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Hon. Md. Asaduzzaman
Minister of Law, Justice and Parliamentary Affairs
Ministry of Law, Justice and Parliamentary Affairs,
Bangladesh Secretariat

26 October 2026

Dear Honorable Minister,

Re: Amnesty International's concerns over recently proposed and enacted legislation in Bangladesh

Thank you for taking the time to meet our Secretary General, Dr Agnes Callamard during your visit to the UN General Assembly in September this year. We hope we can continue the constructive dialogue between your office and Amnesty International.

We are writing to follow up on some of the concerns raised during the meeting, particularly regarding the recently proposed or enacted legislation which impact the enjoyment and protection of human rights in Bangladesh. The Prevention and Remedy of Enforced Disappearance Act, 2026, the Special Response Battalion (SRB) Act, 2026, and the proposed Cyber Protection (Amendment) Act, 2026, all raise significant concerns about compliance with international law and standards. In the spirit of constructive dialogue, this letter outlines the organization's key concerns and urges the authorities to bring the relevant legislation and proposed amendments into conformity with their international human rights obligations.

Cyber Protection (Amendment) Act, 2026
The proposed Cyber Protections Amendment Act, 2026 raises serious human rights concerns similar to those related to previous repressive legislation. The percussors to the Cyber Protection Act 2026, i.e. the Information and Communication Technology Act 2006, the Digital Security Act 2018, and the Cyber Security Act 2023 have all been used to curtail and repress human rights including the right to freedom of expression. The proposed Amendment, far from addressing the shortcomings with previous legislations, retains and introduces provisions that threaten human rights.

<u>Blocking or removing information</u>
Section 8(2) of the proposed Amendment expands the number of agencies authorized to remove or block information. It empowers the Ministry of Information and Broadcasting, or another agency or force authorized by the Government, to take measures through the Director General, to remove, block, or relocate information that falls within restricted categories.

These categories include information that may undermine national security or public order, create religious or communal hatred, provide instructions for disorder or criminal activity or defame a person, institution or disrespect to the state. These grounds for restricting content are vague and overly broad. For example, the definition of defamation contained in section 25 is not limited to statements of facts and may cover opinions. Its references to "dignity and character" are also vague and susceptible to subjective interpretation. These provisions fail to meet the principle of legality under international human rights law, which requires restrictions to be clearly and precisely defined to prevent arbitrary interference with human rights.

International human rights law also requires public officials to tolerate a higher level of criticism than private individuals. Any provision that could prohibit criticism of the state, government, or public officials through references to "disrespect to the state" is incompatible with the right to freedom of expression and should therefore be removed. Defamation should not extend to institutions.

Although Article 17 of the International Covenant on Civil and Political Rights recognizes the protection of reputation of others is a legitimate aim for restricting expression, any restrictions must address sufficiently serious, and truth must be a legitimate defense. The proposed amendment does not adequately reflect these requirements. Section 25 expands the definition of defamation to include information that is "false, distorted, misleading, insulting *or* harmful". Yet a statement may be insulting or harmful and nonetheless be true.

Section 8(2) lowers the threshold for removal or blocking of content to information that is likely to undermine security or incite communal or religious hatred. These vague and speculative standard grants authorities broad discretion to remove or block expression that does not meet the threshold for restriction under international human rights law, increasing the risks of arbitrary interference with the right to freedom of expression.

Finally, Section 8(4) removes the requirement that authorities obtain approval from the Tribunal within three days for the continued removal or blocking of content. Instead, review depends on an application by an aggrieved person seeking restoration. Replacing automatic and prompt independent oversight with a complaint-based mechanism weakens an important procedural safeguard against arbitrary restrictions on the right to freedom of expression and increases the risk that unlawful or disproportionate restrictions will remain in force without timely scrutiny.

Criminalization of rumours, humiliation, bullying and disinformation

Section 25 and 26A of the proposed Amendment seek to expand the offences in the Act. They create a broad offence covering the creation, storage, transmission, publication, dissemination, or even threats to disseminate content through digital means where the content is allegedly connected to a wide range of purposes, including defamation, disparagement, bullying, disinformation and spreading of rumours.

Restrictions on the right to freedom of expression must be precisely defined by law and necessary and proportional to a legitimate aim, such as protecting the rights or reputations of others, national security, public order, public health or morals. Restrictions may also be justified where expression amounts to incitement to discrimination, hostility or violence. Authorities must demonstrate that any restriction meets the requirements of legality, necessity and proportionality and pursue a legitimate aim.

