

KILLED IN "CROSSFIRE"

ALLEGATIONS OF EXTRAJUDICIAL EXECUTIONS IN BANGLADESH IN THE GUISE OF A WAR ON DRUGS

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2019
Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.
https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode
For more information please visit the permissions page on our website: www.amnesty.org
Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.
First published in 2019
by Amnesty International Ltd
Peter Benenson House, 1 Easton Street
London WC1X 0DW, UK

Index: ASA 13/1265/2019
Original language: English

amnesty.org

Cover photo: *DHAKA, BANGLADESH - MAY 28: Dozens suspected drug dealers detained during the countrywide ongoing anti-drug war on May 28, 2018 in Dhaka, Bangladesh. Nearly hundred drug-dealers were killed in Bangladesh as the Bangladesh law enforcers lunched an anti-drug war operation.*
© Rehman Asad / Barcroft Media via Getty Images / Barcroft Media via Getty Images

AMNESTY INTERNATIONAL

CONTENTS

1. EXECUTIVE SUMMARY **4**

2. THE CONTEXT **6**

3. METHODOLOGY **8**

4. LEGAL FRAMEWORK **9**

4.1 BANGLADESH'S OBLIGATIONS UNDER INTERNATIONAL LAW 9

4.2 NATIONAL FRAMEWORK 11

5. CASES **13**

BABLU MIA, 26 YEARS OLD 13

SULEMAN, 35 YEARS OLD 14

RAHIM, 32 YEARS OLD 15

KALAM, 50 YEARS OLD 16

MUJAHID ISLAM, 41 YEARS OLD 17

ANSAR MIA, 47 YEARS OLD 17

SHAMSUL ISLAM, 47 YEARS OLD 18

6. PATTERNS OF EXTRAJUDICIAL EXECUTIONS **20**

6.1 ALL KILLED IN EARLY HOURS 20

6.2 WITNESS TESTIMONIES 20

6.3 ALLEGED ENFORCED DISAPPEARANCES FOLLOWED BY SUSPECTED EXTRAJUDICIAL EXECUTIONS 20

6.4 SOCIO-ECONOMIC STATUS 21

7. CONCLUSIONS AND RECOMMENDATIONS **22**

1. EXECUTIVE SUMMARY

> **“They [police] said they will let me go if I can give them BDT 50,000 or they will kill me.”**
>
> Family member quoting a victim of alleged extrajudicial executions

Reports of extrajudicial executions in Bangladesh spiked sharply following Prime Minister Sheikh Hasina’s directive to launch an anti-narcotic drive on 3 May 2018 and her defiant stance that “no (drug) godfather will be spared”. Within just the first 10 days of launching the operation, 52 people were killed by security forces. Between May 2018 and May 2019, according to media reports, at least 373 people lost their lives. Human rights organizations have documented even higher figures, with more than 460 such deaths reported in 2018 alone, more than three times as many as recorded in 2017.

In some cases, people have been “picked up” from homes or streets by members of the security forces who subsequently denied knowledge of their whereabouts to family members. This may amount to enforced disappearance. In some cases, family members witnessed their loved ones being taken away by security forces only to be found later in the morgues. In the media, some reports repeat official narratives of “gunfights” with security forces – such as the police, the Rapid Action Battalions (RAB) or unknown armed persons – leading to deaths of suspected drug dealers.

Home Minister Asaduzzaman Khan has said that accountability and punishments would follow for anyone found guilty of committing extrajudicial executions. However, there is little evidence that prompt, effective, thorough, independent and impartial investigations have been conducted into suspected extrajudicial executions. Where investigations have been conducted, they have not been transparent. Instead, public officials often avoid questions of culpability and have denied the existence of extrajudicial executions. The Home Minister has publicly defended the killings by saying that, “Law enforcement agencies never fire shots at anybody. Some of them succumb to their injuries when law enforcement retaliates in self-defence.”

This report examines allegations of enforced disappearances and extrajudicial executions associated with the anti-narcotics drive launched by Prime Minister Sheikh Hasina in 2018. It is based primarily on field research carried out in two separate districts (hereinafter referred as Location-A and Location-B) in November 2018, during which Amnesty International investigated seven incidents of drug-related suspected extrajudicial executions and interviewed 40 people including witnesses, relatives of those killed, journalists and local human rights defenders. Amnesty International offered the Government of Bangladesh an opportunity to respond to the findings in this report by letter dated 15 July 2019. The letter was addressed to the Minister of Home Affairs but no response was received.

Interviews with families of victims and public statements by security forces, such as the police and the RAB, present contrasting information about the unfolding of the incidents. In the cases investigated by Amnesty, there was a clear pattern of enforced disappearance followed by extrajudicial executions. There were also serious allegations against the law enforcement agencies of making up evidence, especially the witness statements. At least five witnesses interviewed by Amnesty International have said that they were involuntarily taken to the spot after the incident. They said they could not refuse police requests to act as witnesses fearing harsh consequences. This highlights the need for independent investigations to establish the truth about what happened and, where sufficient admissible evidence exists, to ensure that those suspected of enforced disappearance and extrajudicial executions are prosecuted in fair trials.

Civil society organizations, media and the United Nations have expressed serious concerns in the way the anti-drug drives are being conducted. The Government of Bangladesh should follow up on its commitment to fulfil its obligations under international human rights law to investigate reports of extrajudicial executions, arbitrary arrests and other serious violations at the Universal Periodic Review before the UN Human Rights Council on 14 May 2018.

The authorities should put an end to the extrajudicial punitive approach to anti-drug enforcement, which has already claimed hundreds of lives, and implement a comprehensive anti-narcotic strategy based on the protection of public health and human rights.

2. THE CONTEXT

Repressive drug control practices are having a devastating impact on human rights in Bangladesh. Alleged "encounter" killings or "gunfights" have resulted in the deaths of hundreds of alleged drug offenders. The government's approach to drug control policies so far has not been based on human rights or public health perspectives. Though Bangladesh is not a drug-producing country, it is situated between the "golden and crescent triangle" – an infamous international smuggling route.[1] According to a government report, the most prevalent drugs abuses involve heroin, codeine, cannabis and buprenorphine. However, the introduction of cheap methamphetamine tablets (known as "*yaba"*) has plagued the entire nation.[2] In 2017 alone, government agencies seized about 40 million *yaba* tablets, constituting more than half of all illicit drugs seized and a 36% increase from the previous year.[3] There are no official statistics as to the total number of persons addicted to drugs in Bangladesh. The Association for the Prevention of Drug Abuse, a local non-government organization, estimated that around 7.5 million people in Bangladesh [a country of about 160 million people] are addicted to drugs – among them 43% are unemployed and 80% of them are youth.[4]

However, every year hundreds of thousands of people are arrested on drug abuse charges; the government struggles to contain the spread of harmful drugs and, more importantly, reining in its deadly impact on the youth and the unemployed. A government report on drug control suggests that, in 2017, more than 100,000 cases of drug abuse have been reported and nearly 133,000 people have been arrested.[5]

