12. Assessment of common claims

In contexts where enforced disappearance is practised as a system rather than an aberration, responsibility is frequently contested through a set of recurring claims. The Commission has encountered variations of these assertions across testimonies, institutional responses, and public discourse. This chapter addresses the most common claims and explains why, in light of the findings set out in earlier chapters, they do not withstand scrutiny.

12.1 Claim that responsibility lies with earlier office-holders

Some have argued that they should not be held responsible because they neither personally abducted the victim nor ordered the abduction. According to this claim, the abduction was carried out by a predecessor, and later office-holders merely assumed charge after being transferred into the post, inheriting detainees or detention facilities without involvement in the original act. A frequent challenge put to the Commission is: *can I be held responsible when the abduction occurred before my posting, I did not order it, and I simply inherited custodial authority over an existing detention?*

This argument fails because it misunderstands the nature of enforced disappearance. Enforced disappearance does not end with the initial abduction. In the eyes of the law, it continues for as long as the person remains unlawfully detained and their fate or whereabouts are concealed. Anyone who assumes command or custodial authority during that period assumes responsibility for whether the crime continues or ends. A change of command does not break responsibility. It transfers it.

This is because, at any given time, someone must exercise control over the detention. There cannot be a captive without a custodian. If responsibility were limited only to the person who ordered the initial abduction, there would be no accountable authority once that person left office. That is not how detention operates in practice. Detention facilities remain staffed, guarded, supervised, and administered by those who succeed to command.

The same logic applies to release. If a detainee were released, responsibility for that act would lie with the official who held authority at the time, not with a predecessor who no longer exercised control. Responsibility cannot be disclaimed for continued detention while authority over the detention is actively exercised. Authority over detention brings with it responsibility for both action and inaction.

This position is reflected in the military's own internal findings. In early September 2024, in the Court of Inquiry conducted by the Army into the disappearance of Brigadier Azmi, the inquiry report records that BA 2890 Lt General Akbar, then DG, DGFI, authorised the initial abduction and detention. However, the report further records that the DGFI Director Generals who served after him bore responsibility for having abused their authority to "continue unauthorized detention of BG Azmi" (Army inquiry report, p. 66). On that basis, the Court of Inquiry recommended exemplary punishment for those DGs who held command during the eight years of continued detention. Notably, the punishment recommended for these later DGs was the same as that recommended for Lt General Akbar, and not of a lesser degree.

The above serves as confirmation that the concept of continuing responsibility is already recognised within the military's own institutional framework. Claims that later office-holders bear no responsibility simply because they did not initiate the original abduction are therefore incompatible with both the law and the military's own understanding of command responsibility in cases of unlawful detention.

12.2 Claim of ignorance by senior officials

Another common assertion is that senior officials or those in command positions were unaware of enforced disappearances carried out by subordinates. A frequent challenge put to the Commission is*: can you prove that I personally issued the order, or ever entered the detention facility, or ever met the detainee?* We provide below three forms of rebuttal to this claim: legal, testimonial and geographical.

12.2.1 The legal response

The framing of the claim of ignorance misunderstands both the nature of the crime and the standard by which responsibility is assessed. The Commission is not required to prove that a senior official personally issued an order in every case. Legally, what must be established is whether the official knew, or should have known, that enforced disappearances were occurring under their authority, and whether they failed to prevent or punish those acts.

On that score, the Commission finds claims of ignorance implausible in light of the scale, duration, and visibility of the practice of enforced disappearance. As documented throughout this report, enforced disappearances occurred over many years, across multiple regions, and affected thousands of victims. They generated consistent and observable patterns, including unexplained custody gaps, repeated court appearances following periods of incommunicado detention, and sustained public reporting by families and the media.

In these circumstances, prolonged ignorance by those exercising command authority would imply a level of institutional blindness incompatible with the exercise of command. Under the doctrine of superior responsibility, knowledge may be inferred where a superior knew, or should have known, of crimes and failed to prevent or punish them. This principle is well established in both international and domestic law.

In addition to this legal framework, the Commission relies on direct statements, administrative indicators, and geographical evidence. The operation of detention facilities necessarily required food budgets, guard deployments, duty rosters, logistics, and supervision. Such

arrangements could not have existed without the knowledge of those responsible for command, staffing, and oversight.

12.2.2 The testimonial response

Direct testimonies further undermine claims of institutional ignorance. When he appeared before the Commission, the Director General of DGFI (2013-2017), BA 2890 Lt General Akbar, stated that he discussed the disappearance of Hummam Quader directly with Sheikh Hasina, including the family's demand for his release. According to Lt General Akbar, she replied that Hummam would be released and asked whether Major General Tariq Siddiqi had been informed; Akbar confirmed that he had.

