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Were Crimes Against Humanity Committed During the July 2024 Crackdown on Student Protests in Bangladesh? A Legal Analysis

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Abstract

This article examines whether the July 2024 crackdown on student-led protests in Bangladesh appears to meet the legal elements of crimes against humanity under Article 7 of the Rome Statute. Using a doctrinal methodology, it interprets treaty provisions, the ICC Elements of Crimes, and relevant jurisprudence, applying them to patterns of conduct documented by triangulated public sources, including UN findings, domestic NGO reports, medical data, and open-source verification. The analysis addresses killings, arbitrary detention, torture, sexual and gender-based violence, persecution, enforced disappearance, and other inhumane acts, situating them within the contextual elements of ‘widespread or systematic attack’ and ‘State or organizational policy.’ It also considers ongoing proceedings before the International Crimes Tribunal of Bangladesh, the 2024 statutory amendments, and procedural factors relevant to complementarity under Article 17. The article argues that the available evidence, if substantiated, indicates that several elements of crimes against humanity are plausibly met, particularly the requirements of a widespread or systematic attack and multiple underlying acts listed in Article 7. The aim is to clarify applicable legal standards and procedural challenges without pronouncing on individual criminal responsibility.

Keywords

crimes against humanity – International Crimes Tribunal – July revolution – July uprising – accountability – justice – Bangladesh

1 Introduction

In July 2024, Bangladesh experienced a sustained nationwide crackdown on student-led protests that began in opposition to the public sector job quota system and evolved into broader political dissent.¹ Publicly available sources indicate high casualty figures, large-scale arrests, and significant restrictions on movement and communications.² The protests emerged from long-standing tensions surrounding the public sector quota system, which student groups viewed as entrenching political patronage within state institutions.³ As demonstrations expanded across major cities and university campuses, the government responded with deployments of police, paramilitary, and military units, alongside movement restrictions and communication blackouts.⁴

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- 1 Fahim Abid, 'The July Revolution: Quota, Discrimination and Equality in International Law', *Cambridge International Law Journal*, CILJ Symposium on 'Human Rights in Crisis: The July Revolution in Bangladesh', 7 July 2025, <https://doi.org/10.2139/ssrn.5361784>, accessed 2 December 2025; Julhas Alam and Krutika Pathi, 'What's Next after Protests Forced Bangladesh's Prime Minister to Quit and Flee the Country?', *The Associated Press (AP)*, *World News*, 6 August 2024, <https://apnews.com/article/bangladesh-dhaka-student-protests-what-to-know-d5007b3132e9ccf0a07f5ddc832b36ef>, accessed 4 April 2025.
 - 2 OHCHR, 'Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh', United Nations Human Rights Office, United Nations, 12 February 2025, pp. 1–85, <https://www.ohchr.org/sites/default/files/documents/countries/bangladesh/ohchr-fftb-hr-violations-bd.pdf>, accessed 2 December 2025; Ruma Paul, 'More Than 1,000 Killed in Bangladesh Violence since July, Health Ministry Chief Says', *Reuters*, 29 August 2024, <https://www.reuters.com/world/asia-pacific/more-than-1000-killed-bangladesh-violence-since-july-health-ministry-chief-says-2024-08-29/>, accessed 29 August 2024.
 - 3 Harindrini Corea and Nazia Erum, 'What Is Happening at the Quota-Reform Protests in Bangladesh?', *Amnesty International*, 29 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/what-is-happening-at-the-quota-reform-protests-in-bangladesh/>, accessed 9 September 2024; Md Mizanur Rahman, 'The Quota Reform Protest in Bangladesh Is Much More Than It Seems', *The Diplomat*, 20 July 2024, <https://thediplomat.com/2024/07/the-quota-reform-protest-in-bangladesh-is-much-more-than-it-seems/>, accessed 2 December 2025.
 - 4 Harekrishna Barman, Partha Sarathi Mandal, Mahadeb Das, and Kshiroda Roy, 'Bangladesh at a Crossroads: Protests Mount over Government Job Quotas and Leadership's Response', *International Journal of Humanities & Social Science Studies (IJHSSS)*, 10(4) 159–172 (2024); Shaikh Azizur Rahman, 'Bangladesh Student Protests Become "People's Uprising" after

Independent reporting from hospitals, human rights organisations, and media outlets documented rising casualties and large numbers of arrests within a highly polarised political environment that generated significant domestic and international concern.⁵ This article addresses a focused legal question: on the basis of publicly available information, do specific patterns of conduct during that period appear to satisfy the contextual and underlying elements of crimes against humanity as set out in Article 7 of the Rome Statute of the International Criminal Court (ICC)?

The inquiry is framed by two important constraints. First, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has concluded that there are reasonable grounds to believe that serious international crimes may have been committed. That threshold, broadly consistent with the standard for issuing an arrest warrant under Article 58(1) of the Rome Statute, may in principle support the initiation of proceedings, yet it does not constitute a final adjudication on either facts or law. Second, domestic proceedings are under way before the International Crimes Tribunal of Bangladesh (ICT-BD), including the October 2024 indictment of former prime minister Sheikh Hasina for crimes against humanity. In light of these constraints, the analysis employs cautious and qualified language such as ‘appears to meet’, ‘suggests that’, and ‘indicates’, and refrains from reaching definitive factual or legal findings that belong to a court after adversarial testing. Crimes against humanity applies in peacetime. Under Article 7(1) of the Rome Statute, the concept of a ‘civilian population’ in this context does not depend on the existence of armed conflict. It encompasses protesters and bystanders who are not taking part in hostilities, even where isolated acts of resistance are reported. This clarification is significant because it shapes the assessment of the contextual elements, including whether there was a ‘widespread or systematic attack directed against any civilian population’ (Article 7(1)), the

Brutal Government Crackdown’, *The Morning Post*, 2 August 2024, https://www.scmp.com/week-asia/politics/article/3272919/bangladesh-student-protests-become-peoples-uprising-after-brutal-government-crackdown?module=perpetual_scroll_o&pgtype=article, accessed 2 August 2024; Md Abu Bakkar Siddik, ‘Bangladesh Protests: Law Enforcement and Public Health Crisis’, *The Lancet* 404(10456) 930–931 (2024).

5 Farhin Islam, Yasir Arafat, and Mohammad Sorowar Hossain, ‘Eye Injuries in Bangladesh’s 2024 Student-Led Mass Uprising: A Public Health Crisis Unfolds’, *Torture Journal*, 335(1) 50–58 (2025); Faisal Mahmud, ‘“It’s War Now”: As Bangladesh Quota Protests Escalate, What’s Next?’, *Al Jazeera*, 19 July 2024, <https://www.aljazeera.com/news/2024/7/19/its-war-now-as-bangladesh-quota-protests-escalate-whats-next>, accessed 2 December 2025; Paul, ‘More Than 1,000 Killed in Bangladesh Protests’.

requirement of a ‘State or organizational policy’ (Article 7(2)(a)), and the mental element under Article 30.

The methodology adopted in this article is doctrinal. The analysis begins by setting out the applicable legal framework, including the definition of crimes against humanity under Article 7 of the Rome Statute, the Elements of Crimes of the ICC, and the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the ICC, and other relevant international judicial bodies. It then applies those standards to reported patterns of conduct during July 2024. The analysis draws on triangulated public sources, with particular attention to the report of the OHCHR, supplemented by domestic health ministry figures, reports from Bangladeshi and international non-governmental organisations, materials verified through open-source methods, and independent media accounts. These materials are not a substitute for evidence tested in court, and the discussion uses qualified language accordingly.

The analysis suggests that the information currently available points toward the possible satisfaction of several elements of crimes against humanity, most notably the contextual requirement of a widespread or systematic attack and a series of underlying acts set out in Article 7 of the Rome Statute. Against this backdrop, the discussion proceeds to delineate the scope of the inquiry. The scope of the article is deliberately limited. It does not characterise all events in July 2024 as crimes against humanity. Instead, it evaluates discrete and documented patterns of alleged conduct, including alleged killings assessed in relation to ‘murder’ under Article 7(1)(a), arbitrary deprivation of liberty under Article 7(1)(e), torture under Article 7(1)(f), sexual and gender-based violence under Article 7(1)(g), persecution under Article 7(1)(h), enforced disappearance under Article 7(1)(i), and other inhumane acts under Article 7(1)(k). Where relevant, the analysis notes the standards governing the use of force by law enforcement authorities, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and considers their implications for the element of ‘murder’ within crimes against humanity.

Two developments in Bangladesh’s legal framework inform the analysis. Proceedings have commenced before the ICT-BD in relation to the July 2024 events, which makes evidentiary standards, fair trial guarantees, and forms of liability under Articles 25 and 28 of the Rome Statute especially salient. In addition, the International Crimes Tribunals Act, 1973 (ICT Act, 1973) was amended in 2024 in ways that reportedly align aspects of the statute more closely with the Rome Statute, including the exclusion of political groups from the definition of genocide. Although genocide (Article 6) and war crimes

(Article 8) are not the focus here, these changes help to clarify why crimes against humanity provides the principal lens for assessment. The article therefore also considers accountability pathways and their procedural contours, including complementarity under Article 17, trial in absentia, the potential relevance of the death penalty to fair trial assessments, and forms of liability such as command responsibility and issues of official capacity and immunity. By combining a structured legal analysis with an assessment of procedural and institutional challenges, the article seeks to provide a balanced and rigorous contribution to scholarship on international criminal law and transitional justice. It aims not to prejudge the outcome of ongoing proceedings, but to clarify the legal standards that will govern any adjudication and to identify the factors that may influence the pursuit of accountability for the massacres of July 2024.

