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2.4. Accountability efforts and arrests

The interim government has taken steps to investigate alleged human rights abuses committed by the former administration,133 including:

- Inviting UN OHCHR to investigate human rights violations in connection to the student protests. UN OHCHR published its fact-finding report on 12 February 2025.134

- Forming an inquiry commission to investigate enforced disappearance committed by state authorities under the former government (1 January 2010–5 August 2024).135 By 31 October 2024, the commission had received more than 1 678 complaints.136 More information is available in 3.1. Law enforcement under the previous government.

- Forming a commission to investigate the army's crackdown on thousands of soldiers involved in a mutiny in 2009. This operation left 74 dead, including 57 army officials, and the court-martial for hundreds of soldiers, with some being punished by death.137

The interim government has moreover brought criminal cases before the domestic war crimes tribunal, International Crimes Tribunal of Bangladesh (ICT-BD),138 and has amended the International Crimes (Tribunals) Act of 1973, which the court's jurisdiction is based on.139 The ICT-BD was established in 2009 to prosecute international crimes committed during the 1971 war of independence.140 It has previously been criticised for violating fair trial standards.141 The amendments of the ICT Act have inter alia brought the definitions of 'crimes against humanity', 'genocide' and 'command responsibility' in line with international law. They also allow foreign counsel and international observers attending its trials,142 and require the tribunal to ensure the safety, security and well-being of witnesses. The death penalty was, however, retained.143 The interim government has also reconstituted prosecutors and judges at the tribunal,144 and appointed Muhammad Tajul Islam as chief prosecutor.145 Islam served as defence lawyer for Jamaat-e-Islami during previous trials at the tribunal, which has caused concerns about his objectivity.146 There were also some reported concerns of the judges' political affiliations.147

The ICT-BD Prosecutor's Office has reportedly received 278 complaints, and filed 18 criminal cases accusing 199 people in total for crimes committed under the former government.148 Most of the accused are presumed to have fled the country, but 39 have been detained, including the former minister for Law, Justice and Parliamentary Affairs,149 the former director general of the National Telecommunication Monitoring Centre,150 and the former head of the National Security Intelligence Agency.151 The ICT-BD has issued arrest warrants for 46 former ministers and

senior Awami league officials, including Hasina and members of her family, senior Awami League leaders and members, and former ministers and advisers,[152] as well as 17 law enforcement officials.[153] The defendants are accused of alleged 'crimes against humanity'[154] for their involvement in enforced disappearances under the former government[155] and also 'genocide' during the protests in July–August 2024.[156] Before the amendments of the ICT Act on 24 November 2024, the tribunal's definitions of 'crimes against humanity' and 'genocide' differed from international law, e.g. 'genocide' could also be applied to acts with the intent to destroy political groups.[157] The ICT-BD has moreover requested India to extradite Hasina.[158]

Trials against former officials involved in the crackdown on protesters, are ongoing,[159] including former ministers, bureaucrats, a judge,[160] and senior security officials.[161] A former RAB commander, accused of enforced disappearance, rape and torture, was also brought before the tribunal.[162] The chief prosecutor communicated to media that multiple cases of key figures of the former government would be concluded by December 2025.[163] According to UN OHCHR, ICT-BD prosecutors faced 'pressure to move complex cases forward quickly to respond to public demands for justice, while lacking the capacity and resources to investigate, gather evidence, protect witnesses and conduct fair prosecutions through to judgment.'[164]

The police have received mass criminal complaints after the fall of the former government.[165] Most cases have been filed as murder cases relating to the student protests. According to police data, 1 474 cases were filed in the period 6 August–25 September 2024, naming 92 486 defendants. Out of these, 1 174 cases were filed against 390 former ministers, members of parliament, and other Awami League officials.[166] According to UN OHCHR, reporting in February 2024, 1 181 investigations had been initiated with 98 137 accused, including 25 033 naming political party leaders.[167] Bangladeshi authorities have not published any numbers on arrests in relation to criminal complaints connected to the student protests, but hundreds have reportedly been arrested without any prior investigations of their cases. The Police Headquarters issued instructions in September 2024 for the police to 'withdraw' names of accused persons if preliminary investigations indicated that they were not involved.[168]

Hundreds of people connected to the former government have been arrested in criminal cases,[169] including at least 74 top Awami League leaders.[170] There were reports of security forces arbitrarily arresting Awami League affiliates,[171] including journalists.[172] Some misused the situation to file baseless cases[173] against political opponents,[174] and against perceived supporters of the former government.[175] As a result, some have been arrested without a relevant connection to the crime.[176] Some cases have listed hundreds of defendants, including 'unnamed' defendants.[177] Since the police may arrest people without a warrant for serious offences,[178] the practice of unnamed defendants opens up for them to arrest 'almost anyone' and repeatedly re-arrest them, which is 'a common abusive practice', as reported by Human Rights Watch.[179] In some cases the plaintiffs were unaware of who they named as defendants, and only 'signed the papers' on recommendations of the police or local politicians.[180] In a case recorded by Human Rights Watch, a woman signed a prewritten report with 50 accused, whom she did not know, including ministers, lawmakers, Awami League student activists, a teacher and two doctors, and 200–300 unnamed persons.[181] In November 2024, a legal expert told International Crisis Group about a general fear of being arrested at 'any minute'.[182]

Senior officials have been brought before courts for alleged murder amid the protests.[183] There were, however, concerns of the accountability of police staff,[184] given the lack of an independent mechanism investigating criminal complaints against security personnel,[185] and as investigators may have been involved in the protest crackdowns, or may refrain from duly investigating colleagues.[186] Local human rights organisation Odhikar reported on a case in which investigators had removed their former superior's name from the list of accused.[187]

For a timeline of the protests in July–August 2024, and information on violence of actors of the former government, see Annex 1: Timeline of the protests in July–August 2024.

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