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**Human Rights Council
Working Group on Arbitrary Detention****Opinions adopted by the Working Group on Arbitrary
Detention at its 103rd session, 25-29 August 2025****Opinion No. 39/2025 concerning Dil Mohammed (Bangladesh)**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.

2. In accordance with its methods of work,¹ on 20 November 2024 the Working Group transmitted to the Government of Bangladesh a communication concerning Dil Mohammed. The Government submitted a late response on 23 July 2025. The State is a Party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination, based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

¹ [A/HRC/36/38](#).

1. Submissions

(a) Communication from the source

4. Dil Mohammed, born on 2 January 1966, is a member of the Rohingya community who fled Myanmar as a refugee in August 2017. Mr. Mohammed was unable to obtain an identification card from the Office of the United Nations High Commissioner for Refugees because the Office has no jurisdiction over refugees in a Rohingya refugee encampment situated on a small strip of land – “no man’s land” – between the borders of Bangladesh and Myanmar.

5. Mr. Mohammed has been in detention in Bangladesh since 19 January 2023.

(i) Background

6. Mr. Mohammed and his family were forced to flee Myanmar in August 2017 after an attack by the Myanmar military on their village. The decision to flee for safety was also triggered by the alleged repressive treatment of Mr. Mohammed and his family as members of the Rohingya Muslim community, including travel restrictions that affected access to basic services, and by the fear of being subjected to forced labour. Immediately preceding his arrest, Mr. Mohammed lived with his family in the no man’s land encampment.

7. Prior to fleeing Myanmar in 2017, Mr. Mohammed had worked for many years as an interpreter, often for encounters – referred to as “flag meetings” – between Border Guard Bangladesh and the Border Guard Police of Myanmar.

8. Upon the family’s settlement in the encampment, Mr. Mohammed engaged with the community and became a spokesperson for the residents of the encampment. He spoke to international organizations, delegations and members of the media, and also at meetings with the Special Rapporteur on the situation of human rights in Myanmar.

9. Mr. Mohammed also communicated with the local authorities, and it was understood that authorities in Bangladesh perceived him in a favourable light. However, it also became evident that because of his advocacy for the rights of the Rohingya people and his criticism of Myanmar, the authorities in Myanmar perceived him negatively and he was subsequently labelled, inaccurately, as a member of the Arakan Rohingya Salvation Army (ARSA).

10. The source notes that refugees in the no man’s land encampment are not permitted to return to Myanmar. The extent of the insecurity in the encampment led refugees to demand assurances about their security, and even to seek avenues for safe return to their homes in Myanmar with the assistance of the United Nations.

11. The security situation in the encampment deteriorated further in 2022 and 2023. While this included incidents of gunfire between the Rapid Action Battalion (anti-crime and counter-terrorism unit) of the Bangladesh Police and the Border Guard Police of Myanmar, the deterioration of the situation resulted primarily from fighting between ARSA and the Rohingya Solidarity Organization (RSO).

(ii) Arrest and detention

12. Two violent raids on the encampment are particularly relevant to Mr. Mohammed’s detention: one occurred on 14 November 2022, the other on 18 January 2023.

13. On 14 November 2022, masked men, not in uniform, entered the encampment and attacked and arrested residents. There was an exchange of gunfire between the Rapid Action Battalion and the Border Guard Police of Myanmar. At the time of the raid, Mr. Mohammed and his family did not know which parties were attacking or the reason for the attack. They later discovered which parties were involved, and learned about the death of an officer who they understood was either from the Rapid Action Battalion or the Directorate General of Forces Intelligence of Bangladesh.

14. During the raid, Mr. Mohammed was attending a scheduled daily meeting with Border Guard Bangladesh.

15. On 24 November 2022, Mr. Mohammed heard about charges filed against individuals suspected of killing the officer and that he himself was suspected of complicity, even though he was not present at the raid. Once he learned about the allegations of his involvement, he immediately approached the National Security Intelligence of Bangladesh and was assured that the matter would be dealt with by way of removing his name from the list of suspects and any potential charges being withdrawn.

16. On 18 January 2023, another armed attack on the encampment took place, believed to have involved RSO with some coordination with the Rapid Action Battalion.

17. Mr. Mohammed and his family were woken at around 6 a.m. by the sounds of gunshots being fired from the Bangladesh side of the strip of land. They stayed in their home for about six or seven hours as the violence outside escalated; people were shot and injured. The attack resulted in the destruction of the encampment and the displacement of an estimated 4,500 refugees, including Mr. Mohammed and his family, who were forced to cross back into Myanmar.

18. On 19 January 2023, the Border Guard Police of Myanmar informed those who had crossed into Myanmar that they must enter Bangladesh instead. Mr. Mohammed and family returned to the burned remains of the encampment.