CTIB Director (2020-2022), BA 4015 Major General Kabir Ahmed, shared that discussed Brigadier Azmi's captivity at the JIC with the two Director Generals under whom he served: BA 2999 Lt General Saiful Alam and BA 3243 Lt General Ahmed Tabrej Shams Chowdhury. Similarly, DGFI Dhaka Det Commander (2015-2016), BA 3651 Major General AKM Aminul Haque, told the Commission that the order to pick up Brigadier Azmi came directly from Lt General Akbar, and that he personally heard the instruction being given.

RAB DG (2020-2022) BP 6489020946 Chowdhury Abdullah Al Mamun stated in his Section 164 statement before the ICT that senior RAB leadership was well aware Barrister Arman was in their custody:

> র‍্যাব কর্তৃক রাজনৈতিক ভিন্নমত মতাবলম্বী এবং সরকারের জন্য হুমকি হয়ে ওঠা কোনো ব্যক্তিকে তুলে আনা, জিজ্ঞাসাবাদ, নির্যাতন এবং গোপন বন্দীশালায় আটক রাখার বিষয়টি র‍্যাবের ভিতরে একটা কালচার হিসেবে বিবেচিত হতো। তবে এই কাজগুলো প্রধানত র‍্যাবের ADG (Ops) এবং র‍্যাবের গোয়েন্দা বিভাগ RAB (Intel) এর পরিচালকগণ সমন্বয় করতেন। ... র‍্যাব কর্তৃক কোনো ব্যক্তিকে উঠিয়ে আনা বা গুম করার নির্দেশনা বা ক্রসফায়ারের হত্যা করার মতো সিরিয়াস নির্দেশনাগুলো সরাসরি প্রধানমন্ত্রীর দপ্তর থেকে আসতো বলে শুনেছি। ... কিছু কিছু নির্দেশনা নিরাপত্তা ও সামরিক উপদেষ্টা তারিক সিদ্দিকির পক্ষ থেকে আসতো বলে জানতে পারি। ... ব্যারিস্টার আরমান টিএফআই সেলে বন্দি আছে, এই বিষয়টি আমি জানতাম। ... আমার পূর্ববর্তী ডিজি বেনজির আহমেদ [BP BP 6388000021] দায়িত্ব হস্তান্তরকালে ব্যারিস্টার আরমান যে টিএফআইতে আটক আছেন তাহা আমাকে অবহিত করেন। পরবর্তীতে ADG (Ops) ও Director (Int) সরোয়ার বিন কাশেমও [BA 6150] আরমান সাহেবের আটকের বিষয়টি আমাকে অবহিত করেন। ... এ বিষয়টি জানার পরে আমি প্রধানমন্ত্রীর সামরিক উপদেষ্টা তারিক সিদ্দিকির সাথে কথা বলি। তারিক সিদ্দিকি আমাকে বলেন: ঠিক আছে রাখেন, বিষয়টি আপনাকে পরে বলবো। পরে তিনি আমাকে কিছুই জানায়নি। ... আমি DG RAB হিসেবে দায়িত্বভার হস্তান্তরের সময় পরবর্তী DG RAB [BP 6491020943] খুরশিদ হোসেনকে আরমানের বিষয়টি অবহিত করি। ... আমি র‍্যাব এ দায়িত্বপালনকালীন সময় টিএফআই সেলে বিনা বিচারে বন্দিদের আটকে রাখা এবং নির্যাতন করা বা কাউকে কাউকে ক্রসফায়ারে হত্যা করার কিছু কিছু বিষয় জানতাম কিন্তু আমি কোন তদন্ত করিনি বা এগুলোর বিরুদ্ধে কোন ব্যবস্থা গ্রহণ করিনি। [cxv]

Additional corroboration comes from security personnel themselves: soldiers stationed there have confirmed CTIB Directors visited the JIC; victims reported seeing Superintendents of Police with their own eyes in Bogura and Bagerhat, as well as senior officials from CTTC and DB. When he appeared before the Commission, Bogura SP, BP 7905122796 Md Ali Ashraf Bhuiyan, was even able to identify with precision which of his officers were most responsible

for holding captives illegally. This is knowledge he could not plausibly have possessed had he been unaware of the site and its operations.

A soldier who served at the TFI centre testified that he personally knew of visits by two ADGs (Operations) and two Directors (Intelligence), identified as BA 5047 Col K M Azad (2021-2022), BA 5322 Col Md Mahbub Alam (2023-2024), BA 6357 Lt Colonel Md Moshiur Rahman Jewel (2021-2023), and BA 6781 Lt Col Saiful Islam Sumon (2023- 2024). In advance of such visits, the TFI team was alerted during morning roll call two to three days prior, so that the premises could be prepared. He specifically recalled Lt Col Moshiur Rahman Jewel's visit on the day of Eid-ul-Fitr in 2023. After Eid prayers, he brought sweets for the guards and looked into every cell.

Interviews of security force personnel across multiple years indicate that such inspections were routine, not exceptional. Taken together, the testimonies demonstrate senior-level knowledge, oversight and engagement with detention sites across the years. Assertions that superiors were unaware of these operations are therefore not credible.