However, while the anti-narcotics drive is routine government work, the current Prime Minister Sheikh Hasina announced a new crackdown on "the drug menace" in May 2018. Although this is not the first anti-drugs campaign, this is perhaps one of the deadliest. Within the first 10 days of launching the operation, 52 people were reportedly killed.[6] By May 2019, the death toll of the so-called "war on drugs" had risen to more than 370.[7] In total, there were 465 incidents of alleged extrajudicial executions in 2018 – a three-fold increase from the previous year and the highest number of such incidents reported in any single year by local human rights organizations. In 2017, for instance, there were 155 reported extrajudicial executions.[8]

Since the beginning of the anti-drug campaign, human rights organizations, activists, civil society organizations and foreign governments have all voiced serious concern about the alleged extrajudicial executions and urged the Government of Bangladesh to respect laws and follow due process in dealing with the drug crimes.[9]

---

[1] M. Rahman, "Drug trafficking in South Asia: A case study on Bangladesh", *Asian Journal of Multidisciplinary Studies,* 2009.
[2] Department of Narcotics Control, Ministry of Home Affairs, Government of Bangladesh, *Annual drug report Bangladesh,* 2017, p.16, www.dnc.portal.gov.bd/sites/default/files/files/dnc.portal.gov.bd/annual_reports/956960a1_1ae5_458d_8d1e_85f91c573c24/Annual%20Drug%20Report__2017_Compressed.pdf
[3] Department of Narcotics Control, Ministry of Home Affairs, Government of Bangladesh, *Annual drug report Bangladesh*
[4] "43% of unemployed population addicted to drugs", *Dhaka Tribune*, 27 February 2019, www.dhakatribune.com/bangladesh/Location-A/2019/02/27/43-of-unemployed-population-addicted-to-drugs
[5] Department of Narcotics Control, Ministry of Home Affairs, Government of Bangladesh, *Annual drug report Bangladesh*, 2017.
[6] "Bangladesh's Philippines-style drugs war creating 'atmosphere of terror'", *The Guardian*, 25 May 2018, www.theguardian.com/world/2018/may/25/bangladeshs-philippines-style-drugs-war-creating-atmosphere-of-terror
[7] "373 people killed, no let-up in drug menace", *New Age*, 7 May 2019, www.newagebd.net/article/71765/373-people-killed-no-let-up-in-drug-menace
[8] Odhikar, *Total Extra-judicial killings from 2001-2018*.
[9] Human Rights Watch, *Bangladesh: Suspend deadly "War on Drugs"*, www.hrw.org/news/2018/06/06/bangladesh-suspend-deadly-war-drugs ; See also US Department of State, *Country reports for human rights and practices for 2018*, p.2, www.state.gov/reports/2018-country-reports-on-human-rights-practices/ ; and UK Foreign and Commonwealth Office Report 2018, *Human rights and democracy report*, p.37, www.gov.uk/government/publications/human-rights-and-democracy-report-2018

Local human rights organization Ain o Salish Kendra (ASK) reported that the National Human Rights Commission of Bangladesh sent 112 letters to the Ministry of Home Affairs of Bangladesh between 2012 and 2016, seeking explanation for 112 alleged extrajudicial executions but it received no reply.[10]

In 2018, the chairperson of the National Human Rights Commission said that, due to limitation in the Commission's constitution, it can ask for reports on allegations of extrajudicial execution but cannot independently investigate them.[11]

In June 2018, the UN High Commissioner for Human Rights expressed grave concern at the large number of alleged extrajudicial executions and at the defence of those killings by the Bangladesh government that stated that none of those individuals was "innocent" and "that mistakes can occur in [an] anti-narcotics drive".[12] In August 2018, Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in her report to the UN General Assembly, noted that a request for an official visit to Bangladesh had been communicated to the Government of Bangladesh; but no response was received.[13] Harm Reduction International along with the World Coalition against the Death Penalty in a report to the Committee against Torture in June 2019, noted that up to 466 persons have been killed "by the police in the country, mostly in the context of anti-drug operations".[14] Human Rights Watch meanwhile has found that despite allegations of extrajudicial executions by the RAB, "authorities failed to investigate and prosecute those responsible".[15] In June 2018, in a communication jointly endorsed by a number of UN Special Rapporteurs to the Bangladeshi government, the mandate holders expressed concerns about reports received of more than 132 persons killed, over 13,000 persons arrested, and others subject to enforced disappearances in the period from 15 May 2018 to 6 June 2018.[16] The communication further notes that, "There are also reports that lists of individuals to be subjected to operations have been prepared, that members of the RAB are accepting money not to target certain individuals, and that in some cases killings may have been politically motivated."[17] The communication warns that if the allegations are confirmed, there is a severe risk of violation of multiple international human rights guarantees including right to life, liberty, security and arbitrary deprivation of life. In this context the communication calls on the government to "rescind what appears to be a deliberate policy of extrajudicial killings of drug traffickers and users", to uphold the rule of law, and to investigate the allegations while ensuring that drug users have access to healthcare facilities.

In previous years, the issue of extrajudicial executions has caused concern for human rights monitors. In 2017, the Human Rights Committee expressed concern over the number of alleged extrajudicial executions in Bangladesh, saying, "The Committee is concerned at the reported high rate of extrajudicial killings by police officers, soldiers and Rapid Action Battalion force members," and made a number of recommendations to strengthen the law, prosecute perpetrators and protect the right to life of persons.[18]

Shortly after the launch of this latest anti-drug campaign in May 2018, Amnesty International strongly criticized the Government of Bangladesh and demanded the launch of a full investigation into alleged extrajudicial killings.[19] To date, there is no evidence that prompt, thorough, impartial and transparent investigations have been conducted.

---

[10] "Extrajudicial killings: 437 victims in 10 months", *The Daily Star*, 21 November 2018, www.thedailystar.net/country/437-extra-judicial-killings-in-bangladesh-in-2018-ask-1663150

[11] "Extrajudicial Killings: 437 victims in 10 months", *The Daily Star*, 21 November 2018.

[12] Office of the UN High Commissioner for Human Rights, *Killings of suspected "drug offenders" in Bangladesh must stop – UN human rights chief*, 6 June 2018, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23178&LangID=E

[13] Agnes Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, *"Saving lives is not a crime"*, 6 August 2018, UN Doc: A/73/314, 73rd Session of the UN General Assembly, www.reliefweb.int/sites/reliefweb.int/files/resources/A_73_42960.pdf

[14] Harm Reduction International & The World Coalition against the Death Penalty, *Submission to the Committee against Torture, 67th session – (22 July-9 August 2019)*, 21 June 2019, www.hri.global/files/2019/06/24/submission-committee-torture-bangladesh-drug-policy.pdf

[15] Human Rights Watch, "Bangladesh: Events of 2018", *World Report 2018*, www.hrw.org/world-report/2019/country-chapters/bangladesh

[16] Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on extreme poverty and human rights, *Communication to the Government of Bangladesh,* 6 June 2018, UA BGD 5/2018, www.spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23888 hereinafter referred to as OHCHR (2018).

[17] OHCHR (2018), *Communication to the Government of Bangladesh*, p. 2., https://spcommreports.ohchr.org/TmSearch/Results

[18] UN Human Rights Committee, *Concluding observations on the initial report of Bangladesh*, 27 April 2017, UN Doc: CCPR/C/BGD/CO/1, www.refworld.org/docid/591e97c54.html

[19] Amnesty International, *Bangladesh: Launch a full investigation into alleged extrajudicial executions* (Index: ASA 13/8575/2018).

