

## **State Responsibilities and the Combatting Against Forced Disappearance in Bangladesh: Institutional and Legal Challenges**

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### **Abstract**

Enforced disappearances in Bangladesh have remained a severe human rights issue since the mid-2000s, involving the abduction and secret detention of individuals—commonly political opponents, journalists, or activists—by state or state-affiliated actors. Despite international condemnation, particularly targeting the Rapid Action Battalion (RAB) and other security forces, these practices persist under the pretext of combating crime, terrorism, or dissent. Victims' families face profound hardship and uncertainty, exacerbated by a weak legal framework that fails to protect against arbitrary detention. Laws like the Special Powers Act (1974) worsen the situation by allowing prolonged detention with minimal oversight. International organizations, including Human Rights Watch and Amnesty International, consistently call for thorough investigations, accountability, and structural reforms. As a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Bangladesh is obligated to strengthen legal protections, ensure transparent investigations, and uphold judicial integrity. This paper critically examines the causes, consequences, and systemic factors enabling enforced disappearances, focusing on the legal and sociopolitical environment that fosters impunity. It also explores actionable policy reforms and pathways for justice to safeguard fundamental rights and restore the rule of law in Bangladesh.

**Keywords:** Enforced disappearance, human rights, victim, arbitrary detention, law enforcement agent.

### **Introduction**

Enforced disappearance involves the abduction or detention of individuals by state agents or their proxies, coupled with the concealment of those individuals' whereabouts or fate. In Bangladesh, this practice has persisted over many years, often linked to political instability, law enforcement methods, and counterinsurgency operations. Security personnel have allegedly been involved in forcibly removing individuals from various locations; some victims later reemerge after prolonged detention, while others do not return at all. Extrajudicial killings under arbitrary pretences, frequently accompanied by severe torture, further underscore the gravity of this violation. In numerous cases, families, and friends of victims' report that men in plain clothes—identifying themselves as members of the Detective Branch (DB), the Rapid Action Battalion (RAB), or other law enforcement agencies—take individuals for “questioning” or “arrest.” Tragically,

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only a small fraction is rescued alive, leaving the fate of most victims unknown (Islam, 2015).

Such disappearances gravely infringe upon fundamental human rights, eroding justice and the rule of law at both domestic and global levels. The Universal Declaration of Human Rights (UDHR) emphasizes that freedom, justice, and peace rest upon the recognition of equal and inalienable rights (UDHR, 1948); yet enforced disappearance directly undermines these principles by endangering victims' lives, liberty, and security. This violation often includes torture or extrajudicial execution, subjecting the victims' relatives to additional psychological harm when local authorities deliberately withhold information regarding arrests or detentions (UN, 2006).

Although Bangladesh's Penal Code does penalize kidnapping and abduction (The Penal Code, 1860: Sections 359–369), these statutes do not specifically address enforced disappearance. Crimes such as kidnapping from lawful guardianship or for unlawful purposes are punishable (Huq, 2005), but none of these provisions capture the unique severity and state complicity characteristic of enforced disappearance. International instruments—including the United Nations Declaration on the Protection of All Persons from Enforced Disappearances (1992), the Inter-American Convention on Forced Disappearance of Persons (1994), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED, 2006)—classify enforced disappearance as a crime against humanity under certain conditions (Giorgou, 2013). Yet Bangladesh still lacks tailored legislation aligning with these conventions.

This study therefore examines the shortcomings in current legal frameworks, the new obligations arising from Bangladesh's ratification of ICPPED, and the reforms necessary to eliminate the practice of enforced disappearance.

### **Research Objectives**

Enforced disappearances in Bangladesh, involving figures such as BNP leaders Ilias Ali and Salah Uddin, and the infamous Narayanganj seven murders, have emerged as a critical human rights issue with domestic and international implications. This study aims to investigate the underlying causes and consequences of these disappearances, focusing on legal, social, and institutional dimensions. The objectives include:

- i. Analysing the existing legal frameworks, identifying key deficiencies, and proposing reforms to address these gaps effectively.
- ii. Examining international enforcement mechanisms and Bangladesh's obligations under the ICPPED (signed on August 30, 2024), emphasizing the need for state compliance.
- iii. Identifying gaps in the practices of law enforcement and legal institutions, with a focus on ensuring accountability for past offences.
- iv. Evaluating the sociopolitical, constitutional, and human rights implications of enforced disappearances and recommending preventive measures to safeguard against future abuses.