12.2.3 The geographical response

Geographical evidence independently corroborates the accounts documented by the Commission. Given physical proximity, visibility, shared access, routine movement, and surveillance, claims of ignorance by commanding officers are implausible and unsupported by evidence (see table below).

Force	Description
CTTC and DB	At the CTTC headquarters, the CTTC Chief sits in the same building where detainees were held on the first and seventh floors. Victims and officers used the same lifts and staircases. The Dhaka DB Chief sits in an office directly above the DB holding cells in Minto Road, and to access the upper floors he must pass the cells on his right. Officers enter the building through a door directly opposite the cells. Torture routinely took place in the offices across the DB and CTTC buildings. We inspected if the rooms were soundproofed – they were not, which means the screams of the victims would have been audible to anyone in the nearby rooms. When the CTTC building was under construction, both DB and CTTC captives were kept in tin-shed structures scattered across the Minto Road compound. Captives were placed under tables, lay on the floor, or were handcuffed to windows or chairs in plain sight of officers working in those rooms. Given these physical arrangements, any claim that DB and CTTC officers were unaware of captives in their custody is untenable.
Bogura Police Line	At Bogura Police Line, the SP's office is located on the same floor where captives were detained. The SP's office was on the right side of

	the floor, and detention rooms were on the left. The SP would have used the same staircase to access his office as the detainees. Additionally, standing on the veranda outside his office, he would have had a clear line of sight to the in-service training centre building where other captives were held. This arrangement made the presence of detainees unavoidable to senior officers.
Cox's Bazar Police Line	At the Cox's Bazar Police Line, captivity locations were not secret. Detainees were held in the ground floor rooms of the in-service training centre, in plain sight from the entrance of the compound. Such placement makes claims of concealment implausible.
Dinajpur and Bagerhat Police Lines	At neither of these lines were captivity locations concealed. At the Bagerhat Police Line, for example, detainees were held on the ground floor of the hospital.
LIC	At the LIC captivity location within Police HQ, the rooms used as detention cells and for torture were situated on the ground floor. Access to the upper floors, including the IGP's office, required passing in front of this area. The head of LIC sat within clear earshot of these rooms, and the walking distance from his office to the cell was less than one minute.
RAB Intelligence's TFI (also known as "hospital")	The TFI coordinator sat on the second floor of the TFI building, with his office located approximately half a minute from the cluster of cells most frequently used to detain captives. Officers were required to pass these cells in order to reach their offices. The Director (Intelligence) and ADG (Operations) were based at RAB Headquarters, approximately ten minutes away by car and eighteen minutes on foot from TFI. Even if it were assumed that they did not routinely traverse this distance, the Commission has received consistent accounts from soldiers and officers confirming that both the ADG (Operations) and the Director (Intelligence) physically inspected TFI. Additionally, TFI is approximately a two-minute walk from the RAB 1 CO's office and is visible from outside the door of that office. There is no credible basis to assume that successive RAB 1 COs concealed the existence of detention facilities from their superiors over a fifteen-year period.
RAB Intelligence's glass house detention centre ("Clinic")	The RAB Intelligence detention centre known as "Clinic" is located on the third floor of a glass-façade building behind the RAB HQ building, within the RAB HQ compound. It takes approximately two minutes to walk from the RAB HQ building, where the Director (Intelligence) and ADG (Operations) sit, to this facility.
RAB 1	The entrance to the RAB 1 cells is in plain view of the main RAB 1 gate. Blindfolded captives were taken in and out of vehicles at a downstairs veranda located in front of offices that are less than a two-minute walk from the CO's office, which has full CCTV coverage of the compound.
RAB 7	At RAB 7, standing outside the CO's office provides a direct line of sight to the armoury where detention cells were located. The distance from the CO's office to the cells is approximately two minutes on foot.

RAB 11	At RAB 11, a detainee stated that he was taken out of his cell, led down two steps, walked a short distance, and then taken up three steps before being returned to a cell while blindfolded. The Commission retraced these movements. To match the two-step and three-step description, the detainee must have been taken out of the armoury, walked behind the battalion mosque, and then taken back into the armoury. This route was entirely open and remained in clear line of sight of the CO's office.
RAB (nationwide)	The Commission repeated this exercise across RAB battalions nationwide, with consistent results. CCTV coverage extends across all battalions, with live displays available in the CO's office. Any claim of ignorance would require commanding officers to have been unaware of what was visible, audible, and physically proximate to them over many years. This is implausible.
DGFI's JIC	The JIC is located within the same compound as DGFI HQ. The walking distance between DGFI HQ, where the Director General and bureau directors are based, and the JIC is five minutes via the main entrance, while access through a side entrance takes two minutes. Both buildings are situated within the same secured compound, at an aerial distance of 0.1 miles. Adjacent to the JIC was the MI room where DGFI's doctors were based, making it an area of regular foot traffic, and directly opposite it for many years was the armoury, which was under 24-hour guard.
NSI	The NSI cells are located at the Gulshan office. To access them, captives used the same entrance as all other staff members of the office, which was relatively large and housed numerous personnel. The block of cells had functional office and accommodation spaces both in front of and behind it and therefore could not have escaped the notice of personnel over the years. Nor did it do so: even junior NSI officers, based at HQ rather than the Gulshan office, were aware of the cells when the Commission spoke to them.

