

EXTRA-JUDICIAL KILLINGS: A SNAPSHOT OF BANGLADESH'S LEGAL REGIME

Dewan Alif Ovi*

*South Asia Foundation (SAF) Scholar, Department of Law & Human Rights, University of Asia Pacific,
Dhaka, Bangladesh*

E-mail: dalovi777@gmail.com

Protyasha Ahmed Mim

Northern University Bangladesh, Dhaka, Bangladesh

E-mail: protyashamim@gmail.com

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Abstract: This study explores the alarming topic of extrajudicial killings in Bangladesh, pointing out how these crimes violate fundamental human rights and undermine democratic values in the country's criminal justice system. It sheds light on the pervasive impunity and lack of accountability among law enforcement agencies by tracing the historical roots of such killings and examining the current judicial system. It investigates the violations of internationally acknowledged human rights instruments and identifies gaps in existing legislation using a qualitative examination of secondary sources. To emphasize the seriousness of the present scenario, two shocking, sensational incidents are reviewed. Upholding the principles of human rights requires that the guidelines, rules, policies, and legal mechanisms made by the UN be put into practice. By putting these recommendations into reality, Bangladesh can create a society that upholds the rule of law, protects human rights, and ends the heinous practice of extrajudicial killings.

Keywords: Extrajudicial Killing; Criminal Justice System; Human Rights; Bangladesh; Rapid Action Battalion (RAB).

1. Introduction

Every criminal justice system is supposed to follow two basic principles: the Presumption of innocence and due process of trial. It denotes that every person is to be presumed innocent until proven guilty by a fair and public trial following due process of law. Extra-judicial killing is an issue where the criminal justice system

* Corresponding author: Dewan Alif Ovi. *E-mail: dalovi777@gmail.com*

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fails to maintain those principles (Shakya & Sinha, 2020). There is no universally recognized definition of extra-judicial killing. However, according to OHCHR "Extrajudicial executions or killings are defined as the purposeful death of a person by a state agent (or with that person's permission) without a prior ruling affording all judicial guarantees, such as a fair and unbiased procedure". Very precisely 'extra-judicial killing' denotes execution without justice. It is "the killing of a person without the sanction" of any legal process or judicial proceeding. This egregious act contravenes the victim's fundamental human rights and is often linked to a range of sociopolitical and economic factors that weaken the rule of law and foster impunity. In this regard, extrajudicial killings pose a significant challenge to democratic principles, human dignity, and the safeguarding of legal norms, necessitating immediate attention from legal and policy experts to prevent their occurrence and hold accountable those responsible.

Extra-judicial killings are also known as arbitrary or summary executions. An arbitrary execution is when a person is put to death, notwithstanding the absence of any proof that they have broken any laws. Summary executions, which frequently entail extrajudicial murders carried out by government entities or their agents, have the potential to lead to major violations of human dignity, including the willful taking of life, the denial of due process, and the use of excessive force. The prevalence of summary executions is a constant reminder of how crucial it is to advance and defend human rights, provide access to justice (Guo, 2016), and hold offenders accountable for their crimes (Drew & Dollery, 2016). A defendant is entitled to a fair and speedy trial. But the victim of an extrajudicial death is denied the right to such a swift and open trial by a neutral and unbiased court. Any person can be punished legally if the offense is proved beyond a reasonable doubt after a proper prosecution. Until the guilt is proven, the accused will be presumed innocent (Moslem Uddin and others V State, 1986). The primary objective of this paper is to examine how well Bangladesh's legal systems cope with extrajudicial killings. The objective of this research paper is to pinpoint the efficacy of the legal regime that currently exists in Bangladesh regarding extrajudicial executions. The legal obstacles and protective mechanisms that law enforcement agencies have utilized to defend the killings are also to be addressed. To have a better grasp of this situation, the Bangladeshi system's justification for extrajudicial killings will also be examined.

2. Methodology

This article employed normative legal analysis through the qualitative research method. Secondary data were gathered from a variety of sources, including published and unpublished research papers, books, journals, Google Scholar, Newspapers, Websites, and other internet resources. For statistical purposes, most of the data was collected from NGO's yearly reports, newspaper articles, and the National Human

Rights Commission report, etc. ASK (Ain o Shalish Kendro) and ODHIKAR, these two NGOs' data were analyzed for the understanding of the flow of extra-judicial killings. Those who are victims of grievous torture but somehow survive with severe injuries are excluded from the study. This research will focus on the analysis of the laws and legal gaps in the issue of extra-judicial killings in Bangladesh and the role of the criminal justice system in this regard.