19. On the same day, Mr. Mohammed was instructed, as spokesperson for the community, to meet with RSO on Bangladesh territory in order to discuss the possibility of saving some homes in the encampment.

20. When Mr. Mohammed entered Bangladesh for the meeting, he was apprehended by RSO and handed over to authorities of Bangladesh associated with the Rapid Action Battalion about 10 minutes later.

(iii) *Legal analysis*

21. The source submits that the detention of Mr. Mohammed is arbitrary, falling under category III and contrary to article 10 of the Universal Declaration of Human Rights, articles 9, 10, 14 and 25 of the Covenant, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

22. The circumstances of Mr. Mohammed's arrest and detention reportedly include severe violations of international fair trial norms.

23. Firstly, the source submits that Mr. Mohammed was not promptly informed of the reasons for his arrest, nor was he notified of the charges against him, contrary to rule 119 of the Nelson Mandela Rules and article 9 of the Covenant.

24. Mr. Mohammed was taken into custody on the evening of 19 January 2023, when he arrived at a meeting with RSO; he had been instructed to attend the meeting through the Imam of the no man's land encampment, who is understood to be associated with RSO. A representative of RSO later phoned Mr. Mohammed, reiterating that if he attended the meeting, they would not burn the remainder of the encampment. Mr. Mohammed asked the RSO representative whether Bangladeshi authorities would be present at the meeting, and he was informed that they would not. He told the RSO representative that if the authorities were not going to be present at the meeting, he would refuse to attend; the RSO representative then reassured him that the authorities would be there.

25. At around 3.30 p.m., Mr. Mohammed and two of his children went to a mosque on the Bangladesh side of the border, near the encampment, for the meeting. When they arrived, there was no meeting, and they were made to wait for an hour. Members of RSO arrived and arrested Mr. Mohammed and his two children. Mr. Mohammed was handcuffed and his children were secured with a rope. They were not told why they were being arrested and detained.

26. The Bangladeshi authorities therefore reportedly failed to promptly inform Mr. Mohammed of the reason for his arrest and notify him of the charges. From the date of his arrest, on 19 January 2023, until 30 May 2023, when he first appeared before a court in Bangladesh, he was at no point given any reason for his arrest, and he was not informed of the charges against him.

27. When Mr. Mohammed was arrested – in front of his children – by RSO, he was taken, by himself, to an undisclosed location and effectively disappeared for approximately four months. He was kept at undisclosed and unknown locations in solitary confinement, until his transfer to Bandarban District Jail on 24 May 2023.

28. Mr. Mohammed learned of the allegations against him during his first appearance before a judge, namely, at the first court session on 30 May 2023, which was convened after he had been transferred to Bandarban District Jail.

29. The only charge sheet for which Mr. Mohammed's family has access is dated 13 November 2023 – nearly six months after the first hearing. The delay in issuing the charge sheet raises questions as to what information Mr. Mohammed was presented during the hearing. During the hearing on 30 May 2023, charges were not read or officially presented to Mr. Mohammed. The local lawyer merely explained what allegations were known during the court session. The source thus notes that Mr. Mohammed might not have been informed of any charges at that juncture. Attempts to gain a clear understanding from Mr. Mohammed's local lawyers regarding exactly what he was notified of during the hearing have not been successful, as the lawyer who represented him on 30 May 2023 is no longer Mr. Mohammed's local lawyer. Mr. Mohammed's family is also unable to communicate with him freely enough to clarify what he was advised or presented at the hearing.

30. Although the charge sheet was issued in November 2023 (meaning that Mr. Mohammed had been detained for nearly 10 months without charge), it is still uncertain as to when an official notification of the charges was issued, by whom it was issued and what was listed in the notification.

31. The charge sheet issued on 13 November 2023 is focused on the death of an officer during the November 2022 raid, listing accusations against Mr. Mohammed and over 50 other persons for violations of the Penal Code, 1860 of Bangladesh.²

32. The charge sheet contains unsubstantiated allegations that Mr. Mohammed and his co-accused are separatists and armed extremists of ARSA and are regularly involved in various criminal activities, including murder, robbery and illicit activities, in Bangladesh.

33. In addition to the lack of transparency concerning the charges in the charge sheet of November 2023, there reportedly might be a second charge sheet with additional charges against Mr. Mohammed that neither he nor his lawyers have seen or been officially notified of. If a second charge sheet has indeed been issued, then it further underscores the failure of the Bangladeshi authorities to promptly inform Mr. Mohammed of the charges against him.

