



**DISSERTATION ON
EXTRA JUDICIAL KILLING: AN OVERVIEW OF BANGLADESH**

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Submitted To: Shamshad Bashar

Lecturer Department of Law East West University

Submitted By:

Farha Naznin Arpona

Id: 2017-3-66-003

East West University

DEPARTMENT OF LAW

Plot No-A/2, Main Road, Jahurul Islam City, Aftabnagar, Dhaka-1212, Bangladesh
Tel: 09666775577 (Ext 421), E-mail: mehedihasan@ewubd.edu
URL: <http://www.ewubd.edu>

Consent Form

The dissertation titled.....

prepared by..... IDsubmitted to

Shamshad Bashar, lecturer, Department of Law, for the fulfillment of the requirements of Course
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West University is approved for submission.

.....

Signature of the Supervisor

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Declaration

I, Farha Naznin Arpona ID: 2017-3-66-003 solemnly declare and affirm that this research paper is original and my own work, and that it has not been plagiarized from anyplace. As this is a course, the objective of this research is to finish my undergraduate degree. To keep the citation materials organized, a list of references is included

Farha Naznin Arpona

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Abstract

Extrajudicial killing is the execution of a person by law enforcement without the sanction of a court or other legal process. Even if a person is suspected of committing a crime, they have the legal and constitutional right to be treated fairly. This essay investigates extrajudicial executions and identifies the legal barriers and justifications used by law enforcement to justify the deaths. On the basis of secondary data sources, a number of factors, such as denial of due process, crime control, and access to the court system, are proposed to explain extrajudicial killing.

Abbreviations

UDHR Universal Declaration of Human Rights

ICCPR The International Covenant on Civil and Political Rights

UNCAT Convention Against Torture and other Cruel, Inhuman or Degrading Punishment

CEDAW Convention on the Elimination of All Forms of Discrimination Against Women

CRC Convention on the Rights of the Child

OPCAT The Optional Protocol to the Convention against Torture

RAB Rapid Action Battalion

ASK Ain o Salish Kendra

CRPC The Code of Criminal Procedure

BLAST Bangladesh Legal Aid and Services Trust HCD High Court Division

Chapter 1

Introduction

1.1 Background Of the Study:

Being human we all have some equal rights and those rights should be protected widely over the world. Those rights called as fundamental rights and those rights are neither newly added nor can be deny by any state rolling party. Here on some special situation those fundamental rights are violated on demand. People are said to be living in a rational, rights-based society at this point in civilization. The State must establish helpful laws and pertinent institutions in order to consolidate their perceived and actual accomplishments in this regard. Some of the individual liberties protected by a state's constitution have been called the most vital or fundamental to the survival of the human race. These are 'inalienable' of human beings and are universally acknowledged as birth rights. It is generally acknowledged that the prerequisites for a human being's overall development, including their physical, mental, intellectual, cultural, and spiritual development, are their right to life, liberty, conscience, right to freedom of movement and speech, and freedom from torture and inhuman treatment. Policies (of a state or informal institutions) that restrict access to these rights would also restrict the process of that nation's or race's people's potential growth. As a poor developing country, Bangladesh unfortunately faces a lot of such constraints.

The violation of the fundamental rights and Human Rights of the country's citizens appears to be one of the most important problems facing the nation today. Human rights are "the fundamental rights and liberties to which every individual is entitled." Civil and political rights are examples of liberties and rights that are presently regarded as human rights. The right to participate in culture, the right to food, the right to work, and the right to an education are examples of social, cultural, and economic rights.

Moreover, Significant violations of human rights are frequently referred to as extrajudicial killings or unlawful denials of the right to life under customary international law. In accordance with international law, states parties have a moral obligation to protect the right to life and to provide "effective and sufficient" remedies for violations. The People's Republic of Bangladesh's constitution also includes this basic international standard. The right to seek justice is protected by

Articles 31 and 32, and it cannot be said that this right has been upheld by the law unless a person has a fair opportunity to approach the court to assert this right or file a complaint.¹

1.2 Research Question: In this point when it comes to the Extra Judicial killing, the violation of human rights context then there are a lot of varieties of questions that can be framed regarding this topic. Rely on this study, however, has been limited to the following questions to accomplish the research objective; the following questions will be addressed:

- What kinds of changes can be suggested to improve the protection of human rights and to make certain that the rule of law is respected in Bangladesh? In particular, what kinds of legal recourse should be made available to the families of people who have been unlawfully killed outside of a court of law?

Here connected with the main research question some sub questions come forwarded likely,

- In what ways do extrajudicial executions in Bangladesh violate Bangladeshi constitutional and criminal law?

1.3 Methodology: This study takes a qualitative approach and quantitative approach both to analyze legal mechanisms of preventing **Extra judicial killing: The violation of human rights in Bangladesh**. It makes a detailed overview of the legal provisions and effectiveness. I have taken the help of various web links, journals, articles, cases, newspaper to conduct my thesis paper. This study is also based on quantitative research because I have collected various data from different sources.²

1.4 Chapter allocation: This research has been Focuses on Extrajudicial killings in Bangladesh and human rights abuses there. In addition, the lack of resources is the research's main shortcoming. In addition, this research paper's limitations include the absence of Bangladeshi case laws from the internet and, more crucially, the absence of specific books and the inability to conduct interviews because of obstacles. Additionally, it analyzes all legal rules, Human Rights conventions, articles, and includes the current situation in Bangladesh before drawing its judgment. and others countries.