This study seeks to offer actionable insights to strengthen legal protections, promote accountability, and uphold the rule of law in Bangladesh.

### **Research Methodology**

This study adopts a primarily qualitative research approach, focusing on subjective assessments of legal challenges, societal attitudes, and behavioural dynamics underlying enforced disappearances in Bangladesh. Qualitative methods are essential for exploring complex legal and social phenomena and uncovering the motivations behind human actions (Boukema, 1980). The methodology incorporates both primary and secondary data sources. Primary data includes observations, surveys, and case studies to provide firsthand insights. Secondary data draws from a wide range of sources, including books, reports, published research, case law, newspaper articles, conference papers, journals, and online documents. Analytical techniques and the researchers' perspectives are employed to critically evaluate the issues and offer meaningful interpretations (Al Faruque, 2009). This methodological framework ensures a comprehensive and in-depth analysis of the subject matter.

### **Conceptual issues of Enforced Disappearance**

Enforced disappearance constitutes a profound violation of human rights and highlights systemic failings in a state's duty to ensure protection and justice. It involves the forcible removal of an individual—through arrest, detention, or kidnapping—followed by a refusal to acknowledge that person's custody or reveal their whereabouts. The Oxford Dictionary captures its essence as “compelling a person to be invisible,” underscoring the secrecy and state complicity at play. According to Sarker and Islam (2013), this practice can manifest as unlawful abduction or concealed arrest, often referred to colloquially as “abduction.”

International frameworks offer more formal definitions. The Declaration on the Protection of All Persons from Enforced Disappearance (DPPED, 1992) describes the role of government officials, or groups acting with state acquiescence, in depriving individuals of their liberty and denying any record of their fate or whereabouts. This effectively removes victims from the protection of the law (OAS, 2023). Amnesty International similarly depicts it as “literally vanishing” people from their communities; state agents, or those operating with state endorsement, seize individuals and later disclaim any involvement.

The ICPPED, 2006 reaffirms that such acts are grave breaches of international law and can amount to crimes against humanity. Article II defines enforced disappearance as the deprivation of liberty by state agents (or groups acting with state authorization), coupled with a refusal to acknowledge the detention, thereby placing the victim outside legal safeguards (ICPPED, 2006). From these sources, several common elements emerge: (1) the deprivation of liberty by or with the consent of state authorities, (2) the concealment or denial of the individual's fate, and (3) the deliberate intention to remove the individual from any form of legal protection. Collectively, these components illustrate how enforced

disappearance transcends individual rights abuses to reveal deeper structural weaknesses in governance and accountability.

### **The Background Analysis of Enforced Disappearance**

Enforced disappearance, recognized today as a severe crime against humanity, has historical roots traced back to the Third Reich, where Nazi authorities targeted Jewish populations for intimidation during World War II (Grossman, 2020). Early instances also occurred in Nazi-occupied Europe as a means of suppressing resistance, predating the term “enforced disappearance,” which emerged in the 1960s to describe systematic abductions carried out by numerous Latin American governments. Since then, the practice has accounted for hundreds of thousands of victims worldwide, prompting an evolution in international law through the development of legal norms, codifications, and case precedents.

Although it is often associated with Latin America’s “Dirty Wars” of the 1970s and 1980s, notably in Argentina and Chile, enforced disappearance has neither been confined to that region nor to that era. Guatemala in the 1960s used similar tactics against political opponents, followed by countries such as the Philippines, El Salvador, Sri Lanka, Syria, and Bangladesh, all of which have utilized enforced disappearance to suppress dissent. Under Augusto Pinochet’s regime in Chile (1973–1990), for example, critics of the government were systematically “disappeared,” reflecting an environment of state terror and severe human rights abuses.