34. The source submits, in addition, that the manner of the arrest and enforced disappearance of Mr. Mohammed contravenes rules 6 and 68 of the Nelson Mandela Rules.

35. Upon his arrest, Mr. Mohammed was handcuffed and taken away by a member of RSO on a motorcycle and handed over to the Rapid Action Battalion. After being handed over to the Battalion, he was blindfolded and taken to an undisclosed detention facility, which the source now understands is run by both the Battalion and the Directorate General of Forces Intelligence of Bangladesh.

36. Mr. Mohammed was initially held at this undisclosed location for about nine days and then taken to another undisclosed location, where he was held until his transfer to Bandarban District Jail.

37. The source also submits that Mr. Mohammed was held in solitary confinement. The locations are described as detention centres for interrogations, where he was repeatedly and abusively interrogated without legal representation. During this period, he was not provided

² The accusations referred to violations of the following sections of the Penal Code: section 34 (acts done by several persons in furtherance of a common intention); section 143 (punishment); section 153 (wantonly giving provocation with intent to cause a riot); section 186 (obstructing a public servant in discharge of public functions); section 302 (punishment for murder); section 307 (attempt to murder); section 332 (voluntarily causing hurt to deter a public servant from his duty); section 333 (voluntarily causing grievous hurt to deter a public servant from his duty); section 341 (punishment for wrongful restraint and wrongful confinement); and section 379 (punishment for theft).

with any information about where he was being held, whether his family had been informed of his arrest and his location, the reasons for his arrest or any charges against him. There has been no official record about this period, including with regard to the conditions of Mr. Mohammed's confinement.

38. Mr. Mohammed's family were not officially informed by the Bangladeshi authorities of his arrest, the location of his detention, or of his status or well-being. The family searched extensively for Mr. Mohammed by contacting every law enforcement agency, including Border Guard Bangladesh and the police. They also contacted other organizations, such as RSO. No information about Mr. Mohammed's whereabouts or well-being was provided to them. Mr. Mohammed's effective disappearance had a severe and extraordinary impact on the family's day-to-day life and on their well-being.

39. The source submits that, contrary to rule 43 of the Nelson Mandela Rules, Mr. Mohammed was held in solitary confinement for the first four months of his detention. Mr. Mohammed was provided no reason during the period of solitary confinement to justify detaining him in this manner. He was also unable to speak to his family or lawyer during the first four months of his detention.

40. On 24 May 2023, Mr. Mohammed was moved to Bandarban District Jail in Bangladesh. When he was transferred to the Jail, his effective enforced disappearance ended. At Bandarban District Jail, Mr. Mohammed had clarity on his own location for the first time since his detention. Mr. Mohammed remains in custody at Bandarban District Jail.

41. The source submits that Mr. Mohammed's prolonged solitary confinement – for approximately four months – violated the international protections necessary to ensure the right to a fair trial and due process. This was exacerbated by the fact that the prolonged solitary confinement was without any known justification, and that Mr. Mohammed was held incommunicado, without any contact with his family and without the assistance of a lawyer during critical interrogations. This demonstrates that the legal basis for Mr. Mohammed's detention has not been accessible, understandable or applied in a consistent and predictable way,³ and that his detention is therefore arbitrary in nature.

42. Furthermore, the source argues that Mr. Mohammed suffered mistreatment in solitary confinement, in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The source submits that Mr. Mohammed was interrogated at least eight times during the approximately four months he was in solitary confinement in undisclosed locations. Reportedly, interrogations lasted about one to two hours during each session, and two or three officers conducted the interrogation, while five or six additional officers were present and stood behind him.

43. Despite the large number of officers conducting the interrogations, no lawyer was present during the interrogations to represent Mr. Mohammed. Being detained at the undisclosed locations, and effectively disappeared, he was not offered the opportunity to contact a lawyer nor was he assigned one. His current legal representative was engaged only after the interrogations had been completed.

44. Mr. Mohammed was therefore left with no ability to consult a lawyer, obtain legal advice or have a lawyer present during the interrogations. He was thus subjected to the risk of the interrogations resulting in evidence that could be used against him, including evidence that had been collected improperly, coercively or without his full understanding of the relevant charges, laws and procedures.

45. Officers reportedly attempted multiple times to secure a forced confession during the interrogations. Mr. Mohammed was unduly pressured, and did not have a legal representative present. He did not make any such confession.

46. Mr. Mohammed was also subjected to abuse when interrogating officers threatened the safety and security of his family. Threats were reportedly made that members of his family would be arrested, with the officers making direct threats about arresting some of his children.

³ A/HRC/22/44, para. 62.

47. Moreover, Mr. Mohammed's right to instruct and consult a lawyer was consistently breached during his detention, interrogations and in preparation for his trial, in violation of article 14 (3) (d) of the Covenant and of the Nelson Mandela Rules.

