

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

Ref.: OL BGD 5/2026

(Please use this reference in your reply)

27 July 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 61/10, 54/14, 53/4, 59/4 and 54/8.

We write at a moment of considerable opportunity for Bangladesh. It is also a moment of high expectations. The July 2024 uprising ended fifteen years of increasingly autocratic rule and the national parliamentary elections that followed in February 2026 have created the possibility of a different future: one grounded in democratic renewal, institutional reform, and greater respect for human dignity.

This letter is part of our sincere efforts as United Nations Special Rapporteurs and Working Groups to promote and protect human rights, to engage in dialogue with the Bangladesh Government, and to support respect for all human rights in Bangladesh.

It is in this spirit that we write to Your Excellency's Government to offer our observations and recommendations on how to best address some of the legal deficiencies and structural and underlying conditions that have allowed torture and other cruel, inhuman and degrading treatment and punishment to persist, with devastating impacts on individuals and their families, and also causing instability in Bangladeshi politics, economy and society.

This letter is set out in seven parts. The first outlines the general obligations under international law and a non-exhaustive summary of the existing Bangladesh applicable laws. The second addresses some general concerns with the legislative framework applicable to preventing and responding to torture and other ill-treatment and the rights of individuals. The third addresses the recent legislative lapses affecting the National Human Rights Commission (the *NHRC*) and our commentary on the draft National Human Rights Commission Bill 2026. The fourth addresses the elements necessary to establish a fully operational and independent National Preventive Mechanism (*NPM*) under Optional Protocol to the Convention against Torture (*OPCAT*). The fifth addresses the need for police reform including an independent police complaints authority suitable to investigating any death in custody or allegations of torture or other ill-treatment; and reforms to how the State manages crowd control operations and respects the rights of individuals to protest peacefully, drawing from lessons from the 2024 protests. The sixth deals with the proposed "Prevention and

Remedy of Enforced Disappearance Act, 2026”. The seventh addresses the right to justice, reparation and rehabilitation for survivors of the events of July and August 2024.

While the analysis that follows is primarily legal, our purpose throughout is a practical one. The recommended measures bear directly on the safety and dignity of individuals under arrest and in custody, on the confidence of survivors and their families that the State will protect rather than harm them, and on the functioning of a fair, accountable and democratic Bangladesh.

### *I. The applicable legal framework*

The prohibition of torture is among the most fundamental in international law. It is absolute, admitting of no exception in any circumstance whatsoever, and is owed to the community of States as a whole and to every human being individually. This peremptory prohibition is not satisfied by formal prohibition alone. It carries with it positive duties to investigate torture promptly and impartially, to prosecute and punish those responsible, and to provide victims with effective reparation.

Bangladesh is bound by a substantial body of international human rights treaty law. As a party to the International Covenant on Civil and Political Rights (*ICCPR*), it has assumed obligations to protect the right to life, prohibit torture and other cruel, inhuman or degrading treatment and ensure humane and dignified treatment of all persons deprived of liberty, and guarantee liberty and security of the person, and ensure fair trial rights and the independence of judicial institutions. Bangladesh is also a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*UNCAT*), imposes obligations to criminalise the crime of torture, allow individuals to file complaints safely and without reprisals to an independent entity, to investigate such complaints promptly, effectively and impartially, to prosecute and punish those responsible, to educate and provide training to public authorities, to periodically review procedures and practices, to provide victims with rehabilitation and effective reparation, and to report periodically on the implementation of the Convention to the Committee against Torture. It also requires the State to confront the misuse of force and the arrest, detention, and mistreatment of persons by those acting in its name and under its authority.

Bangladesh’s recent accession to the Optional Protocol to the Convention against Torture (*OPCAT*) requires the establishment of an independent body to prevent torture and other ill-treatment (a *National Preventive Mechanism*) (more details are below) and cooperation with the international Sub-Committee on the Prevention of Torture. Bangladesh is also a party to the International Convention for the Protection of All Persons from Enforced Disappearance (*ICPED*), which obligates States to criminalise enforced disappearances.

In this context, we would also like to recall the international standards related to transitional justice. In particular, article 2(3) of the ICCPR obliges State Parties to ensure that any person whose rights have been violated has access to an effective remedy. As clarified by the Human Rights Committee in its general comment No. 31, such remedies must be accessible and effective, must be adapted to the special vulnerability of certain groups, and must be enforced by competent authorities through

judicial, administrative, or other mechanisms (para. 15). The right to an effective remedy requires States to make reparation to individuals whose rights under the ICCPR have been violated, otherwise the obligation to provide an effective remedy will not have been discharged (para. 16). Reparation may include restitution, compensation, rehabilitation, satisfaction (such as providing full and public disclosure of the truth concerning the violations, public apologies, memorials, and guarantees of non-repetition), and bringing perpetrators to justice.

Pursuant to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations (principle 16). States should develop means of informing victims and the general public of their rights and remedies of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access (principle 24). The Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/HRC/61/42), should further guide State responses.

Domestically, Bangladesh has recognised the importance of these obligations in its Constitution, which prohibits inter alia torture and cruel, inhuman or degrading punishment (article 35(5)), and in various pieces of legislation, most notably the International Crimes (Tribunals) Act (1973) and the Torture and Custodial Death (Prevention) Act (Act No. 50 of 2013). The overarching challenge, however, lies not in the absence of norms, but in their implementation. That said, there remain a number of specific legislative gaps or deficiencies in the human rights framework applicable in Bangladesh that require rectifying, and are addressed in this letter.

## *II. Preventing and responding to torture and other cruel, inhuman or degrading treatment or punishment – general deficiencies*

### *Inadequate legal safeguards and judicial scrutiny*

The existing framework in Bangladesh does not adequately protect detainees during the remand stage. There are gaps in legislative safeguards where a person is arrested and brought into police custody for interrogation under section 167 of the Code of Criminal Procedure, namely: there is no requirement for a medical examination, no proper registration of detention, no notification of family, and no right for the detainee to consult a lawyer from the moment of arrest. These gaps significantly increase the risk of torture and other abuses in the critical first hours of detention. They are also inconsistent with Bangladesh's international obligations under articles 17–19 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), acceded to on 24 August 2024, concerning safeguards against secret detention, the right of access to information on persons deprived of liberty, the maintenance of detention records, and the protection of personal data, as well as articles 9–11 of the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, which guarantee the right to a prompt and effective judicial remedy, access to officially recognized places of detention and detention registers,

access to information concerning deprivation of liberty, and release procedures subject to reliable verification.