3. Statistics of Extra-Judicial Killings by ODHIKAR

In the last 2 decades, a total number of 3112 (Three Thousand One Hundred and Twelve) persons were alleged to be killed in crossfire only by law enforcement agencies. The intensity of the situation deprecates when we focus on the fact that 2856 persons among 3112 were only killed by RAB and the police, which is a minacious situation against human rights for any civilized society. According to the ASK (Ain O Salish Kendra) data, in 2005, after the formation of RAB, the rate of deaths in the crossfire increased by 150% in comparison to the last 4 years. Statistics show that the number of killings has been consistently high in the last decade.

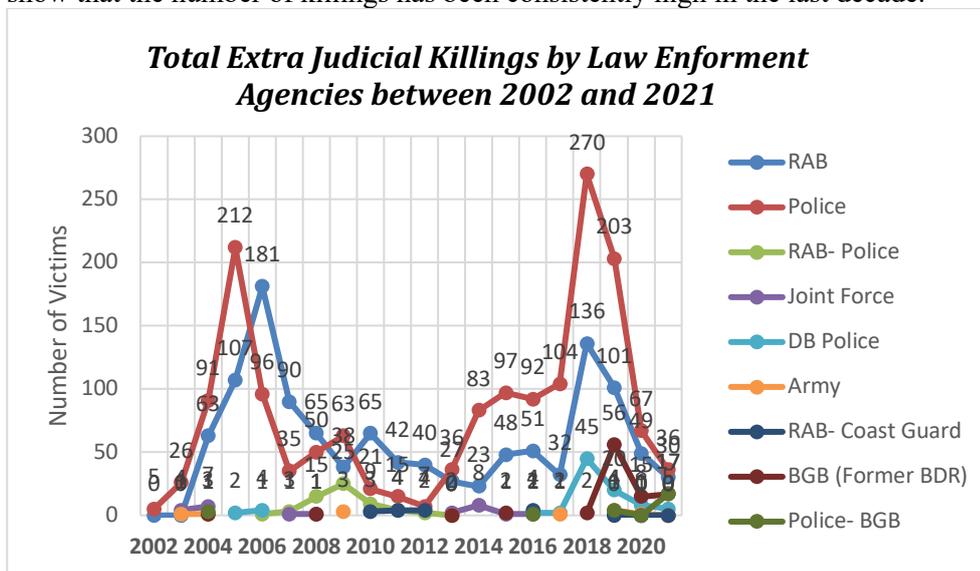


Figure 1. Total extra judicial killings by law enforcement agencies between 2002 and 2021

Source: Odhikar's report on extrajudicial killings between 2001 and 2021. (Odhikar, 2021)

In 2020, according to a report of Odhikar, 225 persons, including 2 women, were killed extra-judicially by the state forces (BANGLADESH, 2021). Among them, 195

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were killed in crossfire, 19 persons were tortured to death, 8 persons were shot to death, and 2 persons were beaten to death. Among all these 225 killings, 119 killings were executed by police, 62 by RAB, 30 by BGB, 9 by DB Police, 4 by Army, and 1 by Jail Authority. Major Sinha (Retd.) was killed by OC Pradip and became the top news story in the last year.

4. Statutory Provisions of Bangladesh

The aim of the criminal justice system and criminal law is to keep crime under control, punish offenders, prevent crime, protect innocent people, and keep society reasonably cohesive and stable. Although criminal law can be seen as a means of societal surveillance, the judiciary serves as a structured framework for upholding and implementing these laws (Faruque, 2007). A person or an accused cannot be convicted without a trial, nor can it be determined whether or not they're guilty. "Crossfire" is an extrajudicial action because it blatantly violates both domestic and international law.