3. METHODOLOGY

The main purpose of this study is to investigate and document human rights violations in Bangladesh's so-called "war on drugs" campaign launched in May 2018. Amnesty International examined hundreds of cases of suspected extrajudicial executions carried out by Bangladesh law enforcement agencies in anti-narcotic operations and chose to document seven cases in detail by interviewing 40 people, including witnesses, relatives and family members of the victims, and local people. The interviews were carried out in November 2018.

The researcher carried out semi-structured interviews in private locations, preferred by the interviewees. The language used in the interviews was Bengali. All interviews were recorded, with the consent of the interviewees, and later transcribed and translated for analysis. The identity of the victims and interviewees has been withheld as requested. Facts that could reveal identities of the victims have not been reported. The exact locations and dates are also withheld to protect the interviewees.

Amnesty International sent its findings and recommendations to the Ministry of Home Affairs, Government of Bangladesh in July 2019 for their comments, but received no response. On the status of investigations into the seven cases that are examined in this report, the authorities could not be directly interviewed due to protection concerns for the families of the victims and witnesses that participated in this research. Although the "war on drugs" has also resulted in reports of torture, enforced disappearances, denial of access to public healthcare for drug users, and other abuses, this report focuses primarily on the allegations of extrajudicial executions.

LIMITATIONS OF THE STUDY

The study is based in part on interviews with family members of the victims, the locals living adjacent to the crime scenes, and other people who identified themselves as witnesses. Amnesty International triangulated the information gleaned from different sources and gathered additional documentary evidence where possible, however the tense and fluid security situation made it difficult to interview witnesses and others who had direct knowledge of the selected cases. Some family members of the victims declined to speak to Amnesty International citing fear of reprisal from law enforcement agencies. Others explained that they had been discouraged or barred (by law enforcement agencies) from taking legal action on the death of their loved ones while a number of victims' family members were advised against even talking to people about the incidents.

Although the study documents seven cases of suspected extrajudicial executions in detail, there are hundreds of such cases reported every year. Many of the key factors in the cases documented – socio-political contexts, actors involved and official narratives – appear consistent with the overwhelming majority of the reports of suspected extrajudicial executions in the media, and in the reports of other non-governmental organizations.

4. LEGAL FRAMEWORK

4.1 BANGLADESH'S OBLIGATIONS UNDER INTERNATIONAL LAW[20]

Bangladeshi authorities are bound by international and domestic obligations, which among other things; protect the right to life of all persons as well as their right to fair trial and the right to enjoy the highest attainable standard of health.

Bangladesh is a state party to several human rights treaties, among them the International Covenant on Civil and Political Rights (ICCPR), which prohibits the arbitrary deprivation of life and guarantees the right to a fair trial. It is also a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which protects the right to enjoy the highest attainable standard of health. In accordance with international law, the Bangladeshi authorities are obligated to:

- respect and protect the right to life at all times;
- end incitement to violence against people suspected of using or selling drugs immediately;
- investigate all killings which may be unlawful, including alleged extrajudicial executions, and provide adequate protection from harassment and reprisals for witnesses and complainants;
- bring to justice those responsible for unlawful killings; and
- provide remedy and redress to victims.

Under the ICCPR, the right to life is non-derogable, that is, cannot be restricted even "in times of public emergency which threatens the life of a nation".[21] The right to life must be protected by law, and no one should be arbitrarily deprived of his or her life.[22] The UN Human Rights Committee speaks of the right to life as the "supreme right" and has called on states parties to "take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The law must strictly control and limit the circumstances in which a person may be deprived of his life."[23]

For anyone charged with a criminal offence, the ICCPR also enshrines the right "to a fair and public hearing by a competent, independent and impartial tribunal established by law," with the presumption of innocence.[24] In addition, states parties must "ensure that any person whose rights or freedoms … are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in official capacity."[25]

Article 12 of the ICESCR recognizes "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," and enumerates specific steps for states to take, including the "prevention, treatment and control" of diseases and the "creation of conditions which would assure to all medical service and medical attention in the event of sickness".[26]

---

[20] The section is largely adopted from: Amnesty International's "If you are poor, you are killed": Extrajudicial executions in the Philippines' "War on Drugs" (Index: ASA 35/5517/2017).
[21] Article 4(1) of the United Nations International Covenant on Civil and Political Rights (UN ICCPR).
[22] Article 6 of ICCPR.
[23] UN Human Rights Committee, *General Comment No. 6: The right to life (Article 6)*, 30 April 1982, paras 1, 3.
[24] Article 14 of UN ICCPR.
[25] Article 2 of UN ICCPR.
[26] Article 12 of the United Nations International Covenant on Economic, Social and Cultural Rights (UN ICESCR).

The Special Rapporteur on the right to health has emphasized that an "individual's use of drugs cannot constitute grounds for curtailing her/his rights, irrespective of whether she or he has a recognized dependence syndrome or whether the applicable drug control regime allows for imprisonment or other sanctions."[27] The UN High Commissioner on Human Rights has stressed that "individuals who use drugs do not forfeit their human rights".[28]

Under the ICESCR, the state must "take steps, individually and through international assistance and cooperation … to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means," including through the implementation of appropriate laws.[29] The Committee on Economic, Social and Cultural Rights (CESCR) has stated that the right to health requires that health and healthcare facilities, goods and services be available, accessible, acceptable and of good quality.[30]

USE OF FORCE BY LAW ENFORCEMENT OFFICIALS

At the heart of the international human rights standards governing the use of force by police and other law enforcement officials lies the right to life, enshrined in Article 3 of the Universal Declaration of Human Rights and provided in the ICCPR, as described above.

Under these standards, law enforcement officials are required to, "as far as possible, apply non-violent means before resorting to the use of force."[31] Where the use of force is unavoidable, they must "[e]xercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved," minimise damage and injury, and "[e]nsure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment."[32]

International standards emphasize the importance of proportionality in judging whether the use of force is legitimate and strictly unavoidable, in order to protect life. Principle 9 of the Basic Principles states that "officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury" or to prevent "a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger" and "only when less extreme means are insufficient to achieve these objectives."[33] The Principle continues: "In any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life."[34]

With the exception of circumstances of extreme, immediate danger, law enforcement officials must identify themselves as such and "give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed".[35]

EXTRAJUDICIAL EXECUTIONS

There is no explicit definition of extrajudicial executions under international law. Amnesty International defines extrajudicial executions as unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence, which is along the lines of descriptions provided by international experts. Extrajudicial executions under this understanding would include unlawful killings both by state forces and by non-state groups and individuals that state authorities fail to properly investigate and prosecute.[36] In the context of the "war on drugs" in Bangladesh, an investigation of alleged extrajudicial executions would

---

[27] Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Doc. A/65/255, 6 August 2010, para. 8.
[28] Office of the UN High Commissioner for Human Rights, *High Commissioner calls for focus on human rights and harm reduction in international drug policy*, 10 March 2009, www.ohchr.org/documents/Press/HC_human_rights_and_harm_reduction_drug_policy.pdf
[29] Article 2 of UN ICESCR.
[30] UN Committee on Economic, Social and Cultural Rights, *General Comment 14: The right to the highest attainable standard of health (Article 12)*, 11 August 2000, UN Doc. E/C.12/2000/4, para. 12
[31] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August-7 September 1990, Principle 4. These Principles are widely accepted as reflecting customary international law.
[32] Principle 5 of UN Basic Principles.
[33] Principle 9 of UN Basic Principles.
[34] Principle 9 of UN Basic Principles.
[35] Principle 10 of UN Basic Principles.
[36] The UN Special Rapporteur on extrajudicial executions has defined the concept similarly. See, for example, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Mission to the United States of America*, UN Doc. A/HRC/11/2/Add.5, 28 May 2009, para. 3; Center for Human Rights and Global Justice, *UN Special Rapporteur on extrajudicial executions handbook*, www.extrajudicialexecutions.org/LegalObservations.html

therefore encompass both unlawful police killings and killings by unknown armed persons that the authorities are complicit or acquiescent in, including by failing to properly investigate and prosecute.