1

<https://www.researchgate.net/publication/358042887> Extra judicial killings in Bangladesh An evaluation of the domestic and international human rights framework access to remedies and proposals for reform

2

<https://www.academia.edu/44127294/> Extra Judicial Killing in Bangladesh A Critical Analysis of its Legal Content A Discussion on the Harmful Effects of Extra Judicial Killing in Bangladesh Risk Factors and Probable Way out Chapter one

1.5 Conclusion: This chapter is the primary stage of the whole thesis. In the part describing the meaning of Extra Judicial killing, the research question which is based on the thesis paper. And lastly the chapter allocation.

CHAPTER 2

Extra judicial killing- The violation of human rights in Bangladesh

2.1 Introduction: An illegal execution is referred to as extrajudicial killing. Human rights are not respected. Government officials regularly assassinate people without authorization or without the proper legal procedures. In this chapter I am covering the abstraction of Extra Judicial killing with the violation of the human rights. Also, the overview of Extra Judicial killing the context of international reports.

2.2 The Concept of Extra Judicial Killing: The investigation hardly ever happens, and an appropriate complaint hasn't even been made. It immediately infringes on people's human rights by preventing them from getting in touch with their legal counsel or representatives. The obstacles to stopping this are not insurmountable; rather, they are attainable. A number of factors can influence extrajudicial killing. The practice of illegal killing will be mostly eliminated once it is under control. In most nations, there exist various laws and prevention initiatives, but there is no clear law that forbids unlawful killings in order to stop this form of human rights violation. The obstacles to stopping this are not insurmountable; rather, they are attainable. A number of factors can influence extrajudicial killing. The practice of illegal killing will be mostly eliminated once it is under control. In most nations, there exist various laws and prevention initiatives, but there is no clear law that forbids unlawful killings in order to stop this form of human rights violation. An arbitrary or unlawful deprivation of life is simply a murder when it occurs during an extrajudicial killing. Extrajudicial executions committed in Bangladesh are well-known. Despite being protected under the People's Republic of Bangladesh's Constitution, the rights to life and personal liberty are in danger in Bangladesh. Article 32 declares, "No person shall be deprived of life or liberty except in accordance with the law." According to the International Covenant on Civil and Political Rights, which was adopted in 1966 and ratified by Bangladesh in 2000, every person "has the intrinsic right to life.". According to the Covenant, this right "must be preserved by law." No one's life may be taken against their will. Different lingo has been employed by the law Crossfire, confrontation, gunfight, and other extrajudicial executions are used as a diversion by law enforcement authorities. Following fact-finding, it was discovered that many times there was no evidence of counter shots, and it appears that the majority of the fatalities were killed by law enforcement. Despite repeated promises to halt and the government's proclamation of "zero"

tolerance during the Universal Periodic Review at the UN Human Rights Council, extrajudicial murders persist. The sidebar to the right has the most recent news and reports on extrajudicial killings. View the site map or utilize the Super Search to get a list of all News and Reports.³

2.3 The concept of Human rights: Human rights are those that belong to a person or group of people solely because they are human, because they are vulnerable, or because they are essential to the development of a fair society. Regardless of its theoretical explanation, human rights pertain to a broad range of ideas or abilities that are believed to promote human agency or protect human interests, and are proclaimed to be universal in nature, in some ways claimed equally for all people, past, present, and future. For individuals to be happy individually and collectively, it is a well-known reality that they must develop a range of values and skills. It is also a well-known reality that social and natural factors frequently severely undercut this necessity, leading to exploitation, oppression, persecution, and other forms of deprivation, regardless of whether it is perceived as a moral or legal requirement. These two findings constitute the foundation of what are today known as "human rights" and the national and international legal systems associated with them.⁴

2.4 Human Rights & Basic needs:

Everyone, regardless of gender, color, country, ethnicity, language, religion, or any other distinguishing characteristics, possesses the same fundamental legal rights. Freedom from slavery and other forms of torture, the right to life and liberty, the freedom to speak one's mind, the right to a job and an education, and many other fundamental liberties are included under the umbrella term "human rights." Without exception, each and every person is entitled to these rights.

Human rights are described in a variety of ways, from the simple dictionary definition of "a right which is believed to belong to every person" to the more detailed United Nations definition of "rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status." One thing unites all of the definitions: everyone has the right to exercise their human rights. This is a complex problem. Our world is not particularly equitable in many ways, and this has little to do with human rights. Still, some claim that there are contradictions because the United States supports human rights while also advancing capitalism, which, as it is currently set up, greatly increases inequality.⁵

³ Protecting human rights in Bangladesh: <http://odhikar.org/extrajudicial-killings/>

⁴ https://unfoundation.org/what-we-do/issues/peace-human-rights-and-humanitarian-response/?gclid=Cj0KCQjw94WZBhDtARIsAKxWG-8ser83LM0S020nTv6P_y8uOXjFUZeYVHHWHLcSr5oRN1briTM60DMaAqhOEALw_wcB

⁵ ibid

A social being, man is. They enjoy some privileges as members of society. People are said to be living in a rational, rights-based society at this point in civilization. The State must establish helpful laws and pertinent institutions in order to consolidate their perceived and actual accomplishments in this regard. Some of the individual liberties protected by a state's constitution have been called the most vital or fundamental to the survival of the human race. These are 'inalienable' of human beings and are universally acknowledged as birth rights. rights to expression, mobility, and conscience; right to life; and it is generally acknowledged that freedom from torture and other inhuman treatment is a prerequisite for a person's overall growth, which includes physical, mental, intellectual, cultural, and spiritual development. Policies (of formal or informal institutions) that place restrictions on how to exercise these rights would also place restrictions on how that nation's or race's human potential would be developed. Bangladesh, a poor developing nation, unfortunately encounters numerous such limitations.

