



TIB Slams Special Custody for Army Officers



Collected picture

Transparency International Bangladesh (TIB) has voiced strong concern over the government's decision to keep Bangladesh Army officers, accused of enforced disappearances, extrajudicial killings, and torture during the previous regime, in military custody within cantonments.

In a statement issued on Monday, the anti-corruption watchdog described the move as “questionable in light of constitutional commitments and the fundamental principle of equality before the law.”

TIB urged the government to immediately withdraw what it termed a “discriminatory” decision and to clarify why the accused army personnel were being treated differently from civilians facing similar charges.

The criticism follows the army's announcement on 11 October that 15 officers facing arrest warrants in separate cases over enforced disappearances and torture during the Awami League's tenure had been taken into military custody. “How can discrimination based on identity or position be acceptable in cases involving the same allegations?” asked Dr Iftekharuzzaman, Executive Director of TIB. “In trials of individuals accused of crimes against humanity, professional identity or rank cannot be a consideration. Granting anyone special privilege in this way violates the principle of justice.”

Dr Iftekharuzzaman argued that creating special sub-jails for military officers accused of serious human rights violations undermines the equality of all citizens before the law. “If other accused persons can be held in civilian custody under regular procedures, what is the justification for establishing specialised sub-jails for accused military officers?” he questioned.

TIB warned that such actions could undermine the credibility of the International Crimes Tribunal's judicial process and risk creating public confusion about the government's intentions, particularly among victims and their families.

Citing Article 27 of the Constitution—which guarantees equality before the law—Dr Iftekharuzzaman reaffirmed that “no person accused of crimes against humanity is entitled to any special privilege, including members of the armed forces.”

He further noted Bangladesh's obligations under international law, referencing the Rome Statute of the International Criminal Court and the Nuremberg Principles, both of which reject immunity or privilege based on official position.

“Regardless of what may be stated under national military laws, such provisions do not apply to those accused of crimes against humanity,” he said.

TIB also reminded that as a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Bangladesh is bound to ensure justice for victims of such crimes without discrimination.

The organisation concluded by calling on the government to take “effective measures to ensure impartiality, transparency, and equality before the law” in handling all cases of alleged crimes against humanity—whether committed by military or civilian actors.