Bangladesh has experienced a surge in enforced disappearances over the last 15 years, particularly targeting opposition figures. In 2021, an estimated 600 people reportedly vanished under the Hasina administration, with approximately 100 still unaccounted for (The Daily Star, 2024). Some of these individuals were detained in secret facilities, colloquially known as Aynaghor (House of mirrors). Historically, enforced disappearance in Bangladesh can be traced to the early 1970s, when the Jatiya Rakkhi Bahini, an elite paramilitary force led by Sheikh Mujibur Rahman, allegedly abducted members of the Jatiya Samajtantrik Dal (JSD), army officers, and opposition figures for ransom (Mascarenhas, 1986). At a global level, Mexico now holds the highest recorded number of enforced disappearances, underscoring that this abuse spans diverse political contexts and remains a persistent threat to human rights worldwide (Solar, 2021).

### **Legal frameworks on Enforced Disappearance**

Many countries have updated their legal frameworks to criminalize enforced disappearance in line with the requirements of the ICPPED, 2006, which obliges state parties to implement legislative measures preventing such practices (Ferdous, 2020). In contrast, Bangladesh’s criminal laws—while addressing offenses like kidnapping and abduction under sections 359 to 364 of the Penal Code, 1860—do not explicitly recognize enforced disappearance as a distinct crime. Provisions related to wrongful confinement (Sections 342 to 348) impose varying penalties based on the motives or conditions of detention, such as secrecy or defiance of a

court order (Huq, 2005a). Additionally, section 7 of the Prevention of Violence Against Women and Children Act, 2000 (Amended in 2003 & 2020) defines abduction broadly as using force, inducement, or deceit to make someone move from one place to another (Rahman, 2005), yet this statute also fails to encompass the specific elements of enforced disappearance.

The Special Powers Act of 1974 has drawn particular criticism for enabling circumstances that can lead to enforced disappearances. Under sections 3 to 14, individuals may be detained arbitrarily—often in undisclosed locations—based on executive orders without formal charges or judicial oversight, fostering an environment conducive to abuse. If detention is deemed necessary for public interest, officials are under no obligation to disclose reasons for the arrest (Chowdhury, 2002). Moreover, the Act provides broad “immunity” to law enforcement personnel, effectively shielding them from legal repercussions and creating conditions in which enforced disappearances can occur. Taken together, these legal gaps and expansive executive powers underscore the need for comprehensive legislative reforms to align Bangladesh’s statutes with international standards against enforced disappearance.

### **Constitutional approach to enforced disappearance**

Article 11 of the Constitution of the People’s Republic of Bangladesh affirms that fundamental human rights, personal liberties, and respect for human dignity are integral to the nation’s guiding principles. Supporting this core mandate, Articles 31 to 33 establish legal safeguards against arbitrary arrest or detention and uphold protections vital to life and liberty. Crucially, the Constitution obligates authorities to produce any detained individual before a magistrate within twenty-four hours, reinforcing transparency and accountability in the justice system. Failure to adhere to these requirements can be legally contested, underscoring the Constitution’s commitment to ensuring robust protection of individual rights (Khasru, 2000).

### **Current International Frameworks for holding accountability to the persons liable**

The UDHR, 1948 remains a foundational text for safeguarding individual liberties from state overreach and ensuring human dignity and autonomy. Although it does not specifically mention “enforced disappearance,” its Preamble and various Articles clearly denounce arbitrary arrest, detention, torture, and other forms of inhumane treatment, thereby laying the groundwork for international human rights protections (UDHR, 1948). A just, peaceful, and cooperative global order, as many scholars assert, hinges upon the unequivocal respect of these basic rights (Naseem et al., 2022).

Subsequently, the Rome Statute of the International Criminal Court (RSICC), adopted in 1998, became the first international instrument to categorize enforced disappearance, alongside genocide, war crimes, and crimes of aggression, as a crime against humanity (RSICC, 1998: Article 7). Before the RSICC, enforced disappearances were predominantly viewed as human rights violations with limited avenues for legal redress or international prosecution. By establishing a permanent

international criminal court in The Hague, the RSICC significantly strengthened enforcement mechanisms against such abuses.

