

Extra judicial killing in bangladesh



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How interesting it is that in Bangladesh the elite force named as Rapid Action Battalion [RAB] kills the arrested persons by the name of cross-fire and name them the criminals. "Extra-judicial", thus the term is used to state the killings. It is called extra judicial because of its type, which works as a process outside the judiciary system of Bangladesh.

Farid Ahmed in a non periodical web journal (2010), Such killings are often described in police reports as involving crime suspects who resisted arrests or attacked the police. Many of the victims, human rights groups charge, were killed while in police custody. But in their official statements, police said they were killed in the "crossfire" during violent incidents in prison facilities. The police were compelled to open fire at those attacking them, they said.[1]

According to the Human Rights Watch (2006):

One of the first publicized RAB killings was of the wanted criminal suspect Pichchi Hannan in Dhaka on August 6, 2004. This is when the era of extra judicial killing has started and still going on. Not only the RAB but also some other armed forces are involved in this kind of activity.[2]

Whether extrajudicial killing is a myth or is it a reality is the main motive for me to conduct this research.

A lot of people are being killed by the armed force, often named as elite force, but is it truly extra judicial killing or is the "crossfire" the reality, which one is true? We see a lot of incidents addressing the extra-judicial killings everyday when looking at the newspaper. There's hardly any day with no crossfire news, and thus I think people should be clear about the extra judicial killing matter and to reveal the original fact as I conduct the

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research. My research will give a clear cut idea about the extra judicial killing and the scenario of our country's perspective.

However, it is often said by the authority and also by the political leaders that these so called extra-judicial killings are only the unfortunate deaths of the suspected criminals in the cross-fire.

According to the Bangladesh Media article “ No extrajudicial executions carried out: RAB DG” (2010):

The director-general of the RAB, Hasan Mahmud Khandakar, addressing the media at the sixth anniversary of the elite law enforcement body in its headquarters on Sunday, told newsmen, ' A total of 622 suspected criminals were killed in by the RAB in crossfire across the country in the last six years, including 14 suspected criminals who were killed in the last three months.'

The RAB chief, however, claimed that no extra-judicial killing was carried out by the battalion's personnel in the last six years.[3]

The issue of extra-judicial killing is one of the big concerns for a country like Bangladesh where the chance of misuse of the theme, under the name of crossfire is highly possible for a 3rd world country like us. The concern of different human right organizations have argued about the extrajudicial killings and raised a lot of questions. My report will reveal whether the extra-judicial killing under the name of crossfire is true or just a myth.

The History of Extra Judicial Killing

As its name suggest, it is done outside the framework of the judiciary system of Bangladesh, which is the killings of a suspected criminal under the custody of the armed force, often using the term ' self protection' or

accusing the suspected criminal to escape; which is a violation of the rule of law.

From the very beginning of Bangladesh's birth in 1971, different political parties used their political power to impetus the killings by the armed forces and used these forces in " in violation of the law to consolidate power and maintain control". The continuous process started during the time period of BNP led govt. after forming " coalition with three smaller parties: Jama'at-e-Islami (which won 4. 3 percent), Jatiya Party-Naziur (1. 1 percent), and Islamic Okye Jote (0. 7 percent)" in October, 2001. After taking power, to fulfill the one election agenda to " fight against crime", and to tackle criticism from people, the govt. then deployed forty thousand military personal to fight crime under the name of " Operation Clean Heart".

Thousands of people were arrested and at least 50 people were reported to be dead under their custody. Due to the failure of the operation, the government then decided to form an elite force group with " a special unit of police with commando training called the Rapid Action Team, or RAT", which is now known as Rapid Action Battalion or RAB.