The legal framework also fails to properly exclude evidence obtained through torture, in accordance with Bangladesh's obligations under article 15 of UNCAT. Article 15 specifically provides: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

Section 24 of the Evidence Act 1872 applies only to confessions obtained by inducement, threat or promise. It does not cover all forms of evidence obtained through torture, ill-treatment, coercion or other unlawful means (e.g. corruption), and section 27 creates a significant loophole: it allows material evidence discovered as a result of a confession to be admitted into evidence, even if that confession was obtained through torture.

These legislative deficiencies are compounded by a lack of effective judicial scrutiny. The Commission of Inquiry on Enforced Disappearances found that magistrates often failed to check whether confessions were given voluntarily. In some cases, victims were brought before the very officers responsible for their torture, and confessional statements continue to be admitted and relied upon even where later contradicted – despite the courts recognising that such statements may have been obtained through coercion.

*Structural deficiencies that would benefit from legislative or regulatory safeguards*

Certain institutional or structural features of the system have been allowed to develop in the absence of proper regulatory framework for safeguards and would be in part remedied by reforms of the legislative framework. They are mentioned here so they can be properly addressed through legislative or other regulations.

First, there is a reported widespread practice of bringing "mass criminal cases", in which large numbers of named and unnamed individuals are included as suspects despite little or no evidence linking them to the alleged offence. This allows the authorities to cast a wide net and exert pressure on individuals without scrutiny. Proper regulations are required to address how interrogation and charging are permitted and carried out.

Second, even where the legal framework in the form of Torture and Custodial Death (Prevention) Act 2013 is comparatively strong, there has been only a single conviction under the Act. As the experience of that Act demonstrates, the difficulty lies not in the law itself but in the surrounding architecture of investigation, prosecution and oversight, and the trust in the system by the public.

The International Crimes (Tribunals) Act 1973, while offering the principal route to accountability for torture as a crime against humanity, raises fair-trial and rule-of-law concerns that limit its effectiveness as a model. It retains the death penalty,

permits trials to proceed in absentia, and has demonstrated a number of fair-trial and judicial-expertise shortcomings.<sup>1</sup> Moreover, although the Tribunal has the power to impose fines, issue reparation orders and award compensation to victims of international crimes, its reparation framework remains discretionary and underdeveloped,<sup>2</sup> with no statutory basis for the calculation of quantum, for enforcement or for the provision of non-monetary forms of reparation.<sup>3</sup>

We stress that under international law, States have an obligation to investigate and punish serious human rights violations, including summary or arbitrary killings, torture and other cruel, inhuman or degrading treatment, and enforced disappearances (Human Rights Committee, general comment No. 31, paragraph 18). Legislation should be clear about the rights of suspects, witnesses, and victims; and procedural requirements for arrest, investigation, charging and prosecution, need to be clear and in line with international standards.

### *III. Reforming the NHRC*

Bangladesh's NHRC currently operates under the National Human Rights Commission Act 2009. The Commission holds only a "B status" (partially compliant) accreditation from the Global Alliance of National Human Rights Institutions (*GANHRI*), falling short of full compliance with the Paris Principles.<sup>4</sup> In its accreditation reports of May 2011<sup>5</sup> and March 2015,<sup>6</sup> the Sub-Committee on Accreditation identified a number of persistent concerns, including the Commission's inability to investigate the disciplined and security forces, its lack of independence from the Government in the selection and appointment of its members, its reliance on seconded staff, inadequate staffing levels, and insufficient resources and financial autonomy.<sup>7</sup>

The interim Government's National Human Rights Commission Ordinance 2025 sought to strengthen the Commission. Notably, it conferred upon the Commission the function of a National Preventive Mechanism, including the power to visit and inspect places of detention. These reforms have since lapsed, leaving an institutional vacuum which the National Human Rights Commission Bill 2026 had sought to address. There is now a new draft before Parliament, however there are concerns that the current draft bill reproduces and, in certain respects, entrenches the independence deficits previously identified by the Sub-Committee on Accreditation rather than remedying these long-standing deficiencies.

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<sup>1</sup> OHCHR, Fact-Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh, 12 February 2025, paras 255, 347 (recommending the introduction of a moratorium on the death penalty in proceedings before the Tribunal); *see also* G Robertson QC, *Report on the International Crimes Tribunal of Bangladesh* (IFDHR), 2015, pp 94-96 (commenting on the serious errors made by judges due to their limited expertise in international law).

<sup>2</sup> Redress and Blast, *Exploring Avenues in Bangladesh for Reparation for Survivors of Torture*, February 2026, pp 12-13.

<sup>3</sup> *Ibid.*

<sup>4</sup> OHCHR and GANHRI, Accreditation status as of 24 December 2025, 24 December 2025, p 13.

<sup>5</sup> *See* GANHRI, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 23-27 May 2011.

<sup>6</sup> *See* GANHRI, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), Geneva, 16-20 March 2015.

<sup>7</sup> *See* GANHRI, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), Geneva, 23-27 May 2011, p 7; *see also* GANHRI, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), Geneva, 16-20 March 2015, pp 12-15.

## *Concerns with the draft National Human Rights Commission Bill 2026*

The draft National Human Rights Commission Bill 2026 gives rise to serious concern that it would, if enacted in its current form, entrench a Government-controlled body rather than establish a genuinely independent commission. Rather than remedying the weaknesses of the 2009 framework, the Bill in many instances reinstates them, in particular through (a) its failure to secure the Commission's operational independence from the Executive; (b) the continued influence of the Government over the selection and appointment of commissioners; (c) the Commission's restricted investigative powers over the security forces; (d) the lack of financial autonomy; and (e) the failure to guarantee the Commission its own independent staff.

