

# Hasina's regime and the systematic use of enforced disappearance



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Enforced disappearance, the clandestine abduction or detention of individuals by state agents or their affiliates, stands among the most egregious violations of human rights and constitutes a crime against humanity. Under international law, crimes against humanity encompass systematic attacks against civilian populations, including murder, torture, and enforced disappearances. Unlike war crimes, these atrocities are not confined to periods of armed conflict and can be perpetrated even in times of peace.

It is now irrefutably evident that Sheikh Hasina's despotic regime (2009-2024) systematically weaponised enforced disappearance as a ruthless tool of political repression. Over the course of her 15 and a half year rule, thousands of opposition activists, dissidents, and government critics were forcibly taken, leaving their families in perpetual anguish and uncertainty regarding their fate. The sheer brutality of these crimes not only inflicted profound sufferings upon the victims and their families, but also undermined the legal and constitutional bedrock of Bangladesh's already fragile

Transnational Crimes (CTTC) unit of police—abducted political dissidents, confined them in undisclosed detention facilities, and subjected them to torture, often spanning months or even years.

International human rights bodies, including Human Rights Watch (HRW) and Amnesty International, have corroborated these harrowing accounts. The UN Working Group on Enforced or Involuntary Disappearances has persistently called upon the Hasina regime to cease these egregious violations.

The US, in December 2021, imposed targeted sanctions on Rab and seven of its senior officials for their involvement in grave human rights violations. The sanctions cited over 600 enforced disappearances since 2009 and nearly 600 extrajudicial killings since 2018, underscoring the alarming extent of government-sponsored repression.

The crisis of enforced disappearances in Bangladesh transcends the realm of political oppression; it constitutes an unequivocal legal and moral indictment of the state's abject failure to uphold the most fundamental

command structure, with responsibilities carefully distributed among multiple security agencies. One agency carried out abductions, another detained the victims, and a third was tasked with either executing or releasing them.

2) Sheikh Hasina was personally involved in sanctioning enforced disappearances. In one documented

7) Those who survived their ordeal were often implicated in false legal cases, entrapping them in prolonged legal battles designed to perpetuate their suffering and cripple them socially and financially.

8) High-level coordination occurred between Bangladeshi and Indian security forces in orchestrating disappearances.

(Section 362) and unlawful confinement (Section 340), and the Code of Criminal Procedure, 1898 and the Torture and Custodial Death (Prevention) Act, 2013 explicitly prohibit torture and illegal detention, these legal provisions have proven to be largely ineffectual due to judicial inertia, systemic political interference, and a culture of impunity.

a robust framework aligned with the ICPPED. The framework requires:

1) Crafting laws explicitly defining and penalising enforced disappearances, and holding superior officers and public officials accountable for ordering, authorising or failing to prevent such crimes.

2) Maintaining official detainee records, disclosing detention locations, ensuring legal representation and family access, and permitting independent facility monitoring.

3) Guaranteeing truth, justice, and full reparations, including restitution, compensation, rehabilitation, and non-recurrence safeguards.

4) Conducting thorough investigations, prosecuting offenders, and implementing systemic reforms to prevent future violations.

5) Facilitating cross-border investigations, extraditions, and prosecutions to ensure that perpetrators find no safe haven.

## The path forward

To bring the perpetrators of enforced disappearance to justice, the first and most urgent step for Bangladesh is to immediately criminalise it under domestic law, fully aligning with the provisions of the ICPPED.

Second, justice demands that all those complicit—ranging from the highest political figures to security personnel, and those who facilitated these crimes—be held to account. The security agencies involved—the primary instruments of repression—must either be dismantled entirely or subjected to a thorough purge, ensuring the removal of all individuals implicated in these grave human rights violations.

Third, the destruction and tampering of evidence related to these heinous crimes must be halted immediately. It must be recognised that the torture centres constitute crime scenes, and any interference with evidence—whether through alteration, destruction, concealment or fabrication—is a criminal act. Such actions obstruct justice, distort investigations, and shield perpetrators from accountability.

Fourth, Bangladesh must establish a special tribunal dedicated to prosecuting those responsible for enforced disappearances, drawing upon international precedents, such as Argentina's prosecution of military officials involved in enforced disappearances during the Dirty War (1976-1983).

Finally, the horrors perpetrated under Sheikh Hasina's regime cannot be erased from historical memory. The truth has emerged, and with it the moral and legal imperative to deliver justice. A powerful example must be set so that it becomes inconceivable for any future government to wield terror as an instrument of governance. Those silenced by enforced disappearance can no longer speak; it is the duty of the living to demand justice in their name.



A victim of enforced disappearance narrates his ordeal to Chief Adviser Prof Muhammad Yunus at a detention centre in Uttara, Dhaka on February 12, 2025.