2 Legal Framework and Elements of Crimes Against Humanity

2.1 *Doctrinal Development*

The modern concept of crimes against humanity was first codified in Article 6(c) of the Charter of the International Military Tribunal at Nuremberg, where it addressed widespread and systematic atrocities committed against civilian populations during the Second World War.⁶ The notion of individual criminal responsibility for such acts was reinforced by prosecutions under Control Council Law No. 10 and before the International Military Tribunal for the Far East, as well as in various national courts.⁷ These early cases confirmed crimes against humanity as a category of international crime distinct from war crimes and genocide. Over subsequent decades, the definition evolved through customary international law, shaped by the jurisprudence of the ICTY and the ICTR. The ICTY Appeals Chamber in *Prosecutor v. Tadić* elaborated on the contextual elements of the offence, including the meaning of ‘widespread

6 Sarthak Mukherjee, ‘Universal Jurisdiction over Crimes against Humanity’, *International Journal of Law Management & Humanities*, 6(2) 2811–2819 (2023).

7 Sergey Sayapin, Rustam Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, and Noëlle Quéniwet (eds.), *International Conflict and Security Law: A Research Handbook* (The Hague: T.M.C. Asser Press, 2022), pp. 1031–1072; Sidra Kanwel, Nazar Hussain, Sahib Oad, and Shumaila Phulpoto, ‘Crimes against Humanity: A Human Rights Perspective’, *Journal of Asian Development Studies* 13(1) 20–28 (2024); International Military Tribunal (Nuremberg), ‘Trial of the Major War Criminals’, 1946, <https://www.legal-tools.org/doc/45fi8e/pdf/>, accessed 2 December 2025.

or systematic',⁸ while the ICTR in *Prosecutor v. Akayesu* clarified the content of persecution and its discriminatory character. Both tribunals confirmed the applicability of crimes against humanity beyond situations of armed conflict.⁹

The adoption of the Rome Statute in 1998 consolidated these developments in Article 7, providing a comprehensive definition and enumerating specific underlying acts. The ICC Elements of Crimes further refined interpretive guidance on each element. The prohibition of crimes against humanity is now widely recognised as customary international law.¹⁰ The ongoing work of the International Law Commission on a Draft Convention on Crimes Against Humanity seeks to harmonise national implementation and strengthen prevention, reflecting the consolidation of this body of norms as a core component of international criminal law.

Yet aspects of Article 7 remain contested. Scholars debate the necessity of requiring a 'State or organizational policy' as an element, since earlier tribunal jurisprudence did not explicitly impose such a threshold. Cassese has argued that the Rome Statute introduced a novel restriction, while Scholar Schabas notes that it risks narrowing the customary law understanding of crimes against humanity.¹¹ Others point to continuing fragmentation in state practice, suggesting that the scope of customary international law remains less settled than often assumed. These debates underscore that, while codification has advanced, interpretive uncertainties persist.

2.2 *Applicability in Peacetime and the Definition of 'Civilian'*

Article 7(1) of the Rome Statute expressly provides that crimes against humanity may be committed 'in time of peace or armed conflict'. In a peacetime context, the notion of a 'civilian population' encompasses all persons who are not members of armed forces or otherwise directly participating in

8 International Criminal Tribunal for the Former Yugoslavia (ICTY), 'Prosecutor v. Tadić', Appeals Judgement, IT-94-1-A, para. 248, 15 July 1999, <https://www.legal-tools.org/doc/8efc3a/>, accessed 2 December 2025.

9 International Criminal Tribunal for Rwanda (ICTR), 'Prosecutor v. Jean-Paul Akayesu', Judgement, ICTR-96-4, para. 581, 2 September 1998, <https://www.legal-tools.org/doc/b8d7bd/>, accessed 2 December 2025.

10 Maruf Billah, 'Prosecuting Crimes against Humanity and Genocide at the International Crimes Tribunal Bangladesh: An Approach to International Criminal Law Standards', *Laws*, 10(4) 2–34 (2021), <https://www.mdpi.com/2075-471X/10/4/82>.

11 William A. Schabas, *The Customary International Law of Human Rights* (Oxford: Oxford University Press 2021), p. 10.

hostilities.¹² The ICTY in the *Prosecutor v. Kunarac* case clarified that this assessment is made in reference to the overall character of the targeted group, not the individual status of each victim.¹³ Jurisprudence of the ICC, including the *Prosecutor v. Katanga* case's judgment,¹⁴ affirms that isolated acts of resistance or sporadic violence do not deprive individuals of civilian status.

Some commentators nevertheless caution that the Rome Statute's use of 'civilian population' in a peacetime setting should not be equated wholesale with the concept under international humanitarian law. The Human Rights Committee in General Comment No. 36 has emphasised that the right to life under the International Covenant on Civil and Political Rights (ICCPR) applies to all persons not directly engaged in hostilities, suggesting a broader protective scope in non-conflict contexts. This interpretive debate has direct implications for the July 2024 crackdown in Bangladesh, where protesters and bystanders engaged in political dissent remain civilians under international law, regardless of sporadic incidents of resistance.

2.3 Contextual Elements

The contextual elements of crimes against humanity, as set out in Article 7(1) and elaborated in the Elements of Crimes, require that the underlying acts be committed as part of a widespread or systematic attack directed against a civilian population, pursuant to or in furtherance of a state or organisational policy, and with knowledge of the attack.¹⁵ The following framework sets out the controlling standards with reference to leading jurisprudence and treaty sources. The subsequent application will use cautious terms and recognises that only a court can make findings after evidentiary testing.

The requirement that an attack be 'widespread or systematic' establishes a threshold for crimes against humanity. These two criteria are disjunctive: either is sufficient to satisfy the contextual element, though many situations meet both. Widespread refers to the large-scale nature of the attack, assessed primarily in terms of the number of victims, the geographical scope, or both. International tribunals have consistently emphasised that the focus is on the

12 Rosa Ana Alija Fernández and Jaume Saura Estapà, 'Towards a Single and Comprehensive Notion of "Civilian Population" in Crimes against Humanity', *International Criminal Law Review*, 17(1) 47–77 (2017).

13 International Criminal Tribunal for the former Yugoslavia (ICTY), 'Prosecutor v. Kunarac, Kovac and Vukovic', Appeals Judgement, IT-96-23-T and IT-96-23/1-T para. 431, 22 February 2001, <https://www.legal-tools.org/doc/0a90ae/>, accessed 2 December 2025.

14 International Criminal Court (ICC), *Prosecutor v. Katanga*, Trial Chamber II, ICC-01/04-01/07, 7 March 2014, <https://www.legal-tools.org/doc/f74b4f/>, accessed 2 December 2025.

15 Abid, 'The July Revolution'.

magnitude of the attack rather than its motive. Relevant factors include the number of incidents, the geographical spread of the crimes, their duration, and the range of affected localities.¹⁶ The term thus captures attacks that, by their scale, transcend isolated or random acts. In the *Prosecutor v. Tadić* case, the ICTY emphasised that the defining feature lies in the ‘scale or systematic nature’ of the acts and their connection to a broader attack, not in the specific motive of the perpetrator.¹⁷

Systematic denotes an organised pattern of conduct rather than mere repetition. It implies substantial planning, coordination, and execution in accordance with a common policy or strategy. Indicators include the repetition of similar methods across multiple locations, coordination among different units or actors, allocation of resources to facilitate the attack, and the adoption of administrative or regulatory measures enabling its implementation. The Special Court for Sierra Leone, for instance, characterised systematic attacks as ‘thoroughly organized and following a regular pattern based on a common policy’.¹⁸ ICTY jurisprudence, including the *Kunarac, Kovac and Vukovic* judgment,¹⁹ and ICC decisions such as the *Gbagbo and Blé Goudé* judgment²⁰ have affirmed that either ‘widespread’ or ‘systematic’ is sufficient to meet the requirement. Together, these criteria ensure that crimes against humanity target collective, not merely individual, interests, capturing attacks that are either massive in scale, deliberately organised, or both. Within this legal framework, the reported conduct during July 2024 can be assessed against the relevant thresholds.

Article 7(2)(a) of the Rome Statute requires that crimes against humanity be committed ‘pursuant to or in furtherance of a State or organizational policy’. The policy need not be formal or written. It may be inferred from the coordinated nature of the acts, the repetition of methods across locations, the mobilisation of state institutions or organised groups, and enabling measures

16 International Criminal Tribunal for the former Yugoslavia (ICTY), ‘Prosecutor v. Blaškić’, Judgment, IT-95-14-T para. 207, 3 March 2000, <https://www.legal-tools.org/doc/e1ae55/>, accessed 2 December 2025.

17 ICTY, ‘Prosecutor v. Tadić’, para. 248; International Criminal Tribunal for the former Yugoslavia (ICTY), ‘Prosecutor v. Kupreškić’, Judgment, IT-95-16-T para. 550, 14 January 2000, <https://www.legal-tools.org/doc/0a90ae/>, accessed 2 December 2025.

18 Special Court for Sierra Leone (SCSL), ‘Prosecutor v. Taylor’, Judgment, SCSL-03-01-T, para. 548, 18 May 2012, <https://www.legal-tools.org/doc/3e7be5/>, accessed 2 December 2025.

19 International Criminal Tribunal for the former Yugoslavia (ICTY), ‘Prosecutor v. Kunarac, Kovac and Vukovic’, Appeals Judgment, IT-96-23-T and IT-96-23/1-T, para. 431, 22 February 2001, <https://www.legal-tools.org/doc/0a90ae/>, accessed 2 December 2025.