DUTY TO INVESTIGATE, PROSECUTE AND PROVIDE REMEDY

Whenever unlawful use of force is suspected – in particular by or with the involvement of state officials and where such force has led to injury or death – prompt, impartial and effective investigations must take place. Under Article 2(3) of the ICCPR, states parties undertake, among other things, to ensure an "effective remedy" for persons whose Covenant rights have been violated. The Human Rights Committee, in its authoritative General Comment on Article 2, has referred to a "general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies" and added that "failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant".[37]

The UN Principles on the Effective Investigation of Extra-legal, Arbitrary and Summary Executions similarly state that there should be a "thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions".[38] In addition, "[c]omplainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation."[39]

Where sufficient, admissible evidence is found, individuals suspected of responsibility, including those with command responsibility, must be prosecuted in fair proceedings. Thus, the Human Rights Committee stated that where investigations "reveal violations of certain Covenant rights, States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant."[40] It added that the obligations to investigate and prosecute "arise notably in respect of those violations recognized as criminal under either domestic or international law, such as … torture and … summary and arbitrary killing".[41]

Victims and survivors must be offered reparation.[42] All relevant officials at all times must be held accountable for their actions through a transparent system of investigatory and judicial proceedings, without the promise of protective immunity or amnesties.

The allegations of human rights abuses in the anti-drug operations in Bangladesh, if confirmed, violate a number of other fundamental human rights including:

- the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment;
- the right to liberty and security of persons;
- the right to non-discrimination; and
- the right to recognition and equality before the law.

4.2 NATIONAL FRAMEWORK

The Constitution of Bangladesh strongly entrenches the right to life, liberty, body, reputation, property and security.[43] It sets out safeguards for the rights of persons who are arrested or in detention,[44] guarantees "the right of a speedy and public trial by an independent and impartial Court or tribunal established by law"[45] and prohibits torture, cruel, inhuman, or degrading punishment or treatment of any nature.[46]

---

[37] UN Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The nature of the general legal obligation imposed on states parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, para. 15.
[38] UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989, Principle 9.
[39] Principle 15 of UN Basic Principles.
[40] Human Rights Committee, General Comment No. 31, para. 18.
[41] Human Rights Committee, General Comment No. 31, para. 18.
[42] See, for example, Human Rights Committee, General Comment No. 31, para. 16; UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 20.
[43] Articles 31 and 32.
[44] Article 33.
[45] Article 35(3).
[46] Article 35(5).

The Criminal Procedure code also offers specific legal rights to citizens when they are in legal custody and lays out clear procedures governing the conduct of public officials in dealing with accused persons. For instance, Section 61 and Section 167(1) set out the right to be brought promptly before a judge within 24 hours of his/her arrest.

There is no law in Bangladesh that specifically criminalizes the act of "extrajudicial" or "extra-legal" execution. However, acts of extrajudicial execution, including by law enforcement officials, fall under the Penal Code's provisions on murder and homicide.[47] Bangladesh has also enacted a standalone statute regarding torture. The Torture and Custodial Death (Prevention) Act, 2013 provides for punishment of any government official convicted of torture or custodial death.

In 2009, Bangladesh's highest court, the Supreme Court, voiced concerns about suspected extrajudicial killings, and issued a *Suo Motu*[48] rule urging the state prosecutor to act to stop extrajudicial killings.[49] Local human rights organizations, Bangladesh Legal Aid and Services Trust (BLAST) and Ain o Salish Kendra (ASK) appeared as interveners in this petition and submitted affidavits elaborating that the "reported incidents of extra-judicial killing in the name of 'cross-fire', 'gunfight' or 'encounters' constitute a gross violation of right to life, equal protection of law, and safeguards on arrest and fair trial as guaranteed under Articles 31, 32, 33 and 35 of the Constitution".[50]

The law regulating drug use in Bangladesh is the Drug Control Act, first enacted in 1990 and amended twice in 2004 and 2018. The amended Drug Control Act 2018 has made several drastic changes to the previous law – for the first time the law defines methamphetamine pills, commonly known as "*yaba"*, as narcotics and introduced capital punishment for the possession of more than 5g of methamphetamine pills.[51] The law provides for 15 years in jail as maximum punishment, and five years as minimum, for carrying or trafficking or smuggling less than 5g of *yaba*. The law also includes the death sentence as maximum punishment and life imprisonment as minimum for anyone involved in producing, smuggling, distributing or using 25g or more of "Category A" drugs, which include heroin and cocaine.[52]

[47] Section 302 of Bangladesh Penal Code 1860.
[48] *Suo moto* is a Latin term meaning "on its own motion". It is used in situations where a government or court official acts of its own initiative. See https://definitions.uslegal.com/s/suo-moto/
[49] *State v. Major Kazi Waheduzzaman and Others (24727/2009)*, Bangladesh Supreme Court (2009).
[50] *State v. Major Kazi Waheduzzaman and Others (24727/2009)*, Bangladesh Supreme Court (2009).
[51] Article 36 of Bangladesh Drug Control Act 2018.
[52] Article 19 of Bangladesh Drug Control Act 1990 (amended 2004).

5. CASES

BABLU MIA, 26 YEARS OLD

> **"We did not see anything. They called me, took me with them to the location around 5:30am, and asked me to witness what they were taking from there. I only saw a motorbike and nothing else."**
>
> Person who was asked by RAB to view the scene after the killing and provide a witness statement

Bablu Mia was killed in 2018 (exact dates withheld for the safety of family members). In an interview with his brother, who spoke with Amnesty International under strict conditions of anonymity, details of the alleged extrajudicial execution of Bablu Mia emerged. The following information is based on testimony by the victim's brother Tareq. Amnesty also spoke to a witness living close to the location where the incident took place.

Bablu Mia's brother Tareq told Amnesty International that on the night of his disappearance he received a call from him around 9pm asking for directions to visit a relative's house. Tareq advised Bablu Mia not to travel at that hour because he would have difficulty finding transport. According to his brother, Bablu Mia and his nephew Siraj still travelled. Tareq says Siraj told him that on their way, some people identifying themselves as members of the RAB stopped them and dragged them into their vehicle. Siraj told Tareq that the RAB members beat him, but later released him, while detaining Bablu Mia. Tareq told Amnesty International that Bablu Mia was previously detained a couple of times by law enforcement agencies in relation to drug-related offences and was released after paying bribes.

