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NGO Discourses of Extrajudicial Killings and Enforced Disappearances in Bangladesh

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Abstract

The study examines the NGO discourses on extrajudicial killings and enforced disappearances in terms of their conceptual representations, causes, consequences, and prevention strategies in Bangladesh. For this purpose, the texts and contents of the annual reports (2005–2016) of two national NGOs: Ain-o-Salish Kendra (ASK) and Odhikar were analyzed and interpreted. Content analysis, thematic analysis, and narrative analysis methods were adopted for data analysis. The findings demonstrate that the NGOs have characterized extrajudicial killings in several terms, such as murder, state-sponsored terrorism. Moreover, they symbolize 'Enforced disappearance' as a form of international and national crime; and a threat to human rights. Additionally, the NGOs outlined political motivations and corruption of law enforcement agencies as the significant causes of extrajudicial killings and enforced disappearance. Notably, the study assumes that the negative impact of extrajudicial killing and enforced disappearance constitute a threat to the judicial system. Likewise, enforced disappearance constructs psychological impacts on the victim's family. Finally, the study suggests three strategies for preventing extrajudicial killings and enforced disappearances. Government should establish an independent commission for investigating extrajudicial cases, ratifying international convention on enforced disappearance and taking necessary actions for creating awareness among the mass people in Bangladesh.

Keywords: Non-governmental organizations (NGOs), Extrajudicial killings, Enforced disappearance, Discourse, NGO Discourses, Bangladesh.

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Introduction

Extrajudicial killings and enforced disappearance by state law enforcement agencies have become a threat to human rights in Bangladesh. Notably, in recent years, both the human rights and the constitutional rights (right to life, right to justice) of many Bangladeshis were violated by the inhuman, brutal, and illegal extrajudicial killings and enforced disappearance by law enforcement agencies.

Historically, these state-sponsored criminal activities became a popular tool in the political and legal spectra of Bangladesh since the independence in 1971 (Odhikar, 2006; Muneer, 2017). Notably, during the military regime of Major Ziaur Rahman, the extrajudicial killing of 1,143 people is still one of the darkest events in the law enforcement history of Bangladesh (Muneer, 2017). Though the transition to parliamentary democratic government showed some hope for justice and due process, the inception of an especial law enforcement agency called Rapid Action Battalion (RAB) has snatched away the positive sign of the so-called justice and due process. With the emergence of RAB in 2004, some new words like 'crossfire', 'encounter' also emerged in the human rights vocabulary of Bangladesh (Odhikar, 2006). The RAB has created a new dimension of extrajudicial killings and enforced disappearance in Bangladesh (Muneer, 2017). In the name of crossfire and encounter, RAB has killed a lot of people, including innocent civilians, people in business, politicians, and criminals from 2004 to the present day. Besides RAB, other law enforcement agencies like police, Border Guard Bangladesh (BGB) and the army are responsible for many extrajudicial killing cases. As per the documentation of Odhikar (2019), from 2005 to 2016 the number of extrajudicial killings in Bangladesh is 2380. It was the highest in 2005 with the number of 396, and the lowest in 2012 with 70 (Odhikar, 2019). However, in recent years, enforced disappearances are replacing the extrajudicial killings in Bangladesh. As per the reports of Odhikar (2009), the number of enforced disappearances was only 2 in 2009, but shockingly and surprisingly, it became 30 just in two years (Momtaz, 2013).

Extrajudicial killings and enforced disappearances feature among the severe human rights violations in Bangladesh and many other countries. Historically, enforced disappearance and extrajudicial killings were institutionalized by Nazi Germany through Hitler's *Nacht und Nebel Er lassor* the Night and Fog Decree, which not only repressed thousands of political opponents of Hitler but also killed considerable innocent civilians and ethnicity like Jews (Maogoto, 2002). After World War II, enforced disappearances and extrajudicial killings have been used as a tool of repression by the state government in almost all parts of the world. Sometimes it was conducted for so-called saving the country from criminal and making an order, and sometimes in the name of war on drugs or terrorism. For example, in the name of war on drugs from 30 June 2016 to the present time, the governments of the Philippine have killed about 12,000 people, mostly poor villagers (Human Rights Watch, 2019). Moreover, in Guatemala 25, 000 peoples were murdered politically since 1966. Additionally, about 7,000 males of the ages of 15 and 50 of the *Acholi* and *Langi* ethnic groups were killed extra-judicially in Uganda from 1972 and 1977. Furthermore, this number is about 8,000 to 20,000 in Argentina since 1974 (Kaufman & Fagen, 1981).