Equal protection under the law, preservation of one's right to life, and personal freedom are all guaranteed by the Constitution of Bangladesh to its citizens. The most important constitutional safeguards regarding arrest and detention, as to any kind of extrajudicial execution, arrest, and detention are in Articles 27, 31, 33, and 35. Furthermore, Article 35 of the Bangladesh Constitution guarantees that every individual is entitled to a prompt trial as a fundamental aspect of a just trial conducted by an unbiased and autonomous court or tribunal (Salman et al., 2021). Similarly, the criminal justice framework of Bangladesh upholds the principle that individuals should not be punished until their guilt has been proven (Panday & Hossain Mollah, 2011). Therefore, merging the above-mentioned safeguards, it can certainly be said that extra-judicial killing is a violation of all those safeguards. When any person is killed extrajudicially, he is deprived of the protection of the law. Every person in Bangladesh has the right to be treated in accordance with the law to enjoy equal protection of the law. Several provisions of the law are in force in Bangladesh, along with the above-mentioned constitutional provision that any punishment can be imposed only following the prescribed provisions of the law. In extra-judicial killing, no existing law of the country is followed. Again, under Article 35(3), it is the right of the accused to have a fair trial (Sakib & Rashid, 2018). Every person who has been the victim of an extrajudicial killing has had all of their constitutionally protected rights overlooked.

The constitutional provisions are also followed by Section 60 of 'The Code of Criminal Procedure 1898', which states that any person who has been arrested by a police officer should be presented before the magistrate, and Section 61, a police officer cannot keep an arrested individual for longer than 24 hours without authority from a magistrate. An accused person is entitled to seek urgent legal advice and

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representation from an attorney. There are provisions for "filing complaints with the police" in Section 154 of The Code of Criminal Procedure 1898, which contains information that deemed cognizable cases (Das et al., 2016). Without any evidence of wrongdoing, it is unjust to label someone as a criminal (Panday & Hossain Mollah, 2011).

Although Sections 54 & 167 of the Code of Criminal Procedure have given the power to the police to arrest a person based on a warrantless suspicion (Nur, 2022), the word "suspicion" doesn't provide the right to misuse the power. Extra-judicial killings are the highest grade of misuse of power (Hossain Mollah, 2019) by law enforcement agencies. The Code of Criminal Procedure, 1898, is the codified law prescribing the procedure that shall be followed in a criminal trial. In the case of extra-judicial killings, no provision of this Code is followed; rather, the victims are directly executed to death. Therefore, extra-judicial killings are causing a "violation of the procedural due process" (Anja & Rover, 2015) of the criminal justice system and the violation of the victim's fundamental rights.

Torture and Custodial Death Prevention Act, 2013, is the first of its kind in this sub-continent, prohibiting and criminalizing torture and custodial deaths in the country with appropriate penalties (Fernandez & Muntingh, 2016). According to a review by Bangladesh Legal Aid and Services Trust (BLAST), "this law is considered as one of the finest legislation so far promulgated after the independence of the country (Bangladesh v BLAST, 2017). "Custodial death" means the death of a person in custody of a government official (Mekrani, 2022). In addition, the definition extends to death during unlawful detention (Deshkar et al., 2018), or while law enforcement agencies try to arrest an accused, including the death of a person during interrogation (Gudjonsson et al., 2007), whether he is a witness or not. This definition has included extra-judicial killing as custodial death" (Review of the Torture and Custodial Death (Prevention) Act 2013, 2015). It also safeguarded against arbitrary arrest (Maki, 1980) and harassment of people at the hands of the members of law enforcement agencies.

This act has specified that any act of torture carried out by any member of the law-enforcing agency will be a punishable offense under this Act (Ahasan, 2023). The most gruesome consequence of torture is the death of the victim in custody, which, in other words, is extra-judicial killing. Invoking a state of war, the prospect of war, domestic political unrest, or an emergency to justify a custodial death or extrajudicial execution is prohibited by the Act. This legislation has expressly and concretely

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specified that extra-judicial killings must be taken into cognizance as an offense and will be penalized by this law.

4.1. Existing Gaps in the Prevailing Laws

While analyzing legal aspects and loopholes of existing law, instigating extra-judicial killings in Bangladesh, the current situation of lawlessness can be observed. The other side of extra-judicial killings is that no investigation is taking place against those killings, nor is there any accountability mechanism prescribed by any law. Therefore, no justice is being delivered. It is a weakness of the criminal justice system, which overpowers the law-enforcing agencies by the provision of the law. The Armed Police Battalions Ordinance of 1979 gives the government control over the supervision of the Rapid Action Battalions and Armed Police Battalions. Regarding sections (a), (b), (c), (d), and (e) of section 6, they have complete authority to do as they like without being bound by the rule of law or the requirements of due process. Member of law enforcement agencies enjoys impunity under the law as well. No member of the Force shall be subject to any legal action for something done or intended to be done in good faith following this Ordinance, according to Section 13. Over the years, the general public and civil society have raised doubts about the role of personnel from the law. In this country, about 50% of the population is considered to be poor.