48. Mr. Mohammed was wholly denied legal representation for approximately four months, when he was held in solitary and incommunicado confinement at undisclosed locations. This denial of legal representation further exacerbated Mr. Mohammed's vulnerability, including with regard to the abusive and improperly conducted interrogations.

49. Mr. Mohammed was reportedly subjected to abuse through threats that affected his mental and psychological health, including the abusive and coercive attempts made to force him to sign a false confession. The lack of legal representation meant that he was forced to answer without knowledge of the charges against him or of the basis of his detention. He had no representative to protect his rights and to ensure that the interrogations were conducted in accordance with international standards.

50. Moreover, no lawyer has ever been offered to Mr. Mohammed by the authorities. Mr. Mohammed was able to gain access to a lawyer for the first time only because of the efforts of his family to engage and instruct a lawyer. This was only after the four months in solitary confinement in undisclosed locations and upon his appearance in Bandarban District Jail. The burden was placed on the family to approach a legal representative, which they were able to do about 15 days after learning of Mr. Mohammed's location.

51. Since the family's engagement of a lawyer, there have reportedly been restrictions on Mr. Mohammed's legal representatives being able to fully communicate with, advise and take instructions from their client in full realization of his rights.

52. While the lawyers instructed by the family have been able to register and be recognized as Mr. Mohammed's lawyers, their ability to meet with him has reportedly been consistently restricted. These restrictions were reported by the first local lawyer, and by a new local lawyer, who recently took over Mr. Mohammed's representation and who has been similarly restricted.

53. Mr. Mohammed's lawyers have been restricted from conducting any meetings or conversations outside the court, in a private room or by telephone. The lawyers have only been allowed to speak to Mr. Mohammed for a few minutes before the commencement of each court session. These conversations are not private, and do not allow for enough time for the lawyer to fully explain the charges, evidence, procedure or law or answer any other questions Mr. Mohammed might have. Nor do they allow for Mr. Mohammed to give instructions to his lawyer in advance of any hearing, or for there to be meaningful and thoughtful preparations for his defence.

54. Being allowed to speak only in court, and not in advance of the session or hearing, means that Mr. Mohammed has no ability to thoughtfully and meaningfully consider the best way to present his case and advocate for his rights – meaning that his right to time and resources to prepare a defence has been restricted. The source also submits that Mr. Mohammed is not granted access to resources, such as writing materials, needed to prepare notes, thoughts or instructions in order to assist with the preparation of a defence case.

55. The source reiterates that Mr. Mohammed was entirely isolated from his family during the approximately four months of his solitary and incommunicado detention. The family's attempts to obtain information from the authorities concerning his whereabouts and well-being were unsuccessful. Mr. Mohammed had no ability or means to contact his family, nor for his family to contact him. Similarly, Mr. Mohammed had no ability to disclose abuse or violations, and the family was unable to monitor his rights, well-being and circumstances. This means that Mr. Mohammed was unable to report, and the family was unable to observe and raise, violations such as the abusive and threatening interrogations, that his psychological well-being was being negatively affected and that he did not have legal representation or knowledge of any charges.

56. The source notes that the family was also not informed of his transfer to Bandarban District Jail. Currently, the channels of communications between Mr. Mohammed and his family continue to be severely restricted. While Mr. Mohammed is now among the general

prison population, he is not afforded the same rights as other prisoners, such as seeing his family on special religious days. It is difficult for both the family and Mr. Mohammed's lawyer to monitor the effect of this difference in treatment or any further abuses or violations. Mr. Mohammed's family members are thus limited in their ability to receive information about his treatment and raise a complaint.

57. Communications with Mr. Mohammed are reportedly sporadic, unpredictable and at the changing discretion of the warden of the jail. The family cannot contact Mr. Mohammed, they must wait for him to contact them – which is allowed irregularly. For a period, the family was able to speak to Mr. Mohammed about three times a week. During that period, telephone calls, initiated by him, lasted only a few minutes. It is suspected that the calls are monitored by the jail.

58. Bandarban District Jail authorities have reportedly not allowed in-person visitation for Mr. Mohammed's family at any time. The family therefore relies on observing his appearance and well-being during court sessions. Mr. Mohammed's family members have attended court hearings; however, they have been unable to speak to him in court. Family members must drive seven to eight hours to get from their home to the court's location. This is the only time they can assess his physical appearance.

59. The source submits that Mr. Mohammed's rights under articles 8 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the Covenant were violated.