Other regional and global frameworks contributed to this evolving legal landscape. The Inter-American Convention against the Forced Disappearance of Persons (1994), under the auspices of the Organization of American States (OAS), obliges signatory states to outlaw enforced disappearance, even in states of emergency. Additionally, the 1992 UN Declaration on the Protection of All Persons from Enforced Disappearance (UNDPPED) identified systematic enforced disappearance as a crime against humanity and urged governments to enact legislation that unequivocally prohibits it.

Despite these initiatives, substantial gaps and ambiguities persisted (Islam, 2015). In response, the United Nations General Assembly adopted the ICPPED in 2006, which entered into force on December 23, 2010. Bangladesh's signature of the Convention signals its commitment to curbing this human rights abuse. Under the ICPPED, states must:

- Criminalize enforced disappearance, secret detention, and related acts in their domestic laws, mandating appropriately severe penalties.
- Ensure accountability for individuals—particularly superiors—who order or fail to prevent enforced disappearances.
- Guarantee impartial and timely investigations into reported cases, along with protection for those conducting or contributing to these investigations.
- Register and search for disappeared persons, while providing clarity to victims' families on the fate of their loved ones.
- Subject Convention implementation to oversight by a ten-member committee for four years, with mandatory annual reporting to the UN General Assembly and ongoing evaluation at the Conference of State Parties.

Through these obligations, the ICPPED aspires to close existing legal loopholes, reinforce accountability, and uphold the fundamental dignity and rights enshrined in international law.

### **Threatening scenario of Enforced Disappearance in Bangladesh**

Enforced disappearance is a global concern, yet it surfaces most often in environments marked by authoritarian rule, armed conflict, and political repression. In Bangladesh, the practice spans several historical periods, each marked by varying degrees of authoritarian governance, political turbulence, and instability. During the struggle for independence, Pakistani forces and their collaborators committed widespread atrocities, and the aftermath of liberation saw politically complex patterns of disappearance persist.

Following the overthrow of Sheikh Hasina's regime in 2009, the RAB and other law enforcement agencies reportedly escalated their use of enforced disappearances. This surge has drawn repeated censure from both international and domestic human rights organizations. A comprehensive report by Adhikar, a prominent rights group, underscores the severity of the issue, documenting cases

that illustrate the extent of disappearances and highlighting the urgent need for accountability and reform.

<b>Bangladesh: Enforced Disappearance from 2009-2024 (June)</b>											
Years/s	Allegedly disappeared by										Total number of disappeared persons
	RAB	Police	RAB-DB	DB	Industrial police	Ansar-police	CID	DB-DGFI	DGFI	Other law enforcement agencies	
2024	1	1	0	8	0	0	0	0	0	0	10
2023	6	9	0	27	0	0	5	0	0	7	54
2022	4	2	0	12	0	0	1	0	0	2	21
2021	10	2	0	10	0	0	0	0	0	1	23
2020	8	7	0	6	0	0	0	0	0	10	31
2019	9	5	0	7	0	0	0	0	1	12	34
2018	10	25	0	47	0	0	0	2	15	0	99
2017	16	24	1	21	0	0	0	0	3	30	95
2016	27	17	2	22	0	0	0	0	3	20	97
2015	24	6	4	26	0	2	0	0	0	8	69
2014	25	2	3	8	0	0	0	0	0	3	41
2013	21	1	0	28	0	0	0	0	0	4	54
2012	10	1	2	6	1	0	0	0	0	7	27
2011	15	2	0	11	0	0	0	0	0	4	32
2010	17	0	0	2	0	0	0	0	0	0	19
2009	3	0	0	0	0	0	0	0	0	0	3
	<b>106</b>	<b>104</b>	<b>12</b>	<b>240</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>129</b>	<b>709</b>

**Table-1. Source: Annual statistics report of Adhikar on enforced disappearance**

(Source: The report was prepared on Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Jugantor, Naya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK) own sources)