Section 25 of the proposed amendment fails to meet the principle of legality because the definition in Section 26(A) are vague and overly broad definitions. Taken together, these definitions permit the criminalization of expression based on broad and contested concepts such as dignity, social standing, distress, confusion or harm to institutions, rather than narrowly targeting clearly defined and serious harms. Such imprecise language could be used to settle personal vendettas, arrest and harass government critics and invoke the protection of reputations to justify restrictions on human rights. In keeping with the principle of legality, laws should be formulated to be sufficiently precise for there to be clarity as to the prohibited act. With such vague and overbroad definitions. Sections 25 and 26(A) fail to meet the requirement of legality for restricting the right to freedom of expression.

These provisions fail the tests of necessity and proportionality. The protection of reputation or public order does not justify criminalizing forms of expression –especially in such a broad and vague manner – that do not constitute recognizable crimes under international law. In cases involving harm to reputation, civil remedies are a less restrictive and more proportionate means of protection. These concerns are further exacerbated by the severe penalties provided for under the proposed amendments, including imprisonment of up to 10 years and fines of up to 40 lakh Taka (aprox GBP 24,500).

International human rights bodies have repeatedly warned that criminal sanctions for speech-related offences can have a significant chilling effect on the right to freedom of expression and are liable to be used to harass, intimidate, or silence journalists, human rights defenders, political opponents, and other government critics. It is also worth noting that the Cyber Tribunal, which is responsible under Section 41 for trying these offences, has

previously faced allegations of judicial harassment against Odhikar, a prominent human rights organization in Bangladesh.[1]

In light of these concerns, Amnesty International calls on the Government of Bangladesh to withdraw the proposed amendment and to refrain from taking it through the legislative process or bringing it into force.

Prevention and Remedy of Enforced Disappearance Act, 2026

Amnesty International welcomes the passage of the Prevention and Remedy of Enforced Disappearance Act, 2026, on 8 September 2026, following Bangladesh's accession to the International Convention for the Protection of All Persons from Enforced Disappearance on 30 August 2024. This is an important step towards criminalizing one of the most heinous crimes to be committed against a person, by taking them outside of the protection of law, and leaving their loved ones without answers as to their fate or whereabouts. Given that Bangladesh has a history of enforced disappearances, the passage of this law is essential to ensure the non-recurrence of enforced disappearances. However, the legislation in its current form is a missed opportunity for this government to enact legislation that fully adheres to the Convention for the Protection of All Persons from Enforced Disappearance. While there are many positives to the passage of this legislation, such as the application–albeit limited due to the application only of territorial jurisdiction of the Tribunal, rather than any jurisdiction – of universal jurisdiction, there are aspects which require amendment to ensure it fully reflects the protections afforded by international law and standards, and meaningful justice, truth and reparation for victims on enforced disappearance.

Definitions

Section 2(H) of the Act recognizes the disappeared person, family members and persons directly affected by the disappearance, it does not mirror Article 24(1) of the Convention, which defines victims as the disappeared person and *any individual who suffers harm* as a direct result of an enforced disappearance. To ensure full alignment with the Convention and avoid restrictive interpretations, the definition should be amended to incorporate the Convention's wording.

We welcome the definition of an enforced disappearance in Section 4 of the Act, which largely conforms with the definition of the crime contained in the Convention, however, the requirement for the public servant who deprives a person of their liberty be the same one that denies the deprivation of liberty, or conceals the fate or whereabouts of the person, is an unnecessary requirement. This additional requirement is inconsistent with international law and practice, which recognize enforced disappearance as a composite violation that may involve multiple state agents acting at different stages. In practice, the arrest may be carried out by one official or agency, while the subsequent refusal to acknowledge the detention or concealment of the person's fate or whereabouts may be undertaken by others. Requiring these acts to be committed by the same individual could unduly restrict criminal responsibility and exclude conduct that would constitute an enforced disappearance under the Convention. To ensure full compliance with international law, the definition should be amended to conform with the definition contained within the Convention.