60. The source argues that Mr. Mohammed was denied access to a court to challenge the circumstances of his detention while in solitary confinement and without a lawyer. For approximately four months, while Mr. Mohammed was detained at undisclosed locations in solitary confinement, he was wholly denied access to a court or the ability to come before a judge. As Mr. Mohammed was not able to contact anyone while he was in solitary confinement, he could not challenge his arrest or the underlying reasons justifying it, as he did not have legal representation. Similarly, he could not make any representations challenging his continued detention, the manner of detention in solitary confinement or any violations of his rights during the arrest, detention or interrogations. He could not apply for bail.

61. Without legal representation, Mr. Mohammed's ability to have these issues raised on his behalf before a court were denied, and the circumstances of his abusive solitary confinement in undisclosed detention centres, described as akin to "black sites", made clear that he would not be able to approach a court on his own volition. Nor could he make any complaint about the violations of his rights to any other adjudicatory body or authority.

62. Even when Mr. Mohammed was eventually provided access to a court, on 30 May 2023, over four months after his arrest, the court took no steps to address or redress the violations of his rights during his time in solitary confinement and at undisclosed detention centres. Thus, although a court was then available to him, it failed to demonstrate independence and impartiality in protecting due process and fair trial rights.

63. Reportedly, Mr. Mohammed's previous local lawyer attempted without success to seek recourse for the breaches of his rights, and to seek bail after Mr. Mohammed had spent months in irregular and abusive detention, where he was effectively disappeared. After Mr. Mohammed was transferred from solitary confinement to Bandarban District Jail, his local lawyer made several attempts to alert the courts about Mr. Mohammed's circumstances, so that he could be released from detention. The lawyer made various unsuccessful applications to the courts, including bail petitions on two instances before the magistrate court, two applications before a session judge, and appeals against the rejected orders for bail before the High Court Division and the Supreme Court of Bangladesh.

64. The source affirms that the courts have demonstrated a total failure to address the manner in which Mr. Mohammed was detained for the first four months. No attention was paid to the violations and no attempts were made to remedy and correct the way in which those violations affect the fairness of the ongoing proceedings against him. Further indicating the lack of independence and impartiality of the court, the family received information that an office of the Directorate General of Forces Intelligence of Bangladesh has been opened at

the court, and that it is understood that the office intervenes and interferes with the judiciary's decisions in cases such as that of Mr. Mohammed.

65. The source submits that the failure to fulfil Mr. Mohammed's right to legal representation further highlighted the court's lack of independence and impartiality. Despite the fact that Mr. Mohammed was fully denied legal advice and representation for over four months while held at undisclosed sites – a detail the courts would have reviewed and been aware of from his case file – the authorities further failed to provide him with a lawyer upon his transfer to Bandarban District Jail. The current limitations to full legal representation and access to his lawyer are evident before the courts, as his only conversations with his lawyer are during court sessions. He is still unable to contact his lawyer freely and to speak to his lawyer in private. The courts have made no attempt to remedy this repeated failure.

66. The source submits that the courts' failure to address or attempt to remedy the violations of Mr. Mohammed's rights comport with observations from his local lawyer that the court in Mr. Mohammed's case was subjected to undue influence from the Directorate General of Forces Intelligence of Bangladesh, and that Mr. Mohammed does not enjoy the same rights that other prisoners do.

67. Moreover, the source submits that Mr. Mohammed's rights to be protected from abusive treatment rising to the level of cruel, inhuman and degrading treatment and potentially torture have been and continue to be violated, in violation of article 5 of the Universal Declaration of Human Rights and rule 1 of the Nelson Mandela Rules. The officials have reportedly kept Mr. Mohammed in a situation of extreme emotional and psychological pressure, which was particularly severe during the first four months of his detention. This is demonstrated by the fact that he was held in solitary confinement with no indication of his location and without any reason presented to explain the need for this manner of detention. Adding to the stress and emotional pressure, his detention during the first months was incommunicado, such that his family was not sure whether he was alive; therefore, he was effectively disappeared.

68. This pressure was reportedly further exacerbated by interrogations that were abusive and conducted without the assistance of a legal representative, in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Mr. Mohammed was placed in a position in which he was interrogated under extreme emotional and psychological pressure. This was most clearly demonstrated by the interrogating officers' threats to his family's safety and security, which had a profoundly negative impact on Mr. Mohammed's mental and psychological well-being. When interrogators tried to force him to make a confession, this would have caused anxiety and fear, particularly when Mr. Mohammed resisted and refused the demands of the interrogators and officers holding him in an effective "black site", with no one knowing his location or whether he was still alive.

