A questionable detention policy

The International Crimes Tribunal is violating its own rules that require that those detained for over a year be released unless there are 'exceptional circumstances.'

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In August 2025, I wrote in *Prothom Alo* about the arrest, 10 months earlier in October 2024, of Dr Tawfiq-e-Elahi Chowdhury—former power, energy, and mineral resources adviser to ousted Prime Minister Sheikh Hasina—by the International Crimes Tribunal (ICT) on allegations of crimes against humanity. In that article, I argued that there was no evidential basis to justify his detention by the ICT either at the outset or 10 months on. Now, six months later, Chowdhury has been detained for a full 15 months without charge.

At this point, his detention is not merely arbitrary; it is very possibly unlawful under the Tribunal's own procedural rules. Rule 9(5) of the ICT Rules of Procedure provides that:

"If an accused is in custody during [the] investigation period, the investigation officer shall conclude the investigation within one year of his arrest under the Rules. In case of failure to complete the investigation as specified above, the accused may be released on bail subject to fulfilment of some conditions as imposed by Tribunal. But, in exceptional circumstances, the Tribunal, by showing reasons to be recorded in writing, may extend the period of investigation and also the order detaining the accused in custody for a further period of six months."

The structure of the rule is clear. First, investigations must be completed within one year of arrest. Second, if that period expires without completion, the accused may be released on bail subject to conditions. Third, and crucially, continued detention beyond one year is permissible only in "exceptional circumstances," which must be justified in writing.

It might be argued that the word "may" (in the second sentence of the rule) gives the Tribunal discretion to refuse bail. However, that discretion is plainly constrained by the third sentence: detention can continue beyond one year only where exceptional circumstances exist and are properly recorded. Why, then, does Chowdhury remain in ICT custody? What exceptional circumstances justify the continued detention of an 81-year-old man who has not been formally charged? None have been publicly identified.

After the expiry of one year in detention, Chowdhury's family did not apply for bail, perhaps owing to inadequate legal advice. Yet, arguably, the Tribunal itself bears responsibility. Once the one-year threshold was crossed, and absent exceptional circumstances, the Tribunal should have acted proactively to ensure compliance with its own rules and ordered his release.

This issue is not confined to just Tawfiq-e-Elahi Chowdhury, however. There are at least seven other accused who have also been detained without charge by the ICT for more than a year, including former ministers or members of parliament. They include Dipu Moni, Faruk Khan, Kamal Ahmed Majumdar, Shahjahan Khan, Golam Dastagir Gazi, Fazle Karim Chowdhury, and former judge Shamsuddin Chowdhury Manik. If they too have been held beyond the one-year investigative limit without a properly reasoned finding of exceptional circumstances, their continued detention would likewise appear to contravene the Tribunal's own legal framework.

It is important to note here that even if the ICT were to grant bail to these individuals, they would be released from custody only if they were not simultaneously being detained in connection with separate offences under the Penal Code—a circumstance in which most, if not all, of them currently find themselves.

In its judgments, the Tribunal claims that it is meeting international standards. It is true that since July 2024, significant amendments were made to the International Crimes (Tribunals) Act, 1973 to ensure that the definition of offences reflects international law. However, the provisions relating to detention were not changed and, at least in relation to issues of pre-charge detention—both in law and in practice—the Tribunal falls short of those standards.

Lord Carlile KC, a respected senior lawyer in the UK who previously acted for Khaleda Zia, the former leader of the Bangladesh Nationalist Party (BNP), and who is now assisting the family of former Awami League MP Fazle Karim Chowdhury (one of those detained by the ICT without charge for over a year), certainly thinks so. "The procedure that has been used against him has no legal credibility whatsoever," he told me. "If [the ICT prosecutors] have got evidence against him, they should serve it on him, but they haven't... There was no statement of evidence, no photographs, no documents showing he supported the things he is accused of."

"You can't detain someone for a year and pretend that you have the evidence against them until you serve it."