Following Bablu Mia's latest arrest, seven days had passed without any trace. The family was very anxious and concerned about his safety. Tareq registered a complaint with a local police station. Amnesty has a copy of the complaint. The family alleged that the complaint was totally ignored by the police.

Tareq stated in the complaint that Bablu Mia and Siraj got off a bus at a highway stoppage around 10pm. As they were looking for an auto rickshaw, some people identifying themselves as members of RAB stopped them for questioning and eventually dragged them into a silver HiAce microbus. The RAB then drove away blindfolding them with pieces of cloth. They had later dropped Siraj in a location unknown to him, but took Bablu Mia away. Siraj informed the victim's family about the incident.

Two days later, Tareq says he visited the abduction site to search for Bablu Mia. The victim's brother did not explain to Amnesty why they did not lodge a police complaint immediately.

Forty-three days after Bablu Mia's disappearance, the RAB said he was killed in a "gunfight" in Location-A. According to a press statement by the RAB, Bablu Mia and another person opened fire at RAB personnel when they signalled them to stop. Bablu Mia, according to the RAB, was killed in exchange of fire.

A family member who received Bablu Mia's body from the morgue shared with Amnesty International that he saw at least seven bullet wounds on his body: two shots each on each side of his chest, one on his back, one on the head and one on his abdomen. Amnesty International spoke to a witness, who testified that he was

sleeping less than 20 yards away from where Bablu Mia was killed. He said that he heard several gunshots before the Morning Prayer. "When it was 2am at night I saw a lot of vehicles of RAB and police and was wondering why there were so many of them. Around 2:30am or 3am I heard about 5/7 gun shots," said the witness. He said that when he went outside he saw a dead body being taken away in an ambulance and a motorbike that was lying on the ground.

Amnesty International spoke to another person who was asked by the RAB to witness the scene of the incident and make a witness statement. He told Amnesty International that he did not see anything more than a motorbike,

"We did not see anything. They [RAB] called me, took me with them to the location around 5:30am, and asked me to witness what they were taking from there. I only saw a motorbike and nothing else."

The RAB statement about the killing does not address the apparent enforced disappearance of Bablu Mia by the RAB officials over a month before the killings. It does not explain what happened to Bablu Mia following his alleged "disappearance", the police's failure to investigate the family's complaint, or how he could have been involved in a gunfight at the checkpoint if he was being detained.

SULEMAN, 35 YEARS OLD

> **"They [police] said they will let me go if I can give them BDT 50,000 or they will kill me."**
>
> Family member quoting Suleman

Suleman lived with his eight-year-old daughter in a thatched hut. Most days he would have difficulty earning enough money for his daily needs, and would rely on his sibling for food and money. His sisters have been taking care of his daughter's education. Suleman was killed in (date and month withheld) 2018. The following details are based on testimony provided by his surviving extended family, and from the interviews with two people having first-hand knowledge of the event.

The family members of Suleman told Amnesty that five days before being killed by the police, Suleman called a relative while he was in detention. He told the relative that the police had received BDT 20,000 [approx. US$237] from his family and would let him go if he could pay another BDT 50,000 [approx. US$593].

"They [police] brought me to the ground floor of the under-construction building [exact location redacted for safety concerns]. They said they will let me go if I can give them BDT 50,000 or they will kill me," – Suleman, as quoted by a family member.

Suleman's relative told Amnesty International that Suleman came with a friend to meet him at a building site where the police detained him. The relative said he told the police that he would arrange BDT 20,000, even if he had to sell his furniture and requested them not to harass Suleman anymore.

He said that he arranged the money and went back to a location suggested by the police; but they were not there. The next day, the family inquired at the local police station and say they were told that Suleman had been sent to jail from police custody at 10am.

After the relative learnt that Suleman was sent to jail, the family said that they stopped inquiring about him for the next three to four days until they finally received news that Suleman had been killed in crossfire between police and the accomplices of Suleman. They said a neighbour informed them that he had been killed and a relative went to the police station to confirm that his body was sent to the morgue.

According to the police statement released to media, Suleman was killed in a "gunfight" at around 12:10am in a local residential area. The police said that they recovered from the crime scene a gun, 2 rounds of bullets and 1,000 pieces of methamphetamine tablets.

The official statement of Suleman's case closely resembles other reports by the authorities of so-called "crossfire" killings. However, it does not explain information provided to the family that Suleman was in detention around the time of his death or that Suleman was killed within days of reporting to a relative that police demanding bribes had threatened his life.

RAHIM, 32 YEARS OLD

> **“I went to RAB office the next day; I could identify five of the officials who came to our house that night. I asked a RAB official that you went to my house, took our address and phone number, now tell me where my husband is. The official responded that he cannot say what happened, and that he would lose his job if he speaks up.”**
>
> Zarina who alleged her husband was killed by the RAB

Rahim, 32, was an automobile businessperson. He was killed in a “gunfight” in 2018. Rahim’s family members alleged that RAB officials “took him” eight days before he was killed. The following details are based on testimony provided by Rahim’s wife Zarina, who witnessed Rahim’s apparent enforced disappearance by RAB members, other family members, and a local street vendor living next to the crime scene.

Zarina told Amnesty International that Rahim started looking after his father’s automobile business following his father’s accident. “He was at his in-law’s house in a nearby neighbourhood when members of the Rapid Action Battalion barged into the house at 2am [date and month withheld, 2018] and took him away, handcuffed and blindfolded, in front of me,” Zarina added, who was two months pregnant at the time of the incident. She told Amnesty that she visited the local RAB office the next day where she was able to recognize five of the officials as those who came to their house that night. She said:

“I went to RAB office the next day; I could identify five of the officials who came to our house that night. I asked a RAB official that you went to my house, took our address and phone number, now tell me where my husband is? The official responded that he cannot say what happened, and that he would lose his job if he speaks up.”

In the following days, Zarina said that she visited different police stations in the hope that Rahim would be handed over to the police. There was no official record of his detention. Zarina made frantic visits to police stations and the RAB offices searching for Rahim in vain.

A week later the RAB stated to the media that Rahim was allegedly killed with two others in a “gunfight” at a nearby neighbourhood [location withheld] eight days after his “abduction” from the home of his in-laws.

According to Zarina, Rahim was wearing grey shorts and a green T-shirt when the RAB took him from home. The family members say that they found Rahim dressed in a “lungi” (loincloth) at the morgue. They said he was shot five times, four in the chest and one in his head.

A tea-stall owner in that area said that the RAB made an announcement on a microphone but he did not fully understand what they said because as he was asleep. About five to 10 minutes after the announcement, he heard gunshots. After the Morning Prayer call, when the sky became clear, a law enforcement official in plainclothes came to his shop and asked him to come with him to the spot.

The official said, “Chacha [uncle], please don’t be afraid, there is no problem. Please have a look at the evidence.” He noticed dogs sniffing blood, a couple of pistols and cartridges. There were people in RAB uniforms and in civilian clothes. When he asked what the incident was about, they said they were drug traders.