### *Key requirements for compliance with the Paris Principles<sup>8</sup>*

To attain "A status" and operate as a genuinely independent national human rights institution, the Commission should, at a minimum, be equipped with the following:

- **a broad legislative mandate**,<sup>9</sup> expressly empowering it by statute to review legislation against international human rights standards,<sup>10</sup> to encourage the ratification of international instruments,<sup>11</sup> to cooperate with and contribute independently to international human rights treaty bodies,<sup>12</sup> to make recommendations to public authorities<sup>13</sup> and to promote human rights education and training<sup>14</sup>;
- **adequate powers** to discharge that mandate,<sup>15</sup> including the power to investigate all State actors (the disciplined and security forces included) without the prior sanction of the Government<sup>16</sup>;

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<sup>8</sup> Principles relating to the Status of National Institutions (The Paris Principles), UN General Assembly resolution 48/134, 19 December 1993; *see also* GANHRI, General Observations of the Sub-Committee on Accreditation 21 February 2018; OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities*, HR/P/PT/4/Rev.1, 2010, pp 31-43.

<sup>9</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," paras 1-3; GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.2 (Human rights mandate).

<sup>10</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," para 3(a)-(b); GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.3 (Encouraging ratification or accession to international human rights instruments).

<sup>11</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," para 3(c); GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.3 (Encouraging ratification or accession to international human rights instruments).

<sup>12</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," para 3(d)-(e); GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.4 (Interaction with the international human rights system).

<sup>13</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," para 3(a); GANHRI, General Observations of the Sub-Committee on Accreditation, 21 February 2018, general observation 1.6 (Recommendations by NHRIs).

<sup>14</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," para 3(f)-(g); GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.2 (Human rights mandate).

<sup>15</sup> UN General Assembly resolution 48/134, "Competence and responsibilities," paras 1-3; GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.2 (Human rights mandate).

<sup>16</sup> *See* GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 2.6 (Limitation of power of NHRIs due to national security).

- **operational independence**, with express protection against executive interference and the ability to set its own agenda<sup>17</sup>;
- **sufficient and protected resourcing** through a dedicated, protected budget line, rather than at the Government's discretion<sup>18</sup>;
- **merit-based appointments and security of tenure**:<sup>19</sup> a merit-based, participatory and transparent appointment process governed by defined criteria and involving civil society and the judiciary,<sup>20</sup> with full-time Commissioners who cannot be removed at the political will of the government of the day.<sup>21</sup>

#### IV. *Establishing a National Preventive Mechanism (NPM)*

Bangladesh's obligations in respect of its NPM are set out in articles 17 to 23 of OPCAT. In particular, article 17 imposes a binding obligation to maintain, designate or establish an NPM within one year of ratification, which may be postponed only by a formal declaration made under article 24.

The interim Government's National Human Rights Commission Ordinance 2025 had conferred the NPM function upon the NHRC, but, as noted above, that instrument was allowed to lapse. Bangladesh is therefore still required to establish or designate an NPM in accordance with article 17.

##### *Key features of an OPCAT-compliant NPM*

An NPM must satisfy a number of requirements to function in conformity with the OPCAT:<sup>22</sup>

- **Independence**. The NPM's independence must be guaranteed across three limbs:<sup>23</sup> (i) it must be **functionally and institutionally independent**, acting free from interference by any State, detention, governmental or party-political authority, sitting outside executive control with only the legislature able to alter its mandate, and enjoying exclusive authority over its own rules of procedure<sup>24</sup>; (ii) it must be

<sup>17</sup> UN General Assembly resolution 48/134, "Composition and guarantees of independence and pluralism," paras 1-3; GANHRI, General Observations of the Sub-Committee on Accreditation, general observations 1.1 (The establishment of NHRIs) and 1.9 (Political representatives on NHRIs).

<sup>18</sup> Paris Principles, "Composition and guarantees of independence and pluralism," para 2; GANHRI, General Observations of the Sub-Committee on Accreditation, general observation 1.10 (Adequate funding of NHRIs).

<sup>19</sup> UN General Assembly resolution 48/134, "Composition and guarantees of independence and pluralism," paras 1-3.

<sup>20</sup> GANHRI, General Observations of the Sub-Committee on Accreditation, general observations 1.7 (Ensuring pluralism of the NHRI) and 1.8 (Selection and appointment of the decision-making body of NHRIs).

<sup>21</sup> GANHRI, General Observations of the Sub-Committee on Accreditation, general observations 2.1 (Guarantee of tenure for members of the NHRI decision-making body) and 2.2 (Full-time members of an NHRI).

<sup>22</sup> See Subcommittee on the Prevention of Torture (SPT), Guidelines on National Preventive Mechanisms, CAT/OP/12/5, 9 December 2010; OHCHR, *Preventing Torture: The Role of National Preventive Mechanisms – A Practical Guide*, HR/P/PT/21, 2018; Association for the Prevention of Torture (APT), *Optional Protocol to the UN Convention Against Torture: Implementation Manual*, 2010; APT, *Guide: Establishment and Designation of National Preventive Mechanisms*, 2006.

<sup>23</sup> OPCAT, article 18 (institutional independence); SPT, Guidelines on National Preventive Mechanisms, guidelines 8, 12 (operational and financial independence).

<sup>24</sup> See SPT, Guidelines on National Preventive Mechanisms, guidelines 7, 8; see also OPCAT, article 18(1); APT, *Implementation Manual*, pp 89-90; APT, *Guide* p 39.

**financially independent**, with its own dedicated budget that it is free to spend autonomously<sup>25</sup>; (iii) it must be composed of **independent members and its own multidisciplinary staff**, with the necessary expertise (including legal, medical and detention-monitoring experience), excluding those in active government, criminal-justice or law-enforcement roles, reflecting gender balance and the representation of ethnic and minority groups, and including expertise drawn from at-risk groups such as persons with disabilities and survivors of torture.<sup>26</sup>

- **Adequate powers.** The NPM must be able to visit without prior permission places where persons are or may be deprived of their liberty;<sup>27</sup> to conduct private interviews with persons of its own choosing and to access all relevant information and records;<sup>28</sup> and to make recommendations addressing conditions of detention and systemic and legislative shortcomings.<sup>29</sup>
- **Appropriate safeguards.** No authority may order or tolerate any sanction or reprisal against any person for communicating with the NPM, whether the information given was true or false;<sup>30</sup> the confidential information it collects must be privileged, with no personal data published without express consent;<sup>31</sup> and its members must enjoy the privileges and immunities necessary for the independent exercise of their functions, including immunity from arrest, from seizure of their papers and baggage, and from legal process for acts performed in their duties.<sup>32</sup>

The draft National Human Rights Commission Bill 2026 provides for the creation of an “NPM Division” within the Commission. As presently conceived, however, that Division would be neither sufficiently independent nor equipped with the financial and personnel resources required to conduct systematic, preventive monitoring of places of detention. While many States create an NPM within their national human rights institute, it cannot be assumed that the NPM mandate can be discharged within the institution’s existing legal basis, budget and structure. Rather, the institution should amend its enabling legislation, ring-fence dedicated resources, and house the NPM in a separate unit with its own staff and budget.<sup>33</sup>

Finally, it should be emphasised that compliance with the Paris Principles would not in itself satisfy the distinct requirements of the OPCAT. The two frameworks are separate, and the establishment or designation of any NPM would require implementing

<sup>25</sup> See SPT, Guidelines on National Preventive Mechanisms, guidelines 11, 12.