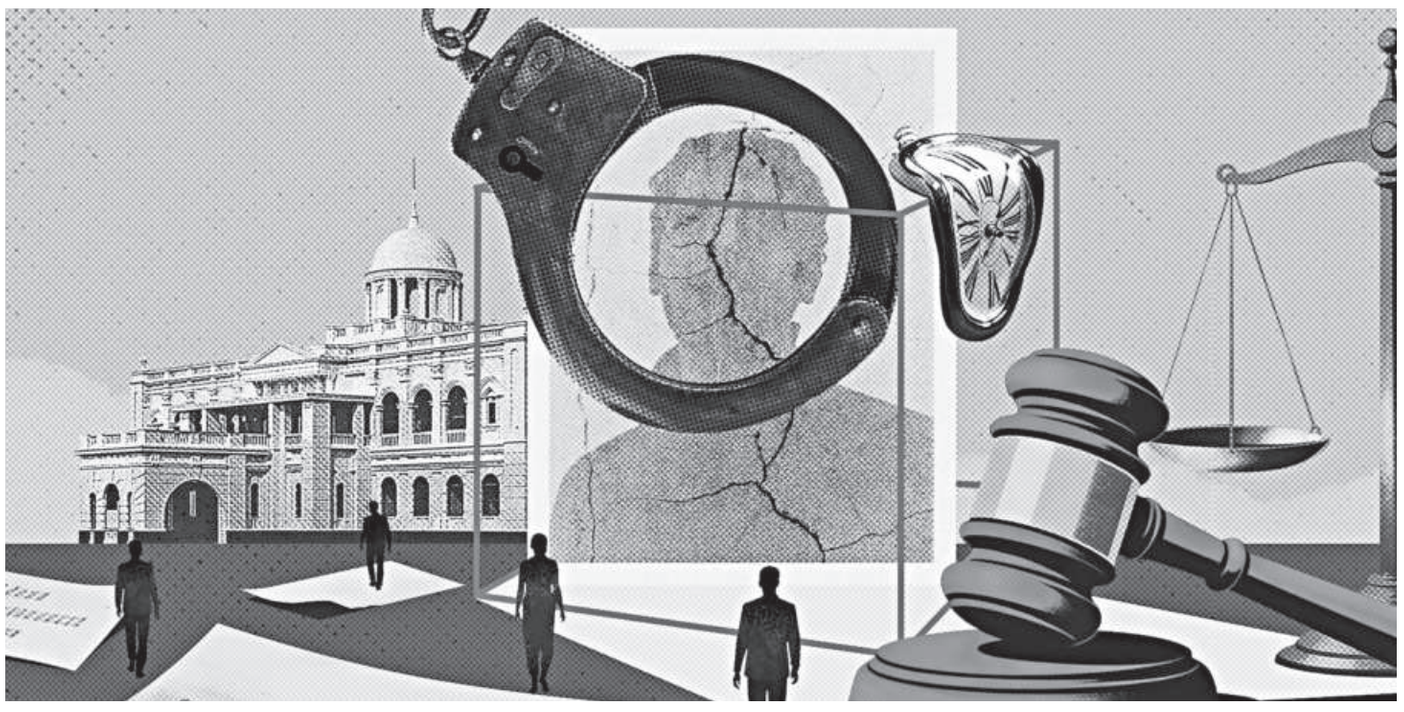
He went on to say, "The Bangladesh legal system and the current government need to get their house in order, as otherwise they are going to be a total outlier in the Commonwealth. This is not what we would expect of the interim administration headed by Muhammad Yunus. I would have expected much better."

There will no doubt be objections from certain populist groups to the application of due process and the rule of law, particularly if that results in bail being granted to individuals whom they describe as "fascists" or "fascist enablers," labels now frequently applied to anyone associated with Awami League. Over the past 18 months, in discussions about accountability for the July 2024 events, the emphasis within some of these circles has been overwhelmingly on retribution and punishment, with insufficient regard for the requirements of a fair and impartial trial process.

The Tribunal—and the new government—must, however, resist any populist pressure and ensure that due process is applied faithfully, even in politically sensitive cases. This means that the ICT applies Rule 9(5) of the Rules of Procedure and grants bail to those who have been detained pre-charge for over a year. Justice is not served by abandoning procedure and due process; it is secured only by upholding them.

As Tarique Rahman, the new prime minister, said at his first press conference following his party's election victory, reconciliation within Bangladesh can only happen through the "rule of law." Indeed, this is precisely what his mother's former UK lawyer is now also calling for.

(The ICT prosecution office did not respond to requests for comment.)



VISUAL: **ANWAR SOHEL**

'Modern-day slavery' threatening our women migrants

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MD ABBAS

The recent return of a 32-year-old Bangladeshi domestic worker from Saudi Arabia—six months pregnant after alleged rape, torture, and imprisonment—is not an isolated tragedy. It is a stark reflection of the structural vulnerabilities that many Bangladeshi women face when they migrate to the Middle East for domestic work. From Bangladesh's perspective, this is not only a human rights issue abroad but also a question of national responsibility which should begin at home and extend across borders.