RAB officials claimed that they had a gunfight with Rahim and his associates. However, their account does not address his apparent enforced disappearance by RAB officials eight days before his death. Nor does it explain what happened to him during those eight days and, if he had been detained, how he could have been involved in a gunfight.

KALAM, 50 YEARS OLD

> **“We saw on television that they found drugs and arms with him. In reality, there was nothing. They took him from home.”**
>
> Witness who saw Kalam being taken from home

Kalam, 50, was a popular butcher in the neighbourhood. Although he had given up the job in 2003, he was better known as “Koshai [butcher] Kalam”. Kamal was killed in “crossfire”, as alleged by the RAB in 2018. However, his family alleged that he was taken by the RAB eight days before he was killed and not seen alive again. Kalam’s family members, relatives and another witness told Amnesty International about his apparent enforced disappearance.

Kalam’s family members told Amnesty International that on the evening of his disappearance, he had just joined his family to have dinner when two persons in plainclothes, one with a beard and another with a slightly darker complexion, entered his house. They said that the two men were looking for Kalam and that one of them pulled his identity card from his waist, which carried his photograph and mentioned that he was from the RAB.

According to the family, the men asked Kalam to accompany them to locate two persons on a highway near a residential area. They said that this was around 8:20pm and Kalam wanted to finish his meal, but the men insisted that he go with them immediately and finish his meal on his return. The family said that Kalam checked with them if he should go with the RAB. The family members were afraid to refuse an order from the law enforcement officers. “They [RAB] said they’d release him if Kalam helped them. Kalam never returned,” said one family member.

The family told Amnesty International that for eight days Kalam did not return. They said in that time the family visited the local police station to register a complaint about his disappearance, but the police asked them to come back after a week if he did not return.

On the eighth day a local vendor revealed to Kalam’s family members that he found Kalam’s name appearing in the news among people killed in “crossfire” by the RAB.

“We got his dead body after a week,” said a relative.

A media release by the RAB claimed that Kalam was killed in “crossfire” at a construction site and that RAB had recovered 18,000 methamphetamine tablets (“yaba”), two pistols and ammunition.

However, the media release did not address the family’s allegations that he had been taken from his home by RAB officials eight days earlier. It did not explain what had happened to Kalam during that time and, if he was in detention, how he had been involved in crossfire.

One witness who saw Kalam being taken from home told Amnesty International, “We saw on television that they found drugs and arms with him. In reality, there was nothing. They took him from home a week ago.”

MUJAHID ISLAM, 41 YEARS OLD

> **“He had traded drugs about 10 years ago. We are in grief because he had come clean over time. He had been driving a private car for his living.”**
>
> Relative of Mujahid Islam

Mujahid Islam, 41, was a chauffeur driving a rented car. He simultaneously ran a makeshift food shop to make his living. From both jobs, he would earn less than BDT 20,000 a month (about US$8 per day). Mujahid was killed by the RAB in a “gunfight”. Amnesty interviewed Mujahid’s family members and local witnesses about his killing.

According to Kabir, a relative of Mujahid, during a Ramadan day [date withheld], Mujahid went out of his brother’s house in the evening after breaking the day’s fast to collect BDT 10,000 (about US$119) that he had lent to a person some time ago. Kabir said he left around 8pm. At around 9:30pm a family member said s/he received a call from Mujahid saying that he came to a nearby railway gate, not far from his brother’s house, to get the money. One and a half hours later, when Mujahid did not return home, a family member said they called his phone, but it was unreachable.

Mujahid’s family told Amnesty International that they had inquired about him to people who knew him in the area. Three days after he disappeared, a news ticker on television read that Mujahid was killed in a “gunfight” with the RAB. The family said that two journalists also visited the neighbourhood where Mujahid’s brother lived to verify his identity and told them that he was killed near a government field in the locality.

“He had traded drugs about ten years ago. We are in grief because he had come clean over time. He had been driving a private car in a local district town for his living,” said a relative.

Family members who visited the morgue saw two holes in his T-shirt with bloodstains. “Is that not cold-blooded target killing?” asked Kabir, referring to Mujahid’s bullet-riddled body.

Around 12:30am a cart puller who was returning home, peddled back to the location where security forces apparently killed Mujahid. The cart puller, interviewed by Amnesty, revealed that he had heard two or three gunshots. Seeing the formation of RAB personnel around the spot, he said that he had parked his cart slightly at a distance. He said soon, a person in plainclothes came and called him and a couple of others.

“They called us near the RAB convoy, where they were standing in a formation on the pavement. They took our names, information about the village, and where we live etc. After taking our details, they took us near the body and asked us to see. One of them was saying not to go too close, there could be bomb. One of them opened the Scotch tapes and I saw “yaba” tablets, bullets and a pistol.”

The RAB said Mujahid was killed in a “gunfight”. However, his “disappearance” three days earlier has still not been explained.

ANSAR MIA, 47 YEARS OLD

> **“We have done it [traded drugs] in the past and we admit our offence. Now we have given them up and have come clean. Why are they killing now?”**
>
> Relative of Ansar Mia

Forty-seven-year-old Ansar Mia was a rickshaw puller. A father of eight and husband of two, he was breadwinner for 11 people living in a rural county in Location-B. His family had lived on his monthly income

of roughly BDT 10,000 (US$4 per day). In late May 2018, he disappeared from his house. Two days later, his family found him dead. The following testimonies are based on the interviews with his family members, locals and an eyewitness of Ansar Mia's killing.

Ansar Mia's wife said she last saw him when he went to bed in his room before she had gone to sleep in a separate room. When she woke up around 3am for *sehri*, the last meal before Morning Prayer during Ramadan, Ansar had disappeared.

According to Ansar's wife, family members inquired about him the next day at the local police barracks and at the Sadar Police Station, but the police officials denied any knowledge about him.

Two days later a family member learnt from a person at the local market that Ansar Mia had been killed and his body was at the morgue. Ansar Mia's body was found near a local primary school.

An elderly neighbour who raised Ansar Mia from childhood visited the morgue. He told Amnesty International, "I could not bear seeing him there as memories from his childhood flashed before my eyes." He said that Ansar Mia's skull was dislocated, as he had been shot in the head.

At the spot where Ansar Mia was killed, a female eyewitness told Amnesty that she had seen from her house what happened. She lived in a thatched hut, which was very close to where the incident took place. She said that listening to the sounds of the police vehicles; she became curious and checked what was going on through a narrow crack in her bamboo-thatched wall. She said she saw two people blindfolded with their hands tied behind their backs. One person was standing and another was kneeling when they were shot by police officials in uniform in the space of 10-15 minutes.

Police later in a media statement claimed that Ansar Mia was killed in a "gun-battle" between two groups of drug peddlers near a local primary school. However, these official accounts are inconsistent with the testimony provided to Amnesty International by the eyewitness that Ansar Mia had been extrajudicially executed.

SHAMSUL ISLAM, 47 YEARS OLD

> **"When the police captured him, they did not find any drug with him. In the newspapers I read that there were drugs lying beside his body."**
>
> Person who saw Shamsul Islam being taken away by the police

A father of two, Shamsul Islam, 47, was a contractor. He was also an activist for the Bangladesh Nationalist Party (BNP) and worked very closely with a BNP central leader. He was missing for a day and according to police was killed in an encounter between two groups of drug traders. Amnesty International interviewed his family members, a police eyewitness and a civilian eyewitness.