20 International Criminal Court (ICC), ‘Prosecutor v. Gbagbo and Blé Goudé’, 2021, <https://www.legal-tools.org/doc/4nfkju>, accessed 2 December 2025.

such as curfews or communication restrictions.²¹ The ICC has recognised that such a policy can be established through circumstantial evidence and does not require proof of explicit directives. It has further clarified that an ‘organisation’ within the meaning of Article 7 must possess the capacity to carry out a widespread or systematic attack.²² Viewed in this way, the available accounts suggest recurring forms of coordination that warrant closer examination.

Article 30 of the Rome Statute requires that crimes against humanity be committed with intent and knowledge. In this context, the perpetrator must be aware that their conduct forms part of a broader attack directed against a civilian population. Complete knowledge of every detail of the attack is not necessary; awareness of the essential factual circumstances giving the conduct its collective character is sufficient.²³ This mental element may be established through circumstantial evidence, such as the scale and organised nature of the operations, the repetition of acts, and the perpetrator’s position or role within the relevant structure.

Article 7(1) of the Rome Statute enumerates the acts that may constitute crimes against humanity when committed within the contextual framework set out above. The ICC Elements of Crimes provide detailed guidance on the constituent elements of each offence. The following subsections summarise the acts most relevant to this assessment, outlining their principal doctrinal thresholds.

- **Murder (Article 7(1)(a)):** Murder under Article 7(1)(a) requires the unlawful causing of death with intent to kill or with knowledge that death was a likely consequence. Where the killing occurs in a law enforcement context, unlawfulness is assessed considering international human rights standards on the use of lethal force, particularly the principles of necessity

21 Md Mostafa Hosain, ‘The July Revolution: Internet Shutdown and Media Restrictions to Curtail Freedom of Expression’, Cambridge International Law Journal, CILJ Symposium on ‘Human Rights in Crisis: The July Revolution in Bangladesh’, 9 July 2025, <https://cilj.co.uk/the-july-revolution-internet-shutdown-and-media-restrictions-to-curtail-freedom-of-expression/>.

22 International Criminal Tribunal for Rwanda (ICTR), ‘Prosecutor v. Clément Kayishema and Obed Ruzindana’, Trial Judgement, ICTR-95-1-T, para. 122, 21 May 1999, <https://www.refworld.org/jurisprudence/caselaw/ictr/1999/en/62079>, accessed 2 December 2025; International Criminal Court (ICC), ‘Prosecutor v. Jean-Pierre Bemba Gombo’, Appeals Judgement, ICC-01/05-01/08, para. 163, 8 June 2018, <https://www.icc-cpi.int/car/bemba>, accessed 2 December 2025; International Criminal Court (ICC), ‘Prosecutor v. Ruto, Kosgey and Sang’, (2010), https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2012_03827.PDF, accessed 2 December 2025.

23 ICTY, ‘Prosecutor v. Kunarac, Kovac and Vukovic’, para. 431.

and proportionality in Article 6 of the ICCPR and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Lethal force that is not strictly necessary to protect life may satisfy the unlawfulness requirement for murder as a crime against humanity. Against this legal standard, the allegations reported for July 2024 require careful consideration.

- **Imprisonment or other severe deprivation of physical liberty:** Article 7(1)(e) of the Rome Statute criminalises the severe deprivation of physical liberty in violation of fundamental rules of international law. This encompasses detention without a clear legal basis, detention lacking individualised grounds, incommunicado detention, denial of access to counsel, or the absence of prompt judicial review. The assessment of unlawfulness is informed by the guarantees in Article 9 of the ICCPR and the jurisprudence of the United Nations Working Group on Arbitrary Detention. International practice considers both the scale and severity of the deprivation to determine whether it crosses the threshold of a crime against humanity. Isolated or minor violations will generally not suffice; the detention must form part of the broader attack directed against a civilian population. The prohibition reflects the centrality of liberty as a core human right and ensures that arbitrary detention, when pursued as part of a widespread or systematic policy, is captured within the protective scope of crimes against humanity. With this framework in mind, the reported patterns of mass arrests in July 2024 can be assessed more clearly.
- **Torture:** Under Article 7(1)(f) of the Rome Statute, torture consists of the intentional infliction of severe physical or mental pain or suffering upon a person in custody or otherwise under the control of the perpetrator, for purposes such as obtaining information or a confession, punishment, intimidation, coercion, or discrimination. International jurisprudence has recognised patterns of severe beatings, stress positions, sexualised violence, threats of death or harm to family members, and deliberate denial of essential medical care as indicative both of the requisite severity of suffering and of the prohibited purposes.²⁴ Seen against these requirements, the available accounts raise several issues relevant to the Article 7(1)(f) threshold.
- **Sexual and gender-based violence:** Under Article 7(1)(g) of the Rome Statute, sexual and gender-based violence encompasses ‘rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and

²⁴ *ibid.*

other acts of comparable gravity'. Rape is defined as the non-consensual penetration, however slight, of any part of the body of the victim or perpetrator with a sexual organ, or of the anal or genital opening with an object or another body part. Sexual violence more broadly includes any act of a sexual nature committed by force, threat of force, coercion, or by taking advantage of a coercive environment, and extends to acts of comparable gravity such as sexual torture and forced nudity. International jurisprudence requires proof of coercion, force, or the existence of a coercive environment rather than evidence of physical resistance by the victim.²⁵ Applied to the July 2024 events, these elements highlight specific concerns documented in public reporting.

- **Persecution:** Under Article 7(1)(h) of the Rome Statute, persecution consists of the intentional and severe deprivation of fundamental rights contrary to international law, committed by reason of the identity of a group or collectivity, including political groups. The offence requires proof of discriminatory intent and may accompany other underlying acts where the deprivation reaches the requisite level of severity.²⁶ Placed within this legal framework, the incidents reported in July 2024 warrant further evaluation.
- **Enforced disappearance:** Under Article 7(1)(i) of the Rome Statute, enforced disappearance consists of the arrest, detention, or abduction of a person by, or with the authorisation, support, or acquiescence of, a state or political organisation, followed by a refusal to acknowledge the deprivation of liberty or to disclose the fate or whereabouts of the person. The offence is continuous in nature and persists for as long as the disappearance remains unacknowledged or the fate or whereabouts concealed.²⁷
- **Other inhumane acts:** Under Article 7(1)(k) of the Rome Statute, other inhumane acts encompass conduct of comparable gravity to the enumerated crimes, intentionally causing great suffering or serious injury to body or to mental or physical health. International jurisprudence has recognised, for example, the deliberate denial of medical care to the wounded, attacks on medical personnel or facilities, obstruction of ambulances, and coercive

²⁵ *ibid.*; International Criminal Tribunal for the former Yugoslavia (ICTY), 'Prosecutor v. Furundžija', (1998), <https://www.refworld.org/jurisprudence/caselaw/icty/1998/en/20418>, accessed 2 December 2025.

²⁶ ICTY, 'Prosecutor v. Kupreškić', para. 550; ICTY, 'Prosecutor v. Tadić', para. 248.

²⁷ International Criminal Court, Elements of Crimes, Article 7(1)(i); International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

practices inflicting serious mental suffering on victims or their families, provided the requisite gravity and intent are established.²⁸

2.4 *Exclusion of Genocide and War Crimes*

It is important to distinguish crimes against humanity from other categories of international crimes. Genocide, as defined in Article 6 of the Rome Statute, requires the commission of one of the enumerated acts with the specific intent (*dolus specialis*) to destroy, in whole or in part, a national, ethnical, racial, or religious group as such.²⁹ The facts under consideration do not disclose the targeting of a protected group, nor the requisite intent to destroy such a group. As affirmed in the *Akayesu* judgment, 'genocide is distinct by its special intent, the intent to destroy a group in whole or in part'.³⁰ This conclusion is reinforced by the 2024 amendment to the International Crimes Tribunals Act, which removed 'political groups' from the domestic definition of genocide, further narrowing its applicability. The exclusion of genocide ensures analytical precision by focusing on the contextual and mental elements that characterise the situation, rather than conflating it with the distinct and more stringent requirements of Article 6.

War crimes, as defined in Article 8 of the Rome Statute, presuppose the existence of an armed conflict and a nexus between the alleged conduct and that conflict.³¹ The events addressed here occurred entirely in peacetime, without any connection to an international or non-international armed conflict. As such, they fall outside the scope of international humanitarian law and must be assessed exclusively within the framework of crimes against humanity.³² Because of their gravity, crimes against humanity implicate *jus cogens*³³ norms, peremptory rules of international law from which no derogation is permitted.³⁴ They are subject to universal jurisdiction, allowing

28 ICTY, 'Prosecutor v. Kupreškić', para. 550.

29 Yusuf Aksar, 'The Specific Intent (Dolus Specialis) Requirement of the Crime of Genocide: Confluence or Conflict between the Practice of Ad Hoc Tribunals and the ICJ', *Uluslararası İlişkiler Dergisi*, 6(23) 113–126 (2009), <https://dergipark.org.tr/en/pub/uidergisi/issue/39269/462440>.

30 ICTR, 'Prosecutor v. Jean-Paul Akayesu', para. 581.

31 O. S. Oyelade and Ayoola Abuloye, 'Criminal Responsibility for War Crimes: An Explanation from Geneva Conventions, Rome Statute and Judicial Pronouncements of the International Criminal Court', *African Journal of Law and Justice System*, 3(1) 45–59 (2024).

32 Telford Taylor, 'The Nuremberg Trials', *Columbia Law Review*, 55(4) 488–525 (1955).

33 A peremptory norm of general international law accepted and recognised by the international community as a whole, from which no derogation is allowed.

34 Ulf Linderfalk, 'The Legal Consequences of Jus Cogens and the Individuation of Norms', *Leiden Journal of International Law*, 33(4) 893–909 (2020).

states to prosecute perpetrators regardless of where the crimes occurred, or the nationality of the parties involved. This doctrine has been invoked in cases involving Rwandan, Syrian, and Guatemalan officials in foreign courts, reinforcing that such crimes concern all humankind.