Extrajudicial killings and enforced disappearances have got huge attention in different academic fields all over the world. For that research and studies are available. The studies

are diverse both in the scope and the contexts. For example, Maogoto (2002) has explored the duty of a state to punish "disappearances" and extrajudicial executions. They have studied disappearance and extrajudicial killings from international perspectives. Moreover, Kovras & Loizides (2011) have studied enforced disappearance in Cyprus compared with other post-conflict societies such as Spain, Northern Ireland, and Mozambique. Furthermore, Holden (2012) has represented the extrajudicial killings in the Philippines as a form of state terrorism by documenting the killings conducted by law enforcement agencies. Moreover, extrajudicial killings and enforced disappearance are a prevalent form of human rights violations in Latin American countries like Guatemala, Chile, and Argentina (Frey, 2009). In this respect, Bonner (2009) has studied the state discourse of police violence, including enforced disappearance in Argentina, and argued that state actors do not maintain a consistent position in favor of democratic policing in preventing enforced disappearance. In addition to this, Robins (2016) has studied the impact on discourse circulating in communities affected by the disappearance. Moreover, Jones, Kimari and Ramakrishnan (2017) have analyzed the NGOs' challenges in addressing the extrajudicial killings by law enforcement agencies at Mathare in Kenya. Besides these, in studying the phenomenon of extrajudicial killings in Kenya, Van Stapele (2016) has studied the relationship between extrajudicial killings and ethnicity. He has examined the killings of *young ghetto men* by the local police in the form of state repression on ethnic groups in the context of Kenya. Furthermore, Goral, Isik and Kaya (2013) have studied the emergence of and the mechanism and patterns of enforced disappearance in Turkey. They also sought to comprehend the experience of the relatives of the victims of enforced disappearance. However, various international conventions have addressed the issues of enforced disappearance. In this concern, Pervou (2012) analyzed and evaluated the definition adopted by the Convention. Additionally, Pathak (2016) has studied different disappearance related commissions of different countries that address enforced disappearance based on the victim-centric approach in assessing the prevention of enforced disappearance and extrajudicial killings.

Different studies have dealt with political crimes, especially extrajudicial killings and enforced disappearance in Bangladesh. For example, Maswod (2016) has studied the pattern of crimes committed both by ruling and opposition parties. In this concern, Maswod (2016) analyzed ordinary crimes, political crimes, extrajudicial killings, crossfire, gunfight, and enforced disappearance. Maswod (2016) found a relationship between increasing corruption and the increasing participation of business people. Moreover, Kamruzzaman and Parvez (2018) have studied political crime in South Asia from theoretical perspectives. Their study has taken political crime, in general, to consideration, including both state crime and oppositional crime. In the case of the studies relating extrajudicial killings in Bangladesh, Momtaz (2013) has analyzed the pattern and the effects of political crimes, including extrajudicial killings and enforced disappearances on the socio-economic and political sphere. In addition to this, Habib (2015) has studied the extent of human rights violations in the case of extrajudicial killings by state agencies. Likewise, Kamruzzaman, Khan and Das (2016) have studied the nature of extrajudicial killings; Uddin (2017) has examined the reason for the failure of the 'National Human Rights Commission (NHRC)' for making the police accountable for extrajudicial killings. Furthermore, in case of enforced disappearance, Sourav (2015) has analyzed the socio-legal

aspects of forced disappearance and to suggest a way towards the ratification of the United Nation Convention for the Protection of All Persons from Enforced Disappearance. On the other hand, Sarker and Islam (2013) have presented a critical analysis of the existing legal and institutional functions in Bangladesh, relating to the practice of enforced disappearance.

Most of the studies conducted on political crime, extrajudicial killings, and enforced disappearance are on the nature and extent of these crimes with human rights, legal, and theoretical perspectives. Very few studies focus on discursive representation, formation, and impacts of extrajudicial killings and enforced disappearances. However, a wide range of discourses have been produced and disseminated all over the world on extrajudicial killings and enforced disappearances. Every day and everywhere, different stakeholders of different institutions and positions like mass people, university teachers, international human rights organizations, academic scholars, politicians, civil society, NGOs, journalists, and others talk and discuss the matter in different mediums worldwide. These discourses, which are ideology, framework, and narrative (Fook, 2002), or the ways of constituting knowledge, together with the social practice (Foucault, 1970), are inserting different meanings into reality. To decipher the meaning of reality, the discourse or framework of existing knowledge is a must to study. As a result, we observe that after 2004, different stakeholders in Bangladesh talked about the state crimes, especially extrajudicial killings and enforced disappearance. Almost everyone from every class of mass people, politicians to legal experts, is talking about the issues. In this connection, the NGOs in Bangladesh regularly report and cover up extrajudicial killings and enforced disappearances. They held a strong opinion and position over these crimes. So, their point of view and discourses are very significant in understanding the meaning and gravity of extrajudicial killings and enforced disappearance in Bangladesh. Moreover, there is no legal definition of these issues in Bangladesh. So, if we want to know about the nature, causes, consequences, and impacts of extrajudicial killings and enforced disappearance, the NGO discourses are the only medium. But these discourses are still unexplored. Therefore, this study aims to explore the NGOs discourse (the way of looking) of extrajudicial killings and enforced disappearance in Bangladesh.