Restriction to information on whereabouts

Section 4 of the Act provides that if an arrested person is produced before a Magistrate within 24 hours, the arrest, location or condition of an arrested person could be kept secret in the interests of national security and will not be treated as an enforced disappearance. This provision is wholly inconsistent with international law, which sets out that an enforced disappearance is a violation of the right to recognition as a person before the law, the right to liberty and security of person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, and violates or constitutes a grave threat to the right to life.[2] All these rights, except for the right to liberty and security of person, are non-derogable rights as per Article 4(2) of the

[1] Human Rights Watch, *Bangladesh: End Political Prosecution of Rights Leaders*, 10 August 2023, www.hrw.org/news/2023/08/10/bangladesh-end-political-prosecution-rights-leaders

[2] UN Declaration on the Protection of all Persons from Enforced Disappearance, 18 December 1992, www.un.org/sites/un2.un.org/files/doc.7_declaration_on_the_protection_of_all_persons_from_enforced_disappearance.pdf

International Covenant on Civil and Political Rights. Therefore, this provision is inconsistent with international law and should be removed.

Death Penalty

Despite civil society, diplomats, and INGOs raising concerns about the inclusion of the death penalty in draft iterations of the Act prior to its passage, Section 6 of the Act that was passed into law has retained the death penalty as a punishment. Amnesty International opposes the death penalty in all instances, without exceptions and regardless of what the person is accused of. Instead of drafting new laws which contain the death penalty, Bangladesh should work towards a complete abolition of the death penalty, and in the interim, issue a moratorium on its use.

Liability for Disciplinary Forces

While Section 10 establishes command responsibility for enforced disappearance, it does not extend responsibility to superiors who fail to refer suspected cases of enforced disappearance to the competent authorities for investigation and prosecution. Amnesty International recommends amending the provision to ensure that superior officers, commanders and team leaders are held accountable where they fail to take all necessary and reasonable measures, including reporting the matter to the appropriate authorities, to ensure that allegations of enforced disappearance are promptly investigated and all those suspected of criminal responsibility brought to justice in fair trials.

Continuing offence

We welcome the inclusion of Section 12, which recognizes the continuing nature of the crime of enforced disappearance, a characteristic of the crime which compounds the pain and suffering faced by the families of the disappeared.

Investigation Procedure

With reference to Section 14(3) of the Act, which sets out that investigations of enforced disappearances are to be conducted within 90 days of a complaint being made, with this period being extendable for an additional 30 days. The upper limit of 120 days to conclude an investigation could impact the ability of the investigating officer to carry out an adequate investigation, particularly given the complexity of some cases of enforced disappearance. This may lead to investigating officers prioritizing meeting this deadline to avoid disciplinary action, rather than taking the time necessary to conduct a full and effective investigation capable of identifying those suspected to be responsible and ensuring justice, truth and reparation for victims and their families. There should however be a mechanism to monitor the progress of the investigation regularly. Similarly, Section 19, which sets a 90-day to 120-day limit for the completion of the trial, should be assessed with concerns pertaining to due process in mind.

Furthermore, the provision for investigations to be conducted by the police in Section 14 may raise concerns of impartiality and independence of the investigating officer as there may be a nexus between the suspected perpetrators. This is particularly important given that the Rapid Action Battalion (RAB), a paramilitary unit now referred to as the Special Response Battalion (SRB), who the OHCHR says has "established a legacy of extrajudicial killings, enforced disappearances, torture and other serious violations"[3], is comprised of police officers, military and other security entities. Amnesty International therefore recommends that the Act include safeguards to ensure that investigations of enforced disappearances are carried out by investigators who are institutionally and operationally independent from any agency or individuals potentially implicated in the alleged offence, with appropriate oversight and adequate powers to conduct effective investigations. However, it should be noted that the National Human Rights Commission Act, passed by Parliament on 6 September 2026, allows for law enforcement agencies to produce a report on the alleged violation, and does not grant the NHRC the ability to investigate allegations of human rights violations related to law enforcement and security agencies. This provision should be amended to provide victims of human rights violations, including families of the disappeared, with an independent means of pursuing justice and effective remedies.

[3] OHCHR, *Fact Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh*, 2025, p. 7

Mitigating Circumstances

Section 17(2), which lists mitigating factors in the imposition of a sentence, contains a provision for Courts to decide 'reasonable circumstances'. This provision is wide and overly broad and could allow arbitrarily decisions on mitigating factors beyond those recognized by the Convention or international law. This section should be amended to conform with the corresponding section of the Convention, which establishes strict, specific instances which could be considered mitigating circumstances.

Trials in Absentia

Section 18 of the Act provides for trials in absentia, where the accused is absent, or absconding. Amnesty International opposes trials in absentia, except where an accused has deliberately absent themselves after the trial has begun, or disrupts the proceedings. Outside these limited circumstances, trials in absentia undermine the fairness of proceedings and prejudice the ability of the court to determine guilt or innocence.