9 Table: Location of captives was not hidden from superiors

Further details of the cells and their locations are discussed in Chapter 4. In light of this evidence, the Commission is compelled to reject claims of ignorance as incompatible with the exercise of command and the ordinary discharge of supervisory responsibility.

12.3 Claim of national security necessity

Enforced disappearances have been justified, implicitly or explicitly, as necessary measures in the interests of national security or counterterrorism. A frequent challenge put to the Commission is: *you are being idealistic; in the real world of counterterrorism there is no other way to act, so what we did improved national security*.

The Commission finds no legal basis to justify enforced disappearance on grounds of national security or counterterrorism. International law allows no derogation from the prohibition of enforced disappearance, even in states of emergency. The evidence further shows that enforced disappearance was not a narrowly tailored security measure but a broad instrument of governance used against political opponents, critics, and perceived dissenters. The pattern

of targets, the scale of operations, and the routinised character of the practice undermine claims of necessity and instead indicate a strategic use of repression. Otherwise, it is difficult to explain why most victims with known political identities belonged to opposition parties rather than the ruling party, and why the numbers rose and fell in step with election cycles and periods of political crackdown. Such pattern is not consistent with random crime; it reflects coordinated state practice. These issues are discussed in greater detail in Chapter 5.

However, claims that enforced disappearances were necessary for national security or counterterrorism are usually framed as pragmatic rather than legal: *the law is ill-suited to the realities of counterterrorism and that unlawful measures were the only effective means available.* The Commission addresses this argument on its own terms and finds that, in practice, enforced disappearances have weakened rather than strengthened national security.

CTTC's BP 8311142515 ADC Ahmedul Islam, who stands *prima facie* accused in several complaints, told a Commission member that, in his assessment, all individuals he had detained were terrorists. He described prolonged illegal detention as routine rather than exceptional in cases involving ideological crimes. In his account, such detention was considered necessary to secure cooperation, and because the law did not permit it, unlawful measures were treated as the only viable course of action.

When asked why many cases brought after periods of enforced disappearance failed before the Anti-Terrorism Tribunals, he stated that it was extremely difficult to obtain evidence that met judicial standards. He maintained that this difficulty did not, in his view, undermine the correctness of the initial detention, but reflected practical limits in proving such offences. When pressed on how, in the absence of admissible evidence, it could be established that a particular individual was in fact a terrorist, he replied that such determinations should be accepted on the basis of his personal judgement.

The Commission finds no legal or ethical basis for this position. Personal assurance cannot substitute for evidence capable of judicial scrutiny. Reliance on subjective assessment rather than proof collapses the distinction between suspicion and guilt and removes any meaningful safeguard against error, abuse, or arbitrariness.

In practice, this approach has meant that thousands of individuals have been charged under repressive laws, particularly anti-terrorism laws, on the basis of weak, fabricated, or indistinguishable evidence. Some were not terrorists at all but were nonetheless drawn into the counterterrorism dragnet. Others may have engaged in criminal conduct but were charged with offences they did not commit. Still others may have been correctly suspected of criminal conduct but were themselves subjected to enforced disappearance, making them victims of a serious crime irrespective of any wrongdoing on their part.

Since the same law enforcement agencies generated both genuine and false cases, the resulting charge sheets, evidentiary patterns, and narratives often appear indistinguishable. Courts across the country are now faced with thousands of cases in which it is extremely difficult to determine, on the materials available, who poses a genuine security threat and who does not.

This problem has become particularly acute following 5 August 2024, as courts and the government have sought to review past prosecutions, ensure that individuals are not imprisoned for crimes they did not commit, and dispense justice in a context where underlying records reveal serious evidentiary flaws and inconsistencies.

The Commission finds that this collapse of evidentiary credibility poses a grave national security challenge. It undermines the ability of the justice system to identify, prosecute, and punish actual terrorists without simultaneously criminalising innocent individuals. At the same time, enforced disappearances and unlawful detentions have allowed even genuine extremists to claim victimhood, to portray all allegations as fabricated, and to capitalise on the sympathy generated by such abuse.

Alongside this, the practice of placing innocent and criminal detainees together in secret facilities and prisons may also have created fertile ground for ideological recruitment. Individuals who are wrongfully detained, tortured, and then released often return to society with deep grievances, loss of employment, social marginalisation, and a sense of betrayal by the state. These conditions are easily exploited by extremist actors and can continue to generate security risks long after the original operations have ended.