2.5 *Forms of Liability and Immunity*

Article 25 of the Rome Statute sets out the modes of individual criminal responsibility, encompassing direct and indirect commission, ordering, soliciting, inducing, aiding, abetting, and participation in a common purpose. These forms of liability ensure accountability not only for those who physically commit crimes but also for those who plan, instigate, or otherwise contribute to their commission.³⁵ Article 28 establishes command or superior responsibility, attaching liability to military commanders and other superiors who knew, or owing to the circumstances should have known, that subordinates were committing or about to commit crimes and failed to take all necessary and reasonable measures to prevent the acts or to punish the perpetrators. This doctrine, developed in the jurisprudence of the ICTY and ICTR, is critical for addressing crimes committed through hierarchical structures. Article 27 affirms the irrelevance of official capacity before the ICC, explicitly removing immunity for heads of state or government officials. This principle reflects the view that the gravity of crimes under international law outweighs claims of sovereign immunity. In domestic fora, however, questions of immunity may still be governed by national law and customary international rules, which may limit jurisdiction in certain circumstances. Finally, these liability and immunity issues are analytically distinct from complementarity under Article 17 of the Rome Statute, which governs the allocation of jurisdiction between national authorities and the ICC.³⁶

3 National Legal Framework

Bangladesh's principal domestic law for prosecuting international crimes is the ICT Act, 1973. Over time, the Act has been amended to expand its scope

³⁵ Manjida Ahamed, 'Individual Criminal Responsibility of the Former Prime Minister of Bangladesh for Crimes against Humanity', Oxford Human Rights Hub, The Faculty of Law, University of Oxford, 24 March 2025, <https://url.info/1ezzdz>, accessed 2 December 2025.

³⁶ Daley J. Birkett, 'Twenty Years of the Rome Statute of the International Criminal Court: Appraising the State of National Implementing Legislation in Asia', *Chinese Journal of International Law*, 18(2) 353–392 (2019).

and to bring certain provisions closer to international standards. It establishes the ICT-BD and gives it authority to try individuals for genocide, crimes against humanity, war crimes, and related offences.³⁷ The statute defines the tribunal's subject-matter and personal jurisdiction, while questions of territorial reach depend on both the text of the Act and its application in practice.³⁸ An amendment adopted in 2024 introduced significant reforms. Most notably, it revised the definition of genocide in section 3(2)(c) by removing the reference to 'political groups'. The previous text had defined genocide as acts committed with intent to destroy, in whole or in part, a 'national, ethnical, racial, religious or political group'.³⁹ The amended definition now mirrors the formulation in Article 6 of the Rome Statute, which does not include political groups as a protected category. In addition, the amendment addressed procedural issues, including provisions for conducting trials in the absence of the accused and rules on admitting certain categories of evidence. The death penalty remains available as a sentence under the Act.⁴⁰

Other domestic laws are also relevant. The Penal Code 1860 criminalises, among other offences, murder (sections 302–304), unlawful confinement (sections 340–348), and grievous hurt (sections 320–326). These provisions may overlap with the underlying acts discussed in this article when such conduct forms part of a broader course of action. The Code of Criminal Procedure 1898 (CRPC) governs investigation, arrest, and trial in ordinary criminal courts where conduct falls outside the tribunal's jurisdiction. The Evidence Act 1872 sets out the basic rules on admissibility and evaluation of proof. The Special Powers Act 1974 contains provisions on preventive detention, and the Mutual Legal Assistance in Criminal Matters Act 2012 provides a framework for cooperation with foreign authorities. While these

37 Maruf Billah, 'Non-Retroactivity in Prosecuting Crimes against Humanity and International Crimes Tribunal Bangladesh', *Journal of Politics and Law*, 13(3) 1–16 (2020); Mahfuj Anam, 'Hasina Sued for Genocide, Crimes against Humanity', *The Daily Star*, 15 August 2024, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/hasina-sued-genocide-crimes-against-humanity-3677521>, accessed 8 April 2025.

38 Sajib Hosen, 'What Lessons May Be Learnt from the Operation of the ICT-BD in the Areas of International Criminal Law and Transitional Justice?' PhD thesis, Anglia Ruskin University, 2019.

39 The International Crimes (Tribunals) Act, 1973, as amended in 2024, ICT Act (Act No. XIX of 1973), Ministry of Law, Justice and Parliamentary Affairs, Bangladesh, <http://bdlaws.minlaw.gov.bd/act-details-435.html>, accessed 2 December 2025.

40 David Bergman, 'New Ordinance Brings ICT Closer to Int'l Standards, More Changes Required', *Prothom Alo* (Dhaka), 7 December 2024, <https://en.prothomalo.com/opinion/op-ed/asfxsbucnp>, accessed 2 December 2025.

instruments regulate ordinary offences and procedure, they do not codify the contextual elements that define crimes against humanity. For that reason, the ICT Act, 1973 remains the primary domestic framework when assessing allegations involving a widespread or systematic attack against a civilian population. The interaction between these domestic rules and Bangladesh's international obligations, including under the Rome Statute, will be examined later in the discussion of accountability pathways.

4 Application to July 2024 Crackdown

This section applies the legal elements of crimes against humanity to publicly available information concerning the July 2024 crackdown on student protests in Bangladesh. Only a competent court, after adversarial testing of evidence, can make definitive findings of fact or law. The analysis relies on a triangulated body of evidence that includes international human rights mechanisms such as the OHCHR, UNICEF, Amnesty International, and Human Rights Watch; domestic human rights monitoring groups such as the Human Rights Support Society (HRSS),⁴¹ Odhikar,⁴² Ain o Salish Kendra (ASK),⁴³ and the Bangladesh Legal Aid and Services Trust (BLAST);⁴⁴ peer-reviewed medical research; and contemporaneous reporting from international and Bangladeshi media outlets including Reuters, the Associated Press, BBC, *Guardian*, Anadolu Agency, *Prothom Alo*, *New Age*, *Daily Star*, *Business Standard*, and *Dhaka Tribune*. Sources have been selected for their independence, verifiability, and capacity to corroborate one another. Each factual point is supported by at least two different types of sources, for example a United Nations report together with domestic non-governmental organisation data, or open-source verification combined with medical or press

41 A Bangladeshi human rights group that documents rights violations, monitors social and political violence, and advocates for justice through reports and awareness work. Website: <https://hrssbd.org>.

42 An independent human rights organisation known for documenting extrajudicial killings, enforced disappearances, and broader civil rights concerns, with strong emphasis on advocacy and legal reform. Website: <https://odhikar.org>.

43 A major legal aid and human rights group providing legal services, investigations, and policy advocacy to protect vulnerable and marginalised communities. Website: <https://www.askbd.org>.

44 One of the largest legal aid organisations in Bangladesh, offering free or low-cost legal assistance, strategic litigation, and rights-based advocacy to ensure access to justice for marginalised communities. Website: <https://www.blast.org.bd>.

accounts. This approach addresses the risk of over-reliance on a single source and enhances empirical robustness. In instances where official health ministry statistics were unavailable or withheld, this limitation is noted explicitly.

4.1 *Contextual Elements*

4.1.1 Widespread or Systematic Attack

Reports indicate widespread or systematic attacks across multiple districts, including Dhaka, Chattogram, Rajshahi, and Khulna, over several weeks in July and early August 2024.⁴⁵ Casualty figures compiled by the HRSS record 1,372 named fatalities nationwide,⁴⁶ a figure that closely aligns with the OHCHR estimate of approximately 1,400 deaths and with tallies published in *Prothom Alo*.⁴⁷ The International Federation for Human Rights (FIDH) and Odhikar's monitoring confirms incidents in at least 23 districts.⁴⁸ Domestic and international media, including the *Guardian*, CNN, BBC, Anadolu Agency,

45 Julhas Alam, Al Emrun Garjon, and Krutika Pathi, 'Bangladesh Imposes Nationwide Curfew as Deadly Protests over Government Jobs Escalate', Associated Press, 19 July 2024, <https://apnews.com/article/bangladesh-student-protests-violence-internet-shutdown-622c6c464c47860afee293e80550c051>, accessed 19 July 2024; Nuruzzaman Labu, 'Security Heightened Ahead of Friday Prayers Amid Unrest', *Dhaka Tribune*, 26 July 2024, <https://www.dhakatribune.com/bangladesh/352746/security-heightened-ahead-of-friday-prayers-amid>, accessed 26 July 2024.

46 Human Rights Support Society (HRSS), 'List of the Deaths in Anti-Discrimination Movement – 2024', 31 December 2024, https://hrssbd.org/news_details/33/list-of-killed-during-july-august-mass-uprising, accessed 2 December 2025; Md. Towhidul Islam, 'The July Revolution: Student Politics in Bangladesh Violated Right to Life', *Cambridge International Law Journal*, CILJ Symposium on 'Human Rights in Crisis: The July Revolution in Bangladesh', 10 July 2025, <https://cilj.co.uk/the-july-revolution-student-politics-in-bangladesh-violating-right-to-life/>, accessed 2 December 2025; Siddik, 'Bangladesh Protests'.