The primary research question of the study is-how the NGOs have constructed the discourses on political crimes in Bangladesh? The main objectives of this article are-

1. To elucidate the conceptual representation of extrajudicial killings and enforced disappearance,
2. To explore the causes of extrajudicial killings and enforced disappearance,
3. To analyze the consequences of extrajudicial killings and enforced disappearance, and
4. To recommend internationally recognized measures for preventing extrajudicial killings and enforced disappearance.

This article is divided into five sections. The first section mainly captures the conceptual discussion of extrajudicial killings and enforced disappearance from national and international perspectives. In the second section, the ideological and conceptual representation of the NGOs concerning extrajudicial killings and enforced disappearance are discussed. The third, fourth, and fifth sections analyze and interpret the causes,

consequences and prevention strategies of extrajudicial killings and enforced disappearance.

Methodology

This study takes a qualitative content analysis approach. The main sources of data are the annual reports (2005–2016) of two reputed NGOs–Ain-O-Salish Kendra (ASK) and Odhikar. The annual reports of ASK and Odhikar provided various statistics and analysis on human rights and different issues concerning extrajudicial killings, enforced disappearance, public lynching, constitutional rights, violence against women, violence against religious & ethnic minority. But as to the objectives and focus of the study, only the sections of the reports containing data and information about extrajudicial killings and enforced disappearance have been analyzed. The study confines itself within the annual reports of the NGOs published from 2005 to 2016. The reason for selecting 2005 as the initial period is that the number of extrajudicial killings was at the peak with 396 cases in this year. And also after the formation of RAB, the cases of enforced disappearance get new dimensions in 2005. Similarly, the reason for selecting 2016 as the ending period is that it helps to analyze data in a period of precise 12 years. However, from the reports data were extracted and grouped into four available themes: representation, causes, consequences, and preventive strategies. After that, content analysis, and thematic analysis were deployed as methods for analyzing the data. Additionally, different secondary sources like books, articles, newspapers and government reports were also used in this study.

Conceptual Meaning and Legal Framework of Extrajudicial Killings and Enforced Disappearances: National and International Perspectives

In contemporary times, extrajudicial killings and enforced disappearances have become a regular practice by the law enforcement agencies especially RAB and police in Bangladesh. Comparing to extrajudicial killings, enforced disappearance is a new addition to the list of political crimes done by different state agencies. Internationally, various legal frameworks are available for addressing these issues. But Bangladesh falls in shortage at this point. There is no direct legal framework for dealing with these grievous state crimes. In the following sections, we have discussed the conceptual meanings of extrajudicial killings and enforced disappearance both from national and international perspectives. We have also discussed the legal framework concerning these issues, on the basis of their availability.

Extrajudicial Killings

There is no formal definition of extrajudicial killings in the legal framework of Bangladesh. The word '*Bicharbahirvuto Hottakand*', is used locally for referring to 'extrajudicial killings.' '*Bicharbahirvuto Hottakand*' is a Bengali term. *Bicharbahirvuto* means extrajudicial and *Hottakando* means killings or murder. Moreover, various terms like 'crossfire', 'encounter', and 'killing in a gunfight' by law enforcement agencies are interchangeably used as extrajudicial killings in Bangladesh. Since, the NGOs, especially the human rights organizations are the main critic and activists of this crime, their definition of extrajudicial killings can be considered as a last resort for understanding the concept. According to Odhikar (2006), one of the prominent NGOs of Bangladesh, extrajudicial killings can be defined as death delivered by a member of law enforcement

agency by violating legal rules or judicial processes, laws or constitution (Odhikar, 2006). However, though there is no legal framework by citing the name ‘extrajudicial killings’ but there are various laws in Bangladesh that act as safeguards against extrajudicial killings by law enforcement agencies. Article 31 and 32 of the Constitution of the People’s Republic of Bangladesh guarantee the right to protection of the law and right to protection of right and personal liberty. Article 31 does not allow any actions or behavior of law enforcement agencies beyond the legal process by saying,

to enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. (The Constitution of People Republic of Bangladesh, 1972)