<sup>26</sup> See SPT, Guidelines on National Preventive Mechanisms, guidelines 16-20; see also OPCAT, article 18(2); APT, *Implementation Manual*, pp 39, 196; APT, *Guide*, p 50.

<sup>27</sup> OPCAT, articles 19(a), 20(c); see SPT, Guidelines on National Preventive Mechanisms, guidelines 10, 24.

<sup>28</sup> OPCAT, article 20(a)-(c); see SPT, Guidelines on National Preventive Mechanisms, guideline 25.

<sup>29</sup> OPCAT, article 19(b)-(c); see SPT, Guidelines on National Preventive Mechanisms, guidelines 28, 35, 36.

<sup>30</sup> OPCAT, article 21(1); see SPT, Guidelines on National Preventive Mechanisms, guideline 27.

<sup>31</sup> OPCAT, article 21(2); see SPT, Guidelines on National Preventive Mechanisms, guideline 37.

<sup>32</sup> OPCAT, article 35; see SPT, Guidelines on National Preventive Mechanisms, guideline 26; OHCHR, *Preventing Torture*, p 19.

<sup>33</sup> SPT, Guidelines on National Preventive Mechanisms, guideline 32; see also APT, *Implementation Manual*, pp 211-214; APT, *Guide*, pp 78-82.

the additional guarantees set out above.<sup>34</sup>

## *V. Police and law enforcement reform*

Bangladesh's policing framework continues to rest on the colonial-era Police Act 1861, whose command structures were designed more to exercise control than deliver a rights-respecting public service. As a consequence, the police force operates without effective accountability or independent external oversight.

The need for reform has been recognised at the highest levels. The interim Government's Police Reform Commission identified some 22 laws requiring amendment or replacement and, on the basis of its recommendations, an ordinance was introduced to establish a Police Commission mandated to ensure efficient, transparent and politically independent rights-based policing. That ordinance was not, however, adopted by the new Parliament, so the institutional gap it was intended to fill remains.

Further, we underscore that vetting office holders for past violations is an important complement to prosecutions and needs to be guided by clear criteria and carried out during recruitment and promotions phases. As with other transitional justice measures, when implemented as a part of a comprehensive transitional justice policy, vetting can offer recognition to victims, foster civic trust, contribute to social integration or reconciliation and strengthen the rule of law. Possible challenges faced by vetting in transitions can, for instance, include being manipulated for political purposes. Hence, vetting should aim primarily at removing those individuals who are suspected of having committed the most serious violations and at ensuring at least minimum levels of integrity of the personnel employed.

### *Independent police oversight body as a mechanism for preventing torture*

Torture is a unique crime in that the State is itself the perpetrator. Independent investigation is therefore essential to the prevention of torture, as the police should not be investigating themselves. An independent police complaints body should accordingly be established, with an automatic reporting mechanism such that any injury or death in police or other official custody is automatically reported to that body.

For a police oversight body to comply with the human rights obligations, it should meet the following key requirements:

- **Independence (including impartiality and transparency).** The body must be independent of both the police and political interference,<sup>35</sup>

<sup>34</sup> See APT, *Implementation Manual*, pp 91-92.

<sup>35</sup> See J Byrne and W Priestley, *Police Oversight Mechanisms in the Council of Europe Member States* (Updated February 2017) Council of Europe, p 5; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (*Special Rapporteur on ESAE*); Philip Alston, Addendum, Study on police oversight mechanisms, A/HRC/14/24/Add.8, 28 May 2010, para 74; see also Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (*SRT*), Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, A/HRC/52/30, 13 March 2023, para. 63; *Ramsahai v The Netherlands*, European Court of Human Rights (52391/99), Judgment, 15 May 2007; *Bati v Turkey*, European Court of Human Rights (33097/96 and 57834/00), Judgment, 3 June 2004; *Halat v Turkey*, European Court of Human Rights (23607/08), Judgment, 8 November 2011; *Mocanu and others v Romania*, European Court of Human Rights (10865/09, 45886/07 and 32431/08), Judgment, 17 September 2014.

which generally requires statutory underpinning,<sup>36</sup> parliamentary accountability,<sup>37</sup> ring-fenced legislative funding<sup>38</sup> and transparent appointment and removal procedures, including insulation from the Minister responsible for police.<sup>39</sup>

- **Broad investigative powers (including to ensure effectiveness and promptness).** The body must have sufficient powers to start investigations of its own initiative;<sup>40</sup> to assess a case fully, including to hold hearings, conduct searches and obtain forensic expertise;<sup>41</sup> to recommend further criminal or disciplinary action;<sup>42</sup> to recommend structural change and to follow up on its recommendations, including by publishing findings and requiring the police to give reasons where they are not implemented;<sup>43</sup> and to compel the attendance of accused officers and witnesses, with legal avenues where cooperation is not forthcoming.<sup>44</sup> This need not extend to the power to prosecute, sentence or discipline, but the body should be under a duty to refer cases for criminal prosecution<sup>45</sup> – a duty of particular importance given the State’s obligations under articles 4 and 12 of UNCAT. In exercising these powers, the body should apply the relevant international standards, namely the Istanbul Protocol (2022), the Minnesota Protocol (2016), and the Principles on Effective Interviewing for Investigations and Information Gathering (*Méndez Principles*).<sup>46</sup>
- **Individual and systemic mandates.** Beyond investigating individual complaints and custodial injuries and deaths as well as providing remedies, the body should be able to identify systemic problems and recommend broader reforms in policing, since a purely case-by-case approach tends to produce repeat violations while individual cases illuminate systemic failings.<sup>47</sup> This reflects the State’s obligation under

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<sup>36</sup> See United Nations Office on Drugs and Crime (*UNODC*), Handbook on Police Accountability, Oversight and Integrity, July 2011, pp 59-60; UNODC/OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement, HR/PUB/17/6, 2017, pp 173-174; see also Report of the SRT, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, para 74(b).