Bangladesh sends hundreds of thousands of workers overseas each year. According to Brac Migration Programme data from 2025, more than 470,000 Bangladeshi migrant workers had returned home over the previous six years after facing abuse, exploitation or hardship, including at least 67,199 women who reported physical or sexual violence. Many returned injured, traumatised, or psychologically distressed, struggling to reintegrate into society due to stigma and a lack of support.

Remittances from migrant workers act as a lifeline for Bangladesh's economy, contributing over $31 billion last year, and a large portion of this came from Gulf countries such as Saudi Arabia. However, behind these figures are Bangladeshi women who migrate there with limited education, minimal bargaining power, and deep economic or social vulnerabilities.

The International Labour Organization (ILO) estimates there are over 11 million migrant domestic workers worldwide, many concentrated in the Middle East. ILO research with the Walk Free Foundation also estimates that nearly 50 million people globally live in conditions of modern slavery, including forced labour. Domestic work in private households is consistently identified as a high-risk sector due to isolation and lack of labour oversight. For Bangladeshi women, the journey often begins with promises of secure jobs, fixed hours, and decent salaries arranged through recruiters or local brokers. But in reality, many end up placed in private homes under the kafala (or "sponsorship") system, which ties their legal status to a single employer. Although some Gulf states have introduced limited reforms, domestic workers remain largely excluded from meaningful protection and full labour law coverage.

Human Rights Watch and Amnesty International have documented patterns that mirror many testimonies from Bangladeshi migrant workers: employers routinely confiscate passports, withhold wages, confine workers to homes, and demand excessive hours without rest. Despite laws against passport confiscation in some Gulf states, the practice remains widespread. Without their passports, workers cannot leave the country, change employers or even safely approach authorities.

Many Bangladeshi domestic workers also report having their mobile phones taken away or being denied access to contact with family members. Isolation inside private households in a foreign country means having no co-workers, no visible workplace, and often no independent witnesses. Abuse can continue for months without detection. Between 2020 and 2024, an estimated 63 percent of returning female domestic workers reported experiencing at least one form of abuse, with 30 percent reporting sexual violence and 15 percent returning pregnant from assault.

International law outlines clear standards for what constitutes decent working conditions. The ILO Convention No. 189 on Domestic Workers, for instance, calls for equal labour protections, weekly rest, fair wages, and protection from violence. The Forced Labour Convention and its protocol prohibit coercion and exploitative conditions, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obliges states to protect women from gender-based violence. However, ratification gaps, limited labour law coverage for domestic workers, and weak enforcement mean that these protections are often theoretical rather than practical.

From the workers' perspective, the consequences do not end at the homecoming stage as many return traumatised, injured, or even pregnant due to sexual assault. Some face social stigma in conservative communities. Others return without savings or with unpaid wages. Returnee women report high levels of physical abuse, psychological trauma, and restricted access to necessities abroad. Several studies by the Refugee and Migratory Movements Research Unit (RMMRU) and the Ovibashi Karmi Unnayan Program (OKUP) also found that returning women experienced conditions such as denied medical care, excessive work hours, and severe abuse.

Without structured reintegration programmes, survivors often struggle to find work or receive proper medical and psychological care. Mental health support is limited and legal redress against abusive employers abroad is rare, especially when cases are quietly resolved through repatriation without prosecution. With crimes going unpunished, the impunity of abusive and exploitative employers is reinforced.

Bangladesh must confront its own responsibilities when it comes to protecting its citizens working abroad. For one, recruitment practices need tighter regulation as sub-agents operating informally at village or neighbourhood levels often escape scrutiny. Transparent contracts in Bangla, verified job descriptions, and clear complaint channels should be made mandatory. Recruitment agencies involved in deception or trafficking should also face criminal consequences.

Pre-departure training should be strengthened not only to provide practical skills but also to inform workers about their rights, embassy contacts, and emergency procedures. Additionally, digital registration systems could track contracts and reduce substitution fraud. Bangladesh's hotlines must be responsive and accessible from abroad.

At the same time, the Bangladesh government must take a more assertive diplomatic stance when it comes to ensuring protection for workers abroad. Embassies in destination countries need to be equipped with adequate resources to operate safe houses, provide legal assistance, and actively pursue complaints with host authorities. Simply issuing travel documents for return without seeking investigation undermines deterrence. Bilateral agreements with Gulf states should include enforceable labour protection, joint monitoring, and mechanisms to blacklist abusive employers.