47 Naznin Akhter, 'July Uprising: 133 Children Killed in Uprising', *Prothom Alo*, 4 August 2025, <https://en.prothomalo.com/bangladesh/crime-and-law/op2009loq5>, accessed 2 December 2025; Matiur Rahman, 'First Phase Draft Lists of Martyrs, Injured in Student-People Mass Uprising Released', *Prothom Alo*, 21 December 2024, <https://en.prothomalo.com/bangladesh/jwp3jt5cz>, accessed 2 December 2025; Akif Tanzim Hamza, 'Comprehensive Analysis of Martyrs from the July Student Movement 2024 in Bangladesh', *Bangladesh Insight Spectrum (BIS)*, 19 April 2025, <https://doi.org/10.13140/RG.2.2.16232.79367>, accessed 2 December 2025; Mansura Hossain, 'July Uprising: Many Killed Still Remain Unidentified', *Prothom Alo*, 5 August 2025, <https://en.prothomalo.com/bangladesh/rdhsxi403h>, accessed 2 December 2025; OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'.

48 International Federation for Human Rights (FIDH), 'Bangladesh: Attacks and Killings of Peaceful Student Protesters Strongly Condemned', 18 July 2024, <https://www.fidh.org/en/region/asia/bangladesh/bangladesh-attacks-and-killings-of-peaceful-student-protesters>, accessed 20 November 2025.

and *Daily Star*, report simultaneous operations in Dhaka, Chattogram, Rajshahi, and Khulna over several weeks in July and early August 2024.⁴⁹ Researcher Pooja Chaudhuri's geolocation of protest footage demonstrates coordinated tactics across multiple cities.⁵⁰ Reports from these varied sources describe multi-agency deployments, synchronised operations, curfews, and communication restrictions, indicating an organised and coordinated pattern of conduct.

4.1.2 Directed Against a Civilian Population

Amnesty International's Crisis Evidence Lab and the HRSS identify large numbers of unarmed civilians among the dead and injured, including minors.⁵¹ UNICEF confirmed at least 32 children killed during the events.⁵² The Bangladesh Medical Association reported treating more than 900 protest-

49 Human Rights Support Society (HRSS), 'Human Rights Violence during July-August Mass Uprising-2024', 31 December 2024, https://hrssbd.org/news_details/32/human-rights-violence-during-july-august-mass-uprising-2024-kZ8hiU, accessed 3 December 2025; Redwan Ahmed and Hannah Ellis-Petersen, 'Bangladeshi Students Allege Police Torture after Protests Crackdown', *The Guardian*, 23 July 2024, <https://www.theguardian.com/world/article/2024/jul/23/bangladeshi-students-allege-police-tortured-them-after-protests-crackdown>, accessed 3 December 2025; Reuters, 'At Least 91 Killed in Bangladesh Protests as Curfew and Internet Blocks Imposed', CNN World, 5 August 2024, <https://edition.cnn.com/2024/08/04/asia/bangladesh-clashes-police-protesters-activists-intl>, accessed 3 December 2025; SM Najmus Sakib, 'Hundreds of Students in Bangladesh Injured in Protests over Gov't Job Quotas', Anadolu Agency, 16 July 2024, <https://www.aa.com.tr/en/asia-pacific/hundreds-of-students-in-bangladesh-injured-in-protests-over-gov-t-job-quotas/3276313#>, accessed 3 December 2025; Saumitra Shuvra, Tarekuzzaman Shimul, and Marium Sultana, 'Drenched in Blood: How Bangladesh Protests Turned Deadly', BBC, 24 July 2024, <https://www.bbc.com/news/articles/c4ng5v03gd4o>, accessed 3 December 2025; Shariful Islam Mohiuddin Alamgir, 'Abu Sayed's Death in Police Firing: Cops' FIR Runs Counter to Known Facts', *The Daily Star*, 27 July 2024, <https://www.thedailystar.net/news/bangladesh/news/abu-sayed-death-police-firing-cops-fir-runs-counter-known-facts-3662771>, accessed 3 December 2025.

50 Pooja Chaudhuri, 'The Fall of Sheikh Hasina: Footage from the Streets of Bangladesh', Bellingcat, 7 August 2024, <https://www.bellingcat.com/news/2024/08/07/bangladesh-overthrow-resignation-sheikh-hasina-footage-open-source/>, accessed 03 December 2025.

51 Amnesty International, 'Bangladesh: Joint Letter to the Prime Minister of Bangladesh on Mass Arbitrary Detention of Political Opposition Activists, Enforced Disappearances and Other Violations of Human Rights', 19 August 2024, <https://www.amnesty.org/en/wp-content/uploads/2024/08/ASA1384382024ENGLISH.pdf>, accessed 3 December 2025; HRSS, 'Human Rights Violence during July-August Mass Uprising-2024'; OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'.

52 Akhter, 'July Uprising'; UNICEF, 'At least 32 Children Killed in Bangladesh Violence', 2 August 2024, <https://www.unicef.org/press-releases/least-32-children-killed-bangladesh-violence>, accessed 3 December 2025.

related injuries in Dhaka Medical College Hospital alone.⁵³ Domestic human rights monitors and press accounts, including *New Age*, *Dhaka Tribune*, and *Prothom Alo*, document students and bystanders who were shot or beaten near campuses, on public roads, and in private homes.⁵⁴ These findings are consistent with the OHCHR conclusion that the crackdown targeted protesters and bystanders rather than armed actors.⁵⁵ The consistency of these accounts across international organisations, domestic monitoring groups, medical sources, and journalistic investigations indicates that the operations were intended to suppress dissent rather than to respond to an armed threat.

4.1.3 State or Organisational Policy

Findings from multiple independent sources indicate that the July 2024 operations were conducted pursuant to a coordinated policy. The indictment issued by the ICT against Sheikh Hasina cites coordinated planning and orders from senior officials.⁵⁶ The OHCHR and Human Rights Watch describe the uniformity of tactics, the participation of multiple branches of law enforcement, and the imposition of curfews and communication restrictions.⁵⁷

53 Rashad Ahamad, Kamrun Nahar Sumy, and Nasir Uz Zaman, 'Hospital Visits Reveal 209 Deaths during Deadly Protests in Bangladesh', *New Age*, 26 July 2024, <https://www.newagebd.net/post/country/240861/hospital-visits-reveal-209-deaths-during-deadly-protests-in-bangladesh>, accessed 3 December 2025.

54 Mahfuj Anam, 'July Crackdown Was "a Political Decision"', *The Daily Star*, 31 July 2025, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/july-crackdown-was-political-decision-3952011>, accessed 3 December 2025; HRSS, 'Human Rights Violence during July-August Mass Uprising-2024'; Faisal, "It's War Now"; Paul, 'More Than 1,000 Killed in Bangladesh Violence since July, Health Ministry Chief Says'; Ahamad, Sumy, and Zaman, 'Hospital Visits Reveal 209 Deaths during Deadly Protests in Bangladesh'.

55 OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'.

56 Ahmed and Ellis-Petersen, 'Bangladeshi Students Allege Police Torture after Protests Crackdown'; Sm Najmus Sakib, 'Ex-Bangladeshi Premier Hasina Faces ICC Case over Alleged Crimes against Humanity', Anadolu Agency, 3 November 2024, <https://www.aa.com.tr/en/asia-pacific/ex-bangladeshi-premier-hasina-faces-icc-case-over-alleged-crimes-against-humanity/3382757>, accessed 3 December 2025.

57 Human Rights Watch (HRW), 'Bangladesh: Excessive Force against Political Protesters', 2 August 2023, <https://www.hrw.org/news/2023/08/02/bangladesh-excessive-force-against-political-protesters>, accessed 3 December 2025; Human Rights Watch (HRW), 'Bangladesh: Security Forces Target Unarmed Students', 22 July 2024, <https://www.hrw.org/news/2024/07/22/bangladesh-security-forces-target-unarmed-students>, accessed 3 December 2025; Alam and Pathi, 'What's Next after Protests Forced Bangladesh's Prime Minister to Quit and Flee the Country?'; Labu, 'Security Heightened Ahead of Friday Prayers Amid Unrest'; OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'.

Odhikar and the BLAST similarly note the consistency of methods, including internet shutdowns and simultaneous raids.⁵⁸ Statements by Robert F. Kennedy Human Rights and the International Federation for Human Rights emphasise that police, the Rapid Action Battalion, and intelligence units acted jointly and in accordance with centrally issued orders.⁵⁹ Additional reporting by the *Business Standard* and *The Guardian* highlights multi-agency deployments and the involvement of the Bangladesh Students' League in joint operations with police.⁶⁰ The convergence of these accounts across judicial, intergovernmental, non-governmental, and journalistic sources supports the inference that the crackdown was implemented in accordance with an organisational policy within the meaning of Article 7(2)(a) of the Rome Statute.

4.2 *Underlying Acts*

- **Murder (Article 7(1)(a)):** Publicly available material from the OHCHR, HRSS, Odhikar, Amnesty International's Crisis Evidence Lab, Reuters, Associated Press, *Prothom Alo*, and hospital records from Dhaka Medical College Hospital collectively document numerous deaths caused by live ammunition and other lethal force during crowd control and arrest operations. These sources identify victims by name, describe shootings at close range including against individuals who were fleeing or posed no imminent threat, and estimate between 1,400 and 1,500 fatalities nationwide.⁶¹ In law enforcement, lethal force is lawful only when strictly necessary to protect life.⁶² Reports indicate that approximately three-quarters of fatalities resulted from gunshot wounds, with more than 60 per

⁵⁸ FIDH, 'Bangladesh: Attacks and Killings of Peaceful Student Protesters Strongly Condemned'; Hosain, 'The July Revolution'; Sara Hossain, 'Bring Those Who Ordered the Excessive Use of Force to Account', Bangladesh Legal Aid and Services Trust (BLAST), 23 September 2024, <https://blast.org.bd/2024/09/23/7034/>, accessed 4 November 2025.

⁵⁹ Robert & Ethel Kennedy Human Rights Center, 'Bangladesh: Brutal Crackdowns on Student Protesters Resulting in Fatalities Warrant Accountability', 18 July 2024, <https://rfkhumanrights.org/our-voices/bangladesh-brutal-crackdowns-on-student-protesters-resulting-in-fatalities-warrant-accountability>, accessed 30 November 2025.