2.5 Current scenario of Human Rights:

The most important problem that the nation appears to be facing right now is the seeming violation of the fundamental and human rights of its citizens. The phrase "fundamental rights and liberties to which all humans are entitled" accurately describes human rights. The following are some examples of rights and liberties that are now generally acknowledged: The right to participate in cultural activities is one example of the social, cultural, and economic rights that are included in the concept of human rights. Other examples include the right to food, the right to work, and the right to receive an education. The right to life and liberty, the right to freedom of expression, and the right to petition the government are all examples of civil and political rights, and legal equality. The majority of world faiths and philosophies support human dignity and respect for the existence of every individual. Human rights are referred to be "inalienable" because no one has the ability to revoke them, regardless of how they were obtained, earned, or inherited. Human rights are largely concerned with relations between individuals and governments. They limit how the state can use its control over individuals, provide individuals with freedoms in their relationships with the state, and oblige states to provide fundamental human needs while in power.

However, it is unfair to attribute the inequality in the globe on human rights. In actuality, human rights provide individuals with the means to call for more equality. They are not effectively implemented, which is the issue. Even in the most powerful democracies in the world, this is true. The advancement of minorities' equality, as opposed to economic equality, can be cited as an example of progress that would not have been achievable without the protection of human rights.⁶

⁶ https://www.hrcbm.org/wp-new/reports/?gclid=Cj0KCQjw94WZBhDtARisAKxWG-8ZVtz_50-m7kcBPD4E2sJIO1BNzNpv8UQnS1zd7tvJUiOBFoyaFa0aAtZBEALw_wcB

2.6 How Extra judicial killing violate the Human rights:

In general, human rights are often infringed with little repercussions. Several human rights crimes are prohibited by law, but the institutions for enforcement and punishment are inadequate and frequently support the existing regime. Most of the time, the "violators" escape punishment because they are members of the ruling party/cliue or have access to the resources and power to do.

People are said to be living in a rational, rights-based society at this point in civilization. The State must establish helpful laws and pertinent institutions in order to consolidate their perceived and actual accomplishments in this regard. Some of the individual liberties protected by a state's constitution have been called the most vital or fundamental to the survival of the human race. These are 'inalienable' of human beings and are universally acknowledged as birth rights. It is generally acknowledged that the ⁷prerequisites for a human being's overall development, including their physical, mental, intellectual, cultural, and spiritual development, are their right to life, liberty, conscience, right to freedom of movement and speech, and freedom from torture and inhuman treatment. Policies (of a state or informal institutions) that restrict access to these rights would also restrict the process of that nation's or race's people's potential growth. Bangladesh, a poor developing nation, unfortunately encounters numerous such limitations. The country's most pressing concern appears to be the seeming violation of its inhabitants' basic and human rights. Human rights are "the fundamental rights and liberties to which every individual is entitled." These include the right to engage in culture, the right to food, the right to job, and the right to education. are also widely viewed as human rights. This essay examines how law enforcement authorities, who have a responsibility to safeguard rights, violate the life and liberty rights of individuals. Human rights advocates and other members of civil society consider the Special Powers Act of 1974 to be restrictive. A consistent pattern of human rights violations has been brought about by the misuse and application of this Act in the name of preserving state security. The Act stipulates "special measures" for the prosecution of serious offenses, the quick completion of trials, and the suppression of prejudicial activity.⁸

⁸ Extrajudicial Killings: The Violation of Human Rights:

<https://www.researchgate.net/publication/318834940> Extrajudicial Killings The Violation of Human Rights in Bangladesh

Additionally, there have been instances where police have detained someone in accordance with S. 54 of the Code of Criminal Procedure before adding their name to a criminal case despite the fact that they were not listed in the First Information Report (FIR).⁹

The unhappy detainee is then given a charging sheet. Consequently, both Section 54 of Police may make an arrest without a warrant or the consent of a magistrate under Section 54 of the Code of Criminal Procedure and Section 86 of the Dhaka Metropolitan Police Ordinance if they have "reasonable suspicion" to do so. Additionally, it was discovered that "police remand" was being utilized as a justification for torturing people who were being held. Remand was a tactic employed by dishonest police officers to extract bribes from the people they had detained. from the prisoners on detention in well watched police facilities. They claimed that after placing them in remand, the police tortured them inhumanely and that they were starved to death. (2003) M Rafiqul and S M Solaiman.¹⁰

With a commitment to constitutional and political protection of all people' human rights, Bangladesh set off on its independent path. Unfortunately, no matter if the nation was governed by a "democracy," "military," or any other type of government over the years, we have seen a serious disdain for this pledge. Military and civilian government. Denial of space for alternative political viewpoints, disregard for democratic principles, and ideas, as well as marginalizing the society's weaker groups—religious and racial minorities, the extremely poor, including slum dwellers residents, etc.) have produced the circumstances that permit various governmental agencies and influential social groups to violate.

2.7 Extra Judicial Killing: A threat to Universal Human Rights All legal documents have given the right to life of a person top priority. According to several legislative authorities, criminals frequently have a right to a just legal system. However, the issue emerges when these criminals, as a result of their influence over Bangladesh's politics, create a persistent danger to regular citizens' daily lives and position themselves as untouchable.

In Bangladesh, there is a persistent debate about the advantages and disadvantages of a particular extrajudicial killing technique called "crossfire." By using this strategy, eliminating criminals from society becomes a widely held belief among regular people. On the other side, the government is

⁹ <http://bdlaws.minlaw.gov.bd/act-75.html>

¹⁰ Extra Judicial Killing and Violation of Human Rights in Bangladesh:
<https://m.somewhereinblog.net/mobile/blog/sufiborshan/30098711>

under pressure from civil society and both domestic and foreign non-governmental organizations to uphold the legislation. Bangladesh is a country that is both overpopulated and undeveloped.¹¹

The government has made numerous efforts to maintain the nation's social order, but it has had difficulty due to rampant corruption in every sector.