False Cases

Section 21 criminalizes the submission of a 'false and vexatious' report of an enforced disappearance, punishable by compensation or a prison sentence of up to five years. This provision should be removed from the Act. It risks deterring families from reporting cases of enforced disappearances, for fear of prosecution if they cannot substantiate their allegations. Enforced disappearance is a complex crime in which evidence may be scarce or difficult to obtain. Families should not face criminal liability simply because they cannot provide sufficient evidence when seeking justice and effective remedies for their loved ones.

While the Act is welcome, the Government of Bangladesh should amend the law to bring it in line with international human rights law to ensure meaningful justice and accountability.

Special Response Battalion (SRB) Act, 2026

The Rapid Action Battalion (RAB), a paramilitary force established in 2004, has faced several credible accusations of committing serious human rights violations, including unlawful use of force, extrajudicial executions, enforced disappearances, and torture.[4] On 10 December 2021, the US Treasury Department imposed sanctions on RAB, and seven RAB leaders, in response to widespread allegations of serious human rights violations.[5] During the July 2024 protest movement, the Office of High Commissioner for Human Rights documented cases in which RAB personnel carried out extrajudicial executions, and used excessive and unlawful force against protesters.[6] In 2024, the Bangladesh Nationalist Party (BNP) proposed to disband RAB,[7] echoing a similar call made in 2014 by then BNP Chairperson Khaleda Zia.[8] The Commission of Inquiry on Enforced Disappearances, in their final report issued on 4 January 2026, also recommended disbanding RAB, stating that its "legal mandate, operational culture and chain of command have proven resistant to reform".[9]

Despite this history, and the repeated calls for the disbandment of the force, the SRB Act merely amends the name of the unit, by transferring all the personnel, powers and property of RAB, to SRB. The transfer of personnel without independent, human rights focused vetting, into a unit which has the same powers as RAB, is a startling gap which should be addressed.

[4] OHCHR, *Fact Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh*, 2025

[5] US Department of the Treasury, *Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day*, 10 December 2021, home.treasury.gov/news/press-releases/jy0526

[6] OHCHR, *Fact Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh*, 2025

[7] The Daily Star, *BNP proposes disbanding Rab*, 10 December 2024, www.thedailystar.net/news/bangladesh/news/bnp-proposes-disbanding-rab-3772771?ref=netra.news

[8] The Daily Star, *Disband Rabb or face movement*, 12 May 2014, www.thedailystar.net/disband-rab-or-face-movement-23864

[9] The Commission of Inquiry on Enforced Disappearances, *Unfolding the Truth: A Structural Diagnosis of Enforced Disappearances in Bangladesh*, 4 January 2026, p. 198

Sections 12, and 15 of the new Act grants the SRB power of entry, search, seizure arrest, and investigative powers. The exercise of such ordinary law-enforcement powers by a specialized force that operationally succeeds to the former RAB is particularly concerning in light of the longstanding allegations of enforced disappearances, torture and unlawful killings associated with its predecessor, and the lack of accountability for these violations. Instead of allowing a separate force, with a problematic history to carry our policing, the authorities should ensure that law-enforcement functions are exercised by the police and subject to effective independent oversight.

Under Section 24, the allegations of human rights violations by the SRB are handled by a Grievance Redress Committee. However, the Committee is made up of the Additional Director General and the Director (Legal and Media) of the SRB, a nominee from the Ministry of Home Affairs, a senior member of the Police, a judicial officer nominated by the government, a person nominated by the government with experience in the protection and implementation of human rights. The involvement of members of the institution under scrutiny raises concerns regarding the Committee's independence and impartiality. Complaints should instead be investigated by a body institutionally and operationally independent of the SRB and anyone potentially implicated.

Furthermore, the Committee's authority to address wrongdoings by unit members or external entities exerting undue influence is limited to making recommendations to the relevant bodies. The Act should require the Committee to refer credible allegations of violations to the appropriate authorities. Where the conduct may constitute a criminal offence, it should be promptly, thoroughly, independently, impartially, transparently and effectively investigated as criminal offences, with proceedings conducted through the ordinary criminal justice system.

If the government is serious about preventing the re-recurrence of the violations allegedly committed by the RAB, it should urgently amend the SRB Act to bring it into conformity with Bangladesh's international human rights obligations.

We hope to continue a substantive exchange with your office. Should you have any responses to any of the concerns raised in this letter, please do not hesitate to contact us.

Yours sincerely



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Amnesty International