Destination countries must also realise their responsibility and carry out structural reforms accordingly. Reforms to the kafala system must be meaningful and practically implemented. Domestic workers should be fully covered under labour laws. Passport confiscation and other coercive tactics should be prosecuted. Independent complaint mechanisms must be accessible to workers without threats of retaliation..

The experiences of workers from Nepal, the Philippines, Ethiopia, and Sri Lanka show that this is a regional problem affecting migrant women from many developing countries. Some governments have imposed temporary bans on sending domestic workers to certain Gulf states following high-profile abuse cases. While such bans may offer short-term political signals, they neither satisfy the underlying demand for migrant domestic labour nor lessen the systemic vulnerabilities that enable exploitation.

Ultimately, this is about redefining how we value migrant labour. Bangladeshi women who travel abroad as domestic workers are not disposable labour units. They are citizens whose dignity and rights must be protected across borders. Remittances should not come at the cost of their bodily integrity and basic freedom. Calling these patterns modern-day slavery is not rhetorical excess. When deception, coercion, confinement, violence and exploitation intersect, the elements of forced labour are present. When women are isolated, abused and denied autonomy, fundamental human rights are violated.

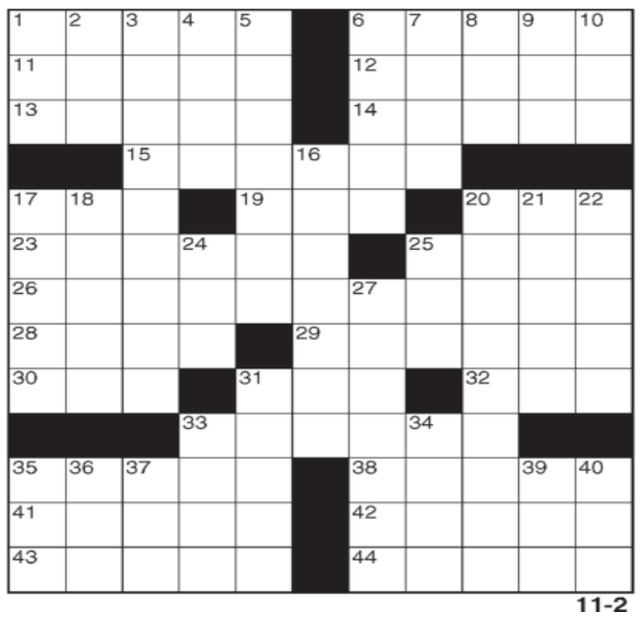
If Bangladesh is to continue sending workers abroad, it must ensure that migration is safe, informed, and rights-based. Protection must follow the worker to her place of employment and extend throughout her return and reintegration. Each abused migrant worker represents a systemic failure. Accountability must involve recruiters, employers, and officials where negligence or complicity exists.

For Bangladesh, the challenge is clear: protect the women who sustain the nation's economy through their labour abroad, or continue being complicit in a system that trades vulnerability for remittance.

CROSSWORD BY THOMAS JOSEPH

ACROSS
1 Was sore
6 Thoroughly disgusted
11 Suspicious
12 Bring to mind
13 Unadorned
14 Saloon quaff
15 Buy and sell
17 Brief time
19 Blend
20 Pet perch
23 Strangely wondrous
25 Make over
26 Absolutely sure
28 Rainbow shapes
29 Not optional
30 Ultimate
31 Braying beast
32 Astronaut Grissom
33 Fairy tale sister
35 Hummer's instrument
38 Play place
41 Inklings
42 Big name in auto racing
43 "Divine Comedy" writer
44 Some bow ties

DOWN
1 Mont Blanc, for one
2 Animation frame
3 Team leader
4 War of 1812 port
5 Spirited
6 Oscar's roommate
7 Skater Lysacek
8 Pound occupant
9 Luau strings
10 Apiece
16 Driving need
17 Lot choice
18 Put to use
20 High-quality window material
21 Parting word
22 Homes for koi
24 Six-pt. scores
25 Hwy.
27 Regains energy
31 Stood
33 Blame recipient
34 Sicilian peak
35 Nanny's child
36 Oklahoma city
37 Buddhism branch
39 Acquire
40 Geologic period



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YESTERDAY'S ANSWERS

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