



## **ADPAN URGES BANGLADESH TO RECONSIDER DEATH PENALTY CLAUSE IN NEW ENFORCED DISAPPEARANCE ORDINANCE**

**JOINT PRESS STATEMENT**

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The Anti-Death Penalty Asia Network (ADPAN) expresses serious concern over the recent passage by the Bangladesh Interim Government of an Ordinance that permits the imposition of the death penalty for the crime of enforced disappearance.

We agree that the objectives of “The Prevention, Remedy, and Protection against Enforced Disappearance Ordinance” are legitimate to address past violations and prevent them from reoccurring. We also note that it seeks to prohibit the operation of secret detention centers such as the so-called Aynaghar, a long-standing concern for victims and human rights groups.

However, the protection of human rights must never come at the expense of other human rights. The pursuit of justice for one violation cannot justify the creation of another. Legal measures must comply with international human rights obligations. By prescribing capital punishment, the Ordinance violates Bangladesh’s obligations under international law and undermines the very ideals it seeks to advance. The death penalty is an inhumane punishment that violates the right to life.

As a state party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Bangladesh is bound to ensure that criminal penalties and procedures respect the inherent dignity of all persons. The UN Human Rights

Committee has long clarified that the death penalty may only be imposed for the “most serious crimes,” meaning crimes involving intentional killing. Extending capital punishment to enforced disappearance, which does not necessarily entail such intent, contravenes Article 6 of the ICCPR and distorts the protective purpose of the ICPPED. Procedural elements of the Ordinance further risk undermining the right to a fair trial guaranteed under Article 14 of the ICCPR. The establishment of special tribunals and a rigid 120-day trial deadline may jeopardize the rights to adequate defense – safeguards that are indispensable to justice, especially in cases of grave human rights violations. We have advocated the reality that capital punishment is an ineffective measure to address crime. Penalizing the crime of enforced disappearance, the Ordinance need not include a death penalty provision to enable victims and their families to access justice and demand accountability from perpetrators.

We appeal to the Interim Government of Bangladesh to reflect on its position and comply with their international human rights obligations. We urge the Interim Government to consider the repeal of those sections of the Ordinance and continue to pursue more effective alternative solutions and appropriate punishments for the crime of enforced disappearance together with civil society, victims’ groups, human rights organizations, and other stakeholders.

The global trend is clearly towards a world without the death penalty. ADPAN calls on the Interim Government of Bangladesh to focus on taking steps towards the abolition of the death penalty.

Signatories:

1. Anti-Death Penalty Asia Network (ADPAN)
2. Capital Punishment Justice Project
3. Redemption Pakistan
4. Maldivian Democracy Network
5. Odhikar (Bangladesh)
6. Justice Project Pakistan
7. Coalition Against the Death Penalty