhile, [draft legislation to address enforced disappearances](#), which were widespread under the previous government, does not meet international standards and scarcely addresses accountability for past crimes.

“Sheikh Hasina’s government abused legal powers to silence political opponents, but using similar methods against the supporters of her Awami League party would also violate those same fundamental freedoms,” said [Meenakshi Ganguly](#), deputy Asia director at Human Rights Watch. “The draft legislation on enforced disappearances, on the other hand, does little to advance justice or provide answers for the hundreds of victims and families affected by disappearances under Hasina’s rule.”

After three weeks of protests in which [around 1,400 people were](#) killed, Sheikh Hasina's government was toppled on August 5, 2024. The interim government led by Yunus pledged to restore democratic principles and respect for human rights before holding a free and fair general election. The new government has taken [several positive steps](#), but these recent measures are disappointing.

The ban on the Awami League will apply until [party leaders have faced trial for abuses](#) committed during their 15-year rule, a process that could last years, thus effectively proscribing the party. The interim government [has prohibited](#) "all activities including any kind of publication, media, online and social media, any kind of campaign, procession, meeting, gathering, conference, etc. by Bangladesh Awami League," curtailing supporters' freedom of speech and association. The Awami League, which has been active since before independence, has a wide base of supporters.

After the suspension was announced, the Election Commission [stripped the Awami League of its registration](#).

These moves came in the wake of the interim government's ordinance amending the International Crimes (Tribunals) Act, 1973, which gives the Tribunal broad powers [to prosecute and dismantle political organizations](#). The new provision defines "organization" expansively to include any political party or affiliated group, or individuals who are deemed to propagate or support their activities. Because these powers are drafted so broadly, they could contravene international standards of due process and freedom of association. Additionally, the Tribunal is empowered to punish "any group of individuals which, in the opinion of the Tribunal, propagates, supports, endorses, facilitates, or engages in the activities of such a [banned] party or entity."

Those accused of committing crimes under Hasina's government should be appropriately prosecuted, but imposing a ban on any speech or activity deemed supportive of a political party is an excessive restriction on fundamental freedoms that mirrors the previous government's abusive clampdown on political opponents, Human Rights Watch said. Already a wide range of people including [actors, lawyers, singers](#), and political [activists](#) have been arrested on politically motivated murder charges, with prosecutors justifying the arrests by accusing them of backing the "[rule of fascist Hasina](#)."

Meanwhile, there is growing concern over delays in addressing serious abuses that occurred under the Awami League government.

On August 27, 2024, the interim government established a commission of inquiry to investigate enforced disappearances committed under Hasina's rule. In its [preliminary report](#), the commission announced that it recorded 1,676 complaints, and that the whereabouts of some 200 victims remain unknown. It described the "systematic design" of enforced disappearances, mostly targeting political opponents, and uncovered grim evidence of torture and inhumane conditions at [secret detention sites](#) operated by Bangladeshi security agencies.

The commission has sought an extension until December 2025 to submit all its findings. However, proposed legislation on enforced disappearances does not mention any role for the commission's findings, and excludes enforced disappearances committed in a "widespread" or "systematic" manner, leaving them to the jurisdiction of Bangladesh's under resourced and controversial [International Crimes Tribunal](#).

While the proposed disappearances law would establish a new National Commission on the Prevention and Remedy of Enforced Disappearances, there are no provisions to ensure its independence. Criminal cases of those suspected of enforced disappearances would be prosecuted by a new Tribunal for Prevention and Remedies of Enforced Disappearance. However, neither body would have jurisdiction over "widespread or systematic" enforced disappearances that constitute crimes against humanity, which constitutes most cases committed under the previous government.

Other aspects of the law are problematic. While the legislation would criminalize anyone who aids, abets, instructs, orders, or conspires in a disappearance, it sets a stricter threshold for the application

of command or superior responsibility compared to the Rome Statute of the International Criminal Court. The Rome Statute criminalizes a military commander who knew or should have known about crimes being committed by subordinates but failed to act to prevent the crimes or hand over those responsible for prosecution. However, the draft law excludes command responsibility based on constructive knowledge and introduces an additional requirement that the superior must have “exercised authority in an act connected with the disappearance”. It also fails to distinguish between military and civilian commanders, which have different requirements for command responsibility under the Statute, referring only to a “superior officer”, a term left undefined in the text. In cases where the victim is killed, [the death penalty would apply](#), although that is inherently abusive and incompatible with human rights and human dignity.

The lack of concrete steps to address the issue of enforced disappearances has left victims’ families in anguish. “I still hope [my son] will come back,” the mother of a man who disappeared in state custody in 2013 told Human Rights Watch. “But if he can’t come back, I want the perpetrators brought to justice so no one can think of taking away another mother’s son.” Instead, some families have reported intimidation, [including Sanjida Islam, coordinator of a victims’ organization Mayer Daak](#), whose family home was raided by police on May 8.

To build a foundation for the respect of human rights in Bangladesh, the interim government should reverse its actions to protect rights of freedom of expression of Awami League members and supporters, and focus instead on prosecuting members of the former government accused of crimes based on credible evidence. It should refrain from politically motivated pretrial detentions, and ensure that they remain the exception, only when necessary in an individual case, and not the rule.

The priority should be to deliver justice for human rights violations, particularly unlawful killings and enforced disappearances. The government should use evidence gathered by the commission of inquiry to investigate enforced disappearances to prosecute alleged perpetrators, remove suspects in the security forces from active duty, and reveal the fate of the missing.

“There is widespread anger against the Awami League for the many abuses committed during Hasina’s rule, but stripping supporters of opposition parties of their rights isn’t a way forward,” said Ganguly. “Instead, the interim government should ensure progress on revealing what happened to the disappeared and holding perpetrators accountable through fair trials.”