Additionally, article 32 guarantees the protection of personal life, *“No person shall be deprived of life or personal liberty saves in accordance with the laws”* (The Constitution of People Republic of Bangladesh, 1972). Not only the constitution but also other laws such as the penal code 1860 and the Police Regulation Bengal, 1943 have sections against extrajudicial killings in Bangladesh. Section 96 to 106 of the penal code 1860 has allowed killings by the right of private defense, but only in some definite conditions which are bound to be investigated for determining whether justified or unjustified (The penal code, 1860). So the penal code also dragged the bridle of law enforcement agencies. Moreover, the Police Regulation Bengal, 1943 has also provided a definite guideline for using firearms by the police. There are three conditions: i) for self-protection and possessing of property, ii) for foiling an illegal gathering, and iii) in some cases, for making an arrest with condition (The Police Regulation Bengal, 1943). So, beyond these conditions the uses of firearms and any kinds of extrajudicial activities of law enforcement agencies are illegal.

Internationally, the Universal Declaration of Human Rights 1948 and the International Convention on Civil and Political Rights (ICCPR) are acting as a safeguard from extrajudicial killings or arbitrary executions all over the world. In article 3, the Universal Declaration of Human Rights 1948 has ensured that *“everyone has right to life, liberty, and security of person”* (United Nations, 2008). Moreover, article 6 of the ICCPR declares, *“No one shall be arbitrarily deprived of his life”* (United Nation General Assembly, 1966). The ratified countries are obliged to obey these international laws. But who cares? Though Bangladesh has ratified ICCPR (International Covenant on Civil and Political Rights) on September 6, 2000 (Kamruzzaman et al., 2016), no effects have been seen in the rising graph of extrajudicial killings in Bangladesh till date.

Enforced Disappearances

In recent days, cases of enforced disappearances by law enforcement agencies have become a controversial issue in Bangladesh. As there is no legal definition of enforced disappearance in the legal framework of Bangladesh (Sourav, 2015), it is very tough to address the matter of enforced disappearance in this country. Though there is no existence

of the term “enforced disappearance” in any legal documents, there are other terms that represent a similar meaning. Popularly the Bengali word “*Gum*” is a local term for enforced disappearance. The word “*Gum*” means missing of a person in English. But the meaning is not that general, as it represents the arrest, detention, or abduction of a person by the law enforcement agencies, who is not taken in judicial custody, rather goes missing for a lifetime or found dead without any judicial proceedings. In most of the cases, the victim is called upon by some people of law enforcement agencies in civil dresses. The disappeared people are mostly found dead with grievous hurt or in some cases showed arrested after some days without informing the relative of the victim or being produced before the court. In this article, we have taken this meaning of ‘Gum’ as enforced disappearance.

However, the Constitution of the People Republic of Bangladesh ensured available safeguards to the human rights violation caused by enforced disappearance. The article 31, 32 & 33 of the constitution have guaranteed right to protection of law (article 31), protection of right of life and personal liberty (article 32), and safeguards as to arrest and detentions (article 33) (The Constitution of People Republic of Bangladesh, 1972). In article 33 (1) it is said that

No person who is arrested shall be detained in custody without being informed, as soon as may be, of the ground of such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. (The Constitution of People Republic of Bangladesh, 1972)

Additionally, in article 33 (2) it is argued,

Every person who is arrested and in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate. (The Constitution of People Republic of Bangladesh, 1972)

However, there is a clear definition of enforced disappearance in international legal framework. Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) defines enforced disappearance as:

The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. (United Nations General Assembly, 1992)

By indicating abduction ICPED has criminalized enforced disappearance as a criminal offence. It can also be documented as a criminal offence in Bangladesh, according to

section 392 of the Penal Code 1860. Moreover, the International Covenant on Civil and Political Rights has provided safeguards from enforced disappearance all over the world by articles 9 and 16. Article 9 of the covenant argues “*Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention*” Additionally article 16 has given the right of recognition, “*Everyone shall have the right to recognition everywhere as a person before the law*” (United Nation General Assembly, 1966). The national legal framework in Bangladesh has not defined both extrajudicial killings and enforced disappearance. But there are available jurisdictions which acted as a safeguard from the human rights violation caused by extrajudicial killings and enforced disappearance.