<sup>37</sup> See Report of the Special Rapporteur on ESAE, Philip Alston, Addendum, Study on police oversight mechanisms, para. 74; UNODC, Handbook on Police Accountability, Oversight and Integrity, pp 59-60.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> See UNODC, Handbook on Police Accountability, Oversight and Integrity, p 53.

<sup>41</sup> United Nations HRC, general comment No 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 15; Report of the Special Rapporteur on ESAE, Philip Alston, Addendum, Study on police oversight mechanisms, para 74.

<sup>42</sup> See United Nations HRC, general comment No 36, article 6 (the right to life), CCPR/C/GC/36, 3 September 2019, para. 27; Report of the Special Rapporteur on ESAE, Philip Alston, Addendum, Study on police oversight mechanisms, para. 74; see also Report of the SRT, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, para. 68.

<sup>43</sup> See UNODC, Handbook on Police Accountability, Oversight and Integrity, pp 53-54.

<sup>44</sup> *Ibid.*, p 53.

<sup>45</sup> See HRC, general comment No 36, para 27; Report of the Special Rapporteur on ESAE, Philip Alston, Addendum, Study on police oversight mechanisms, para. 74.

<sup>46</sup> UN General Assembly resolution A/RES/80/198, 22 December 2025, para 17, endorsing the use of the Méndez Principles.

<sup>47</sup> See *Zentveld v New Zealand*, Committee Against Torture, CAT/C/68/D/852/2017, 4 December 2019, para 9.8; see also Report of the SRT, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, para. 13.

article 2 of UNCAT to take effective preventive measures, and the body's statutory basis should require victim-centred, human rights-based approaches.

- **Victim-centredness.** The procedural framework should secure the rights of victims and witnesses, in line with the Charter of Rights of Victims and Survivors of Torture,<sup>48</sup> so that they may (a) complain and give evidence without fear of reprisal;<sup>49</sup> (b) be kept informed of the investigation;<sup>50</sup> and (c) receive information about available support<sup>51</sup> and appropriate reparation.<sup>52</sup>

### *Addressing “Confession culture”*

A central structural driver of torture in Bangladesh is the criminal justice system's over-reliance on confessions as the primary form of evidence. This reliance gives rise to what is often described as a “confession culture”. Where investigations are oriented towards securing a confession, and institutional incentives reward officers for obtaining one, the pressure to produce a confession becomes a direct cause of coercion and ill-treatment. That pressure is most acute during early hours of police custody and during longer term police remand, in conditions of inadequate custodial safeguards and limited judicial scrutiny, as discussed above.<sup>53</sup>

The legislative framework can be strengthened by (i) ensuring that no statement obtained through torture or coercion is admissible in any proceedings, consistent with article 15 of UNCAT; (ii) strengthening the requirement to record confessions under section 164 of the Code of Criminal Procedure, including through mandatory audio-visual recording; and (iii) introducing the enforceable custodial safeguards discussed above, including access to counsel, medical examination prior to remand, notification of family, and proper registration of detention.

There is also a more fundamental need to reorient the purpose of investigations away from the extraction of confessions and towards the gathering of accurate and reliable information. To this end, the Méndez Principles on Effective Interviewing and Information Gathering (May 2021) provide an internationally recognised framework, founded on non-coercive, rapport-based interviewing and respect for the presumption of innocence. I would strongly encourage the Government to adopt the Méndez

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<sup>48</sup> See Report of the SRT, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 2 January 2026.

<sup>49</sup> See Committee Against Torture, general comment No 3, Implementation of article 14 by States Parties, CAT/C/GC/3, 13 December 2012, para. 31; UNCAT, article 13; Report of the SRT, Alice Jill Edwards, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture, para. 37; see also Report of the SRT, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, articles 4(2)(a), 5(1)(b), 5(1)(f).

<sup>50</sup> See The Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police, CommDH(2009)4, 12 March 2009, paras 77-79; J Byrne and W Priestley, Police Oversight Mechanisms in the Council of Europe Member States, Council of Europe, updated February 2017, p 5; UNODC, Handbook on Police Accountability, Oversight and Integrity, pp 34-37; see also Report of the SRT, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 4(2)(b).

<sup>51</sup> See Report of the SRT, Alice Jill Edwards, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 4(2)(c).

<sup>52</sup> *Ibid.*, articles 4(2)(d) and 6(2).

<sup>53</sup> See section in this letter titled “Inadequate legal safeguards and judicial scrutiny”.

Principles and to draw on the following additional documents: (1) the Convention against Torture Initiative's (CTI) Training Module on Interviewing for Criminal Cases, which is a short guide focused on the implementation of the interviewing techniques underpinning the Méndez Principles;<sup>54</sup> and (2) the CTI Police Resource Toolkit,<sup>55</sup> which gathers good practices from across the world on matters including arrest, custody and transport of detainees.

### *Policing public protests*

The events of the 2024 raised serious concerns regarding the management of public protests and the use of lethal and indiscriminate force by the previous Government's law enforcement and security forces and point to the need for a strong and transparent legislative and regulatory framework on the procurement and use of equipment, restraints and weapons during crowd control operations.