The compiled data in Table-1. from 2009 through June 2024 indicates a persistent and concerning pattern of enforced disappearances in Bangladesh. Over this fifteen-and-a-half-year period, a total of 709 people has reportedly disappeared at the hands of multiple law enforcement and security agencies, reflecting the gravity of the ongoing human rights challenge. A notable feature is the steady increase in disappearances during the mid-2010s, followed by fluctuations thereafter. While the annual totals from 2009 to 2012 remain relatively lower—ranging from 3 (2009) to 27 (2012)—the numbers start climbing significantly from 2013 onward. The highest annual totals appear in 2016 (97), 2017 (95), and 2018

(99), indicating a peak of enforced disappearances around that period. Subsequently, although there is some decline in absolute numbers, the totals in recent years (e.g., 2023 with 54 occurrences) still underscore a troubling reality.

In terms of institutional responsibility, the Detective Branch (DB) emerges as the single largest contributor, accounting for 240 cases overall. Notably, the DB alone reported 47 disappearances in 2018, 28 in 2013, and 26 in 2015, suggesting that detective authorities have been frequently implicated in these incidents. The RAB is also significantly represented, with 106 disappearances attributed to it across the years. RAB's peak involvement occurred in 2016 with 27 cases, followed by 24 cases in 2015 and 25 cases in 2014, highlighting a pattern of repeated involvement.

The Police, which includes regular police forces, appear in 104 cases over the entire span, with higher incidences particularly in 2023 (9) and 2018 (25). Another set of alarming entries is the category of "Other law enforcement agencies," collectively responsible for 129 disappearances, reaching a high of 30 in 2017 and 12 in 2019. Smaller numbers are also linked to combined operations—such as RAB-DB—and to other specialized forces like Industrial Police, Ansar-Police, and CID, although these remain relatively limited in comparison.

The data also suggests that even in 2024 (through June), there have already been 10 reported cases of enforced disappearance—8 attributed to the DB and 1 each to RAB and Police. This indicates that the phenomenon persists despite national and international calls for accountability. Importantly, these figures do not capture unreported or undocumented incidents, raising concerns that the actual scale could be higher.

From a broader perspective, the apparent peak in the mid-2010s and continued incidence in recent years point to systemic issues within Bangladesh's law enforcement and judicial frameworks. Recurrent involvement of specialized units (RAB, DB) and high overall numbers of disappearances highlight institutional patterns that are not being adequately addressed through existing oversight mechanisms. These findings emphasize the need for robust reforms, including improved internal accountability measures, independent investigations, and stronger legal protections against arbitrary detention.

In sum, the data from 2009 to June 2024 portrays a distressing trajectory of enforced disappearances in Bangladesh. It underscores the importance of pressing for transparency, establishing independent inquiry commissions, and enforcing existing human rights commitments to curb further abuses. Without meaningful legal and institutional reforms, enforced disappearances are likely to remain a persistent feature of Bangladesh's human rights landscape.



Report on enforced disappearance by Ain o Shalish Kendra (ASK)					Missing till date
Year/s	Alleged disappearance	Dead body recovered	Released later on	Law enforcement agencies confirmed their arrest after report	
2024	2	0	0	1	1
2023	9	0	3	6	0
2022	5	0	1	4	0
2021	7	0	0	6	1

**Table-2. Report on enforced disappearance by Ain o Shalish Kendra (ASK)** (Source: The report was prepared on Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Jugantor, Naya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK) own sources)

Table-2. shown that between 2021 and 2024, ASK recorded a total of 23 alleged enforced disappearances in Bangladesh. Notably, 2023 has the highest number of reported cases (9), followed by 2021 (7), 2022 (5), and 2024 (2). Although none of these cases resulted in a recovered dead body, several outcomes suggest a concerning lack of clarity regarding individuals' whereabouts. In 2023, three individuals were eventually released, while law enforcement agencies acknowledged arrest in six cases—indicating all persons reported that year have since been located. Conversely, in 2021, six out of seven alleged disappearances led to post-report arrest confirmations, leaving one individual missing to date. Similarly, in 2024, one of the two alleged disappearances was later confirmed as an arrest, yet another remains missing. During 2022, five individuals were reported as disappeared; one was released, while four arrests were later acknowledged, leaving no current missing cases from that year.