The worst victims of law enforcement agencies' violations of human rights are those who are poor (Tania, 2018). For them, access to justice is prohibited because they lack the resources to obtain justice, including both authority and money. Law enforcement officers in Bangladesh are neither allies of the populace nor guardians of human rights. They are referred to as "clients of offenders" instead. The German-based anti-corruption group Transparency International has named Bangladesh's police force as the country's most corrupt institution (Momtaz, 2013). Unfortunately, in Bangladesh, there is no accountability mechanism prescribed by any law dealing with extrajudicial killings. No investigation is taking place into those killings. Lawlessness is giving rise to similar incidents. Alongside impunity, the members of law enforcement agencies are barring them from being brought before justice.

5. Protection Under the International Instrument

Without a shadow of doubt, the right to life is paramount among all human rights (Paust, 2002). Therefore, all widely accepted and generally applicable human rights documents have acknowledged and safeguarded the right to life. It has been recognized as the basic human right of their people in most of the constitutions of the countries of the world (Petersmann, 2003). The moral idea of the right to life is based on the premise that everyone has the right to life, which includes the idea that one's death must not be caused by another person (Bassiouni, 1992). In terms of treaties, traditions, and basic principles, the right to life has been a well-established

and developed feature of international law. Alongside, the right to life has been recognized in the laws of jus cogens in its core components. Jus cogens is a Latin phrase that literally means "compelling law". It designates norms from which no derogation is permitted by way of particular agreements. As a basic human right, it is compelling law in every phase, and no derogation is permitted.

Its supremacy and the fundamental principles of the ban on willful life loss are not in dispute (Boyle, 1985). Nonetheless, life continues to be of no value in many places in the world. This is true not only in the numerous, bloody wars that are ongoing, but also in situations where governments often sanction or permit the use of excessive force by law enforcement and other groups (Moeckli et al., 2022), or when homicides go uninvestigated (Nsereko, 1985). The right to life is still valid while there is active hostility (Usmanov, 2017). The right to life has been violated irrevocably. This is why it's crucial to emphasize that the protection of the right to life consists of two parts: preventing willful life loss and ensuring transparency in cases where it occurs. This right is inherently violated when there is a lack of transparency (Thomas Probert, 2016).

Situations of extra-judicial killings lack such transparency. It falls under arbitrary deprivation of life, which is unacceptable under customary international law. Those customary international laws are universally accepted from time immemorial, which also reflects that there is no exception when the protection of the right to life is the issue. It is recognized as the jus cogens (Goodin, 2000) principle that originated from "article 53 of the Vienna Convention" That any treaty or provision cannot be made that conflicts with the "peremptory norm"(Goodin, 2000) of general international law (Scheuner, 1969). If done so, that will be void. As the right to life falls under a peremptory norm of general international law and a core human right, according to the jus cogens principle, extra-judicial killings are a violation of the right to life.

The rights to life, liberty, and safety belong to every single person. No one should ever be forced to (Maheshwari & Agrawal, 2019) undergo torture or cruel, inhumane, or humiliating treatment. Whereas the right to life is protected under the Universal Declaration of Human Rights, hereinafter referred to as "UDHR," as the case may be, which is also known as the Magna Carta of human rights, extra-judicial killings are causing the violation of this provision (Moeckli et al., 2022). Where international bodies and organizations are trying to ensure standard human rights everywhere in the world effectively, extra-judicial killings are a barrier to enforcing even basic human rights. When facts of extra-judicial killings come to the fore, the right to life remains in danger, and then the right to freedom and liberty remains far away to be enjoyed. The UDHR also protects against arbitrary arrest and detention, and cruel, inhuman, and degrading treatment (Mohammad, 2022). But where extra-

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judicial killings are occurring, undoubtedly, it can be said that no treatment can be worse or more inhuman and degrading than arbitrarily depriving anyone's life.

The International Covenant on Civil and Political Rights, 1966 (hereinafter referred to as "ICCPR or the ICCPR, as the case may be The Universal Declaration of Human Rights makes specific reference to the civil and political rights and liberties in the ICCPR (Aiyedun, 2013). Article 6 declares a person's right to life and survival. Those who commit a crime are liable to be punished by law. In the instance of extra-judicial executions, it is problematic and breaches all of these human rights. Law enforcement officials must therefore exercise this power responsibly. Neither law enforcement nor any other government body has the authority to kill any person extra-judicially in self-defense.