We examined this risk directly with intelligence officials, who informed us that the vast majority of those released appear to be returning to ordinary life — a fortunate outcome, but not one that was guaranteed at the outset. Security threats, however, are non-linear: the remaining 'few' can matter a 'lot'. Without meaningful rehabilitation or reintegration support, these circumstances can produce harmful psychological and social pathologies. Far from strengthening national security, enforced disappearance has instead generated vulnerabilities that future institutions will continue to confront for years to come.

12.4 Claims of isolated misconduct or institutional inability

Several related claims have been advanced to contest responsibility for enforced disappearances. It is variously argued that any illegality arose from procedural lapses or investigative error, that abuses were the work of a small number of rogue officers acting without authorisation, or that institutional constraints prevented those in authority from intervening. The Commission finds that none of these claims withstand scrutiny.

First, the suggestion that enforced disappearances resulted from procedural error or legal irregularity is directly contradicted by the evidence. As documented in this report, the criminal justice system was repeatedly and deliberately manipulated to absorb and legitimise unlawful detention. The routine use of coerced confessions, templated charge sheets, identical allegations across unrelated cases, and prolonged remand following periods of secret detention demonstrates intentional practice rather than inadvertent error. These methods served a clear and consistent function: converting enforced disappearance into formal criminal cases while insulating perpetrators from scrutiny. Such consistency across time and cases cannot be reconciled with accidental or overzealous policing.

Second, the claim that enforced disappearances were the product of unauthorised actions by a limited number of rogue officers is inconsistent with the scale, standardisation, and coordination observed. Across different districts and over many years, victims described strikingly similar abduction methods, detention environments, interrogation practices, and post-release legal processing. Detention layouts were replicated, specific procedures were followed as routine, and detainees were moved across jurisdictions in ways that required planning, staffing, secure facilities, and logistical support. These features presuppose institutional involvement and cannot plausibly be explained by isolated misconduct.

Inter-agency coordination is also directly observable in victim accounts. Many victims described being blindfolded and transported, only for their journey to be interrupted and custody transferred to another unit. In several cases, blindfolds and restraints were removed and replaced during these handovers. One detail, for instance, was that blindfolds used by DGFI were made of thicker cloth, while those used by RAB were thinner, sometimes allowing victims to see more clearly after the transfer.

The Commission considers this detail significant. It indicates that different units used their own equipment, which was reclaimed at the end of each period of custody, and that handovers were deliberate and organised rather than informal. Such transfers necessarily required prior communication, agreed locations, and mutual recognition between units.

Finally, the claim that institutional constraints prevented effective action is contradicted by the record. Legal frameworks addressing abduction, unlawful detention, torture, and superior responsibility were in place. Complaints were repeatedly brought to the attention of relevant authorities. The failure to intervene, investigate, discipline, or refer cases was therefore not the result of incapacity or legal vacuum, but of choice. Where institutions consistently declined to act despite credible information, such inaction constitutes facilitation rather than neutrality.

Taken together, these claims do not weaken the attribution of responsibility. When assessed against the evidence, they reinforce the conclusion that enforced disappearance in Bangladesh functioned as a deliberate, routinised, and sustained system within an organised state security framework. Responsibility cannot be confined to individual perpetrators alone. It extends to those who designed, authorised, enabled, and perpetuated the practice through action or omission.

12.5 Claim that accountability should be left to military law and internal military processes instead of civilian courts

A recurring position advanced by military authorities has been that allegations against military personnel should be addressed exclusively under military law and through internal processes. It is usually framed as: *Why the ICT Act and not just the Army Act?*

Although often framed as a jurisdictional or legal dispute, this position rests on a broader claim: that the security forces can be trusted to investigate themselves, secure suspects, preserve evidence, and deliver accountability without recourse to civilian judicial mechanisms.

The reasons offered in support of this claim vary. They include assertions that civilian authorities lack the capacity to understand military norms and operations; that military personnel are governed exclusively by the Army Act; and that civilian judicial processes would undermine troop morale at a sensitive moment in Bangladesh's transitional period.

We rebut this claim below from both legal and practical perspectives.

12.5.1 Legal barrier

From a legal standpoint, the claim that allegations against military personnel should be dealt with exclusively under the Army Act, 1952 cannot be sustained for two reasons. First, the Army Act does not recognise enforced disappearance or abduction as criminal offences, nor does it provide for superior or command responsibility. The omission is not merely technical: the Army Act is structurally incapable of addressing the gravity, systemic nature, and leadership accountability inherent in enforced disappearance. Trying such conduct under the Army Act would therefore be akin to using the Cyber Security Act, 2023 to prosecute the theft of livestock — it is simply the wrong legal framework.

Second, the International Crimes (Tribunals) Act, 1973 not only recognises enforced disappearance as a crime against humanity and expressly provides for the responsibility of superiors, it also contains a *non obstante* clause in Section 26, giving it overriding effect over any conflicting law. Where conduct amounts to crimes against humanity, the International Crimes Tribunal is therefore the appropriate and controlling forum, including for serving officers, as its jurisdiction applies irrespective of rank or service status.