FILE PHOTO: CA PRESS WING

**A fundamental flaw in Bangladesh's legal framework is that while the Penal Code criminalises abduction and unlawful confinement, it does not explicitly address enforced disappearance, a distinct crime characterised by the involvement of state apparatuses and the deliberate concealment of the victim's fate. Furthermore, legal provisions requiring government approval to prosecute public officials create a near-insurmountable legal barrier, effectively shielding perpetrators from accountability.**

democracy. Alarming, Bangladesh remains devoid of a legal framework to prosecute perpetrators of enforced disappearances, dismantle the entrenched culture of impunity, or implement the necessary legal and institutional reforms to ensure justice.

## The magnitude of the crisis

Over the years, human rights organisations such as Odhikar and Mayer Dak have meticulously chronicled the staggering scale of enforced disappearances under the Hasina regime. Their exhaustive reports provide compelling evidence of how the country's security apparatuses—including the Rapid Action Battalion (Rab), the Detective Branch (DB) of police, the Directorate General of Forces Intelligence (DGFI), and the Counter-Terrorism and

rights to life, liberty, and protection from government-sanctioned persecution.

## Shocking revelations by the inquiry commission

In August 2024, the interim government established the Commission of Inquiry on Enforced Disappearances to investigate the grave human rights violations committed under the Hasina regime. Chaired by a High Court judge, the commission released its interim report in December last year, documenting over 3,500 cases. Among the 758 cases examined in detail, 204 victims (27 percent) remained unaccounted for. The report revealed the horrific nature of these atrocities as follows:

1) The crimes were systematically executed under a centralised

case, a returned victim was explicitly informed that Hasina had granted him a "second chance," conditional upon his permanent withdrawal from politics, exile from Bangladesh, and return only with government approval.

3) A key tactic in enforced disappearances was the use of covert abductions without witnesses, made possible through the extensive use of state surveillance networks that tracked political opponents and dissenters.

4) Victims were held anywhere from days to several months or even years. Some were placed among legal detainees, while others were confined to Aynaghar, secret detention centres. There were several Aynaghar centres across the country, many of which were later dismantled.

5) Torture methods were barbaric. One victim's lips were sewn shut without anaesthesia. Another was subjected to electrocution on his ears and genitals, reflecting a methodical approach to psychological and physical torment.

6) In instances of extrajudicial executions, perpetrators deliberately endeavoured to erase the identities of the victims by discarding bodies into rivers or abandoning corpses on railway tracks to be gruesomely disfigured by passing trains.

Notable cases included the abduction of Sukharanjan Bali from the Supreme Court premises in Bangladesh, the transfer of BNP leader Salahuddin Ahmed to the Indian authorities, and the interrogation of Hummam Quader Chowdhury by Hindi-speaking operatives.

The findings of the commission provide irrefutable evidence that enforced disappearances were not isolated incidents, but rather a deliberate and calculated government policy. These crimes were carried out with systematic precision, alleged foreign complicity, and a clear objective to eliminate political opposition and silence dissent under the guise of national security.

## Failures of the legal system

Despite constitutional guarantees of fundamental rights—including the right to life (Article 32), protection from arbitrary detention (Article 33), and safeguards against torture (Article 35)—the judiciary in Bangladesh has persistently failed to uphold these protections. Habeas Corpus petitions filed by victims' families were routinely dismissed, with courts deferentially accepting the government's narrative rather than exercising their constitutional duty to safeguard individual liberties.

Although the Bangladesh Penal Code, 1860 criminalises abduction

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## International legal frameworks

Enforced disappearances constitutes a flagrant violation of multiple provisions under international law. Such acts are explicitly prohibited under the Rome Statute of the International Criminal Court (ICC), the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

With the ratification of the ICPPED in August last year, Bangladesh is now legally bound to address enforced disappearances through comprehensive domestic legislation. This requires immediate legal and judicial reforms to dismantle entrenched impunity and establish

# Fusion energy: The holy grail of clean power



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In light of the escalating challenges associated with climate change, the pursuit of a sustainable, renewable, clean, and plentiful source of energy has reached unprecedented importance. Accordingly, physicists have been investigating the energy released during nuclear fusion reactions, but the challenge of converting it into a viable source of energy has proven to be persistently difficult.

However, the question persists regarding the potential of nuclear fusion to become a primary source of energy for our increasingly power-dependent world. If this possibility is indeed attainable, will it be achieved in time to prevent the catastrophic consequences of climate change?