Convention against Torture (hereinafter referred to as, "CAT" as the case may be) clearly defines torture as physical or mental suffering intentionally inflicted to punish the victim or any other person or to extract information from the victim or any other person related to him or to keep him in fear or any other person by a public servant. However, death and torture are often seen to overlap in practice. So, from the definition of torture, it is clear that if any threat to torture or torture is made to extract any information from any third party, that can also amount to torture, which renders extrajudicial killing (Cimmino, 2015). Therefore, extra-judicial killing can also meet the definition of torture given in Article 1 of the CAT.

The Committee against Torture of the United Nations consistently refers to extra-judicial killings as torture in its "observations on the reports" of different states. In its concluding report, such deaths are also named with some comparable phrases like random or quick executions, deprivation of life, arbitrary deprivation of entitlement to aliveness, or illicit killings. The Committee occasionally addresses the subject of death in detention due to torture, which is likewise fitting for the above-described concept of extrajudicial killing (Khanal, 2018). It can be questioned if the Committee's observation on extrajudicial killing can amount to torture as defined in CAT under Article 1. In the concluding statement, the Committee addressed torture and extrajudicial killing on the same footing. In this regard, the Committee referred to the terms- enforced disappearances, torture, and extrajudicial killings. Extrajudicial executions have consistently been listed by the Committee as egregious and flagrant breaches of the Convention. It is pertinent to note that enforced disappearance has already been deemed as torture by the Committee. This means that extra-judicial executions meet the criteria under Article 16, for either other instance of "cruel, inhuman, or degrading treatment or punishment"(Khanal, 2018), including torture as described in CAT, depending on the viewpoint of the Committee. Extra-judicial killing may be covered by either Article 1 or Article 16 of the CAT, as per the specifics of the case. The creation of new recommendations by the Committee Against Torture regarding the obligations of the State to protect

citizens against extrajudicial executions would be significant. It has been repeatedly enumerated by the Committee that extra-judicial killings are grave violations of the Convention.

6. The Extent of Compliance of Laws of Bangladesh with International Standards

Bangladesh has ratified most of the significant human rights instruments that protect against extra-judicial killings and ensure the right to life. Alongside the provisions of the laws of Bangladesh, protect the same kind. The right to life, personal liberty, and equality before the law are all guaranteed to all citizens of Bangladesh by the country's constitution. Articles 27, 31, 33, and 35 provide the most crucial protections against arbitrary detention and arrest. As an additional component of a fair and impartial trial by a fully neutral and autonomous court or tribunal, the right to a prompt trial is guaranteed under Article 35 of the Bangladeshi constitution. Additionally, it is not possible to penalize someone under Bangladesh's legal system until they are found guilty (Panday & Hossain Mollah, 2011).

In addition, it is worth noting that Section 60 of 'The Code of Criminal Procedure 1898' has implemented a similar provision. This provision mandates that an arresting officer who suspects and captures an individual must present them before a magistrate. Furthermore, Section 61 stipulates that a police officer is prohibited from detaining a suspect in custody for more than 24 hours without the authorization of a magistrate (CrPC, 1898). Every accused person has the legal right to instantly speak with and be represented by a lawyer. Section 154 of the Code of Criminal Procedure, 1898, specifies that information in cognizable instances can be used to file complaints with the police. While Sections 54 and 167 of CrPC grant the police officer the authority to make warrantless arrests based on reasonable suspicion, it is important to take into account that this power should not be abused. As stated in Article 102 of the Constitution, every individual who has been subjected to injustice has the right to initiate a writ petition.

Every person has the right to private defense to protect his or her life, property, and the lives and properties of others as per the Penal Code, 1860, under Sections 96 to 106. Under specific circumstances, a person may kill the aggressor or cause them other harm, and law enforcement officers may retaliate in the exercise of their right to private defense. An executive investigation and a judicial investigation are carried out following each occurrence to determine whether it was warranted or whether there was any wrongdoing (Huq, 1991).