Representation of Extrajudicial Killings and Enforced Disappearance

Literally, NGOs are the only think tank to discuss, describe, and protest against extrajudicial killings and enforced disappearance in Bangladesh. The absence of the terms ‘*extrajudicial killings*’ and ‘*enforced disappearance*’ in legal documents, cannot make the crimes justified. It has become possible due to the activities of the NGOs. The NGOs have portrayed extrajudicial killings and enforced disappearance in a certain way. Their representation of these crimes is very significant to understand their positions, as well as to realize the meaning, gravity, and impacts of these crimes in society. The NGOs hold liberal humanistic positions in describing the issues of extrajudicial killings and enforced disappearances by the law enforcement agencies. That is why they see extrajudicial killings as murder. According to Odhikar, “Extrajudicial killing is an arbitrary or unlawful deprivation of life. It is simply murder” (Odhikar, 2012). Notably, the NGOs see this crime as a state sanctioned terrorism in essence (Odhikar, 2011). So, they have rejected the popular explanation of ‘crossfire’ or ‘encounter’ or any kind of justification of killings by law enforcement agencies in Bangladesh. As a result, the NGOs consider extrajudicial killings as a threat to citizens right to life and liberty (ASK, 2012; Odhikar, 2010 & 2012), threat to human rights (ASK, 2015 & 2016), threat to the judicial system (Odhikar, 2014). The fundamental rights, as well as the constitutional rights of Bangladeshi people like right to life, liberty are violated by extra judicial killings. In this respect, Odhikar argued, “The rights to life and personal liberty are under constant threat in Bangladesh, despite the fact that they are guaranteed by the Constitution of the People’s Republic of Bangladesh” (Odhikar, 2012). Additionally, the NGOs argued that the total judicial system of Bangladesh is under threat for the culture of extrajudicial killings. In this connection, ASK argues:

Extra judicial punishments or killings are unlawful and negate due process. They infringe upon a citizen’s constitutional right to legal protection. Reports of extra judicial killings by law enforcers over the last two decades have posed a serious threat to the citizens’ right to life and liberty. Human rights defenders have been deeply concerned because State impunity for perpetrators undermines the rule of law and the system of justice. (ASK, 2012)

In another narrative, Odhikar argues:

Extrajudicial killings defy the rule of law and fundamental justice where the state does not allow the victim to move the court effectively for recourse. As a result, laws and the criminal justice delivery system are under threat due to the prevalence of extrajudicial killings. (Odhikar, 2014)

In these two narratives the NGOs have not only considered extra judicial killings as threat to citizen's right to life and liberty but also argued that it is a negation of due process which is a state impunity for the perpetrators. For that the NGOs discourses argued that the whole justice system is under threat due to extrajudicial killings in Bangladesh.

The NGOs, moreover, see enforced disappearance very similar to extrajudicial killings. They argue that there is very little difference between extrajudicial killings and enforced disappearance, as in most of the cases the disappeared person is found dead. That is why the NGOs are keen to see enforced disappearance as a stage of extrajudicial killings. According to ASK, "The line separating extrajudicial killings from enforced disappearances is very thin. To disappear at the hands of the authorities' means a high probability of encountering death" (ASK, 2016). Additionally, enforced disappearance is also seen as an international crime and crime against humanity by the NGOs. They also consider this as a threat to state security as violation of human rights will invite foreign intervention in a country's internal affairs. According to Odhikar, "Enforced disappearance is an international crime. If it is widespread it will be considered as 'crime against humanity', implying that Bangladesh could become vulnerable to external humanitarian intervention" (Odhikar, 2012). Furthermore the NGOs articulate that enforced disappearance is a popular tool of the governments to suppress political opponents.

So, the representation of extrajudicial killings and enforced disappearance shows the position and conceptions of the NGOs. Precisely speaking, the NGOs have taken liberal humanistic approach to describe the crimes. They have mainly considered these as state crimes violating human rights. Though they used international lens for looking into the conceptions and gravity of the crimes, in some point they go beyond that. For example, they considered extrajudicial killings as state sanctioned terrorism. As a result, the NGOs represented themselves as critic to the states especially to the political government.

Causes of Extrajudicial Killings and Enforced Disappearances

Extrajudicial killings and Enforced disappearance have remained at the center of public, political, media, and civil society discourse for a long time in Bangladesh. Though researchers conducted many studies on different aspects of these crimes, they do not pay adequate attention to the causes of extrajudicial killings in Bangladesh (Uddin, 2018). The same is also true for enforced disappearance. However, an exception to other discourses, the NGOs never stop talking about and protesting against these crimes. The NGOs have identified various causes behind extrajudicial killings and enforced disappearances. Most of them are political in nature. These political causes are of two kinds: direct and indirect. The first category signifies the situation where law enforcement agencies commit

extrajudicial killings and enforced disappearance from direct political order or motivation. In these cases, the government uses law enforcement agencies for their political interest. The second category refers to the condition where the crimes are not committed by direct political motivation, but there is sort of political link.

