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Bangladesh: Launch a full investigation into alleged extrajudicial executions

The Government of Bangladesh must launch a prompt, impartial and effective investigation into killings of at least 127 persons by the Rapid Action Battalion (RAB) of the Bangladesh Police Forces. Amnesty International calls on the government to bring all those suspected of criminal responsibility of any unlawful killings to justice in fair trials before ordinary civilian courts and without recourse to death penalty. The killings have occurred in the wake of a nationwide crackdown on alleged drug offenders, which began in May 2018. With at least 127 deaths reported, the use of lethal force by the RAB, may amount to extrajudicial executions, a crime under international law.

On 3 May 2018, Prime Minister Sheikh Hasina instructed the Rapid Action Battalion (RAB), to curb the issue of drug abuse by continuing their anti-drug operations¹. Formed in 2004, the RAB is an 'elite anti-crime and anti-terrorism unit of the Bangladesh Police. It consists of members of the Bangladesh Police, Bangladesh Army, Bangladesh Navy, Bangladesh Air Force, Border Guard Bangladesh and Bangladesh Ansar'.² The anti-drug operations have since culminated in at least 127 deaths³ and over 11,000 arrests of alleged drug offenders. Company commanders of RAB and the Minister of Home Affairs⁴ (under whose

¹ Al Jazeera: <https://www.aljazeera.com/news/2018/05/bangladesh-extrajudicial-killing-fears-drug-crackdown-180522162713973.html>

Dhaka Tribune, Bangladesh: <https://www.dhakatribune.com/bangladesh/2018/05/03/pm-hasina-tells-rab-continue-drives-drug-abuse/>

Odhikar, Bangladesh: http://odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018_Eng.pdf

² Official website of the Rapid Action Battalion, www.rab.gov.bd/english/

³ CBC News, Canada: <http://www.cbc.ca/news/thenational/national-today-newsletter-bangladesh-drugs-japan-1.4683599>

The Daily Star, Bangladesh: <https://www.thedailystar.net/frontpage/tib-demands-judicial-probe-shootouts-1584547>

Odhikar, Bangladesh: http://odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018_Eng.pdf

⁴ The Independent, United Kingdom <https://www.independent.co.uk/news/world/asia/ya-ba-drug-bangladesh-dead-arrest-police-methamphetamine-smuggling-a8373081.html>

The Daily Star, Bangladesh: <https://www.thedailystar.net/country/drive-against-drugs-2-more-suspects-killed-raishahi-gunfight-1584835>

CBC News, Canada: <http://www.cbc.ca/news/thenational/national-today-newsletter-bangladesh-drugs-japan-1.4683599>

The Daily Star, Bangladesh: <https://www.thedailystar.net/frontpage/tib-demands-judicial-probe-shootouts-1584547>

aegis the RAB is situated), have separately claimed that the deaths were a result of gun violence⁵ during anti-drug operations. These deaths have occurred in clashes either between drug dealers and law enforcement, or between rival gangs. However, some relatives of the deceased claim the victims were taken from their homes by law enforcement officers and executed.⁶

The recent killing of alleged drug offenders by a state law enforcement agency began after a speech by the Prime Minister Sheikh Hasina.⁷ The lack of investigation, prosecution and accountability so far for these killings may well violate the right to life, the right to a fair trial; both contained in core international human rights obligations of Bangladesh. Bangladesh is a state party to the International Covenant on Civil and Political Rights as well as a number of other human rights instruments, and thus has multiple international human rights commitments to guarantee the rights enshrined therein to all its citizens. The Right to life⁸ as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights includes the duty of the state to 'prevent arbitrary killings by [their] own security forces'.⁹ The Right to Life is also guaranteed by Article 32 of the Constitution of Bangladesh.

The spate of killings additionally shows signs of violation of the right to a fair trial, too. The presumption of innocence and the right to a 'fair, public hearing by a competent, independent and impartial tribunal established by law', is a basic safeguard that Bangladesh has committed to under international law.¹⁰

Further, killing of alleged drug offenders in police 'shootouts' can be a smokescreen for extra judicial executions, and the denial of the right to a fair trial, specifically the right to be presumed innocent until proven guilty according to law and the right to be tried before a civilian ordinary court. Amnesty International has previously reported on the use of 'cross fire', 'gun fights', accidental deaths and self-defence as a justification for extrajudicial executions by the RAB¹¹ in Bangladesh. In this context, these most recent killings warrant urgent and independent investigation by Bangladesh.