116 In order to bring the mafia, godfathers, and criminals under control, they even operate a program entitled "Operation Clean Heart." This endeavor failed because the inmates abused their authority and allowed the accused to escape prison. Bangladesh's procedural justice system is currently handling a substantial number of cases. Finding a verdict is time-consuming, particularly for serious crimes (i.e., Murder). A condemned individual may appeal to a higher court to continue procedures under the Bangladeshi legal system, which consists of multiple phases. As a result, offenders might easily dodge punishment by engaging in multiple illegal actions. The state apparatus of Bangladesh consists of three separate bodies: the legislative, the judicial, and the executive. 117 Numerous studies have concluded that corruption permeates all levels of these institutions. From 2001 to 2005, Bangladesh was the most corrupt nation in the world.¹²

More regularly, when Bangladeshis open their newspapers, they learn that a suspect was murdered in Crossfire while authorities were looking for his classmates. Although using such a way to kill is against the law, it appeals to common people Bangladeshi.¹³

2.8 Conclusion: In this chapter I am describing the Extra judicial killing and the human rights violation and current situation what we have as a right of a citizen. Explaining the basic rights of a citizen and what violate because of Extra Judicial killing.

¹¹ EXTRA JUDICIAL KILLING:

https://www.academia.edu/21819310/EXTRA_JUDICIAL_KILLING_AN_OVERVIEW_OF_BANGLADESH

¹²

https://www.researchgate.net/publication/358042887_Extra_judicial_killings_in_Bangladesh_An_evaluation_of_the_domestic_and_international_human_rights_framework_access_to_remedies_and_proposals_for_reform

¹³ Independence of judiciary in Bangladesh: an overview: [Independence of judiciary in Bangladesh: an overview | Emerald Insight](#)

Chapter 3

Extra Judicial killing- An International scenario

3.1 Introduction: In the previous chapters generally, it discussed about the Extra Judicial killing and Human rights overview of Bangladesh. Now in this chapter I am describing the Context of the international context. The violation of International human rights as we as covering the Major three reports about the Extra Judicial killing.

3.2 International human rights conventions on extra-judicial killings in Bangladesh: As a result of globalization, people's human rights are now also protected by international law, making them a universal concern. Bangladesh is a dualist nation; hence every international agreement must be ratified in the national parliament in order for it to be enforceable domestically. Under Article 38(1) liberty of the Statute of the International Court of Justice, the international convention or treaty, whether general or specific, defines rules expressly acknowledged by the disputing states, after signing and ratifying the convention.¹⁴

After Bangladesh signed the United Nations Charter in 1974, the majority of the UDHR's articles were incorporated into Bangladesh's constitution. In the ICCPR, which Bangladesh adopted in 2000, the UDHR is explained in greater detail. Bangladesh has reserved Article 10 of the ICCPR, which prohibits trials in absentia, notwithstanding the fact that this reservation is not especially relevant to our current concern over arbitrary killings. However, the United Nations ratified the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as worldwide affirmations on international human rights, which had an impact on the nation's government and its population (Stephen, 2007). All of these provisions of international law, however, have been violated by the government and law enforcement agencies, especially the RAB. Extrajudicial executions carried out in the course of "gunfights," "Crossfire," or "encounters" are major abuses of human rights and go against the constitutionally guaranteed Survival, freedom, and safety are fundamental human rights. Article 3 of the Universal Declaration of Human Rights guarantees the right to life. Article 6 of the ICCPR states that the right to life cannot be deprived arbitrarily. [8]¹⁵ Article 9 guarantees the right to liberty and security in the event of arrest or imprisonment that is arbitrary.¹⁶

¹⁴ Sources of law determine the legal foundations of society [https://newjurist.com/article-38-of-the-statute-of-the-international-court-of-justice.html#:~:text=Article%2038\(1\)of%20the,principles%20recognized%20by%20civilized%20nations](https://newjurist.com/article-38-of-the-statute-of-the-international-court-of-justice.html#:~:text=Article%2038(1)of%20the,principles%20recognized%20by%20civilized%20nations).

¹⁵ <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%206,a%20person%20before%20the%20law>.

¹⁶ Ibid

3.3 International Human Rights Organizations Report:

Human Rights Watch Report:

Investigations by Human Rights Watch into hundreds of disappearances reveal the presence of law enforcement entities, including the Police Detective Branch, Quick Action Battalion (RAB), and Powers Intelligence Directorate (DGFI). Before being taken to trial, several persons were detained in secret custody for months or days. In particularly repulsive cases, security agents reported that known captives killed in so-called 'crushing fires.' 119 In the 2013 UPR, the Bangladeshi government decided to investigate and prosecute completely and impartially all allegations of human rights violations, including enforced disappearances, custodial torture, and extrajudicial killings," including violations by security personnel. The administration struggled to deliver its promise, with the exception of a few rare events. 120 In the vast majority of disappearance cases, police do not enable families to register complaints against governmental institutions, but they do allow families to file complaints against "missing persons." Bangladesh has not responded to the United Nations Working Group on Enforced and Unwanted Disappearance's request for a visit. Bangladesh has not yet ratified the International Convention to Protect All Persons from Enforced Disappearances. In August 2017, 15 men, including personnel of the security services, were convicted of kidnapping and murdering seven individuals in the Narayanganj District outside of Dhaka, reversing the trend of denial and imposition against enforced disappearances.¹⁷