As stated by the law, " The main tasks of the RAB, according to the law", are to:

- Provide internal security
- Conduct intelligence into criminal activity
- Recover illegal arms
- Arrest criminals and members of armed gangs
- Assist other law enforcement agencies

- Investigate any offense as ordered by the government.[4]

According to the Asian Human Rights Commission:

The army killed 58 people in custody. See Asian Legal Resource Center and Asian Human Rights Commission, " Lawless Law-enforcement & the Parody of Judiciary in Bangladesh," August 2006. According to the Bangladesh NGO Forum for Secular Bangladesh, the army killed 53 people in custody and physically abused 7, 000. See Forum for Secular Bangladesh, " Violation of Human Rights by the Coalition Government of Bangladesh," September 2006.[5]

However, the Operation Clean Heart did not succeed in bringing crime under adequate control, and vigilantism against so-called criminals continued. Hence the special police force proved unsuccessful in combating crime due to the lack of trained professionals, disorganization, and corruption in the force. Structuring from the experience from Operation Clean Heart, the government took steps to give the military a law enforcement role. Then, later on the RAB was created with the motto to fight criminals and reduce crime.

According to a human rights lawyer:

Critics complained that, rather than building a new crime-fighting force, the government should undertake efforts to reform law enforcement and the courts. Creating RAB, they feared, would undermine the police. With Operation Clean Heart in mind, some worried about using the military for civilian policing. They saw RAB as a way for the government to deploy the

army for policing tasks, with one lawyer even calling it “ martial law in disguise.”

Other Facts

Various human right watchdogs claimed that 1, 142 victims have so far been slain in extrajudicial killings since 24 June, 2004 when the RAB began its journey by killing people in ‘ crossfire.’ Among the 1, 142 victims, 149 were killed in 2004, 340 in 2005, 290 in 2006, 130 in 2007, 136 in 2008 and 97 in 2009. During the immediate-past emergency regime which continued for about two years, 322 people were killed in an extrajudicial manner.

On the other hand, DG of RAB claimed that no extra-judicial killing is carried out but some criminals were caught in crossfire during the battle. He also claimed that 6, 931 firearms have been seized by the RAB in the last six years - 580 in 2004, 909 in 2005, 889 in 2006, 1, 416 in 2007, 1, 374 in 2008, 1, 338 in 2009 and 425 in the last three months.

The RAB arrested a total of 64, 664 suspected criminals, after conducting drives throughout the country, on charges of various crimes including murder, kidnapping, extortion, tender manipulation, militancy and possession of illegal firearms. Of them 2569 in 2004, 4929 in 2005, 7277 in 2006, 13569 in 2007, 13378 in 2008, 16730 in 2009 and 4012 in last three months of 2010.[6]

The attitude of people in law enforcement agencies has not changed, at least on the issue of extra judicial killings despite the judiciary ordering them to stop killing people under the guise of “ crossfire,” “ encounter,” and “ gunfight.” Although much of such action has stopped, it is not a sustainable

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solution. But the decision has been hailed an eye-opener by many including human rights organizations.

The High Court issued the suo motto order over extra judicial killings on November 17. It gave the government two weeks, initially, to explain why the killing of two brothers, Lutfor and Khairul Khalasi by law enforcement agencies in Madaripur on Nov. 16 should not be declared extrajudicial. The government has yet to reply and the Attorney General has sought more time, presumably until the court resumes on January 3, 2010.

During the year although there were some positive activities by the government, most sectors in the country were devoid of any human rights, the rule of law and good governance. Religious minorities were oppressed and press freedoms were violated almost every other day.[7]

Only a few human rights organizations have long been asking the government to stop the killings, terming them “ extrajudicial”. Moreover, the High Court of Bangladesh, on June 29, 2009, High Court of Bangladesh asked the government to explain why killing people without a trial, in the form of extrajudicial killings, is not being declared as illegal, and why measures are not being taken against the perpetrators. After this ruling, we still haven’t seen anything happen. However in recent times, after the Awami League came to power, many thought the Awami govt. will abolish the RAB. But, in march 2006, Seikh Hasina said, “ But we will not do so. Rather Rab will be given a special assignment to capture corrupt people.”[8]

Extrajudicial killings continue even in violation of the High Court’s ruling. How can they continue? It’s very alarming for human rights, democracy and <https://assignbuster.com/extra-judicial-killing-in-bangladesh/>

the right to life. And why is the High Court silent regarding this gross human rights violation?