⁶⁰ HRW, 'Bangladesh Security Forces Target Unarmed Students'; Arafat Rahaman, 'July Uprising: State Forces, AI Perpetrated Gender-Based Violence', *The Daily Star*, 16 February 2025, <https://www.thedailystar.net/news/bangladesh/news/july-uprising-state-forces-al-perpetrated-gender-based-violence-3825011>, accessed 8 April 2025.

⁶¹ HRSS, 'List of the Deaths in Anti-Discrimination Movement – 2024'; Mahmud, "It's War Now".

⁶² Shishir Morol, 'Student Uprising: More than 18,000 Injured', *Prothom Alo*, 7 September 2024, <https://www.prothomalo.com/bangladesh/dhdisfyii>, accessed 20 September 2025;

cent involving high-velocity projectiles typically associated with military use.⁶³ Among the dead were at least 133 minors under the age of 18, as documented by *Prothom Alo* and corroborated by domestic monitoring groups, the OHCHR, and UNICEF, underscoring the indiscriminate character of the repression.⁶⁴ The assessment of unlawfulness in a peacetime setting draws on Article 6 of the ICCPR and on recognised standards of necessity and proportionality in the protection of life. The convergence of intergovernmental, domestic monitoring, international and national media, and medical accounts indicates a scale and pattern of killing that, if proven, would satisfy the requirement of murder as an underlying act within the meaning of Article 7(1)(a) of the Rome Statute.

- **Imprisonment or other severe deprivation of liberty (Article 7(1)(e)):** Amnesty International, ASK, and the BLAST report large-scale arrests of protesters, student leaders, journalists, medics, and other individuals, including detentions without charge, without prompt access to legal representation, and without judicial review.⁶⁵ Reuters and the *Dhaka Tribune* report police raids on dormitories and private homes, accompanied by mass First Information Reports that lacked specific, individualised allegations.⁶⁶ These accounts describe patterns that correspond to internationally recognised definitions of arbitrary detention under Article 9 of the ICCPR.
- **Torture (Article 7(1)(f)):** The OHCHR, Amnesty International, Odhikar, *Guardian*, and *New Age* record testimonies describing severe beatings, forced confessions, and other forms of mistreatment in custody.⁶⁷ These accounts are corroborated by reports of detainees displaying visible injuries upon release, observed by both domestic and international media. Medical research provides further evidence of serious harm: a peer-reviewed study found that hundreds of protesters suffered permanent eye injuries

Alamgir, 'Abu Sayed's Death in Police Firing'; Ellis-Petersen, 'Bangladeshi Students Allege Police Torture after Protests Crackdown'.

63 Paul, 'More Than 1,000 Killed in Bangladesh Violence since July, Health Ministry Chief Says'.

64 Akhter, 'July Uprising'; UNICEF, 'At least 32 Children Killed in Bangladesh Violence'; OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'; HRSS, 'Human Rights Violence during July-August Mass Uprising-2024'.

65 Amnesty International, 'Bangladesh: Joint Letter to the Prime Minister of Bangladesh'; Hossain, 'July Uprising: Many Killed Still Remain Unidentified'.

66 Ellis-Petersen, 'Bangladeshi Students Allege Police Torture after Protests Crackdown'; Alamgir, 'Abu Sayed's Death in Police Firing'.

67 *ibid.*; Abid, 'The July Revolution'; Siddik, 'Bangladesh Protests'.

requiring surgical intervention, many attributed to the use of pellet ammunition during detention and crowd-control operations.⁶⁸ Psychological consequences are also significant. A hospital-based study documented high rates of depression and post-traumatic stress disorder among survivors of the July 2024 violence, underscoring the lasting mental suffering inflicted.⁶⁹ Collectively, these materials describe conduct that, if established, would meet the threshold of torture as defined in Article 7(1)(f) of the Rome Statute.

- **Sexual and gender-based violence (Article 7(1)(g)):** The OHCHR, Bangladesh Sangbad Songstha, Odhikar, *Daily Star*, and medical non-governmental organisations report incidents of sexual violence against women and girls linked to the July 2024 protests or their communities.⁷⁰ Domestic media recount specific cases consistent with the use of sexual violence to intimidate and punish, and medical organisations confirm treatment of sexual assault survivors during this period.⁷¹ Taken together, these accounts from intergovernmental bodies, domestic monitoring groups, journalists, and medical practitioners describe conduct that, if established, would fall within the scope of Article 7(1)(g) of the Rome Statute.
- **Persecution (Article 7(1)(h)):** Domestic monitoring and media coverage suggest disproportionate targeting of student activists and persons associated with opposition movements, including leaders and organisers.⁷² Domestic monitoring groups and media accounts indicate that political identity influenced both arrests and the use of force. If established, such intentional and severe deprivation of fundamental rights on political

68 Islam, 'Eye Injuries in Bangladesh's 2024 Student-Led Mass Uprising'.

69 M. S. Ahsan, Md. Al-Amin Khan, Tanbir Ahmed, Mohammed R. Islam, Samina Akter, Mrittunjoy K. Sarder, Md. Noor -E- Alam, M. Moniruzzaman, Syeda R. Jahan, S. M. N. Huda, Mahibur R. Mubin, Mst. S. Sultana, and Anamika Sarker, 'Mental Health Consequences of the July Revolution in Bangladesh: A Study on Depression and Post-Traumatic Stress Disorder among Survivors of Violence and Persecution', *Cureus*, 17(5) e84358 (2025).

70 Mahbub Morshed, 'Security Forces, AI Men Abused Female Protesters during July Uprising: UN, Bangladesh Sangbad Songstha, 19 February 2025, <https://www.bssnews.net/news-flash/247847>, accessed 3 December 2025; OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'; Rahaman, 'July Uprising: State Forces, AI Perpetrated Gender-Based Violence'.

71 Mahmud, "'It's War Now": As Bangladesh Quota Protests Escalate, What's Next?'

72 Azad Majumder, 'Bangladesh Student Leader Recounts Agonizing Abduction, Torture over Job Quota Protests', EFE Comunica, 22 July 2024, <https://efe.com/en/other-news/2024-07-22/horror-in-dhaka-student-leader-abducted-tortured-over-bangladesh-protests/>, accessed 22 January 2025.

grounds would constitute persecution within the meaning of Article 7(1)(h) of the Rome Statute.

- **Enforced disappearance (Article 7(1)(i)):** The OHCHR, *New Age*, and HRSS report instances in which individuals were taken by security forces and their whereabouts remained unknown for extended periods.⁷³ These accounts also include cases in which bodies were recovered without any official acknowledgment of custody. Such conduct, if established, would meet the constitutive elements of enforced disappearance under Article 7(1)(i) of the Rome Statute and would continue until the fate or whereabouts of the persons concerned are disclosed.
- **Other inhumane acts (Article 7(1)(k)):** Reports describe denial of medical care to the injured, obstruction of ambulances, assaults on journalists, and refusal to return bodies unless families accepted restrictive conditions.⁷⁴ These accounts describe acts that, if established, caused great suffering and are comparable in gravity to other enumerated acts within the meaning of Article 7(1)(k) of the Rome Statute.

4.3 *Mental Element*

The mental element requires that the perpetrator knew that his or her conduct was part of a widespread or systematic attack against a civilian population. Such knowledge may be inferred from the scale and organisation of operations, the repetition of methods, and the roles and positions of those involved. The OHCHR notes coordinated actions across multiple units and localities, and media reporting places senior officers at several protest sites. These factors, if established, support an inference that participants were aware that their conduct formed part of a broader attack.⁷⁵ This analysis does not make definitive findings on whether crimes against humanity were committed. That determination rests with a competent court after adversarial testing of evidence. The purpose here is to assess whether publicly reported facts, if proven, appear to meet the legal elements of such crimes.

⁷³ *ibid.*; Corea and Erum, 'What Is Happening at the Quota-Reform Protests in Bangladesh?'; Labu, 'Security Heightened Ahead of Friday Prayers Amid Unrest'; OHCHR, 'Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh'.

⁷⁴ Amnesty International, 'Bangladesh: Joint Letter to the Prime Minister of Bangladesh'; HRSS, 'Human Rights Violence during July-August Mass Uprising-2024'; Morol, 'Student Uprising: More than 18,000 Injured'.

⁷⁵ Paul, 'More Than 1,000 Killed in Bangladesh Violence since July, Health Ministry Chief Says'; Sultana, 'Drenched in Blood'.

5 Accountability Pathways and Procedural Considerations

This section outlines practical routes to accountability and the procedural issues that bear on credibility and fairness. It builds on the statutory background set out earlier and uses cautious language consistent with the non-adjudicative character of this analysis.

5.1 *Domestic Proceedings Before the ICT-BD*

National authorities bear the primary responsibility to investigate and prosecute international crimes. Proceedings before the ICT-BD may provide the immediate forum for allegations falling within the ICT Act, 1973. Ordinary criminal laws, including the Penal Code and the CRPC, can address individual offences such as murder or unlawful confinement, although they do not codify the contextual elements of crimes against humanity. Past proceedings, particularly *The Chief Prosecutor v. Delowar Hossain Sayeedi* case,⁷⁶ were marked by significant controversy. United Nations mandate holders and international human rights organisations raised concerns about judicial independence, disclosure practices, and defence rights, and received allegations of witness interference, including intimidation, abduction, and presentation of false testimony.⁷⁷ These experiences underline a central obstacle: the credibility of the tribunal will depend on demonstrable independence and impartiality,

76 International Crimes Tribunal-1, 'The Chief Prosecutor v. Delowar Hossain Sayeedi', ICT-BD [ICT-1]. 28 February 2013, <https://www.legal-tools.org/doc/7831d6/>, accessed 3 December 2025.