According to a family member, Shamsul was visiting a friend's place in Location-B, but he did not return to his home and no one could trace him until the news appeared the next day that Shamsul had been killed in an encounter with police. A witness told Amnesty International that he saw police take Shamsul (date withheld) along with his motorbike. "The next day, I saw on television that Shamsul was killed in an encounter between two groups of drug traders. The same came on newspapers," said the witness.

A police officer later told media that they found Shamsul's body and drugs in a nearby neighbourhood when they arrived in the afternoon following reports of a "gunfight" between two groups of drug traders.

However, the witness who says that the police picked up Shamsul and his motorbike, told Amnesty that, "when the police captured him, they did not find any drug with him. Subsequently, in the newspapers I read that there were drugs lying beside his body."

Shamsul was killed in the early hours. His family said that Shamsul had a few "politically motivated" cases against him but his friends and family claimed that none of the cases was related to any drug offence.

Media reports said that police found 5kg of hemp beside his body.

Family members who received Shamsul's body from the morgue said they found his eyes blindfolded and his skull dislocated. The wounds indicated that he was shot in the head at close range.

A police witness said he was sleeping in his thatched hut near the highway when a police constable came to his place and woke him up to come to the spot where Shamsul's body was lying.

He told Amnesty International that when he went to the spot, the police constable asked, "if I knew the person. I said no. He then asked if I heard the gunshots and I said you had woken me up by calling me seven times, how I would know about firing here. He asked to me check what was inside the bag [lying beside the body]. I said this looks like weed. He then asked me to sign a paper and took my mobile number. My body was shivering. There is a dead body lying in front of me. It was 3am." The police eyewitness said to Amnesty that he learnt later from people in the neighbourhood that the victim's name was Shamsul.

The police claimed to the media that Shamsul was killed in a "gunfight" between two groups of drug traders. However, that does not explain witness testimony that Shamsul was picked up by the police a day earlier or that his body was blindfolded.

6. PATTERNS OF EXTRAJUDICIAL EXECUTIONS

6.1 ALL KILLED IN EARLY HOURS

Most of the alleged extrajudicial executions have occurred in the early hours of the morning, away from public spaces. The locations of the incidents where the law enforcement agencies have reported that a "gunfight" or "crossfire" has taken place are in secluded areas, open spaces surrounded by construction sites or ditches on the side of highways. At least four persons in the cases reviewed by Amnesty were killed by security forces in secluded open fields and surrounded by trees, vast swathes of arable land or buildings under-construction. Three persons were killed by the side of highways in Location-A and Location-B. One person was killed in Location-A outside on a footpath on a lane heavily deployed with security forces before the incident. Except in one of the incidents where two persons were killed in a residential neighbourhood in Location-B, all alleged extrajudicial executions in the investigation show a pattern where the people have been killed between 12am and 4am in secluded areas.

6.2 WITNESS TESTIMONIES

The law enforcement authorities have recorded witness testimonials in each of the alleged extrajudicial executions. At least five witnesses interviewed by Amnesty International have said that they were involuntarily taken to the spot after the incident. Their statements were recorded based on evidence they had seen at that spot, which in most cases involved a bullet-ridden body, contraband drug substances and weapon(s). They said they could not refuse police requests to act as witnesses fearing harsh consequences. Security forces have taken signatures, names, phone numbers and personal details of the witnesses. Later, the witnesses either were called by security forces to verify their statements about what they saw or were called to the offices of the law enforcement agencies to testify about what they had witnessed.

6.3 ALLEGED ENFORCED DISAPPEARANCES FOLLOWED BY SUSPECTED EXTRAJUDICIAL EXECUTIONS

In many cases, the victims were "taken" by police or RAB officials before they were killed in what appear to be cases of enforced disappearance followed by extrajudicial execution. Rahim, 32, was allegedly killed in a "gunfight" eight days after his family said the RAB picked him up from his in-law's residence. Two members of the RAB visited the house of Kalam and took him with them to locate two other persons. Eight days later the RAB said he was killed in a "gunfight". Bablu Mia's brother had registered a police complaint citing plainclothes men identifying themselves as RAB members had picked him from a highway. Nearly one and a half months later the RAB said Bablu Mia was killed in a "gunfight". The family of Suleman said the police demanded BDT 50,000 ($593) to release him five days before he was reportedly killed in an alleged "gunfight".

Other victims have also been missing for at least a day or two before they were reportedly killed in "gunfights". In most cases, the families of the victims testified to Amnesty International that the law enforcement agencies denied them the information about the status or location of their loved ones.

6.4 SOCIO-ECONOMIC STATUS

This research finds that victims of the alleged extrajudicial executions we have investigated belong to lower- and lower middle-income families. They are less publicly known faces except within their respective neighbourhoods. A couple of victims were popular in their neighbourhood because of their political affiliation. All seven victims came from economically disadvantaged families and had no steady source of income. Rahim, 32, had relied on pocket money from his parents and was struggling to run a broadband internet business in his neighbourhood. Kalam was a butcher who lived in a slum with four children and his wife. Suleman lived on financial contributions from his siblings to take care of his daughter and himself. Mujahid Islam owned a makeshift food shop in Location-A and drove a private car for rent that would not fully meet his daily ends. Ansar Mia was a rickshaw puller. Shamsul Islam were supporters of the Bangladesh Nationalist Party (BNP). Shamsul was a contractor in construction work.

These findings were also raised in the communications by several UN special mandate holders to the Bangladeshi government, citing information received. According to the OHCHR, "It is alleged that drug users have also been targeted, that 'slum' areas have been particularly subjected to raids and that that the 'war on drugs' disproportionately targets poor and underprivileged people."[53]

Amnesty International learned from some families of the victims that they were discouraged or prevented (by law enforcement agencies) to make complaints seeking a formal investigation on the death of their loved ones and were advised against even talking to people about the incidents. This has undermined the family members' rights to access justice and seek effective remedies, including full and effective reparation.[54]

The government has also consistently refused to act on communications from the National Human Rights Commission of Bangladesh, which sent 112 letters to the Ministry of Home Affairs, Government of Bangladesh between 2012 and 2016, seeking explanation for 112 alleged extrajudicial executions but received no reply.[55] Such inactions and unwillingness to investigate allegations of extrajudicial executions entrenches impunity and violates the victim families' right to truth.[56]

[53] OHCHR (2018), *Communication to the Government of Bangladesh*, p. 2.
[54] Reparation includes restitution, compensation, rehabilitation, guarantees of non-repetition, and satisfaction. See, for example, Working Group on Enforced or Involuntary Disappearances (WGEID), General Comment on Article 19 of the Declaration on the Protection of All Persons from Enforced Disappearance, UN Doc. E/CN.4/1998/43, paras 68-75; and Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. A/HRC/22/45, 28 January 2013, paras 46-68.
[55] "extrajudicial killings: 437 victims in 10 months", *The Daily Star*, 21 November 2018, www.thedailystar.net/country/437-extra-judicial-killings-in-bangladesh-in-2018-ask-1663150
[56] Article 2 of ICCPR and Article 24, ICPED [International Convention for the Protection of All Persons from Enforced Disappearance]. See Principles 2-5, Updated set of principles for the protection and promotion of human rights through action to combat impunity, UN Doc. E/CN.4/2005/102/Add.1; and see also UN Docs. E/CN.4/2004/88 and E/CN.4/2006/91.