Even if this legal position were not decisive, the Commission's experience raises serious concerns about reliance on internal military processes. We observed repeated failures to secure suspects, prevent flight, preserve records, and pursue investigations to conclusion. These failures were not isolated or technical. They go to the heart of whether internal accountability can be trusted to operate at all.

12.5.2 An internal military inquiry with inconsistent application

The Commission observed significant gaps between internal findings and enforcement action. The Army Court of Inquiry into the disappearance of Brigadier Azmi submitted its report on 7 September 2024. It stated (report of the court, p. 66):

> "For directing the abduction of BG Azmi on 22 August 2016, unauthorized detention up to 22 Feb 2017, and hiding the fact to the inquiry board exemplary punishment to be awarded to the then Director General BA - 2890 Major General (now Lieutenant General) Md Akbar Hossain, SBP, SUP (BAR), afwc, G+, PhD (LPR)."

Unlike other branches of government, the armed forces have not migrated to the PLR system. Lieutenant General Akbar's Leave Pending Retirement therefore began on 10 November 2023 and ended on 10 November 2024, giving the authorities nearly two months (between September and November 2024) to take action against him prior to his formal retirement. To the best of our knowledge, no such action was taken.

This stands in contrast to the treatment of other Directors General during the intervening period, at least three of whom were sent into forced retirement. These included BA 3787 Major General Hamidul Hoque, the final DG to have had custody of Brigadier Azmi, who appears to have been removed from service by September 2024.

On the available evidence, therefore, the officer who authorised Brigadier Azmi's release appears to have faced more immediate consequences than the officer who authorised and maintained his illegal imprisonment. This sequence raises questions about the consistency, seriousness, and intent of the military leadership with respect to accountability.

Along with the other accused Directors General, Lieutenant General Akbar fled the country from his residence in Dhaka Cantonment in early January 2025, after warrants were issued by the International Crimes Tribunal. At the time, their passports had already been revoked and they had been under active travel bans since late November 2024. We understand that Army leadership had been informally notified in advance that these arrest warrants were imminent.

12.5.3 An internal military inquiry without findings

In early September 2024, at the same time that the Army constituted a Court of Inquiry to examine the abduction of Brigadier Azmi, another internal board was established to inquire into the alleged crimes committed by RAB, including enforced disappearance and extrajudicial killings, with a particular focus on the case of BNP leader Ilias Ali. The board was led by Lt General S. M. Kamrul Hasan and included the following members: Major General Iftekhar Anis; Major General Md Naheed Asgar; Brigadier Mohammad Monour Hossain Khan; Brigadier Mohammad Abdur Rahman; and Brigadier Md Asif Iqbal. At the same time, a third internal board was constituted to investigate corruption. The chair of that board, Lt General Mizanur Rahman Shameem, confirmed its existence to the Commission.

The board on RAB operated for about two weeks. During this period, it interviewed a large number of officers and soldiers, potentially numbering up to sixty individuals, although exact numbers remain unclear to us. Multiple witnesses later informed the Commission that their depositions were formally recorded at that board. Some stated that audio recorders were placed in front of them, others reported the presence of video cameras, and several indicated that they were asked to sign written statements. The Commission therefore has no doubt that evidence was systematically collected during the inquiry. BA 3799 Brigadier Rashidul Alam, who was RAB 1 CO (2009-2013) at the time BNP leader Elias Ali disappeared from Banani, informed the Commission:

> I was called over telephone. To me, it seemed to be a board of officer for the fact-finding... They asked me exclusively on what I know about Lt Gen Mujib and his involvement in Elias Ali case. Here also I tried my best to give them full detail of involvement of Major General Zia in Elias Ali case. I gave one written statement and the board most probably recorded my statement because I saw an audio recorder in front of me. I just marked it.

Despite this, the Commission has been unable to trace any report produced by the board. When contacted, the chair of the board stated that it was disbanded without reaching any resolution. When the Commission requested access to the evidence collected during the inquiry, it was informed that the same was no longer available. This account was independently corroborated by the Director of the Personnel Services Directorate under the Adjutant General's Branch at Bangladesh Army Headquarters, who served as the Commission's focal point.

The Commission sought clarification as to whether there had been any other instance since 5 August 2024 in which a formally constituted inquiry was dissolved without issuing findings and where all collected evidence subsequently became unavailable. The Commission was informed that this was the only such instance. When asked why the board did not complete its mandate, the Commission was told that it had been halted on the basis of "orders from above".

The Commission notes that any order directing the cessation of a board led by a Lieutenant General would necessarily have had to originate from a higher authority. In the circumstances described, the only officer with such authority would have been the Chief of Army Staff, General Waker-uz-Zaman. When asked whether any documentary record existed to explain under what rule the evidence had been rendered unavailable, the Commission received no explanation.