Odhikar Report: This analysis by Odhikar¹²² on the human rights situation between January and March of 2020. There are extrajudicial murders due to a lack of official transparency, the absence of the rule of law, a faulty system of justice delivery, and the impunity of law enforcement and security services. It also appears in the names of nationwide anti-drug operations. It is believed that law enforcement officials are attempting to conceal the murder by characterizing the incident as a "gunfight." In January of this year, a woman was also the target of extrajudicial executions, despite the fact that men are usually the target of such activities. In addition, according to reports, seven Rohingya refugees were slain in a gun duel. 123 From January to March of 2020, it appears that 86 persons were executed without due process. Forty were slain by the police, 24 by the RAB, 14 by the BGB, 7 by the Police Detective Branch (DB), and 1 by the army. Seventy-three of the eighty-six victims killed extrajudicially perished in "crossfire/encounters/gunfights." Additionally, six of the victims were purportedly slain by police torture, six were fatally shot by the BGB and police, and one was killed by police assault. 124 In the first three months of 2020, there have been allegations of mistreatment and death in police custody. Only the 2013 Torture and Custodial Death (Prevention) Act is now in effect, and it has not changed. Members of law enforcement continue to torture without repercussions. After pressing charges, police intimidate and harass the accused

¹⁷ <https://www.semanticscholar.org/paper/Caught-between-%E2%80%98Crossfire%E2%80%99-in-the-Context-of-Sakib-Rashid/254ff7a870e7716a2689fdac9d4d1a52f7f586ae>

threatening the families of victims of torture. The processes have been deemed biased and incapable of being completed impartially because the bulk of deaths in custody are handled by law enforcement officials. Six persons, During the time period covered by this study, there were apparently multiple people, including one lady, who were murdered while in police custody. During the first three months of the year 2020, members of the Bangladesh Border Guards (BGB) were accused of firing their weapons towards civilians. During this time period, there has been a widespread complaint against law enforcement officials for allegedly extorting money, arresting innocent citizens instead of the main perpetrators, intimidating citizens, accusing children of criminal activity, trafficking in the name of detention, and soliciting funds out of fear of being caught in the crossfire, and arresting innocent citizens instead of the main perpetrators. Political opponents, government critics, and dissidents are targeted by law enforcement personnel sent by the government, which, despite their efforts, is allowed to operate without consequence.¹⁸

UNRHC Report: The High Commissioner for Human Rights of the United Nations, Zid Ra'ad Al Hussein, condemned the suspected extrajudicial killings of accused drug offenders in Bangladesh and asked authorities to immediately put an end to these egregious human rights abuses and bring the perpetrators to justice. The High Commissioner urged the government of Bangladesh to investigate allegations of extrajudicial killings and highlighted that human rights breaches committed in the name of drug control should not be met with impunity. In a meeting last week in Geneva, the Bangladeshi Minister for Law, Justice, and Parliamentary Affairs informed him that investigations would be done and individuals found responsible for crimes would be held accountable. He persuaded the administration to maintain this pledge by highlighting the importance of the probes' honesty, impartiality, transparency, and efficacy. Mr. Zeid also voiced alarm about the fact that vulnerable populations residing in slums had been targeted and subjected to many raids. The fear of arrest or death if they seek aid at Drop-In Centers has, according to reports, significantly diminished the willingness of drug users to seek health care. Bangladesh has promised to investigate allegations of extrajudicial killings, unlawful arrests, and other grave abuses of human rights during its Universal Periodic Review before the UN Human Rights Council on May 14. Since then, the increasing reports of such abuses of human rights are extremely disturbing.¹⁹

3.4 Conclusion: The current scenario of Bangladesh and the International context it may create a bad impact as an independent Country. As we have our own Constitution and legal boundary, also every citizen has their basic rights. So, violation of a rights as a human it is not right to continue a method which is violate our legal laws.

¹⁸ Ibid

¹⁹ UNRHC REPORT

https://www.ohchr.org/en/ohchr_homepage?gclid=Ci0KCQjwvZCZBhCiARIsAPXbajtzVIIP53XOjnm-5HQOFm63NTZRBelGcrRFq_pwvKd31_TZwOa2g2UaAnUiEALw_wcB

Chapter 4

Bangladesh & Extra Judicial killings

4.1 Introduction: At difficult times there have been some incidents, which in my opinion are kind of Extra Judicial killing. There are a large number of incidents occurred in Bangladesh. Some of them goes viral in recent times the incidents are given below.

4.2 Incident: A Teknaf councilman was killed extrajudicially during a 'drug war': Mr. Ekramul Haque, a Teknaf Municipality Ward Councillor, was slain on May 26, 2018 in Cox's Bazar during a "gunfight" between RAB and drug dealers. Ekramul's brother, Ehsanul, reported to the media that on Saturday at approximately 9:30 p.m., disguised personnel of the "information agency" purported to want to discuss the purchase of the plot with their brother. He has never involved in drug distribution. According to Ekramul's wife, Ayesha Begum, the RAB's assertion that he was a drug dealer has been denied. Prior to his death, Ekramul Haque had three phone conversations with his daughter. He made the initial call by picking up his phone. The daughter of Ayesha Begum used her mother's smartphone, which features an application that archives both incoming and outgoing talks, to inquire as to when her father would return home. Ayesha Begum made the fourth recorded call in an attempt to communicate with her husband. In the distance, gunshots could be heard, along with police sirens and whistles. After hearing Ekramul's agonized screams, additional rounds were fired. The killers (members of the RAB) then shot the victim from a variety of angles, which is likely to be mentioned in the ballistics report and autopsy. Then, they left empty shell casings at the crime scene and placed Yaba (methamphetamine) tablets in the pockets of the deceased.²²