Nuclear fusion replicates the mechanism that fuels the stars, presenting the prospect of a clean and nearly unlimited supply of energy. In contrast to fossil fuels, fusion does not emit greenhouse gases (GHGs). The fusion reaction, which involves the combination of light atomic nuclei—specifically, isotopes of hydrogen such as deuterium and tritium—offers the promise of generating energy with minimal carbon dioxide (CO<sub>2</sub>) emissions while avoiding the hazardous, long-lasting radioactive waste linked to current nuclear fission reactors that split heavy radioactive nuclei, uranium-235 or plutonium-239.

The Earth possesses virtually inexhaustible reserves of the raw materials—deuterium and tritium—essential for a fusion reactor. Deuterium is abundantly available in ocean water, with sufficient quantities to feed a reactor for billions of years, but naturally occurring tritium is exceedingly scarce. Nevertheless, it can be generated in a reactor through the neutron activation of lithium, which can be sourced from brines, minerals, and clays.

Despite notable advancements, many challenges remain in the development of a commercially viable fusion reactor. The major ones are: i) reaching the temperature (exceeding 100 million degrees Celsius) necessary to initiate a self-sustaining fusion reaction; ii) containing the extreme heat produced in the plasma, an ultra-hot mixture of gases where electrons are entirely separated from their atomic nuclei; and iii) maintaining the plasma at this superhot temperature for a sufficient duration so that the energy produced surpasses the input energy needed to sustain the process.

The International Thermonuclear Experimental Reactor (ITER), a collaborative project involving 35 nations and currently under construction in Cadarache, France, represents the world's largest fusion reactor.

Once operational, it is expected to achieve continuous energy output at a power plant scale, approximately 500 megawatts. However, since its establishment in 2006, the ITER has experienced uneven progress, facing numerous technical setbacks, a complex decision-making framework, and a significant increase in cost projections, which have escalated from five billion euros to nearly 20 billion euros. Additionally, the planned operational start in 2035 may be pushed back

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to the 2040s.

One of the challenges the ITER faces is how to control the hot plasma at a temperature of around 100 million degrees and keep it away from the walls of the container. No known material can withstand such a high temperature; even extremely heat-resistant metals such as tungsten would melt instantly.

Physicists have developed two rival methods for managing the hot plasma and preventing it from contacting the walls of its containment vessel. These methods are known as magnetic confinement and inertial confinement. The procedures necessitate

exceptional precision. Additionally, the intensely heated plasma is inherently unstable—it tends to form large temperature gradients, resulting in powerful convection currents that make the plasma turbulent and difficult to control.

Moreover, a sustained fusion reaction that produces substantially more energy than it consumes has never been achieved. The ITER, which uses magnetic confinement by employing a doughnut-shaped chamber in which magnetic fields keep the plasma in perpetually looping paths without touching the walls, still has not produced a sustained reaction. The longest fusion reaction achieved so far is 17 minutes and 46 seconds, set recently in China.

Attaining the sought-after goal of "net energy" in nuclear fusion has been the holy grail for scientists working in this domain. A net energy gain was notably demonstrated in December 2022 at the National Ignition Facility (NIF), a laser-based inertial confinement fusion research lab located at Lawrence Livermore National Laboratory in California. At the NIF, plasma is produced by directing intense lasers at a small pellet filled with deuterium and tritium.

The ratio of output energy to input energy at the NIF was 1.5. Although this accomplishment represents an important milestone, it is still far from establishing fusion as a practical source of energy. For fusion reactors to be deemed viable for commercial energy generation, they must attain a threshold ratio of 10. The challenges associated with inertial confinement are considerable as well, and at present, only a handful of facilities around the globe are dedicated to its research.

The widely reported success at the NIF

elicited a typical range of responses: fervent endorsement from proponents of the technology and scepticism from detractors, who contend that scientists have consistently claimed that practical fusion energy is just two decades away—or three or five decades, depending on the viewpoint. Furthermore, energy production is not a primary objective of the NIF. The facility was primarily designed to initiate nuclear reactions for the purpose of studying and maintaining the US's nuclear arsenal.

As we look to the future, there are compelling reasons to believe that fusion energy will play a consequential role in the energy landscape, particularly as more developing and underdeveloped nations begin to demand levels of energy consumption comparable to those of Western countries. That being said, fusion is not a panacea for mitigating the devastating effects of climate change. Addressing climate change requires decarbonisation of the atmosphere using available technologies, including renewable sources such as solar and wind power, hydropower, geothermal energy, and potentially carbon capture methods.

As for the question of when nuclear fusion will become a reality, there is no clear answer. Nonetheless, experts generally agree that the likelihood of achieving large-scale energy production through nuclear fusion is unlikely before 2050, with some more cautious projections suggesting an even longer timeline. Given that the rise in global temperatures over the coming decades will likely be heavily influenced by our actions—or lack thereof—regarding GHG emissions during this period, it is evident that fusion cannot be considered a near-term solution.