The persistent challenge lies in the gap between the initial reports of disappearance and the subsequent admissions by law enforcement that they have individuals in custody. The fact that in some instances arrests are confirmed only after public or organizational pressure highlights a troubling opacity in law enforcement procedures. Furthermore, the absence of dead bodies in every recorded instance does not discount the severity of the situation; rather, it underscores the psychological and legal distress families endure while trying to ascertain the fate of their loved ones. These trends emphasize the urgent need for greater transparency and accountability measures to protect fundamental rights.

### **Enforced Disappearance in Global Perspective**

A statistic from the United Nations Working Group on Enforced or Involuntary Disappearances for 1980–2017, which show that in 56,363 cases of enforced disappearance reported across 112 States, the fate or whereabouts of 45,120 victims remains unknown (IBA, 2019). Here is an overview of enforced disappearance in some vulnerable parts of globe:

Region/State	Key Data on Disappearances	Legislative/Government Actions	Key Observations
<b>Syria</b>	- Over 113,218 missing (including 3,129 children and 6,712 women) since 2011 (SNHR)	Frequently limited; state actors implicated in disappearances	Enforced disappearances used as a tactic of war and political repression; evidence of systematic government involvement
<b>Sri Lanka</b>	- 60,000–100,000 disappeared since the late 1980s (Amnesty International)	In 2018, criminalized enforced disappearances via domestic legislation	One of the world's highest numbers of disappearances; improved legal measures have been introduced but remain under scrutiny for effectiveness
<b>Myanmar</b>	- 7,000 disappeared since the 2021 coup (Human Rights Foundation)	Post-coup military rule severely restricts accountability mechanisms	Ongoing political instability and state-sponsored repression exacerbate risks of torture, arbitrary detentions, and disappearances
<b>Mexico</b>	- 10,000 disappearances (2006–2010) reported by the Movement for Peace - 3,000 cited by the UN in the same period - 26,000 acknowledged under the Calderón administration (HRW)	Legal framework exists but hampered by corruption, weak rule of law	Cartel violence and institutional corruption facilitate a high incidence of enforced disappearances; figures vary, indicating incomplete data

**Table-3. Enforced Disappearance in Global Perspective**

Table-3. underscores the pervasive global nature of enforced disappearances and the varying degrees of state response. According to the United Nations Working Group on Enforced or Involuntary Disappearances, 56,363 cases were reported across 112 states between 1980 and 2017. Alarming still, the fate or whereabouts of 45,120 victims remain unknown, highlighting an entrenched lack of transparency and accountability worldwide. A closer look at Syria shows over 113,218 reported disappearances since 2011, including women and children (SNHR, 2011). This large-scale crisis is tied to the civil war and reflects the use of enforced disappearance as a political and military strategy, often attributed to state forces. It is emblematic of how conflict environments can significantly heighten vulnerabilities, with little recourse for families seeking the truth.

In Sri Lanka, where between 60,000 and 100,000 individuals have gone missing since the late 1980s, the 2018 domestic legislation criminalizing enforced disappearance signals a step forward. Nonetheless, observers doubt how effectively these legal measures are being implemented, given the country's history of impunity

and civil conflict (AI, 1961). Myanmar's post-coup scenario adds another dimension: at least 7,000 people have disappeared since February 2021 under a regime notorious for curbing civil liberties (HRF, 2022). Ongoing political instability, limited channels for redress, and active repression of dissent further compound the problem, leaving affected communities without meaningful support or accountability.

Meanwhile, in Mexico, discrepancies in reported figures—ranging from 3,000 (UN estimates) to 10,000 (Movement for Peace) and 26,000 (acknowledged by the Calderón administration)—illustrate how corruption, cartel violence, and patchy data collection overshadow existing legal frameworks (Welsh, 2015). Although the country has some statutes to address enforced disappearance, the weak rule of law and entrenchment of criminal networks undermine enforcement and transparency.

