Extra-Judicial Killing in Bangladesh:  
A deplorable instance of make-believe drama and gross violation of Human Rights.

Md. Akhtarul Alam Chowdhury*

The people of Bangladesh struggled for 22 years to ensure their basic rights in different sector nationally, then for their provincial autonomy and finally for independence. They won their victory in nine months war and emerged Bangladesh as an independent State. But it is very afflicting that all fundamental rights were stunned by the State authority repeatedly and malignantly.

Now a day, among others, Extra-Judicial Killing is one of the most common and recurrent incident across the country which is continuously committed by the law enforcing agencies especially by elite force Rapid Action Battalion (RAB) as well as armed forces of Bangladesh in the name of so called 'crossfire' or 'encounter'. Instead of establishing a democratic, people welfare oriented and a peaceful regime though democratic process- free from exploitation and in which the rule of law, fundamental human rights, and freedom, equality and justice will be secured for the citizen, the country was overtaken by violence and disorder on all aspects.

History of Extra-Judicial Killing:
Every one knows that Extra-Judicial arrest, torture and killing have a long history in Bangladesh and begun soon after 1971 ended. Extra-Judicial Killing, in fact, begun in the Mujib era and as the founder leader set in motion the system which exist till today and every leader after him has only intensified it. During every regime the DGFI and NSI had played an above-the-law role and not even the Supreme Court enjoys kind of clout it does. Public expectation that DGFI and NSI powers would be covered under legal scrutiny has been there for long time but no government ever realized it and agencies have always enjoyed impunity. The tradition which Rokkibahini established as a force of the state not answerable to law or people, now has reached at a point where governance becomes impossible without accompanied by non-accountable enforcers of law.

Present scenario of Extra-Judicial Killing:
It is not just Amnesty International which is concerned about the seeming impunity with which state agencies like RAB have been shooting people dead. There are others, inside and outside the country who are repelled by such malignance pattern of action by an agency of State. The latest incidents of the killing of tow young men in the Jatiya Sangsad area by RAB only underscore the malignancy that goes in the name of crossfire which accelerate the shame of an independent nation like us, especially at a time when we are altogether striving to establish a society based on rule of law. The values and standards of a civilized behavior have clearly been downturn by the propensity of security agency to shoot citizen dead, then come up with old stereotype explanation that become at best a joke and at worst an outrage. After assuming the power on June 06, 2009, with two third

* Lecturer, Department of Law, IIUC.

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majority, the present Government promised to uphold the Rule of Law and Human Rights across the country. In pursuance to this commitment Bangladesh Foreign Minister and Home minister expressed their 'Zero Tolerance' policy with regard to extra-judicial killing. In reality, only three hours after the ministers pledges, Mr. Samsul Islam Robin was killed in a so-called cross fire by Detective Branch of Police in Jenayadah District. The death of people in supposed cross fire is absolutely adverse to the principles of law enforcement as well as the legal system.

However, it is matter of hope that a writ petition has been filed as Public Interest Litigation by three Human Rights Organizations; Ain O Salish Kendra (ASK), Bangladesh Legal Aid Service Trust (BLAST), and Karmajibi Nari (KN) challenging the Extra-Judicial Killing by the law enforcing agencies and accordingly a rule has been issued by the Hon'ble High Court Bench comprising Justice Syed Mahmud Hossain and Justice Quamrul Islam Siddique, upon government to show cause why Extra-Judicial Killing should not declared illegal or without lawful authority and why departmental and criminal action should not be taken against those who are responsible for that reprehensive acts in the name of cross fire or encounter. Now the whole nation is looking forward with great expectation to the Honorable Supreme Court which is the guardian of constitution and fundamental rights.

**Constitutional Safeguards against Extra-Judicial Killing:**

More specifically and explicitly Bangladesh constitution has guaranteed protection and security of citizen under Article 27, 31, 32 and 35(3). Right to protection of law as guaranteed under Article 31 and right to fair trial under Article 35(3) of the constitution are the inherent rights of every person accused of any crime which cannot be ignored killing the accused person by the law enforcing agencies in the name of cross fire or encounter. In addition, this Extra-Judicial Killing is also grave violation of Code of Criminal Procedure as well as Human Rights norms. But law enforcing agencies has frequently been violating these constitutional guarantees by resorting to Extra-Judicial Killing in the name of 'cross fire' or 'encounter'.

**National and International Human Rights Agencies concern over the Extra-Judicial Killing:**

The concern raised from the National and International Human Rights agencies are part of the image that Bangladesh has established as a weak legal regime where basic Human Rights are not respected and non-accountability by the government establishment become part of the State Management Process. The police, the Army and in fact, every institution that runs Bangladesh stand accused. That is why many international and local rights groups, including Amnesty International Bangladesh and Odhikar over past decade have frequently expressed concern over the rate of extra-judicial killing in the country. Bangladesh has been re-elected to the Human Rights Council for term of three years on May 12, 2009. However, during its previous three years membership the situation of Human Rights degraded seriously in the country, notably, during two years state of emergency.

The Asian Legal Resource Centre (ALRC) has documented a grave and wide spread of Human Rights abuses including Extra-judicial Killing. According to ALRC report, there were 315 extra-judicial killings in 2006, 184 in 2007, and 149 in 2008 and further 20 from January to May 2009, but no action is taken regarding this most grave Human Rights violations. Besides around 20 soldiers from Bangladesh Rifles (BDR), which staged in late
Feb'2009 have died in, under suspicious circumstances in custody claming 'Heart attack' and 'Suicide' by the authorities. The perpetrators include the police, RAB, armed forces and other Para-military forces. Not a single case has yet been investigated by any competent authority. Consequently, people of Bangladesh is raising their red flags of anxiety about the blanket justification for killing, that allied with lack of investigation into such cases, engenders impunity and further abuses.

Ending:

Now the question before the citizen, how does we repair such a system when working outside the law is a part of state machinery? A long question for which there is no satisfactory answer but we must also note here that the nation had expected pro-active action from the newly elected government on this specific issue. The government has to enact a law criminalizing these most unauthorized acts rather than giving impunity by any means. The country should ensure the full independent of Judiciary in practice by revoking the April 2009 amendment to the Code of Criminal Procedure 1898. Moreover, Government should forthwith be stopped this crossfire incidents and has to investigate all sorts of allegation of Human Rights abuses, notably Extra-Judicial Killing and torture. At the same time the state has to prosecute all those alleged to responsible in fair trials and to provide adequate reparation to the victims and their families. Let us not forget each time a crossfire death occurs it stands out as an expression of no confidence in rule of law.