The political system of Bangladesh is confrontational and bipolar, characterized by power politics (Pandey, 2004; Islam, 2015). ‘Enemy discourse’ prevails in this political system, where one political party represses another by force (Pandey, 2004). As a result, political violence has become an integral part of our political culture. Moreover, successive governments and political leaders always attempt to monopolize state power (Islam, 2013). They use this state power against their critics, and their political rivals. In this scenario, the NGOs argue that this political motivation is the most significant cause behind extrajudicial killings and enforced disappearance in Bangladesh. According to ASK,

There are killings and abductions carried out by the State to eliminate and intimidate political opposition and rivals, and to limit social and political dissent. They deny due process to their victims and are, therefore, without the sanction of the country's laws and its judiciary. As such, extrajudicial killings and enforced disappearances are crimes committed by the State against its own people. ASK (2015)

Odhikar (2014, 2016) also identifies political advantage behind the motivation for various human rights violations including enforced disappearance in Bangladesh. According to Odhikar, “The government is using law enforcement agencies to suppress political opponents and the members of such security forces are enjoying impunity. As a result, they are getting involved in the acts of various human rights violations, including enforced disappearances” (Odhikar, 2016). Moreover, Odhikar argues, “Currently, the main reason for enforced or involuntary disappearances are to silence the voices of dissenters, government critics, and members of the opposition political parties in order to clear the platform for the ruling party and sometimes over previous enmities” (Odhikar, 2014). These narratives represent that the law enforcement agencies in Bangladesh have become a political wing for the parties in power. They can kill and disappear peoples extrajudicially who are considered as a threat to the party. As a result, the number of extrajudicial killings and enforced disappearance increases when there is a political movement or political clashes. For example, in 2015 the trend of extrajudicial killings and enforced disappearance increased than the prior years. In this connection ASK argued, “The increase in extrajudicial killings and enforced disappearances in 2015 is not surprising. The intensity of the political clashes between ruling and opposition coalitions, the stakes involved, made the trend inevitable” (ASK, 2015).

As indirect political causes, the NGOs argues that the behavior and pressures of political elites frustrate the law enforcement official a lot. This frustration leads them to treat criminals out of the law. ASK argues:

There are some who cling to older ways but they are frustrated at the way local political elites repeatedly undermine efforts to bring criminals to account. When, after much effort, the police finally have sufficient evidence to make an arrest or

succeed in apprehending a known criminal, an influential local politician often turns up at the police station to bring pressure on officers to let the suspect go. The cultivation of muscle power by political leaders in Bangladesh is well known. Another source of frustration for the police is the ease with which offenders are able to secure bail from the courts. (ASK, 2015)

The political criminal nexus is not new in Bangladesh. This is true for most of the southern countries. Due to this nexus, law enforcement officials cannot perform their duty freely. They have to let go arrested or suspected criminals without legal proceedings and impunity. This frustrates them. This frustration makes them believe psychologically that justice only can possible by punishing criminals without trial. Besides political pressures, ASK (2015) also argues that another source of police frustration is the defected legal system of Bangladesh, where a known criminal can easily secure bail.

Besides the political causes, the NGOs identify some socio-economic, institutional, and legal causes for extrajudicial killings and enforced disappearance in Bangladesh. Among the socio-economic causes, corruption and greed among police remain center in the NGOs' discourses. According to ASK, "There is a tendency to exclusively focus on the political motivations behind extrajudicial killings and enforced disappearances. ASK's investigations expose a more complex picture where corruption among the police and new political arrangements also play decisive roles" (ASK, 2015). There are many cases where it is discovered that law enforcement agencies have committed extrajudicial killings and enforced disappearance for monetary gain. For example, the case of seven murders by RAB in Narayanganj in 2014 (Sourav, 2015). In this case, some high officials of RAB murdered seven political persons after taking bribe from the political opponent of the murdered. It will remain one of the darkest extrajudicial killing cases in the history of Bangladesh.

In addition to police corruption, and greed, the NGOs identify 'the lack of accountability' as another cause of extrajudicial killings and enforced disappearance in Bangladesh (Odhikar, 2008; ASK, 2012). Lack of accountability is a major institutional backdrop of law enforcement agencies. Deviant officers do not have to be accountable for their activities. They go unpunished for their corruption or deviances. This has become a cultural practice within the agencies. As a result, they do whatever they like. The lack of accountability thus creates loopholes for legitimizing extrajudicial killings and enforced disappearance in Bangladesh. Uddin (2018) also finds a 'lack of accountability' as one of the causes.