69. The impact of these abuses would have been compounded by the overall context of the interrogations. The stress of answering questions during the abusive interrogation without any knowledge or understanding of the charges and procedure, and without the assistance of counsel, but with the worry that information provided might be used as incriminating evidence, would have further increased the psychological pressure Mr. Mohammed was enduring. The source submits that this treatment not only affected Mr. Mohammed's right to protection from abusive treatment, but also had a direct impact on his fair trial rights.

70. In addition, the emotional pressure and stress caused by solitary and incommunicado detention did not end when Mr. Mohammed was released from those conditions of detention; they continue with his current detention. Fundamental guarantees associated with the right to a fair trial, such as the right to meaningful access to a lawyer and the time and resources to prepare a defence, continue to be severely restricted and jeopardize his overall ability to receive due process and a fair trial. Mr. Mohammed, his family and even his local lawyer are still not fully aware of all of the charges against him; they have information of additional charges but have not received official notification, nor been granted access to documentation, of these charges. These violations have reportedly been ignored and not remedied by a judicial system that has marginalized Rohingya refugees and that has been recognized as lacking independence and impartiality.

71. The impact of this pressure and Mr. Mohammed's vulnerability in detention has reportedly been visible during court sessions. His mental and physical health and well-being have visibly deteriorated. The source notes concern as to whether the medical needs for his diagnosed blood pressure condition are being met.

(b) Response from the Government

72. On 20 November 2024, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested the Government to provide, by 20 January 2025, detailed information about the situation of Mr. Mohammed and to clarify the legal provisions justifying his detention, as well as their compatibility with the obligations of Bangladesh under international human rights law, in particular concerning the treaties ratified by the State. Moreover, the Working Group also called upon the Government to ensure Mr. Mohammed's physical and mental integrity.

73. On 23 July 2025, long after the due date, the Government of Bangladesh sent a response. Noting that the Government did not request an extension of the time limit for its reply, as provided for in the Working Group's methods of work, the Working Group cannot accept this response as if it were provided in a timely manner. In accordance with paragraph 16 of its methods of work, the Working Group will render its opinion on the basis of all the information it has obtained.

2. Discussion

74. In determining whether the deprivation of liberty of Mr. Mohammed is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has presented a *prima facie* case for breach of the international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations.⁴

75. Although the source only characterized the detention as arbitrary under category III, the Working Group will exercise its discretion to additionally consider allegations under other categories where they are relevant, in line with its jurisprudence and usual practice.

(a) Category I

76. The Working Group will first consider whether Mr. Mohammed's detention is arbitrary under category I. The source submits that upon his arrest on 19 January 2023, Mr. Mohammed was not promptly informed of the reasons for his arrest, nor notified of the charges against him, and not afforded a timely opportunity to challenge the basis for his detention. In its late reply, the Government asserts that he was not arrested until 24 May 2023 and due process was followed.

77. In the present case, there is a factual dispute regarding the date of Mr. Mohammed's initial arrest, which is germane to the allegations that his rights were violated. According to the source, Mr. Mohammed was taken into custody on the evening of 19 January 2023, after arriving for a meeting with RSO that he was instructed to attend. However, in its late reply, the Government asserts that Mr. Mohammed was arrested by police on 24 May 2023, pursuant to an order of the Ghumdhum police investigation centre, and that it is not true that he was arrested on 19 January 2023.

78. Having reviewed all the materials provided to it, the Working Group is satisfied by the source's account that the arrest occurred in January 2023. It notes that the Government's late reply contains no detailed or substantiated information to support its account and counter the highly detailed specific allegations set out by the source.

79. Pursuant to article 9 (1) of the Covenant, no one may be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law.

⁴ [A/HRC/19/57](#), para. 68.

Article 9 (2) of the Covenant provides that anyone who is arrested must be informed, at the time of arrest, of the reasons for his or her arrest and must be promptly informed of any charges against him or her. Rule 119 of the Nelson Mandela Rules provides that every untried prisoner has the right to be promptly informed about the reasons for his or her detention and about any charges against him or her.

80. Noting the source's submissions that that Mr. Mohammed was detained and taken away on 19 January 2023 without being told why he was being arrested and where he was being taken, and noting that the Government merely states that this is incorrect without providing detailed and substantiated factual submissions to the contrary, the Working Group considers that Mr. Mohammed was not promptly informed of the reasons for his arrest. Consequently, the arrest was carried out in violation of articles 3 and 9 of the Universal Declaration of Human Rights, and article 9 (2) of the Covenant. The Working Group also expresses concern that Mr. Mohammed was not notified of the nature of the charges against him until at least late May 2023 and, even then, it is unclear if the charges that he was informed of are the same as those he is now charged with.