Bangladesh has become a party to various international agreements concerning human rights, such as "the Universal Declaration of Human Rights (UDHR)" and "the International Covenant on Civil and Political Rights (ICCPR)". These

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instruments have offered numerous safeguards, allowing individuals to experience the fundamental rights of life, liberty, and personal security. A state needs to guarantee legal protections in accordance with the provisions of ICCPR. The state must take appropriate measures to prevent any form of unjustified or unlawful killing. The person who has been apprehended must be provided with all the necessary information regarding their arrest, including any potential charges that may be filed against them (Baderin, 2006). In addition, Torture is also a violation of Human rights and is also prohibited under the UDHR, the Convention against Torture 1984. Apart from this, within the provisions of Common Article 3, the Geneva Convention has provided that the government must guarantee that torture victims can report their abuse and the cases must be examined by the competent authority. Thus, as per the stipulation in Article 10 of UDHR, it is established that every individual has the right to experience complete equality in a just trial and public hearing conducted by a tribunal that is impartial and completely neutral. This applies to the resolution of their rights and responsibilities and any criminal accusations brought against them. In addition, the ICCPR also includes provisions that safeguard an individual's right to life, a fair trial, and the presumption of innocence until proven guilty. These rights are outlined in Articles 6 and 14. Torture represents the utmost violation of fundamental rights. Those entrusted with the responsibility of protecting others instead inflict cruel treatment upon them. Bangladesh's inability to prevent such tragedies is a result of weaknesses in enforcement.

7. Sensational Incidents of Extra-Judicial Killings

7.1. Major Sinha Murder Case

Extrajudicial killings were initially employed mostly against suspects in crimes (Bari, 2022). To conceal those illegal killings, these executions are referred to as "crossfire killings" or "encounter killings". In Bangladesh, incidents of extrajudicial killings (Obaidullah, 2019) and the response of the legal system in this regard are hereinafter mentioned through the following leading case studies-

The "Murder of Major Sinha Mohammad Rashed Khan" ("Sinha Murder: 3 Prime Accused Including OC Pradeep on Fresh Remand," 2020) refers to the extrajudicial killing of a former Bangladeshi Army Major in Cox's Bazar on July 31, 2020 (Huda, 2020). Major Sinha was a former army officer who also had experience working for the Special Security Forces and retired voluntarily in 2018 (S. Report, 2020). He was staying at Nilima Resort in Cox's Bazar while filming a documentary (Watch, 2020). Students from Stamford University Bangladesh studying cinema and media, Shahedul Islam Sifat, Shipra Debnath, and Tahsin Rifat Nur, were with him (Saad, 2022). On July 31, 2020, around 9 p.m., Inspector Liaqat Ali stopped him and his associate, Shehedul Islam Shifat, when they were traveling on Marine Drive Road.

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Inspector Liaqat Ali fired eight times at him. He was sent to the Cox's Bazar Sadar Hospital, where his death was pronounced. The witness presents claims that Khan had his hands raised when he was shot, contrary to the police's claim that they shot Khan after he pointed a gun at them ("Major (Retd) Sinha Murder: Probe Committee Public Hearing Underway in Cox's Bazar," 2020). A major in the army had been slain in an "encounter," according to Inspector Pradeep, who had called Police Superintendent ABM Masud Hossain to let him know. On social media, the conversation's recording had been exposed (S. O. Report, 2020).

7.1.1. Investigation

The Ministry of Home Affairs' Public Security Division assembled a four-person inquiry team on August 2nd, 2020, to probe into Khan's passing. Lieutenant Colonel Md Sajjad Hossain, who represented the Armed Forces Division, Chittagong Range Additional Deputy Inspector General Zakir Hossain Khan, and Cox's Bazar Additional District Magistrate Shahjahan Ali made up the team, which was headed by Chittagong Additional Divisional Commissioner Mohammad Mizanur Rahman. The team interviewed witnesses at the Shamlapur Rohingya camp on August 12, 2020. At the Shamlapur Rohingya camp on August 12, 2020, the team recorded witness testimony. The investigation group stated it would release its final findings on September 6, 2020. A Day later, it submitted the report, which was then released to the media.

According to the Rapid Action Battalion's investigation officer, Major Sinha reportedly acquired proof of Inspector Das' participation in the Yaba trade in the Cox's Bazar District while filming a documentary. Inspector Das, whom he later encountered, advised the major to leave Cox's Bazar. 87 persons lost their lives in shootouts with the police during the two years that Inspector Das oversaw the Tekhnaf Police Station. (Sinha Murder Charge Sheet: He Knew Too Much to Be Spared, 2020)