The NGOs, undoubtedly, identifies major causes of extrajudicial killings and enforced disappearances in Bangladesh. Among them, political motivation in the culture of political clash, political instability, and pressure from political elites are the most prominent. In their discourses, the NGOs have mainly seen every extrajudicial killing and enforced disappearance as political, because most of their identified causes are related to political components. But the killings of general criminals in remand, or during an arrest cannot be essentially political. The existing loopholes in the legal system and failure of different institutions are responsible for these crimes. For example, section 54 of the code of criminal procedure, allows police officers to arrest someone base on suspicion. For this section hundreds of people are allegedly victimized of enforced disappearance. Like

section 54, there are various proceedings in Bangladeshi laws which are pro-to state crimes. The laws of private defense are one of them. Killings extrajudicially in the name of ‘crossfire’ and ‘encounter’ are evidence of such self-defense (Kamruzzaman et al., 2016). Law enforcement agencies use such legal shields to legitimate their action (Aziz, 2015). Moreover, most of the institutions in Bangladesh are not developed. The legal institutions in Bangladesh are mostly colonial in nature. So is the justice system and police system. Bangladesh has weak justice and policing systems which are always submissive to the government (Aziz, 2015). The lack of effectiveness of the state institution especially police and judiciary due to colonial legacy and corruption are responsible for extrajudicial killings in Bangladesh (Uddin, 2018). In this scenario, lack of proper legislative policy, administrative and constitutional measures are accountable (Begum, 2016).

Consequences of Extrajudicial Killings and Enforced Disappearance

Extrajudicial killings and enforced disappearance have various negative consequences. The gravest consequence, identified by the NGOs is the rise of a culture of impunity in the society and the judicial system. According ASK, “The most dangerous consequence of enforced disappearance and extrajudicial killings is that they reduce accountability in national life, giving rise to a culture of impunity” (ASK, 2015). Odhikar also believes that “extrajudicial killings are miscarriages of the country’s legal and criminal justice system. The culture of blatant impunity in the law enforcement agencies only adds to this” (Odhikar, 2014). The culture of impunity creates distrust among the law-abiding citizens on the legal system. Nobody cares about the rule of law. As a result, anarchy becomes an integral part of all societal institutions. In this situation, crime occurs to a large extent at all levels of society. So, the culture of impunity can be considered as a mother of injustice and criminal activities. In this connection, ASK argues, “At the level of society, the breakdown in the system of accountability produces predictable outcomes: extortion from business and industry takes root; land-grabbing, attacks on religious minorities and indigenous groups become common” (ASK, 2015). The culture of impunity and lack of accountability also affects interpersonal relationship. Domestic violence and violence against minors are among them. ASK states, “The implications at level interpersonal relations are just as ominous. Generalized uncertainty and insecurity create immense pressures. Abuse and violence, whether verbal or physical, become more accepted. Domestic violence and violence against children become more likely” (ASK, 2015).

Besides affecting the culture of justice and the legal system, extrajudicial killings and enforced disappearance affect the victims as well as his family severely. First of all, extrajudicial killings snatch away the right to live and justice from the victims. In the case of enforced disappearances, most of the victims are killed. On the other hand, the victims who are released generally suffer from psychological trauma. Apart from the individual victimization of the victim, the families are affected in various ways. The continuous denial of the law enforcement agencies about the trace of the enforced person leads the family of the victim to psychological trauma (ASK, 2015). Moreover, they cannot file any case against law enforcement agencies. If they want to file any complaint, they start getting constant threat. According to Odhikar,

The family members of the victims cannot file the Writ Petition in the High Court Division of the Supreme Court due to poor financial conditions, threats from the perpetrators aimed at the surviving members of the families or constant fear of not getting back the victim if they proceed further. The level of psychological trauma faced by family members goes without saying. Many have told Odhikar that if the victims actually committed a crime, then why is he not being produced before the Court? Why is he being hidden? (Odhikar, 2014)

In this narrative, Odhikar shows that the family members have to suffer a lot if they want to file a writ petition in the high court division. They have to face constant threats from the perpetrators. That leads them to psychological trauma.

So, the NGOs have mainly identified two consequences of extrajudicial killings and enforced disappearances-direct and indirect. The direct one is the sufferings of the victims and their families. The victim loses his/her life, and the survivor lives with fear and trauma. Families of the victim also face sufferings when they want to file a case against the perpetrators. They live a fearful, insecure, and traumatic life. However, the NGOs have given more importance to indirect consequences. They see the rise of the culture of impunity as the darkest consequence of extrajudicial killings and enforced disappearance. The culture of impunity creates anarchy by causing breakdown and rupture in the legal and judicial institutions which are responsible for further crimes.

Prevention Strategies of Extrajudicial Killings and Enforced Disappearance

The NGOs suggested three strategies for the prevention of extrajudicial killings and enforced disappearance in Bangladesh. First is to constitute an independent commission (Odhikar, 2010). Secondly, they recommended ratifying international conventions by the government (Odhikar, 2010). And lastly, they proposed the raising of awareness among the mass people about extrajudicial killings and enforced disappearance (Odhikar, 2015).