7. CONCLUSIONS AND RECOMMENDATIONS

At least 373 people have been killed in Bangladesh since 3 May 2018 in an anti-drug drive across the country allegedly by security forces including police, and the RAB. The common narrative promoted by police that the deaths of suspected drug dealers are a result of "gunfights", in many cases after victims have been taken into police custody, raises concerns that many of those killed have been extrajudicially executed by the authorities. At a minimum, such killings require prompt, thorough, effective, impartial and independent investigation.

The security forces are supposed to produce a suspect before the court within 24 hours of detention according to Article 33(2) of the Bangladesh Constitution but families' testimonies indicate that the security forces have detained suspects much longer before announcing their deaths in alleged "gunfights".

The number of alleged extrajudicial executions has increased in Bangladesh since the launch of the anti-drug drive. The number of deaths reported in alleged extrajudicial execution in 2018 is the highest in 18 years documented by Odhikar, a leading human rights organization in Bangladesh.[57]

Prime Minister Sheikh Hasina's rejection[58] of the allegations of extrajudicial executions and arguments in favour of repeated incidents of "gunfights" and "crossfire" as defence and retaliation has guaranteed members of the law enforcement agencies impunity. In March 2019, Prime Minister Sheikh Hasina has reaffirmed her government's commitment to continue the ongoing drive against drugs in the country.[59]

The frequency of killings reported by security forces in the anti-narcotic drive without full, independent, prompt and impartial investigation into the incidents undermines rule of law and raises concerns that security forces apply lethal force with impunity.

In Location-B, all the victims mentioned in this report have been killed in alleged "gunfights" between two suspected groups of drug dealers in a narrative presented to the media by the police. In at least one case, there has been a witness to a victim being arrested by the police but subsequently reported as killed in a "gunfight" between suspected drug dealers.

The cases identified in this report are not conclusive but indicative based on patterns, interviews of family members, neighbours, eyewitnesses, journalists and news reports in prominent newspapers. However, the findings of the study are consistent with other investigative reports from local human rights organizations.[60] They point to the urgent need to halt the anti-drug drive, which is alleged to have resulted in the deaths of hundreds, and to investigate each alleged case of extrajudicial execution.

---

57 Odhikar, Total extra-judicial killings from 2001-2018, 2019, www.odhikar.org/wp-content/uploads/2019/08/Statistics_EJK_2001-2018.pdf

58 "Bangladesh's PM rejects claims of repression: 'I do politics for the people'", The Guardian, 21 September 2015, www.theguardian.com/world/2015/sep/21/bangladesh-prime-minister-rejects-accusations-of-authoritarian-rule

59 "Make sure no innocent harassed", The Daily Star, 29 March 2019, www.thedailystar.net/backpage/news/make-sure-no-innocent-harassed-1721860

60 Ain o Salish Kendra (ASK), Crossfire, gunfights, and self-defence: The stories of truths and lies (in Bengali: ক্রসফায়ার, বন্দুকযুদ্ধ, আত্মরক্ষা ও সত্য-মিথ্যার গল্প), December 2009, www.askbd.org/Bulletin_Dec_09/todonto.php ; See also Shirin S. Chaudhury, Right to life, Ain o Salish Kendra, n.d., http://www.askbd.org/ask/right-life/

RECOMMENDATIONS TO THE GOVERNMENT OF BANGLADESH

- Ensure that a full, independent, prompt and impartial investigation of all alleged extrajudicial killings is carried out and, where sufficient admissible evidence exists, ensure that those suspected of responsibility are prosecuted in fair trials, without the resort to the use of the death penalty.
- Ensure that the family members of victims of enforced disappearance and/or extrajudicial execution are provided with effective remedies, including the truth about what happened to their loved one and full reparation to address the harm that they have suffered.
- Strengthen the investigative capacity of National Human Rights Commission and grant them the authority to investigate cases involving alleged extrajudicial execution by security forces or law enforcement agencies.
- Guarantee the provision of human, financial and structural resources to the National Human Rights Commission to enable it to effectively perform the task of promptly, effectively, independently and impartially investigating all killings resulting from intervention of security forces in the state.
- Publicly condemn human rights violations in the context of operations by security forces and issue public messages that excessive use of force by security forces will not be tolerated. This practice must be adopted at the highest levels of the government including the Ministry of Home Affairs.
- Ensure that investigations are conducted independently and impartially. They must not be assigned to the authorities alleged to have committed the violation of human rights.
- Put an end to the punitive approaches to drug enforcement, which have resulted in hundreds of deaths; instead, implement a comprehensive drug control strategy based on the protection of public health and human rights.
- Strengthen the rule of law, improve the state's capacity for the effective administration of justice, and adopt a stronger legal and policy regime by enacting a drug control policy that addresses the underlying socioeconomic factors that may increase the risks of using drugs or that lead people to engage in the drug trade.
- Guarantee that law enforcement officials have the necessary training to apply non-lethal force in their operations and that they are trained in international standards relating to the use of firearms.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture for public safety and accountability by the Government of Bangladesh.
- Abide by all international human rights standards including the ICCPR, the ICESCR, Convention on the Rights of the Child (CRC) and the "Code of conduct for law enforcement officials" and "Basic principles on the use of force and firearms by law enforcement officials" that regulate the use of force by public security agencies.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

CONTACT US


info@amnesty.org


+44 (0)20 7413 5500

JOIN THE CONVERSATION


www.facebook.com/AmnestySouthAsia


@AmnestySAsia

KILLED IN "CROSSFIRE"

ALLEGATIONS OF EXTRAJUDICIAL EXECUTIONS IN BANGLADESH IN THE GUISE OF A WAR ON DRUGS

In May 2018, the Government of Bangladesh launched an anti-drug campaign. Within the first 10 days of launching the operation, 52 people were killed in what appears to be extrajudicial executions. By May 2019, the death toll of the so-called "war on drugs" rose to more than 370. Amnesty International has documented seven such cases of alleged extrajudicial executions carried out by Bangladesh law enforcement agencies. In the cases investigated by Amnesty, there was a clear pattern of enforced disappearance followed by extrajudicial executions. There were also serious allegations against the law enforcement agencies of making up evidence, especially the witness statements. At least five witnesses interviewed by Amnesty International have revealed that they had not seen the killings but were asked by the police to provide fabricated statements supporting the police version of the deaths as having taken place in alleged "gunfights" or "cross fire". Amnesty International is calling on the Bangladesh authorities to carry out a prompt, impartial, independent and effective investigation into all suspected extrajudicial executions and other human rights violations committed by the police and RAB as part of its ongoing anti-narcotics operations.

INDEX: ASA 13/1265/2019
NOVEMBER 2019
LANGUAGE: ENGLISH

amnesty.org

AMNESTY INTERNATIONAL