Following a 10-month search for him, Sagar Deb surrendered himself to the authorities on June 24, 2021 (Desk, 2021). Sharmin Shahriar Ferdous testified before the Cox's Bazar District and Sessions Judge's Court on August 24, 2021. She claimed that on the orders of Pradeep Kumar Das, the officer in charge of the Tekhnaf Police Station, Major Sinha was assassinated by Inspector Liaqat Ali. A local journalist who testified at the trial claimed that Inspector Das beat him and made up cases against him after he published an article regarding the inspector's role in the neighborhood drug trade (Sinha Murder Case, 2021). At the trial, a witness said that Inspector Ali shot the major, and Inspector Das corroborated this claim (Sinha Murder: Liaqat Fired the Shot and Pradeep Confirmed the Death, Witness Says, The Daily Star, n.d.). The court adjourned hearing the statements of the prosecution

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witnesses on December 2, 2021, and scheduled December 6–8 as the dates for hearing the testimony of the defense witnesses.

7.1.2. Judgement

On January 31, 2022, with all fifteen (15) accused present in court, the judge rendered its decision (S. D. Report, 2022). The accused were found guilty of the charge of murder and assassination of the murder of Major Sinha (Watch, 2020). Inspector Liakat Ali and OC Pradeep Kumar Das were convicted of the Murder of Retired Army Major Sinha Mohammad Rashed Khan. Sub-inspector Nanda Dulal Rakshit, Sagar Dev, Rubel Sharma, Nezam Uddin, Nurul Amin, and Ayaz Uddin were convicted for arranging the assassination of the murder (Sunil Barua & Khiam, 2022).

The Court imposed a Death sentence on Inspector Liakat Ali upon conviction of murder. ("Major Sinha Murder Convict Liaquat Testifies in Another Murder Case," 2022) OC Pradeep Kumar Das, on the same conviction of murder, was sentenced to Death. Sub-inspector Nanda Dulal Rakshit, Sagar Dev, Rubel Sharma, Nezam Uddin, Nurul Amin, and Ayaz Uddin have been sentenced to Life imprisonment for the assassination of the murder by the court.

7.2. Seven Murder Cases of Narayanganj

On 27th April 2014, seven persons, including Narayanganj City Corporation (NCC) panel mayor Nazrul Islam and prominent solicitor Chandan Sarker, were kidnapped near Khan Saheb Osman Ali Stadium in the Fatulla area (Correspondent, 2017). Six of them, including Chandan and Nazrul, had died by the time their mutilated bodies were found three days after their kidnapping. The next day, Jahangir, the driver of Nazrul's car, was found dead in the river (Onlione, 2018). The victims had been fastened to two or three brick-filled bags using ropes that weren't readily accessible on the market but were known to be utilized by law enforcement organizations and were generally found at police and RAB barracks. The bricks were identical to those discovered at a building site near the RAB-11 camp. On 28th April 2014, Selina Islam Beauty, Nazrul Islam's widow, brought a lawsuit against six defendants, while Advocate Chandan Sarkar's son-in-law brought a second lawsuit.

7.2.1. Investigation

On 10th December 2014, Attorney General Mahbubey Alam presented to a High Court panel a government-led investigation report that alleged that Tarek Sayeed Mohammad, Minister Mofazzal Hossain Chowdhury Maya's son-in-law, had given the RAB officers orders to carry out the kidnappings and murders, and RAB-11 had involved executing the orders (Meenakshi, 2017). At that point, Tarek, Arif, and Rana were among the sixteen (16) RAB employees who had admitted in court to participating in the crimes. Nine other RAB employees were also ordered to appear in the courtroom as witnesses. The court found that "local Awami League leader Nur Hossain had hired officers from RAB-11, the unit located in the region, to kidnap

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and assassinate his political adversary Nazrul Islam, another Awami League official". ("Where No Sun Can Enter," 2021) As a result, 25 RAB personnel and 10 others were found guilty.

7.2.2. Judgement

In the case of *The State and Others vs Tarek Sayed and Others*, the High Court division bench of "Mr. Justice Bhabani Prasad Singha and Mr. Justice Mustafa Zaman Islam" (Shaon, 2017) upheld the death penalty for Fifteen (15) people, including three formerly RAB personnel, and banned Awami League leader Nur Hossain for their roles in the 2014 plot, kidnapping, and murder of seven Narayanganj men on August 23, 2017, after reviewing the lower court's judgment (Islam, 2020). Yet, the court reduced 11 more people's death sentences to life in prison. It is also significant to remember that 23 out of the 35 defendants were present throughout the verdict (Hasan, n.d.). Of these, 17 were members of the Rapid Action Battalion (RAB), and 12 additional defendants have evaded capture since the occurrence. As the prosecution could not prove the charge of conspiracy against other accused persons, and at the same time no sufficient materials were on record to support the charge of conspiracy against other convicts. They were each fined Tk. 20,000, and as a result, they automatically served an additional two years in prison. Mr. Justice Bhabani Prasad Singha concludes the verdict by saying "In the light of the aforesaid discussion, a strong message needs to be sent to the perpetrators of grotesque crimes and inhuman conduct in a ghastly manner against humanity so that no such gravest crime of extreme brutality as committed by the convicted-accused persons of this case is committed by anybody else in future and that none is above law."