77 Amnesty International, 'Bangladesh: Death Sentence without Right of Judicial Appeal Defies Human Rights Law', 17 September 2013, <https://www.amnesty.org/en/latest/news/2013/09/bangladesh-death-sentence-without-right-judicial-appeal-defies-human-rights-law/>, accessed 3 December 2025; Muhammad Abdullah Fazi, 'International Crimes Tribunal Bangladesh (ICTB) and Violations of Right to Fair Trial: A Comparative Study', *SSRN Electronic Journal*, 1 January 2015, <https://doi.org/10.2139/ssrn.2903696>; Muhammad Abdullah Fazi, Pardis Moslemzadeh Tehrani, Mian Waqar Ahmed, and Sardar Ali Shah, 'Bangladesh's Approach Towards International Criminal Law: A Case Study of International Crimes Tribunal Bangladesh', *Journal of Politics and Law*, 12 80–80 (2019); International Court of Justice (ICJ), 'Bangladesh International Crimes Tribunal Should Pursue Justice, Not Vengeance', 28 February 2013, <https://www.icj.org/bangladesh-international-crimes-tribunal-should-pursue-justice-not-vengeance/>, accessed 3 December 2025; Md Syful Islam, Yeasin Arafat, and Md Mostafa Faisal, 'Bangladesh's Rankings in Global Governance and Justice Indexes: University Students' Perception Analysis', *Current Research in Social Sciences* 10(2) 157–176 (2024).

equality of arms, full disclosure (including exculpatory material), rigorous testing of evidence, and effective protection of victims and witnesses.⁷⁸

The tribunal's practice on trial in absentia requires especially strict safeguards. International standards emphasise sustained efforts to secure the presence of the accused, continuous notification, effective representation by counsel, and a meaningful right to retrial upon appearance. Without these safeguards, there is a risk that judgments may be perceived as lacking legitimacy.⁷⁹ The availability of the death penalty in the tribunal's sentencing framework may also present an obstacle, not only for public confidence but for international cooperation, as many foreign jurisdictions condition extradition or evidence-sharing on assurances that capital punishment will not be imposed.

5.2 *Evidentiary Handling and Preservation*

Early preservation of material is central to any genuine proceeding. Priority should be given to the collection and secure storage of digital media, telecommunications records, medical and forensic documentation, and operational logs, with a clear chain of custody and audit trails for transfer and analysis. Where reports by international or domestic organisations are considered, the tribunal may seek the underlying data, authentication notes, and contact information for witnesses, subject to appropriate protection measures. A transparent approach to disclosure, including timely access for the defence to exculpatory material and to metadata linked to digital exhibits, supports equality of arms and strengthens the probative value of the record.

However, several obstacles remain. In past ICT-BD proceedings, concerns were raised that disclosure was delayed or incomplete, limiting the ability of the defence to prepare adequately.⁸⁰ There is also a risk of intentional destruction of records or non-cooperation by officials still in their position, which could undermine the integrity of the evidence base. Best practice in international tribunals emphasises secure digital archiving, independent

78 Masrur Salekin, 'The July Revolution: Executive Overreach and the Fair Trial Crisis during Bangladesh's July Revolution', *Cambridge International Law Journal*, CILJ Symposium on 'Human Rights in Crisis: The July Revolution in Bangladesh', 11 July 2025, <https://cilj.co.uk/the-july-revolution-executive-overreach-and-the-fair-trial-crisis-during-bangladeshs-july-revolution/>, accessed 2 December 2025.

79 Bergman, 'New Ordinance Brings ICT Closer to Int'l Standards, More Changes Required', *ICT Act* 1973.

80 Fazi, 'Bangladesh's Approach Towards International Criminal Law'; Aldo Zammit Borda and Sajib Hosen, 'The Challenges of Long-Delayed Prosecutions in Fighting Impunity in Bangladesh', *Leiden Journal of International Law*, 35(4) 987–1014 (2022).

oversight of evidence management, and consistent application of disclosure obligations.⁸¹ Addressing these obstacles proactively is essential to ensure that the factual record can withstand adversarial testing and international scrutiny.

5.3 *Fair Trial Guarantees and Trial in Absentia*

Core guarantees include the right to counsel of choice, adequate time and facilities to prepare a defence, the right to examine witnesses, reasoned decisions, and public pronouncement of judgment. Trial in absentia is permitted under the ICT Act, 1973, in specified circumstances. International practice emphasises strict safeguards, including demonstrable efforts to secure appearance, continuous notification, representation by qualified counsel with effective powers to act, and a meaningful right to a retrial upon appearance. Application of these safeguards will be relevant to assessments of fairness by domestic and international observers.

Nonetheless, trial in absentia presents obstacles that go beyond procedure. Past ICT-BD judgments were criticised by the International Commission of Jurists and UN mandate holders for inadequate notification and weak opportunities for retrial.⁸² If similar concerns arise, proceedings may be viewed as inconsistent with international fair trial standards, even where formally compliant with domestic law. Comparative jurisprudence, including the *European Court of Human Rights in Colozza v. Italy* (1985),⁸³ stresses that the right to be present at trial is fundamental and that any derogation must be narrowly construed. Failure to apply these safeguards strictly could affect not only the legitimacy of verdicts but also Bangladesh's ability to demonstrate that its proceedings are 'genuine' under Article 17 of the Rome Statute.

5.4 *Death Penalty and Implications for Cooperation*

Retention of capital punishment in sentencing may affect the willingness of foreign authorities to provide judicial cooperation or to facilitate transfers of suspects. In extradition and mutual legal assistance, many states, including those in the European Union and the United Kingdom, generally require assurances that the death penalty will not be imposed or carried out. This is consistent with international human rights law: the European Court of Human Rights in *Soering v. United Kingdom* (1989) held that extradition to face a

⁸¹ ICTY, 'Prosecutor v. Tadić', para. 248.

⁸² ICT Act 1973; Salekin, 'The July Revolution'.

⁸³ European Court of Human Rights, *Colozza v. Italy*, 12 February 1985, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57462%22%5D%7D>, accessed 3 December 2025.

real risk of capital punishment could violate Article 3 of the European Convention on Human Rights.⁸⁴ Similarly, the UN Human Rights Committee has stressed that transfers engaging a risk of execution may breach Articles 6 and 7 of the ICCPR.⁸⁵ The obstacle for Bangladesh is therefore not only reputational but practical: without credible assurances, international partners may refuse cooperation, block extradition requests, or decline to share evidence. This could hamper ICT-BD proceedings and affect complementarity assessments under Article 17 of the Rome Statute, since lack of cooperation may undermine the ability of national authorities to conduct genuine prosecutions. While the existence of the death penalty does not itself resolve the legal questions at issue, the authorities may consider formal assurances, prosecutorial discretion, or legislative amendments to address these practical obstacles in mutual legal assistance or extradition.

5.5 *Complementarity Under Article 17 of the Rome Statute*

Bangladesh is a state party to the Rome Statute. The Court is complementary to national jurisdictions. Admissibility requires identity of the same person and the same conduct and turns on whether national proceedings are genuine.⁸⁶ Indicators of genuineness include independence and impartiality, concrete investigative steps, timely action, good faith application of the law, and proceedings capable of leading to a decision on the merits. Indicators of unwillingness include proceedings designed to shield specific persons, unjustified delay, or a lack of independence and impartiality. Indicators of inability include substantial collapse or unavailability of the national system or obstacles that prevent the authorities from obtaining the accused or the necessary evidence.

In the Bangladeshi context, potential obstacles include the political sensitivity of prosecuting security officials, continuity of personnel from the former regime, and risks of intimidation of witnesses or destruction of records. Such factors could be viewed internationally as signs of unwillingness or inability, even if proceedings are formally initiated. International jurisprudence, including the ICC's admissibility decisions in the *Prosecutor v. Katanga*

84 European Court of Human Rights, *Soering v. United Kingdom*, 7 July 1989, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%2201-57619%22%5D%7D>, accessed 3 December 2025.

85 Elisabeth Lambert-Abdelgawad, *The Execution of Judgments of the European Court of Human Rights*, Vol. 19, (Council of Europe, 2008), https://www.echr.coe.int/documents/d/echr/anni_book_chapter05_eng.

86 Hosain, 'The July Revolution'.

case and the *Prosecutor v. Ruto, Kosgey and Sang* case,⁸⁷ emphasises that complementarity is assessed in substance, not form; it is the reality of national proceedings that determines admissibility. Practices such as trial in absentia and the availability of the death penalty are not dispositive as such but may inform the overall assessment of genuineness when considered alongside due process guarantees and institutional safeguards. Ultimately, the Bangladesh proceedings will serve as a test case: if they are perceived as lacking independence or fairness, the ICC may assert jurisdiction under Article 17.

5.6 *International Criminal Court*

The Rome Statute gives the Court territorial jurisdiction over crimes committed on the territory of Bangladesh after entry into force for Bangladesh. A situation may reach the Court by referral by Bangladesh, referral by another state party, or *proprio motu* action by the Prosecutor with judicial authorisation. If national proceedings addressing the same person and the same conduct are genuine, the case will be inadmissible before the Court. Practical obstacles, however, are significant. ICC investigations depend on cooperation for access to sites, records, and witnesses, and on the execution of arrest warrants. In Bangladesh, the political sensitivity of prosecuting senior security or political figures may generate resistance to cooperation, particularly if suspects remain influential or retain support within state institutions. Similar obstacles have arisen in other ICC situations, where governments formally accepted jurisdiction but obstructed access in practice. The safety of victims and witnesses engaging with the Court is another obstacle, given Bangladesh's past record of witness intimidation in ICT-BD proceedings.⁸⁸ Feasibility therefore depends not only on the legal basis for jurisdiction but also on genuine state cooperation, effective protection measures, and sustained international pressure to enforce arrest warrants.⁸⁹ Absent these conditions, ICC involvement risks remaining largely symbolic, reinforcing the importance of credible domestic proceedings.