The seriousness of this absence is underscored by the substance of the testimony that should have formed part of the missing record. Witnesses who later spoke to the Commission, and who had also appeared before the board, described having given accounts of enforced disappearances and executions that they had personally witnessed. This included at least one soldier who stated that he had participated in the operation during which BNP leader Elias Ali was abducted. We consider this evidence to be of paramount importance.

The Commission therefore concludes that this episode exemplifies institutional resistance to investigation at the highest levels. An internal inquiry was initiated, evidence was gathered, and then the process was terminated without explanation or outcome, and the material collected was rendered unavailable. Such conduct undermines confidence that internal investigations will be permitted to operate independently or in good faith, and reinforces the conclusion that reliance on internal processes alone cannot ensure accountability.

Taken together, these facts leave no room for doubt. The Army Act does not cover the crimes alleged, and the military's internal processes have repeatedly failed to secure suspects, preserve evidence, or act in a timely and credible manner. Claims that accountability should be confined to military law or internal military mechanisms therefore lack weight. In these circumstances, leaving accountability to any security force's own processes cannot deliver justice.

12.6 Claim that the Commission targeted the military

One of the most spurious claims advanced against the Commission is: *Why is the Commission selectively targeting the military?* This claim is unfounded on both factual and legal grounds.

First, the list of accused persons before the Commission is not confined to military officers. It includes many members of the police and other law-enforcement agencies, several of whom are already in ICT custody. In the case of the police, the chain of responsibility is relatively clear. Police officers implicated in enforced disappearances were not seconded outside the police. They remained within the police hierarchy, and responsibility therefore extends to their superiors who exercised command and oversight during the relevant periods.

Second, while enforced disappearances occurred across agencies, the methods by which rights were violated were not identical. Police units, for example, were associated not only with enforced disappearance but also with other forms of cruel abuse, such as kneecapping. These

reflected policing practices and incentives that differed from those operating in institutions where military officers served on deputation. *The distinction concerns differing methods, not differing gravity of wrongdoing*.

Third, these differences in modus operandi were closely linked to secrecy, and secrecy in turn shaped our investigative effort. Police-run units such as DB and CTTC often maintained weaker secrecy protocols. Detainees could frequently discern where they were being held and sometimes identify officers directly. Blindfolds were at times routinely removed during questioning and inside cells, making later identification possible. Attribution in such cases was comparatively straightforward.

By contrast, detainees held by RAB Intelligence and its battalions, or by DGFI, encountered systems deliberately designed to obscure identity and location. Movement was tightly controlled, sight was restricted for extended periods, and interactions were compartmentalised. Where military officers served in these units, this secrecy formed part of the institutional environment, even when the military *as an institution* was not formally directing the operation.

Accordingly, for the Commission the consequence was methodological rather than political: cases involving high secrecy required deeper investigation; those involving weaker secrecy did not. Perceptions of "targeting" arise from this difference in evidentiary complexity, not from institutional bias.

Fourth, although some accused were military officers by commission, most of the conduct under examination occurred while they were seconded to RAB, DGFI, or NSI. During those periods, their operational reporting lines lay outside ordinary military command, and institutional responsibility for specific acts lies primarily with the agencies to which they were deputed.

At the same time, the assertion that the military lacked awareness of the conduct of its officers while on deputation cannot be sustained. Internal monitoring mechanisms existed. Confidential assessments prepared by bodies such as DGFI's CIB and placed before promotion boards contained information about postings, reputational concerns, and activities during deputation. Senior commanders were aware of these materials and used them in making career decisions. The same channels could have been used to detect or restrain criminal conduct, and indeed it should have been used.

The Commission also heard consistent accounts that officers were briefed before deployment to RAB and debriefed upon return. Some officers explained that, during certain periods, including under General Iqbal Karim Bhuiyan, limited discretion sometimes existed to decline or curtail such postings, although this was not uniformly applied. The very existence of briefings and debriefings demonstrates scrutiny and institutional awareness; such processes would not exist if conduct during deputation were considered irrelevant or unknown.

These realities are reflected in the Commission's own summons records. Over the course of the inquiry, the Commission issued summons to 98 police officers and 108 military officers (Army, Air Force, and Navy combined). The difference is marginal. This outcome is particularly notable given that cases involving military-linked institutions typically required far greater investigative effort, owing to tighter secrecy protocols and higher levels of compartmentalisation. Even so, the resulting pattern of summonses shows that police and military officers were treated almost on par by the Commission.

Accordingly, the Commission rejects the claim that it targeted the military as an institution. Responsibility has been assessed on the basis of conduct, command, and knowledge across all agencies. Claims of institutional ignorance, whether advanced by police or military authorities, are incompatible with the evidence.

12.7 Claim that the principal offenders escaped while innocents remain to face trial

A frequent allegation put to the Commission is: *the principal offenders were permitted to escape, while those left behind, often the innocent, are now facing trial. Does this not amount to selective justice?* This allegation fundamentally misstates both the Commission's role and the real causes of the subsequent escapes.