The Narayanganj case has been portrayed by the Bangladeshi government as proof of its willingness and capacity to look into violations committed by security personnel and bring those responsible, including RAB officials, to justice. However, this case stands out because some of those accused cops had been previously connected to other wrongdoings, such as forced disappearances, without suffering any repercussions.

8. Recommendations

Based on the statistics of facts and practices of extra-judicial killings, the following recommendations are made to improve the overall scenario and overcome the current situation:

Firstly, Investigations into instances of extrajudicial executions by law enforcement officials are required, and those responsible must face a fair penalty. Stopping extrajudicial executions committed in the phrases of "crossfire" and "gunfight" is necessary. Secondly, Law enforcement agencies must adhere to the international

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standard of the "UN Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials". Additionally, the government has to guarantee that all law enforcement personnel are held accountable and take the necessary action to end the impunity they currently enjoy. Thirdly, to combat extra-judicial killings in Bangladesh, the government has to ensure that laws are implemented efficiently, and criminals must receive fair punishment in accordance with the existing laws. Fourthly, many of the extrajudicial killings happened for the dirty political blame game. Political violence is one of the main reasons behind the increasing number of extrajudicial executions (Kocourkova et al., 2014). To prevent this problem, a proper, unbiased national election needs to be held where people can cast their vote voluntarily and choose their leader. To end the practice of blame games when bloodshed happens, reduce violence and aggressive politics, and ensure that offenders are punished as required by law, all political groups must agree. Lastly, establish a commission of investigation that is completely autonomous and unbiased, including lawyers, judges, and human rights activists, to look into violations of human rights, notably torture and extra-judicial killings.

9. Conclusions

The incidence of extrajudicial murders signifies a substantial lapse in justice, shedding light on ethical and procedural dilemmas inherent in the criminal justice system. These heinous acts, which entail the execution of individuals in violation of established legal structures, frequently originate from arbitrary judgments devoid of due process or the presumption of culpability; as a result, they violate fundamental rights and principles of justice. In addition to law enforcement actions, societal pressures for expeditious justice frequently contribute to extrajudicial murders by disregarding the intricacies of legal proceedings and the potential for unfounded accusations. The influence exerted by society fosters a cultural environment in which expeditious punishment takes precedence over unbiased and just trials, thereby potentially undermining accountability and facilitating the misuse of authority.

The problem is significantly worsened when the government is involved in the concealment or legitimization of extrajudicial executions, particularly in environments where corruption and a lax rule of law are prevalent. As a result of the lack of legal frameworks and accountability procedures on extrajudicial executions, victims and their families are deprived of due process and have no way to seek redress for harm caused by the state. As well as being a clear violation of basic human rights, extrajudicial executions erode confidence in the criminal justice system and impede endeavors to maintain the rule of law. Several international treaties and conventions have been ratified to protect human dignity and prevent the arbitrary taking of human lives. These include the United Nations Convention

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Against Torture and the International Covenant on Civil and Political Rights, both of which prohibit the use of capital punishment outside of the legal system. In conclusion, a commitment to ensuring equitable and just treatment within the criminal justice system, comprehensive legal reforms, accountability mechanisms, and a steadfast adherence to the rule of law are all essential components in tackling extrajudicial murders.

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Author Contributions

The research was conceptualized by Dewan Alif Ovi, who also conducted the problem analysis, examined the statistical aspects, and developed the research design, selecting the most appropriate methodology. Protyasha Ahmed Mim also contributed to the conceptualization of the research, focusing on the introductory section, reviewing the existing literature, and analyzing national statutory laws along with identifying their prevailing gaps. Dewan Alif Ovi further examined international laws and their implementations, assessing sensational cases and proofreading this research. Protyasha Ahmed Mim takes her part in compliance with the laws and international standards. Both authors collaboratively developed the recommendations and conclusion sections to ensure a comprehensive and impactful research output.

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