81. The source submits that Mr. Mohammed was denied access to a court to challenge the basis for his detention during a period of approximately four months before he was brought to court in May 2023. In its late reply, the Government repeats its claim that Mr. Mohammed was arrested in May 2023, and on this basis argues that he was brought to court the same day as his arrest. Noting its finding above determining that the date of arrest was in January 2023, the Working Group will assess the allegation in this light.

82. Article 9 (3) of the Covenant states that anyone arrested or detained on a criminal charge must be brought promptly before a judge or other officer authorized by law to exercise judicial power. Similarly, article 8 of the Universal Declaration of Human Rights addresses the rights of an individual to challenge and seek remedy against violations of an individual's rights, including the right to a fair trial and due process. Article 8 provides that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him or her by the constitution or by law.

83. The Working Group considers that no reason is apparent from the materials submitted as to why Mr. Mohammed was not brought before a judicial officer for approximately four months after his arrest on 19 January 2023. On this basis, it finds that his rights under article 9 (3) of the Covenant, among others, were violated.

84. The Working Group notes Mr. Mohammed's lack of access to the outside world while he was held in solitary confinement for approximately four months. It recalls that holding persons incommunicado prevents prompt presentation before a judge, as provided for in article 9 (3) of the Covenant,⁵ and violates the right under article 9 (4) to challenge the lawfulness of the detention before a court.⁶ Judicial oversight of detention is a fundamental safeguard of personal liberty and is essential in ensuring that detention has a legal basis.⁷ Prohibiting contact with the outside world may violate rule 58 of the Nelson Mandela Rules⁸ and principles 15, 16 (1) and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. In the present case, the deprivation of access to the outside world exacerbated the violation of Mr. Mohammed's right to challenge the basis of his detention.

85. Furthermore, the Working Group considers that the detainee was subjected to enforced disappearance, in breach of article 9 of the Covenant. The family of Mr. Mohammed did not know of his whereabouts after his arrest in January 2023 despite searching for him, indicating that the Government concealed his whereabouts.

86. Enforced disappearances are prohibited by international law and constitute a particularly aggravated form of arbitrary detention.⁹ They are also inherently arbitrary, as

⁵ Human Rights Committee, general comment No. 35 (2014), para. 35.

⁶ See opinions No. 35/2018, No. 9/2019, 44/2019, No. 45/2019 and No. 25/2021.

⁷ A/HRC/30/37, para. 3. See also CAT/C/VNM/CO/1, para. 24.

⁸ Opinions No. 35/2018, para. 39; No. 44/2019, paras. 74 and 75; and No. 45/2019, para. 76.

⁹ Human Rights Committee, general comment No. 35 (2014), para. 17. See also opinions No. 5/2020, No. 6/2020, No. 11/2020 and No. 13/2020.

they place the person outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights and article 16 of the Covenant. Rule 68 of the Nelson Mandela Rules addresses the right of an individual to immediately inform family of his or her arrest and location of detention and specifies that an individual must be given the ability and means to inform immediately his or her family, or any other person designated as a contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury. Given that Mr. Mohammed was prevented from exercising his right to inform his family about his whereabouts over a period of months, and given that the other elements of enforced disappearance, as set out in the International Convention for the Protection of All Persons from Enforced Disappearance, are established in the present case, the Working Group considers that he was subjected to enforced disappearance and solitary confinement in an undisclosed location, which compounded the violations of his rights under article 9 of the Covenant. The Working Group is concerned about the reported pattern of enforced disappearances routinely carried out by security forces in Bangladesh and reiterates that such conduct is prohibited under conventional and customary international human rights law.

87. On the basis of the foregoing, the Working Group determines that Mr. Mohammed's deprivation of liberty lacks any legal basis and is thus arbitrary under Working Group's category I.

(b) Category III

88. In relation to category III, the source argues that Mr. Mohammed's detention is arbitrary because he was deprived of access to legal counsel for the first months of his detention.

89. The source submits that Mr. Mohammed was unable to speak to any other person, including any lawyer or member of his family, during the first four months of his detention. It was only upon his appearance in Bandarban District Jail, when his family learned of his location, that Mr. Mohammed was able to obtain legal advice. Moreover, the source states that, while the lawyers instructed by Mr. Mohammed's family have been able to register and be recognized as his lawyer, their ability to meet with him has reportedly been consistently restricted, and these restrictions have continued following the appointment of a new local lawyer. The source specifies that Mr. Mohammed's lawyers have been prevented from conducting any meetings or conversations outside the court, in a private room or by telephone, and that the lawyers have been allowed to speak to Mr. Mohammed only for a few minutes before the commencement of each court session. In its late reply, the Government states that Mr. Mohammed is permitted to meet with his family and lawyer once every two weeks. However, it does not respond specifically to the allegations relating to the initial four months of detention from January to May 2023, other than denying that the detention took place, as addressed above.