Collectively, these examples illustrate the complex interplay between conflict, governance, and corruption in perpetuating enforced disappearances. While legal frameworks exist in certain contexts—such as Sri Lanka's new legislation or Mexico's laws—they remain largely ineffective when political will, independent oversight, and robust institutional structures are lacking. This underscores the ongoing need for stronger international cooperation, victim-centered accountability mechanisms, and consistent implementation of international conventions to protect against enforced disappearances worldwide.

### Global best practices for countries dealing with Enforced Disappearance

Many countries grapple with enforcing legal measures against disappearances, yet a few stand out for their concerted efforts, serving as potential models for others. These countries typically adopt a combination of institutional reform, victim-focused policies, comprehensive legal frameworks, and strong political will to eliminate impunity. The examples below illustrate nations widely lauded for their commitment to preventing enforced disappearances, achieved through robust domestic legislation and adherence to the ICPPED.

Country	Ratification / Legislation	Key Provisions	Outcome / Impact
<b>Australia</b>	<ul style="list-style-type: none"> <li>- Ratified the ICPPED in 2017</li> <li>- Criminal Code Act 1995 (Section 268.21)</li> </ul>	<ul style="list-style-type: none"> <li>- Enforced disappearance classified as a crime against humanity</li> <li>- Punishable by up to 17 years in prison</li> </ul>	Demonstrates strong legal commitment to tackling disappearances; shows how incorporating ICPPED into domestic law can enhance accountability
<b>France</b>	<ul style="list-style-type: none"> <li>- Ratified the ICPPED in 2011</li> <li>- French Penal Code (Article 212-1)</li> </ul>	<ul style="list-style-type: none"> <li>- "Abduction of persons followed by their disappearance" deemed a crime against humanity</li> <li>- Punishable by life imprisonment</li> </ul>	Sets a clear legal definition and severe penalties, reinforcing deterrence and alignment with international human rights standards

<b>Philippines</b>	- Anti-Enforced or Involuntary Disappearances Act (2012)	- Comprehensive legal framework preventing any suspension of fundamental rights - Offenders, including superior officers, face 5–20 years' imprisonment	Considered a model in Southeast Asia; law addresses command responsibility and provides explicit protections for victims and families
<b>Nepal</b>	- Ratified the ICPPED in 2011 - Enforced Disappearances Inquiry, Truth and Reconciliation Commission Act (2014)	- Created Truth and Reconciliation Commission (TRC) and Commission on Enforced Disappearances (CED) - Mandates support for victims (employment, safety, healthcare)	A transitional justice approach seeking accountability for civil war-era crimes; progress is ongoing, but challenges in implementation remain

**Table-4. Global Best Practices for Combating Enforced Disappearance**

Table-4. highlights how certain countries have taken proactive legal and institutional measures to address enforced disappearances, demonstrating varying degrees of success and challenges. Australia, for instance, showcases a strong domestic commitment by classifying enforced disappearance as a crime against humanity within its Criminal Code Act of 1995. The maximum 17-year prison sentence, coupled with the ratification of the ICPPED in 2017, underscores the country's intent to deter such offenses (Naseem et al., 2022). While actual effectiveness depends on consistent enforcement and judicial rigor, Australia's approach offers an example of how integrating ICPPED provisions into domestic law can bolster accountability mechanisms.

France follows a similarly stringent path. By deeming enforced disappearance "*abduction of persons followed by their disappearance*" a crime against humanity punishable by life imprisonment, the French Penal Code aligns firmly with international standards. This legal clarity sets an important precedent, emphasizing the gravity of the offense and potentially deterring perpetrators. Nevertheless, the real test remains in vigilant prosecution and judicial independence.

In the Philippines, the Anti-Enforced or Involuntary Disappearances Act of 2012 is often regarded as exemplary within Southeast Asia. Its explicit recognition of command responsibility and the imposition of substantial prison terms for offenders, including superiors, underscore a robust legal framework. The law's broad protections, ensuring fundamental rights remain non-derogable even during emergencies, reinforce its significance. Implementation challenges persist, however, particularly in regions with security concerns or limited oversight.