Human rights organizations questioned the strategy and legitimacy of the anti-drug campaign after Mr. Haque's family handed journalists numerous audio snippets of gunshots and a dying man's groans and cries. Asaduzzaman Khan, the home minister, warned the media shortly after Ekramul's death that if any evidence of crime was discovered, a magistrate would be charged with investigating the incident and those accountable for his death would be brought to justice. Since Mr. Haque was killed a year ago, the inquiry has not advanced at all.²³

²¹ ibid

²²Teknaf municipality councillor killed: <https://archive.dhakatribune.com/bangladesh/nation/2018/05/27/teknaf-municipality-councillor-killed-in-gunfight>

²³ Ibid

4.3 Major Sinha Rashed Khan Incident: Major Sinha Rashed Khan, a former military officer, was killed by the Bangladeshi police, which has finally compelled the security forces to address their practice of extrajudicial executions. For years, officials have refuted allegations or even defended such killings as a means of resolving crimes, and they have openly endorsed untrue claims that the victims perished in gunfire or as a result of self-defense during the presence of security agents. Although the murder of Maj. Sinha eventually caused the leaders of those in authority to change, it is obvious that the administration is more focused on getting beyond the incident than on finding a solution to the problem of public security. Odhikar, a human rights organization in Bangladesh, reports that over 150 individuals have already died at the hands of police this year. But despite the hundreds of murders that had happened previously, not a single successful conviction had been made.²⁴

On the evening of July 31, he was fatally shot at the Shamlapur police checkpoint in Cox's Bazar. As the entire nation—including retired army officers—protested the killing of an ex-serviceman, his family mustered the will to pursue justice. But in many other instances, common families choose not to file legal claims because crimes perpetrated by police are rarely brought to justice. When Sinha traveled to Cox's Bazar to make a docuseries, he learned of his evil actions, a revelation that would ultimately take his life. Pradip and his accomplices brutally put an end to Sinha's life when they shot him dead at a checkpoint on Marine Drive in Cox's Bazar.²⁵

4.4 Conclusion:

An investigation into the extrajudicial killings that have occurred over the course of the last twenty years finds that this has, in effect, become official government policy. How, if at all, is it possible for someone to win an award after committing a number of murders that are very similar to one another? However, there has not been a reduction in violent behavior. It does so by expanding and producing more roots on the opposite side. Nothing positive can take place outside of the legal system and the processes of the judicial system. Those who previously desired a "good crossfire" now have an understanding of this. The history of the Philippines and many other Latin American countries demonstrates that attempts to regulate drugs or crime in this manner have not resulted in a reduction in the overall rate of crime. The ability of law enforcement officials to break the law is made easier as a result of this.

²⁴ 6 Killed in Crossfire, Amnesty International, Available from: <https://www.amnesty.org/download/Documents/ASA1312652019ENGLISH.pdf>

²⁵ Ibid

renders them more vulnerable to assault. In relation to the incident at Cox's Bazar, the police have pledged that this will not occur again.²⁶

Chapter 5

Law and Violation of Law

5.1 Introduction: In this chapter I am covering the laws which define the rights of a citizen. Through extra judicial killing which laws and rights of the citizen violate also describe in this chapter. As our constitution give as some basic rights and which law violating by that is described. Also, I am adding the remedies' part which may enforce for the victim family.

5.2 The laws of Bangladesh: Usually, when an extrajudicial assassination occurs, the police hastily file a complaint of an unnatural death. According to Section 174 of the Code of Criminal Procedure-1898, such complaints are recorded as "accidental or suicidal deaths" rather than "homicidal deaths." The same clause also gives an "Executive Magistrate" the authority to look into the occurrence. In every instance, law enforcement officials and judges work together to mask the extrajudicial executions, particularly by calling them "crossfire" or "encounter" killings.²⁷ When complainants attempt to report extrajudicial killings by state actors, which happens infrequently, the police not only refuse to record the complaint but actively intimidate the complainants and even other family members. Additionally, the authorities frequently launch smear campaigns against the victims at this point, branding them as suspects or defendants in criminal cases, even creating accusations and/or cases against them. In Bangladesh, this type of fabrication is typical and involves serious offenses including robbery, murder, and drug possession as well as offenses related to gang activity, such as the possession of illicit weapons and narcotic narcotics.

²⁶ Extrajudicial killings, The truth behind 'gunfight' narratives, Available from <https://en.prothomalo.com/opinion/editorial/the-truth-behind-the-gunfight-narratives>

²⁷ <http://bdlaws.minlaw.gov.bd/act-75.html>

In Bangladesh, the use of unwarranted force, brutal, inhumane, or degrading treatment or punishment against innocent people, repression, and abuse of legal provisions by law enforcement agencies are all on the rise.

Arbitrary detentions made Section 54 of the Code of Criminal Procedure, Section 86 of the Dhaka Metropolitan Police Ordinance, and the Special Powers Act of 1974 all apply. as well as police abuse while detained, appear to have become frequent occurrences.²⁸ The use of torture by law enforcement forces is wholly in violation of local legal regulations, constitutional mandates, and internationally endorsed international human rights agreements including the UDHR, ICCPR, and CAT.