90. The Working Group recalls that access to counsel is a right enshrined in article 14 (3) (d) of the Covenant and principles 11 (2), 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. All persons deprived of their liberty have the right to legal assistance by counsel of their choosing at any time during their detention, including immediately after their apprehension, and such access is to be provided without delay absent exceptional circumstances.¹⁰ The right to legal assistance is an essential element of the right to fair trial, as it serves to ensure that the principle of equality of arms is duly observed.¹¹ Moreover, persons who have had charges brought against them have the right to adequate time and facilities for the preparation of their defence, as guaranteed under article 14 (3) (b) of the Covenant. Rule 61 of the Nelson Mandela Rules stipulates that prisoners must be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their

¹⁰ United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, principle 9 and guideline 8; Human Rights Committee, general comment No. 35 (2014), para. 35; [A/HRC/45/16](#), paras. 50–55; and [A/HRC/48/55](#), para. 56. See also [A/HRC/27/47](#), para. 13.

¹¹ See, for example, opinion No. 35/2019.

own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law.

91. The Working Group recalls the source's submissions that Mr. Mohammed was subjected to extensive interrogations, and notes that this has not been satisfactorily refuted by the Government. During this period, Mr. Mohammed was not able to consult a lawyer, obtain a lawyer's advice or have a lawyer present to support and advocate for him during the interrogations. The Working Group also notes the extensive restrictions placed on Mr. Mohammed's access to his legal counsel and the clearly established impact on his ability to prepare a defence. Given that the Government's late reply contains no detailed refutation of the source's claim that Mr. Mohammed's access to a lawyer was denied entirely during the first four months of his detention, and that the Government does not refute the detailed account of restrictions on his access to a lawyer, the Working Group concludes that a violation of Mr. Mohammed's rights under article 14 (3) (d) of the Covenant, among others, has been demonstrated. Because he was held incommunicado and unable to communicate with family members or potential witnesses, his ability to prepare for an eventual trial was also hampered. Moreover, as the source notes, not being allowed to speak with his lawyer in advance of court sessions meant that Mr. Mohammed was deprived of the opportunity to meaningfully consider the best way to present his case and advocate for his rights. This violated his right to adequate time and facilities for the preparation of his defence, as guaranteed under article 14 (3) (b) of the Covenant.

92. Moreover, the Working Group notes that Mr. Mohammed was reportedly subjected to repeated threats and intimidating interrogations, during which the authorities threatened to arrest his family if he did not confess, and solitary confinement in an undisclosed location. Although he did not succumb to this mistreatment, in the Working Group's view this additional psychological pressure and strain compounded the violations of his fair trial rights, particularly under article 14 (3) (b) and (d) of the Covenant, regarding his ability to prepare for and participate in his trial and his lack of access to a lawyer during interrogations.

93. The source argues that Mr. Mohammed's right to a fair trial has been violated by way of his inability to access an independent and impartial tribunal. It specifies that this is demonstrated by his lack of access to a lawyer during his first months of detention, and the fact that the courts have not remedied that violation. In its late reply, the Government responds that these allegations are incorrect and that the courts function independently.

94. Article 10 of the Universal Declaration of Human Rights and article 14 of the Covenant guarantee the right to a fair and public hearing by an independent and impartial tribunal. The Working Group notes that the two primary underlying bases for Mr. Mohammed's claim in this respect – lack of access to a lawyer and failure to remedy breaches for his lack of access to a lawyer and lack of a prompt hearing – are matters covered under separate grounds that are discussed above under categories I and III. There is no additional basis provided by the source to conclude that the courts lack independence in Mr. Mohammed's case. Accordingly, the Working Group considers that these allegations have already been addressed and do not merit an additional finding on the courts' lack of independence.

95. Noting all the above, the Working Group concludes that the violations of Mr. Mohammed's fair trial and due process rights are of such gravity as to give his detention an arbitrary character under category III.

3. Disposition

96. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Dil Mohammed, being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III.

97. The Working Group requests the Government of Bangladesh to take the steps necessary to remedy the situation of Mr. Mohammed without delay and bring it into

conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

98. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Mohammed immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

99. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Mohammed, and to take appropriate measures against those responsible for the violation of his rights.

100. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the situation of human rights in Myanmar for appropriate action.

101. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

4. Follow-up procedure

102. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Mr. Mohammed has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Mohammed;
- (c) Whether an investigation has been conducted into the violation of the rights of Mr. Mohammed, and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Bangladesh with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

103. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

104. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as of any failure to take action.

105. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.¹²

[Adopted on 25 August 2025]

¹² Human Rights Council resolution 51/8, paras. 6 and 9.