By way of background, the OHCHR's Fact-Finding Report has determined that as many as 1,400 people may have been killed.<sup>56</sup> The killings were caused mostly by the use of military rifles and shotguns with lethal metal pellets, while several thousand individuals suffered from debilitating physical and psychological injuries.<sup>57</sup> Medical evaluations of survivors demonstrated a consistent pattern of injuries resulting from the use of less-lethal weapons including rubber balls fired from shotguns, gas guns, tear gas launchers, tear gas grenades, sound grenades, flash-bang grenades, smoke grenades, and 38mm soft kinetic projectiles.<sup>58</sup> According to the Dhaka Medical College Forensic Medicine Department, the Bangladesh police, and the OHCHR Fact-Finding Report, weapons used also included rifles with a 7.62x39mm calibre, submachine guns, shotguns, and 9x19mm pistols.<sup>59</sup>

Additionally, it is reported that over 11,700 people were arrested, many of whom were held incommunicado without access to counsel or a court hearing.<sup>60</sup> Torture and ill-treatment, including violence, abuse, and sexual violence against women, were reported in detention.<sup>61</sup>

Evidence further indicates this pattern of excessive use of force was systematic even before the uprising: between 2022 and 2023, the Home Affairs Ministry authorised police to procure over three million metal cartridges – more than double the rubber bullets which were ordered during the same period.<sup>62</sup> The UN Special Procedures addressed a communication to the former Government, [BGD 5/2022](#), regarding concerning attacks and the use of excessive and lethal force, including by law enforcement, against protestors from the Bangladesh Nationalist Party (BNP), who have held demonstrations between July and September 2022 against price rises and attacks on their protests by authorities and opposition parties. The use of excessive and lethal force has caused at least four deaths and a number of injuries.

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<sup>54</sup> Convention against Torture Initiative, *Investigative Interviewing for Criminal Cases*, 2017.

<sup>55</sup> Convention against Torture Initiative, "Police Resource Toolkit," at <https://cti.international/police-resource-toolkit/> (last accessed 1 July 2026).

<sup>56</sup> *Ibid.*, pp iii-iv and para 58.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*, n 84.

<sup>59</sup> *Ibid.*, para 62, n 189.

<sup>60</sup> *Ibid.*, p iv.

<sup>61</sup> *Ibid.*, para 159.

<sup>62</sup> *Ibid.*, p 22.

Going forward, it is fundamental that Bangladesh's domestic legal framework be guided by (in addition to the aforementioned obligations to prohibit and prevent torture and other cruel, inhuman or degrading treatment or punishment) international standards including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as well as the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.<sup>63</sup> A proper regulatory basis would be required in Bangladesh covering the following:

- law enforcement officials must exhaust non-violent means and give prior warning if it is absolutely necessary to use force; graduated force should be used as much as possible<sup>64</sup>;
- law enforcement officials involved in crowd control operations to be equipped with defensive not offensive equipment;
- Bangladesh must carefully control the development, use and procurement of non-lethal weapons<sup>65</sup>;
- less-lethal weapons are to be subjected to strict independent testing and monitor the impact on the right to life of weapons including tasers, rubber or foam bullets, and other projectiles<sup>66</sup>;
- whenever serious injury or death occurs due to a use of force, a prompt and independent investigation must take place in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) and the Istanbul Protocol on the Investigation and Documentation of Torture (2002 edn);
- when procurement patterns or tactical doctrines suggest that disproportionate and/or lethal force is being utilised as a policing tool, an urgent review would be necessary.

The HRC's general comment No. 37 (2020) on the right of peaceful assembly provides that force should not be used against assemblies unless absolutely necessary. Trained law enforcement officials – not the military – should be deployed to police assemblies and must be suitably equipped when doing so, including with appropriate less-lethal weapons.<sup>67</sup> Training should ensure that users approach less-lethal instruments as potentially lethal.<sup>68</sup> Only minimum necessary force can be used when required for legitimate law enforcement purposes during an assembly; this use of force

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<sup>63</sup> HRC, general comment No. 37 (2020) on the Right of Peaceful Assembly (article 21), CCPR/C/GC/37, 17 September 2020, para 78.

<sup>64</sup> HRC, general comment No. 37, para. 82; UNODC/OHCHR, Resource Book on the Use of Force and Firearms in Law Enforcement, HR/PUB/17/6, 2017, p 66.

<sup>65</sup> Adopted by the Eighth United Nations Congress on Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990, paras. 2 and 3; *see also* UNODC/OHCHR, Resource Book on the Use of Force and Firearms in Law Enforcement, p 67; *see generally* UN Human Rights, Guidance on Less-Lethal Weapons in Law Enforcement, HR/PUB/20/1, 1 June 2020.

<sup>66</sup> HRC, general comment No. 36, para 14; *see generally* UN Human Rights, Guidance on Less-Lethal Weapons in Law Enforcement.

<sup>67</sup> HRC, general comment No. 37, paras 80-81.

<sup>68</sup> UNODC/OHCHR, Resource Book on the Use of Force and Firearms in Law Enforcement, p 67.

must also comply with the fundamental principles of legality, necessity, proportionality, precaution, and non-discrimination.<sup>69</sup> The HRC's general comment No. 36 (2018) on the right to life provides that States should be "supplying forces responsible for crowd control with effective, less-lethal means and adequate protective equipment in order to obviate their need to resort to lethal force."<sup>70</sup>

Regrettably, a number of items and instruments used against protesters during the 2024 uprising are included in the Special Rapporteur on Torture's non-exhaustive lists of (a) inherently cruel, inhuman or degrading items, due to the items' design or purpose, or (b) items which pose a heightened risk of misuse for torture and ill-treatment.<sup>71</sup> These include batons, tear gas, gas shells, ammunition containing single non-metallic projectiles, stun grenades, and sound grenades, as well as lethal weapons such as shotguns with metal bullets and military-grade automatic and semi-automatic rifles with specialised armour-piercing ammunition.<sup>72</sup>

It is recommended that Bangladesh introduce a comprehensive legislative ban on shotguns loaded with metal pellets and other inherently indiscriminate crowd-control weapons, accompanied by revised policy and operational manuals, mandatory use-of-force training, independently verified procurement policies prioritising less-lethal alternatives, a procurement policy and transparent reporting of the types of weapons in stock and used, and criminal liability for officers who order or use prohibited weapons.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others". Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1].

The Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (A/HRC/55/60) includes detailed protocols for the action of law enforcement prior, during and after protests. Among others, the Protocol indicates that when facilitating protests, law enforcers need to ensure that containment tactics, such as "kettling", or any other similar tactic (including creating barriers around encampments) "are used only when it is necessary and

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<sup>69</sup> HRC, general comment No. 37, paras 78-79; *see also* UNODC/OHCHR Resource Book on the Use of Force and Firearms in Law Enforcement, pp 64, 69.

<sup>70</sup> HRC, general comment No. 36, para 13; *see generally* UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

<sup>71</sup> United Nations Human Rights Special Procedures, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, annexes 1 and 2, A/78/324.