According to Section 54 of the Code of Criminal Procedure Under Section 54 (S54) of the Code of Criminal Procedure of 1898, People can be detained on the basis of a reasonable suspicion that they have engaged in unlawful behavior even in the absence of a court order or a warrant.²⁹

According to Section 86 of the Dhaka Metropolitan Police Ordinance Section 86 of Section 54 of the Code of Criminal Procedure is referenced in the Dhaka Metropolitan Police Ordinance. However, Section 54 of the Criminal Procedure Code is enforceable across Bangladesh, but Section 86 of the DMP Ordinance is exclusively applicable for arrests in the Dhaka Metropolitan Region.³⁰

According to Special Powers Act 1974 The Special Powers Act of 1974 is deemed by campaigners for human rights and other members of civil society who belong to civil society as a legislation that is discriminatory. A consistent pattern of breaches of human rights has emerged as a direct consequence of the use and abuse of this Act in the name of defending the security of the state. The Act specifies "special measures" for the prevention of prejudicial acts, for a rapid trial, and for the punishment of those who commit serious crimes. offence.

Additionally, there have been instances where police have detained someone in accordance with S. 54 of the Code of Criminal Procedure before adding their name to a criminal case despite the fact that they were not listed in the First Information Report (FIR).³¹

A charge sheet is then filed against the unfortunate detainee. As a result, without a warrant or the approval of a magistrate, police are permitted to make an arrest based on "reasonable suspicion" under Sections 54 of the Code of Criminal Procedure and Section 86 of the Dhaka Metropolitan Police Ordinance, respectively.³²

²⁸ ibid

²⁹ <http://bdlaws.minlaw.gov.bd/act-75.html>

³⁰ ibid

³¹ ibid

³² http://bdcode.gov.bd/upload/bdcodeactpart/2019-07-30-12-01-42-41_2_The_Code_of_Criminal_Procedure-Sayed-2.pdf

It was also discovered that the term "police remand" was being utilized as a justification for the physical torture of imprisoned individuals. Police personnel who were corrupt used the term "remand" as a method for collecting payments from those who had been detained. from the detainees who were kept under close watch in the police stations. They claimed that after taking them into custody, the police abused them in an inhumane manner and that they were not provided with food while they were being held in remand.

5.3 LEGAL BOUNDARIES AGAINST EXTRA JUDICIAL KILLING: Bangladesh has signed a growing number of international human rights agreements that recognize life and personal liberty as fundamental and universal human rights. Bangladesh has signed both the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR). Moreover, it signed the Universal Declaration of Human Rights in 1948. These devices resist all forms of torture, cruel, inhuman, or humiliating treatment or punishment. It is possible to cite the Universal Declaration (Article 5), the United Nations Convention Against Torture (Articles 4.2 and 7),³⁴ and the Convention Against Torture to demonstrate that acts of torture committed in Bangladesh while a person is detained by the police constitute a serious violation of international law and United Nations human rights. ³⁵

The fundamental rights to life and personal liberty, equality before the law, protection of the law, safeguards against arrest and detention, and freedom of movement are guaranteed under Articles 27 and 32 of the Bangladeshi Constitution (Article 36). ³⁶ No one shall be subjected to torture or cruel, inhuman, or humiliating treatment or punishment, according to its protection for trial and punishment (Article 35.5). ³⁷ These constitutional protections involve specific legal requirements and are not merely declarative or decorative. The Constitution's Articles 44 and 102 guarantee judicial redress for any violation of fundamental rights.

³³ <https://redress.org/wp-content/uploads/2018/10/REDRESS-Guide-to-UNCAT-2018.pdf>

³⁴ https://www.undp.org/vietnam/speeches/consultation-workshop-implementation-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishments-cat?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=Cj0KCQjw94WZBhDtARIsAKxWG--nOMOrDQhX8lwdEo0pXKWnfXEeN48FtgeOeljdeOHzSgqxUYFliAaAkv7EALw_wcB

³⁵ Extrajudicial, Summary or Arbitrary Executions
<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet11rev.1en.pdf>

³⁶ <http://bdlaws.minlaw.gov.bd/act-367.html>

³⁷ Ibid

5.4 Remedies for victim's family: Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights recognize the right to redress grave violations of human rights, such as "extrajudicial killings." Article 8 of the Universal Declaration of Human Rights states, "Everyone has the right to an effective remedy before the supplementary national tribunals for actions that breach his constitutional or legal fundamental rights." In other words, everyone has the right to an effective remedy when their fundamental rights are violated.

The UDHR has broadened the right to redress, which now requires that the right to life has been violated in a way that is both individual and judging. Article 2 of the ICCPR also lists the right to redress. The remedy for the infringement of human rights by public authorities has been clearly stated in accordance with Article 2(3)(a) of the ICCPR. The obligation of the States Parties under the Optional Protocol of the ICCPR to establish legal avenues for citizens to file legal claims against their government for violations of their human rights is included. As Bangladesh has not ratified any of the ICCPR's optional protocols, the UDHR and the ICPPR appear to be more relevant in terms of the right to redress when it comes to extrajudicial murders committed by Bangladesh's security forces, particularly the RAB.

However, Bangladeshi law enforcement officials allow the victim's family members to file a formal complaint for infringement of human rights.³⁸ Therefore, both the Inter-American Commission on Human Rights and the European Court of Human Rights have defined the "right to remedy" as requiring an investigation and prosecution of the violation. In conformity with international law, the remedy must also be reasonable and effective. If the domestic law does not provide enough redress, if the courts and tribunals are not separate, if the processes are lengthy, or if any of these criteria apply, the remedy is insufficient. The response must also satisfy the plaintiffs³⁹ on the basis of the complaint's essence. 145 Prof. Schachter did indicate that "unraveling, repairing, and compensating" may represent legitimate remedies for human rights violations, despite the fact that international human rights instruments do not contain explicit remedies for human rights violations. Consequently, civil and criminal remedies may be possible for abuses of human rights by Bangladesh's security services under national civil and criminal law (*Klein v. Superior Court*)