87 ICC, *Prosecutor v. Katanga*, ICC-01/04-01/07; International Criminal Court (ICC), 'Prosecutor v. Ruto, Kosgey and Sang', 15 December 2010, https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2012_03827.PDF, accessed 4 November 2025.

88 ICJ, 'Bangladesh International Crimes Tribunal Should Pursue Justice, Not Vengeance'.

89 Kirsten J. Fisher, 'The Problem with the Crime of Forced Migration as a Loophole to ICC Jurisdiction: The PTC's Decision on Myanmar and the Risk to Vulnerable Populations', *Journal of International Humanitarian Legal Studies*, 11(2) 385–409 (2020); Md Syful Islam and Md Emon Mia, 'Navigating Legal and Humanitarian Challenges Regarding the Rohingya Refugee Crisis in Bangladesh', *International Journal of Social Inquiry*, 17(3) 467–491 (2024).

5.7 *Other Fora and International Cooperation*

Some states recognise universal jurisdiction over crimes against humanity. In practice, many systems require the presence of the suspect on the forum state's territory, and domestic immunity rules may limit case selection. Foreign proceedings often face hurdles in evidence collection, witness security, and diplomatic cooperation. Mutual legal assistance frameworks, including the Mutual Legal Assistance in Criminal Matters Act 2012, can facilitate targeted cooperation for evidence gathering, asset restraint, or witness protection.⁹⁰

Nevertheless, several obstacles persist. Universal jurisdiction cases remain relatively rare, and prosecutorial discretion is often influenced by political considerations. Comparative practice demonstrates this limitation. For instance, German and French courts have exercised universal jurisdiction in relation to atrocities committed in Syria, yet these proceedings required many years of sustained advocacy by non-governmental organisations and depended on the fortuitous presence of suspects in Europe.⁹¹ In the Bangladeshi context, similar conditions may not be easily replicated. Immunity doctrines in certain states may also shield former heads of government or serving officials from prosecution in domestic courts, notwithstanding Article 27 of the Rome Statute, which establishes the irrelevance of official capacity before the ICC. Evidence collection is another serious challenge. Foreign courts generally require direct, verifiable material, and such documentation may be difficult to secure without cooperation from Bangladeshi authorities. Differences in sentencing frameworks also create obstacles. Many European states condition judicial cooperation on assurances that capital punishment will not be imposed or carried out, which may limit assistance to Bangladesh given the continued availability of the death penalty under the ICT Act, 1973. Clear requests, credible witness protection, and assurances on sentencing are

⁹⁰ Raisul Islam Sourav, 'Could Bangladesh's Former Prime Minister, Sheikh Hasina, Be Extradited to the Country to Stand Trial?', *The Conversation*, 5 (2024), <https://theconversation.com/could-bangladeshs-former-prime-minister-sheikh-hasina-be-extradited-to-the-country-to-stand-trial-237814>, accessed 31 December 2025.

⁹¹ Jessica Doumit, 'Accountability in a Time of War: Universal Jurisdiction and the Strive for Justice in Syria', *Georgetown Journal of International Law*, 52(1) 263–287 (2020), <https://www.law.georgetown.edu/international-law-journal/in-print/past-issues/volume-52-number-1-fall-2020/accountability-in-a-time-of-war-universal-jurisdiction-and-the-strive-for-justice-in-syria/>; Wolfgang Kaleck and Patrick Kroker, 'Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?', *Journal of International Criminal Justice*, 16(1) 165–191 (2018).

therefore essential if international fora are to complement domestic accountability.

5.8 *Individual Responsibility*

Allocation of responsibility is ultimately a judicial determination. Modes of liability recognised in international criminal law include direct and indirect commission, ordering, soliciting or inducing, aiding and abetting, and participation in a common purpose under Article 25 of the Rome Statute.⁹² Command responsibility under Article 28 extends liability to superiors who knew, or should have known, that subordinates were committing crimes and failed to take necessary and reasonable measures to prevent or punish them.⁹³ Obstacles to accountability frequently arise in applying these doctrines. Establishing the knowledge and effective control required for command responsibility is evidentially complex, especially in contexts where orders are informal or where documentation has been destroyed.

Similarly, while Article 27 of the Rome Statute affirms the irrelevance of official capacity before the ICC, questions of immunity continue to restrict prosecutions in some domestic fora, particularly under customary international law for sitting heads of state. The jurisprudence of the International Court of Justice in the Arrest Warrant case underscores this tension.⁹⁴ Official capacity therefore does not bar responsibility before competent international courts, but in domestic jurisdictions, immunities and evidentiary challenges may obstruct proceedings.⁹⁵ Addressing these obstacles is central to ensuring that responsibility can be meaningfully allocated to both direct perpetrators and those with superior authority.⁹⁶

92 Abdul Malek, 'State Responsibilities and the Combatting against Forced Disappearance in Bangladesh: Institutional and Legal Challenges', *Pakistan Journal of Criminology*, 16(4) 1407–1422 (2024), https://www.pjcriminology.com/wp-content/uploads/2025/01/99_State-Responsibilities-and-the-Combatting-Against-Forced.pdf.

93 International Criminal Tribunal for the Former Yugoslavia (ICTY), 'Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić and Esad Landžo (Čelebići Case)', IT-96-21-A, 20 February 2001, <https://www.icty.org/x/cases/mucic/acjug/en/ce1-aj010220.pdf>, accessed 3 December 2025.

94 International Court of Justice (ICJ), 'Democratic Republic of the Congo v. Belgium' (Arrest Warrant Case), 11 April 2000, <https://www.icj-cij.org/case/121>, accessed 3 December 2025.

95 Ahamed, 'Individual Criminal Responsibility of the Former Prime Minister of Bangladesh for Crimes against Humanity'.

96 Alessandra Spadaro, 'Punish and Be Punished? The Paradox of Command Responsibility in Armed Groups', *Journal of International Criminal Justice*, 18(1) 1–30 (2020).

5.9 *Accountability Lessons from Other Cases*

Examples from other contexts highlight recurring obstacles to accountability for large-scale violations in peacetime. In Mexico's Tlatelolco massacre (1968), decades of denial and political resistance meant that investigations came too late to secure meaningful justice.⁹⁷ In China's Tiananmen Square crackdown (1989), strict state control of institutions and public narratives blocked any independent inquiry, leaving international advocacy and historical memory as the only forms of recognition.⁹⁸ In Mexico's Ayotzinapa disappearances (2014), even with international oversight, weak domestic institutions and mishandled evidence stalled prosecutions.⁹⁹

Across these examples, three themes stand out. First, early suppression or manipulation of information can entrench impunity. Second, independent investigative and judicial bodies are essential for credible accountability. Third, external mechanisms and sustained advocacy can help to address domestic barriers. These lessons suggest that timely, transparent, and independent processes, supported, when necessary, by outside expertise, are vital for preserving evidence, protecting witnesses, and maintaining public trust in accountability efforts. Bangladesh's current proceedings before the ICT-BD must therefore prioritise transparency, procedural fairness, and independence to avoid repeating these failures.

6 Conclusion

This article has applied the crimes against humanity framework to publicly reported materials concerning the July 2024 crackdown in Bangladesh. On a cautious reading of those materials, several contextual elements and underlying acts could be satisfied if proved in court. Only a competent tribunal,

97 Dolly J. Young, 'Mexican Literary Reactions to Tlatelolco 1968', *Latin American Research Review*, 20(2) 71–85 (1985).

98 Paul Gecelovsky, 'The Canadian Response to the Tiananmen Square Massacre: An Interactive Explanation', *Canadian Foreign Policy Journal*, 8(3) 75–97 (2001); Christopher Harris, 'Remembering 1968 in Mexico: Elena Poniatowska's La Noche De Tlatelolco as Documentary Narrative', *Bulletin of Latin American Research* 24(4) 481–495 (2005); Andrew Lui, 'Looking Back at Tiananmen Square', *Peace Review*, 12(1) 139–145 (2000).

99 Obed Frausto and Nayar López Castellanos, 'State Violence, Capital Accumulation, and Globalization of Crime: The Case of Ayotzinapa', *Latin American Perspectives*, 48(1) 202–216 (2021); Mónica Velasco-Pufleau, 'The Ayotzinapa Case (Mexico) and the Role of the European Parliament as a Moral Tribune to Promote Human Rights Worldwide', *The International Journal of Human Rights*, 28(5) 713–737 (2024).

after adversarial testing, can make findings of fact or law. Accountability will depend on the integrity and effectiveness of domestic proceedings before the ICT-BD, the operation of Article 17 complementarity, and the feasibility of cooperation with international and foreign authorities. Ensuring judicial independence, full and timely disclosure, equality of arms, protection of witnesses, and careful handling of digital and medical evidence will be central to any genuine process. When trial in absentia is used, strict safeguards and a meaningful right to retrial upon appearance are important benchmarks. The continued availability of capital punishment may affect international cooperation, a challenge that could be addressed through assurances or other measures. The Bangladesh situation therefore serves as a test of the complementarity regime and of the capacity of domestic institutions to deliver fair and credible justice for alleged crimes against humanity committed in peacetime. By clarifying the law and identifying the most significant challenges ahead, this article contributes to a deeper understanding of what is at stake and encourages a process that upholds justice, strengthens the rule of law, and earns the trust of those most affected.