<sup>72</sup> OHCHR, Fact-Finding Report, paras. 32, 37, 61, 62, 66, 105, 109, 134, 188, 207 and cases 1-6.

proportionate to do so to address actual violence or an imminent threat, while avoiding the disproportionate restriction of protestors' rights" (para. 75)

VI. The Draft Bill "Prevention and Remedy of Enforced Disappearance Act, 2026"

On 17 June 2026, Special Procedure mandate-holders transmitted a joint communication regarding the Draft Bill "Prevention and Remedy of Enforced Disappearance Act, 2016" ([OL BGD 3/2026](#)). In this connection, we wish to reiterate that it is essential to address the interconnectedness of different human rights violations during the uprising, such as enforced disappearances and torture. Widespread torture and ill-treatment were linked to many instances of enforced disappearances leading up to and during the 2024 uprising. The Commission of Inquiry on Enforced Disappearances has estimated that the 1,569 unique complaints it received prior to the publication of its 4 January 2026 report represent only a portion of approximately 4,000–6,000 cases of enforced disappearances which occurred from 6 January 2009–5 August 2024.<sup>73</sup> These enforced disappearances are not politically neutral: over 95% of victims of enforced disappearances with a known political identity are affiliated with parties in opposition to the prior Government.<sup>74</sup> Enforced disappearance was commonly used to conceal torture, which allowed officials to carry out torture without the threat of legal consequences.<sup>75</sup> Indeed, detention centres investigated by the Commission routinely contained specialised interrogation rooms equipped with torture devices and infrastructure designed for widespread torture, despite widespread efforts to destroy evidence of torture following the 2024 uprising.<sup>76</sup> The Commission has ultimately concluded that the "system of enforced disappearance in Bangladesh was intrinsically linked to a widespread and systematic culture of torture" which was a "normalized practice".<sup>77</sup>

The Draft Bill "Prevention and Remedy of Enforced Disappearance Act, 2026" (**Draft Bill**) aims to address and criminalize enforced disappearance as an autonomous offence, following Bangladesh's accession to *ICPPED*.

However, as highlighted in the joint communication OL BGD 3/2026 and in consonance with the observations raised therein, the Draft Bill also has numerous areas for improvement. More specifically, issues of concern relate to: (a) inclusive participation in the drafting process; (b) the definition of enforced disappearance; (c) the retention of the death penalty; (d) criminal liability and command responsibility; (e) the continuous nature of enforced disappearance and its implications for temporal jurisdiction; (f) the absence of a statute of limitations framework consistent with international standards; (g) the lack of specific aggravating and mitigating circumstances; (h) shortcomings in detention registers and the absence of an independent inspection mechanism; (i) the failure to exclude military jurisdiction; (j) the right to an effective remedy; (k) witness and victim protection; (l) the absence of

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<sup>73</sup> The Commission of Inquiry on Enforced Disappearances, *Unfolding the Truth: A Structural Diagnosis of Enforced Disappearance in Bangladesh*, Volume One, The Commission of Inquiry on Enforced Disappearances, January 2026, p 63.

<sup>74</sup> *Ibid.*, pp 66–67.

<sup>75</sup> *Ibid.*, p 81.

<sup>76</sup> *Ibid.*, pp 80–81.

<sup>77</sup> *Ibid.*, p 74; see also Human Rights Watch, "Bangladesh: Ensure Justice, Reparation for Victims, and Guarantees of Non-Recurrence of Enforced Disappearances", 26 May 2026, at <https://www.hrw.org/news/2026/05/26/bangladesh-ensure-justice-reparation-for-victims-and-guarantees-of-non-recurrence> (last accessed 1 July 2026).

a search mechanism and of a right to participate in search efforts; (m) the legal status of disappeared persons; (n) the absence of provisions for survivors; (o) the lack of child-specific safeguards; (p) the absence of a gender perspective; and (q) deficiencies in database systems and data management.

In this context, we would also like to refer to the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, as established in the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005 (principle 2). Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations (principle 5). In this respect, we also refer to the General comment on the right to the truth in relation to enforced disappearance, issued by the Working Group on Enforced or Involuntary Disappearances (A/HRC/16/48, para. 39), which reiterates that “[e]ach victim has the right to know the truth about violations that affected him or her, but the truth also has to be told at the level of society as a ‘vital safeguard against the recurrence of violations’ (....). The Working Group has often recommended that States adopt measures to promote truth, reparations for victims and reconciliation in their societies, as a means of implementing the right to the truth and the right to integral reparation for victims of enforced disappearances (A/HRC/RES/21/15, para. 3).

While the Draft Bill is an important step, there are still significant gaps that may not appropriately prevent future instances or address past instances of torture and cruel, inhuman or degrading treatment or punishment and enforced disappearance, and we encourage their rectification. The full set of observations and recommendations is contained in communication OL BGD 3/2026. We look forward to receiving Your Excellency’s Government reply and to engaging in a constructive dialogue on the issues raised, with a view to ensuring that the draft legislation is fully aligned with international human rights standards and obligations.

*VII. Comment on the present rehabilitation mechanism and the rehabilitation for all survivors of the 2024 uprising*

The current Government’s institutional reforms and the July Shaheed Smriti Foundation’s emergency relief model are welcome steps; however, the State’s legal obligations to provide prompt, fair, and full rehabilitation and reparation remain under-implemented.

Medical evaluations of survivors documented a wide range of injuries, including ocular injuries, vision loss, eardrum perforation, musculoskeletal wounds, and traumatic brain injury resulting from birdshot pellet injuries at close range; hearing loss due to close-range sound grenades; internal trauma from blunt trauma and stab wounds; and somatic symptoms including persistent headaches, profound fatigue, insomnia, hair loss, and gastrointestinal disturbance. Psychological harm is also pervasive, encompassing PTSD, major depressive disorder, collective trauma from witnessing killings and injuries, and suicidal ideation.

While survivors have benefited from the existing reparation mechanism, they have also reported an absence of post-operative physiotherapy, insufficient and

intermittent specialist follow-up, undertreatment, discontinuance of treatment, limited or no medical facility capacity for complex operations, and unequal medical access. There have also been reports of misclassification of injuries such that serious cases were routinely placed in lower injury categories, leading to systematically insufficient compensation and treatment.<sup>78</sup>

Survivors continue to face limited economic capacity – particularly those who were primary or sole providers – alongside exorbitant medical costs, inadequate and unevenly distributed State financial support, educational and professional setbacks, disrupted family structures, social fracture, and community stigma. Women and children bear disproportionately severe impacts.