Both governmental and nongovernmental sources have said that the death toll has reached 133 from such extrajudicial killings - labeled as "crossfire" killings, "encounter" killings or "gunfight" killings by the Rapid Action Battalion (RAB) and the police - since Jan. 6, when the Awami League-led government assumed office. In Bangladesh, we have a so-called democracy, but there is no rule of law if we consider extra judicial killing. Every day sees more killings of citizens by the state machinery, killings which are both well-planned and covered up.

However, RAB never said that its extrajudicial killing. In contrast, Rab Director General (DG) Hassan Mahmood Khandker recently stated that, "A total of 633 persons were killed in 'encounters' with its members while 750 RAB men were punished for their 'unlawful' acts. Among the 750 punished RAB members, 350 were sacked while the rest 400 suffered imprisonment in different tenures. Also RAB intelligence personnel are only on duty to tackle the criminal activities." [9]

However, on contrary, extrajudicial killing have been going on very rapidly of violating the highest court ruling order, the Constitution and the Universal Declaration by law enforcers. The term "extrajudicial killing" means execution without justice. This is a grave human rights violation. It's both a violation of Bangladesh's constitution and of the UN's Universal Declaration of Human Rights. [10] But these types of killings still occur frequently in Bangladesh.

The government of Bangladesh has been violating the constitution and the Universal Declaration of Human Rights day after day since 2002 (including operation clean heart). In 2004, the BNP-Jamaat government made a decision about extrajudicial killings and formed the RAB. From March 26, 2004 until January 31, 2009, around 1, 600 people (including 58 58 killed peoples in operation clean heart of 2002) have been killed without justice.

The government of Bangladesh has sided with the extrajudicial killings. Prime Minister Sheikh Hasina has also said, in an indirect way, that extrajudicial killings will continue. She spoke clearly, upholding “ crossfire” killings. What was said by our popular Prime Minister Sheikh Hasina in New York is very unfortunate for the rule of law, democracy, the constitution, and the Universal Declaration of Human Rights, as well as the people of Bangladesh.

According to the Bdnews24. com, Sheikh Hasina talked with journalists in New York on Sept. 27, 2009. Referring to “ crossfire” killings at the time, she said, “ I do not believe in extrajudicial killings. But if anyone launches an armed attack (against a law enforcer), then they shouldn’t be allowed to kill them like sitting ducks.”[11]

Bangladesh’s elite Rapid Action Battalion continues to engage in extrajudicial killings despite Supreme Court directives to halt it. Although the court is handling the issue of extrajudicial killings, RAB does not seem to be bothered either about the judiciary or the country’s laws.

The assertions of responsible people in the present government are shocking. Home minister Sahara Khatun recently said that, there was no

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crossfire. It seems, either directly or indirectly, the home minister and other minister's are defending the perpetrators of such "crossfire" killings. Finally we can say that, in Bangladesh has no rule of law. We want to say that the reports of so-called "crossfire" killings, "encounter" killings or "gunfight" killings that are made by the RAB and the police are totally false. We believe that terrorism should never be combated or controlled through state killings. It is the establishment of the rule of law that is essential to control terrorism.

Conclusion

Finally we can say that, numerous killings are being carried out extra-judicially; the perpetrators remain above the law; and the victims have no recourse to protection or redress under the law. This represents a violation of Article 31 of the Constitution, which reads:

"To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law." [12]

However, beyond impunity, those responsible for such killings are being rewarded for their actions. Torture and the threat of extra-judicial killing are used by the police and the RAB to extract money from persons that they arrest. Furthermore, the RAB was even awarded the prized Independence Award to the Rapid Action Battalion (RAB) on March 23, 2006, as part of Bangladesh's 35th Independence Day celebrations, for its activities.

Therefore, it is revealed that this kind of activities by the RAB is clearly a false ideology to name the extrajudicial killing under the name of 'crossfire', is just only to eye wash the general public, and some day it may have negative effect on the society and country as a whole. So the govt. and the people of Bangladesh should raise its voice against it and it should be stopped soon.