Nepal adopts a transitional justice approach, having ratified the ICPPED in 2011 and established the Truth and Reconciliation Commission (TRC) and Commission on Enforced Disappearances (CED). By mandating support for victims—through employment assistance, security, and healthcare—Nepal aims to

address the socio-economic aftermath of conflict-related disappearances. Despite these provisions, the slow pace of case resolution and questions about political influence within the TRC highlight ongoing hurdles.

Collectively, these examples demonstrate that while ratifying international conventions is a critical first step, the true measure of progress lies in domestic legislation's scope, punitive severity, and consistent application. Each country's experience underscores the importance of political will, institutional independence, and comprehensive victim support in eradicating enforced disappearances.

### **Findings and Recommendations**

On August 30, 2024, the country adopted the ICPPED, demonstrating an intention to eliminate enforced disappearance. To fulfill this commitment, the government should align its domestic legal system with international obligations by introducing new legislation or amending existing statutes. Although crimes such as wrongful confinement, kidnapping, and abduction are punishable under current laws, enforced disappearance warrants distinct treatment in line with Article 2 of the ICPPED, complete with penalties that reflect the gravity of the offense.

In response to growing concerns, a five-member inquiry commission was formed on August 27, 2024, under the Commission of Inquiry Act, 1956, to investigate alleged enforced disappearances. This initiative would benefit from specialized investigative mechanisms, advanced technology, and a truth commission capable of uncovering systematic abuses. Furthermore, the government must ensure that victims' families receive protection and support, safeguarding them from retaliation and other forms of intimidation. Such measures should extend not only to victims and families but also to advocates, witnesses, and investigators who might otherwise be discouraged from speaking out.

Beyond investigation and prosecution, preventive strategies are equally crucial. Establishing frameworks for collaboration with other countries, particularly regarding extradition or deportation of suspects as indicated in Article 16 of the ICPPED, can mitigate cross-border complicity. Domestically, improved oversight of detention facilities, law enforcement powers, and specialized forces would help reduce the risk of enforced disappearances. Practices such as videotaping interrogations and consistently applying rulings from the Apex court during arrest and interrogation processes can strengthen safeguards against abuses of power.

Finally, heightened public awareness and the creation of a specialized tribunal would demonstrate that the state views enforced disappearance as a pressing human rights violation. Public education campaigns, compensation programs for victims' families, and adherence to international standards in prosecutions could help deter future abuses. By systematically applying lessons from jurisdictions that have successfully tackled enforced disappearances, the government can foster an environment where accountability becomes the norm and the suffering caused by enforced disappearances is decisively addressed.

**Conclusion**

The state has a fundamental responsibility to protect its citizens from threats to life, property, and dignity. Yet over the past decade, an alarming rise in enforced disappearances in Bangladesh—often under dubious circumstances—has undermined the rule of law and instilled fear in the public. These abductions violate basic human rights, with families left in chronic distress, uncertain if they will ever see their loved ones again. Despite growing international pressure, the national response has been inadequate, and the scale of the crisis is starkly reflected in data: as of October 31, 2024, some 1,600 complaints had been filed with the commission of inquiry, implicating various law enforcement and elite forces.

Bangladesh's ratification of the ICCPED represents a pivotal milestone, signalling a commitment to international norms designed to safeguard individuals against such grave violations. However, without concrete reforms—such as incorporating a specific offense of enforced disappearance into domestic law, ensuring robust investigative procedures, and enhancing oversight over security agencies—ratification risks becoming a symbolic gesture rather than a catalyst for substantive change. Strengthening protections against wrongful detention, prioritizing the search for missing persons, and addressing institutional impunity remain urgent tasks.

Ultimately, the country stands at a critical crossroads. By taking decisive steps to eradicate enforced disappearance, including the adoption of transparent security and law enforcement operations, the implementation of stronger penalties, and the provision of support for families, Bangladesh can begin to rebuild public trust and reaffirm its dedication to a more democratic and just society. Only through sustained political will, rigorous legal reform, and genuine enforcement of international standards can the rights and dignity of all individuals be safeguarded against one of the most egregious forms of state-sponsored abuse.

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