Under international human rights law, every State is required to provide redress to victims of human rights violations including torture or ill-treatment (ICCPR article 2(3) and UNCAT article 14). According to the UN Committee Against Torture, there are five forms of reparation including compensation, guarantees of non-repetition, rehabilitation, restitution, and satisfaction.<sup>79</sup> These forms of reparation should be complementary, multi-faceted, and tailored to account for local contexts.<sup>80</sup> The right to reparation is independent of any criminal conviction of the perpetrators. In particular, transformative reparation – which seeks to improve survivors’ lives and address the conditions that cause violations rather than restoring survivors to their state of being prior to the violation – should be prioritised.<sup>81</sup>

Other rights of survivors pursuant to international human rights law include the right to equal and effective access to justice; to adequate, effective, and prompt reparation for harm suffered; to access relevant information concerning violations and reparation mechanisms; to live free from torture and ill-treatment; to truth and accountability; to fully participate in and to lead efforts to address torture and ill-treatment; to a victim- and survivor-centred approach, which centres dignity, humanity, autonomy, and respect for the human rights of the survivors, in all interactions with the State and other relevant bodies and actors; to all available remedies without discrimination; to reparation and rehabilitation; and to international solidarity and cooperation.<sup>82</sup>

Based on consultations with survivors, and in line with the Charter of Rights of Victims and Survivors of Torture and other ill-treatment (A/HRC/61/42), we recommend that Your Excellency’s Government develop a structured, State-level reparation and rehabilitation programme encompassing (a) consultations and participation of survivors in the design and implementation; (b) calibrated compensation proportionate to harm, determined transparently with full victim participation; (c) statutory rehabilitation covering medical (short and long-term), psychological, legal, and social services; (d) measures of satisfaction, including official

<sup>78</sup> Redress and Blast, Accountability and Reparation for Torture in Bangladesh, p 7.

<sup>79</sup> CAT, general comment No. 3; International Rehabilitation Council for Torture Victims, “Global Standards on Rehabilitation of Torture Victims”, 6 October 2020, at [https://irct.org/wp-content/uploads/2022/05/IRCT\\_Global\\_Standards\\_on\\_Rehabilitation\\_of\\_torture\\_victims\\_2020.pdf](https://irct.org/wp-content/uploads/2022/05/IRCT_Global_Standards_on_Rehabilitation_of_torture_victims_2020.pdf).

<sup>80</sup> See, e.g., CAT, general comment No. 3.

<sup>81</sup> Redress and Blast, Accountability and Reparation for Torture in Bangladesh, p 13.

<sup>82</sup> See UN General Assembly resolution A/RES/60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006; UN HRC, Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/HRC/61/42, 20 January 2026.

acknowledgment, public memorialisation, and restoration of dignity; (e) guarantees of non-repetition embedded in institutional reform; and (f) professional and educational support. Reparations must address the full spectrum of harm, including physical, psychological, economic, social, and familial elements. Measures should also be specifically tailored to be gender-responsive and to account for the unique needs of other minority groups.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned.
2. Please explain the process of inclusive stakeholder engagement in legislative and structural reforms afore-mentioned, including the involvement of survivors of torture and other ill-treatment.
3. In respect of the NHRC and NPM, please outline the legislative and structural steps Your Excellency's Government intends to take to bring the NHRC into full compliance with the Paris Principles and to ensure that the 2026 NHRC Bill, or any future Bill, are also in alignment with international standards; and to establish an NPM that meets the requirements of OPCAT and the guidance of the SPT.
4. In respect of police oversight and reform: please share how Your Excellency's Government intends to ensure independent oversight of police misconduct (especially for deaths and serious injuries in custody and allegations of torture and other ill-treatment), including whether it envisages establishing a dedicated complaints and oversight body with broad investigative powers, a systemic and individual mandate and which adopts a victim-centred approach.
5. How does Your Excellency's Government envisage reforming the Police Act 1861 to ensure compliance with international standards, including by moving towards a model of policing grounded in legality, necessity, proportionality, and accountability, with transparent recruitment and promotion and the exclusion of individuals with criminal records or involvement in past abuses?
6. What measures does Your Excellency's Government intend to take to address the criminal justice system's over-reliance on confessions, including by safeguarding persons in remand under section 167 of the Code of Criminal Procedure against coercion, adopting the Méndez Principles or a similar framework, and ensuring that convictions do not rest predominantly on confessional statements?
7. What regulatory, structural and institutional measures has Your Excellency's Government implemented to ensure that the use of force, including less-lethal weapons, complies with the principles of necessity,

proportionality, legality, precaution, and non-discrimination, and that military-grade automatic weapons and armour-piercing ammunition (and any other items prohibited by the Special Rapporteur's list) are never again deployed against civilian demonstrators?

8. Has Your Excellency's Government established a legal mechanism through which security force personnel can report unlawful orders without fear of reprisal?
9. What steps has Your Excellency's Government taken to identify, secure and preserve evidence relating to the events of July–August 2024, and to identify and suspend from active duty any security force personnel credibly implicated in killings or torture, pending the outcome of criminal proceedings?
10. What measures are in place to protect witnesses, survivors, and families of victims cooperating with investigations from intimidation or reprisal, including from elements still embedded within the security services, and to promote the holistic rehabilitation of survivors, including legal, medical, educational, professional, and other supports?
11. Does Your Excellency's Government maintain any form of legislative immunity, administrative protection or de facto impunity that could impede prosecution of those responsible for the 2024 violations and, if so, will it commit to removing those barriers, and is it prepared to refer evidence of systematic crimes, including potential crimes against humanity identified by OHCHR or other international observers, to international accountability mechanisms should domestic proceedings prove insufficient?

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from Your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We stand ready to provide additional technical advice pursuant to our respective mandates that Your Excellency's Government may require in ensuring that legislation is consistent with international human rights law.

Please accept, Excellency, the assurances of our highest consideration.

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Gabriella Citroni

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Morris Tidball-Binz  
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Special Rapporteur on the promotion of truth, justice, reparation and guarantees of  
non-recurrence