⁵ The Daily Star, Bangladesh: <https://www.thedailystar.net/frontpage/tib-demands-judicial-probe-shootouts-1584547>

Bangladesh Chronicle: <http://bangladeshchronicle.net/2018/06/bangladesh-extrajudicial-killing-fears-in-drug-crackdown/>

⁶ The Daily Star, Bangladesh: <http://www.thedailystar.net/backpage/bullet-riddled-body-drug-peddler-found-1586437>

<https://www.thedailystar.net/country/drive-against-drugs-2-more-suspects-killed-raishahi-gunfight-1584835>
Al Jazeera: <https://www.aljazeera.com/news/2018/05/bangladesh-extrajudicial-killing-fears-drug-crackdown-180522162713973.html>

VOA News: <https://www.voanews.com/a/bangladesh-anti-drug-campaign-criticized-by-rights-activists-opposition-/4417440.html>

⁷ Daily Mail, United Kingdom 22 May 2018, <http://www.dailymail.co.uk/wires/afp/article-5756855/Calls-restraint-Bangladesh-drug-war-claims-11-lives.html>; BD News 24, Bangladesh, 30th May 2018,

<https://bdnews24.com/bangladesh/2018/05/30/pm-hasina-vows-to-continue-anti-drug-crackdown-amid-criticism>

⁸ Article 3 of the Universal Declaration of Human Rights (UDHR), Article 6 of the International Covenant on Civil and Political Rights (ICCPR);

⁹ General Comment No. 6 on Article 6, UN Human Rights Committee, 16th Session 1982, para 3

¹⁰ Article 14 of the ICCPR

¹¹ *Bangladesh: Government Must Act Now To Stop Police Unlawful Killings*, Amnesty International, 2011, <https://www.amnesty.org/en/press-releases/2011/08/bangladesh-government-must-act-now-stop-police-unlawful-killings/>

Extrajudicial executions are killings which are unlawfully and deliberately carried out by an order of government or with its complicity or acquiescence.¹² The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, defines an extrajudicial killing as ‘any killing that violates international human rights or humanitarian law, including “unlawful killings by the police”, “deaths in military or civilian custody” and “patterns of killings by private individuals which are not adequately investigated and prosecuted by the authorities”’.¹³ Bangladesh has an international human rights obligation to investigate and prosecute those suspected of criminal responsibility for these killings¹⁴, and failure to do so would amount to a violation of international law.

In addition, the use of lethal force by the RAB also could constitute a violation of the customary international law obligations of Bangladesh. The use of force by law enforcement agencies must strictly be within the parameters of proportionality to ‘the seriousness of the offence’, and must have a ‘legitimate objective to be achieved’.¹⁵ It must minimize injury and guarantee access to medical aid and assistance for those who may be injured.¹⁶ Firearms should only be used in self-defence or for the defence of others against death or serious injury or to prevent a crime which involves a threat to life; and only when other measures are insufficient.¹⁷

In light of the seriousness of the crimes committed in the anti-drug operations unleashed by the RAB since May 2018, Amnesty International calls on the Government of Bangladesh to:

1. Immediately call on the Rapid Action Battalion (RAB) and all involved law enforcement agencies to cease the use of lethal force in its crackdown on alleged drug offenders;
2. Immediately withdraw from active service any officers of the RAB and law enforcement agencies who are suspected of involvement in the use of unlawful force resulting in death and injury to civilians, pending formal investigation and prosecution of these officers for such crimes;
3. Guarantee fair trials before ordinary civilian courts and due process to all those suspected of drug offences, without recourse to death penalty in all cases;
4. Carry out independent, impartial and effective investigations into the killings of alleged drug offenders by the RAB or other groups, that have taken place since the 3rd of May 2018, including

¹² See, Amnesty International's 14-Point Program for the Prevention of Extrajudicial Executions: Sources in International Instruments, 7 April 1993, Index number: POL 35/003/1993; *“If you are poor you are killed”*; *Extrajudicial executions in the Philippines ‘War on Drugs’*, Amnesty International, 2017, at p.14

¹³ *Report on alleged killings by Haitian National Police and the Response of State Authorities*, Office of the High Commissioner for Human Rights, December 2011,

http://www.ohchr.org/Documents/Countries/HT/Report_on_killings_en.pdf at p.6. See also Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on the situation in the United States of America (26 May 2009), A/HRC/11/2/Add.5, par. 3.

¹⁴ In terms of Article 2 of the ICCPR, the Human Rights Committee (General Comment 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on State Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, para. 15) as well as the UN Principles on the Effective Investigation of Extra-legal, Arbitrary and Summary Executions (Recommended by Economic and Social Council Resolution 1989/65 of 24 May 1989, Principle 9. For a broader discussion see *“If you are poor you are killed”*; *Extrajudicial executions in the Philippines ‘War on Drugs’*, Amnesty International, 2017, at p.15.

¹⁵ 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 Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principle 4.

¹⁶ *Ibid*, principle 5

¹⁷ *Ibid*, principle 9

command responsibility. Again, in all cases, before ordinary civilian courts without recourse to death penalty;

5. Provide full reparation to survivors, their families and any individual who may have suffered harm as the direct result of an extrajudicial execution;