Proper investigation is a precursor to justice in a legal system. It helps to discover the truth and make people accountable for their deeds. Political pressures, corruption of officials, lack of expertise knowledge pose hindrances to free, independent, and impartial investigation. As a result, the demand for establishing an ‘independent judiciary’ has become a popular public discourse in Bangladesh. In this line, The NGO discourses have demanded an independent judicial inquiry for the cases of extrajudicial killings. According to Odhikar, “Odhikar continues to demand the establishment of an independent judicial inquiry into incidents of death as a result of torture or extrajudicial killing” (Odhikar, 2007). How can an independent judiciary be established? The NGOs have answered this question. For ensuring judicial inquiry, Odhikar proposed to establish an independent commission. According to Odhikar, “...the Government should constitute an independent commission to investigate all reported extrajudicial killings, and those involved and responsible, be brought before the law. The determined steps must be taken before rule of law crumbles further, affecting the entire fabric of the society” (Odhikar, 2007).

Besides establishing an independent commission, the NGOs have suggested ratifying the international convention for the protection of all persons from enforced disappearances. Odhikar argues,

Odhikar also urges the Government of Bangladesh to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly Resolution 64/167 and recognize the competence of the Special Committee on Enforced Disappearances. (Odhikar, 2010)

There is no legal framework for enforced disappearances in Bangladesh. If Bangladesh ratifies the international convention for the protection of all persons from enforced disappearance, then Bangladesh will be obliged to obey the convention. For that reason, Odhikar has argued for ratifying the convention to prevent enforced disappearance in Bangladesh.

Finally, the NGOs suggested raising awareness among the general public about the violations of human rights by law enforcement agencies. The consciousness will encourage the mass people to protest against the law enforcement agencies, as well as defend their political and constitutional rights. According to ASK, “ASK believes very strongly that long-term sustainability of efforts to protect human rights in Bangladesh is inextricably linked to increasing the capabilities of communities for recognizing threats to HR, and effectively defending those rights” (ASK, 2015).

So, the NGO discourses have mainly suggested accountability oriented prevention strategies. A fair and free independent commission will make the alleged perpetrators accountable. The ratification of international conventions will make the government accountable to investigate the cases properly. However, only the ratification of international conventions is not enough, if the government does not support, practice, and abide by the instructions. For example, Bangladesh has ratified the Universal Declaration of Human Rights 1948 and the International Convention on Civil and Political Rights (ICCPR), but no quality changes happen in the human rights issues, especially human rights violations by law enforcement agencies.

Conclusion

This study shows that the NGOs in Bangladesh represent extrajudicial killings and enforced disappearance as not only a human right issue but also state-sponsored terrorism. They have identified the repressive political culture as the most significant cause of extrajudicial killings and enforced disappearance in Bangladesh. Moreover, the NGOs argued that the development of a culture of impunity is the most dangerous consequence of these crimes. Though this is long term effect, however, the sufferings of the victims and their families are the direct consequences. The victim is not only deprived of life but also faces continuous threat when survives. For preventing extrajudicial crimes and enforced disappearance, the NGOs suggested accountability-oriented strategies, such as establishing an independent commission for a fair and free judicial inquiry and ratifying international conventions.

The NGO discourses are very significant for understanding issues related to the crimes committed by the state's law enforcement agencies. As issues like causes, consequences, and prevention strategies get inadequate attention in the academic fields of Bangladesh, these discourses will help to understand the causes and the impacts of this crime. Moreover, the government will get an indication of how to prevent these crimes.

However, there are some issues relating to this study. The study has focused mainly on the political aspects of these crimes. That is why factors like loopholes of law, insufficient legal direction to use firearms, case log in the judiciary, lack of personnel, police-stress get less importance in identifying the causes. Moreover, this study only focuses on two local NGOs. In the future, this limitation can be overcome by comparative studies between various NGOs from home and abroad. This study also suggests that researchers should conduct further study on the impacts of the NGO discourses in society. Moreover, they should also give adequate attention to empirical research on the causes of extrajudicial killings and enforced disappearances.

This study recommends the policymakers to establish an independent commission for investigating and observing the crimes of law enforcement agencies. Moreover, the existing laws have to be revised, so that the loopholes can be filled up. Excessive pressures to the law enforcement agencies due to extra hour duty, low remuneration, and lack of personnel have to be addressed. Besides, the distance in relationship between law enforcement agencies and mass people has to be minimized. And finally, a healthy political environment has to be ensured.

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