In accordance with Article 44(1) of the Constitution of the People's Republic of Bangladesh, the family of the victim will petition the Bangladeshi Supreme Court to rectify the wrongdoings of government law enforcement agencies. On behalf of the victim, human rights advocates will fight in court against the RAB's arbitrary denial of life. This advocacy is referred to as Public Interest Litigation (PIL), and it is better suited for society's economically and socially

³⁸ 6 Mollah, M.A.H. (2014), "Judicial activism and human rights in Bangladesh: a critique", *International Journal of Law and Management*, Vol. 56 No. 6,

³⁹ Civil Society Joint Alternative Report on Bangladesh Submitted to the Committee against Torture.

excluded persons. The High Court State v. DC, a case involving Bangladesh, was decided "suo motu" by the court, which ordered that the government look into possible violations of human rights. Additionally, under a PIL, the complainant may ask a public agency or law enforcement officials for compensation for a human rights violation.⁴⁰

Sections 132 and 197 of the Code of Criminal Procedure of 1898 restrict the police and the RAB from filing charges. Since they have been frequently threatened by law enforcement agents, victims are reluctant to discuss their experiences with the RAB in public without the protection of legal limits. Citing press articles that reflected the concerns of civil society and human rights organizations, the affidavit produced by BLAST in the case of State v. Major Kazi Wahedzaman¹⁴⁸ included information on numerous allegations of "extra-judicial executions" by the RAB and other security forces.¹⁴⁹ In these documented examples of extrajudicial killing conducted in the name of crossfire, gunfights, or encounters, the right to life, equal protection under the law, and safeguards against detention and unjust trials are badly violated. These rights are protected under the Constitution's Articles 31, 32, 33, and 35. As a result, the government does not protect the fundamental rights of the people, as provided in the constitution.⁴²

5.5 Conclusion: This chapter is important to know the laws and remedies. It also explains that the importance to know the value of our basic rights and aware of this. According to the constitution, Criminal Law every citizen has the rights to have their 'Right to fair trail'. Because of Extra Judicial killing a citizen cannot use this right.

⁴⁰ <http://www.emeraldinsight.com/1754-243X.htm>

⁴¹ https://www.constituteproject.org/constitution/Bangladesh_2014.pdf?lang=en

⁴² Ibid

Chapter 6

Recommendation and Conclusion

6.1 Introduction: On this last chapter of my paper, I am going to try build up some suggestive model that can be effective to protect our Rights which is violated by the Extra Judicial Killing. In this long-term period debate ongoing about this concerning issues. The main object is the control the Extra Judicial killing and not to violate the human rights by practicing this. Here I will focus on the laws and their progress as the time demands.

6.2 Recommendation: As an independent nation, Bangladesh started out with a political and constitutional commitment to defending the rights of all of its residents. Extrajudicial executions are never a country's exclusive choice to safeguard the public's or its citizens' property from infraction, keeping law and order in check, or using self-defense.

After conducting an investigation into the alleged violation of human rights and comparing the findings to reports compiled over the course of several years by human rights organizations and members of the media in a nation such as Bangladesh, it became clear that documented cases of human rights abuses played and guided nothing that law enforcement agencies anticipated would be a constructive role for the police rather than the setting a precedent for severe abuses. Additionally, it is acknowledged that different infringement tactics have tempered the operations of law enforcement, where Transparency is protected by illegal legal tactics. Therefore, some domestic laws and foreign instruments have been flagrantly broken in the spectacular activities of law enforcement, the police. In addition, the ultimate institution's rules were often violated instead of being properly followed. The most important thing to keep in mind is that political influences have mainly been successful in providing people with services in every field. Additionally, national human rights abuses are growing more as people commit crimes again and over again in the belief that justice will never be delivered by law enforcement because these organizations have already become more corrupt. After rigorous analysis of the violation of human rights, it was highlighted that strict adherence to the recruitment of law enforcement agencies, such as the police, was necessary to preserve an appointment that was fair.⁴³

As a consequence, one can reach the following conclusion: the government ought to firmly uphold the standards of police appointments from the perspective of law and order, where accountability for the violation of human rights in a democratic and developing country like Bangladesh will be established. absolutely obvious. In any situation, the government must take the necessary actions to uphold the rule of law. Human rights would be easily protected in a democratic nation like Bangladesh if the rule of law, as well as the appropriate application and enforcement of the law, could be ensured.

⁴³ ibid

6.3 Conclusion: The progression of issues pertaining to human rights is a crucially significant measure of the health of a nation and the institutions that comprise it. The more rights that are violated, the greater the number of 'illnesses.' According to the numerous reports compiled on the topic of human rights, the current government of Bangladesh was not an exception to the country's long-standing pattern of "poor health" in relation to problems of human rights. Therefore, numerous local and international human rights organizations have raised grave concerns and leveled harsh accusations regarding a variety of human rights violations in Bangladesh, including widespread extrajudicial killings, pervasive acts of torture, and extensive arbitrary arrests.

In order to ensure that law enforcement authorities demonstrate a greater concern for human rights and other rights afforded to citizens of our country, as well as other rights. It has come to the conclusion that the well-being of the people can only be guaranteed via the full and uninhibited enjoyment of all human rights by all members of society, which is where its dedication to promoting and safeguarding human rights stems from. However, it is also stated that the number of murders and other violent crimes has not decreased as a result of the subsequent crossfire. It is of the utmost importance to put a stop to any and all kinds of criminal and deviant behavior on the part of everyone if we want to keep our society free from violence and crime. In addition to this, it needs to make certain that no one will violate the rights of other people in any way, shape, or form, so that everyone can feel free to exercise their rights.

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