The Commission is neither a prosecuting authority nor an arresting body. It does not issue warrants, execute them, or control custody. Its mandate is to collect and assess evidence, determine responsibility, and place its findings before the competent authorities. On that basis, the Commission has named and attributed responsibility, including to individuals who later absconded, in both its interim and final reports. The fact that some suspects fled does not reflect a failure of attribution; it reflects a failure of enforcement.

The dynamic is best illustrated by events surrounding the issuance of arrest warrants by the ICT on 6 January 2025. On that date, the ICT issued warrants against eleven individuals who, on a prima facie basis, were found complicit in enforced disappearances, drawing on materials supplied by the Commission as well as the prosecution's own inquiries.

Among those named were several senior DGFI officers: BA 2890 Lieutenant General Md. Akbar Hussain, BA 3116 Major General Md. Saiful Abedin, BA 2999 Lieutenant General Mohammad Saiful Alam, BA 3243 Lieutenant General Ahmed Tabrez Shams Choudhury, BA 3787 Major General Hamidul Haq, and BA 3622 Major General Mohammad Towhid-ul-Islam. These officers held command positions during periods when detainees such as Brigadier Azmi, Ambassador Maroof Zaman, and others were held inside the JIC, the original Aynaghar, under DGFI operational control. Repeated reviews of command structures confirm that enforced disappearances at JIC could not have occurred without the explicit knowledge and acquiescence of these generals; the army's own internal court of inquiry validate this claim.

Although retired when the warrants were issued, at least three of these officers were still on Leave Pending Retirement (LPR) and therefore remained subject to service restrictions, including controls on foreign travel. Anticipating flight risk, the Commission formally requested revocation of their passports in November 2024. The Ministry of Home Affairs complied. When Lt General Akbar appeared twice before the Commission in December 2024, he expressed frustration at being cornered, his movements constrained. Several of the named officers were residing inside Dhaka Cantonment immediately before the warrants were issued. Yet none of the warrants were executed. When the Commission later summoned some of these individuals in May 2025, Army Headquarters reported that they could not be contacted and their whereabouts were unknown.

The pattern that emerges is striking. Officers who were physically present within a tightly controlled environment — often concentrated along one or two roads inside Dhaka

Cantonment — were beyond reach only weeks later, despite cancelled passports and travel bans. The unavoidable implication is that, notwithstanding their proximity to enforcement mechanisms, they were able to abscond.

This was not an isolated occurrence. There were three distinct waves of escape among generals under investigation: first, the departure of BA 3421 Major General Majibur Rahman in August 2024 (under investigation for corruption by the Army and a *prima facie* accused in enforced disappearances during his tenure as RAB ADG (Ops), 2011-2013); second, the flight of multiple generals following the January 2025 warrants; and third, the flight of Major General Kabir Ahmed in October 2025, when the second round of warrants was issued. In General Kabir's case, the likelihood of arrest was widely anticipated. He had been interviewed by the Commission weeks earlier, transferred from command to a posting at the Ministry of Foreign Affairs, and placed under a travel ban since November 2024. Yet, after a warrant was issued on 8 October 2025, the Adjutant General reported that he left his residence on 9 October and did not return.

The fact that many of these officers possibly crossed into India is especially troubling. Chapter 10 presents evidence of Indian involvement in cross-border renditions and cooperation in enforced disappearances, as well as the longstanding political alignment that facilitated the Hasina regime's impunity for fifteen years. The relocation of key suspects into a jurisdiction implicated in prior operations poses a continuing security risk and may compromise prospects for accountability.

The Commission sought to understand how repeated lapses of this scale could occur. Conversations with officers in Military Intelligence (led by BA 5274 Major General Selim Azad) and the Army Security Unit (led by BA 5382 Major General Shams Mohammad Mamun) indicate that, despite the first and second waves of escapes, no meaningful remedial measures appear to have been implemented to prevent the third. Discussions revealed a noticeable defensiveness and an insistence that monitoring senior officers who posed clear flight risks lay outside their mandates.

Taken together, these accounts suggest the absence of a coordinated security and intelligence response. No single unit assumed responsibility for tracking high-risk officers, closing escape routes, or reviewing failures after each incident. Such fragmentation is difficult to reconcile with a system in which clear directives are issued from senior military leadership; it could only persist in the absence of explicit instruction to treat these escapes as a priority security and intellience matter. This, rather than any deficiency in the Commission's inquiry work, explains how multiple high-ranking suspects, located in controlled environments and subject to formal travel restrictions, were nevertheless able to abscond.

The resulting picture is one of a broader intelligence and enforcement failure, extending across components of DGFI, MI, ASU, NSI and associated entities. The Commission regards this not merely as a procedural shortcoming, but as an ongoing national-security concern with direct implications for the credibility and feasibility of accountability going forward.