

# Caught between 'Crossfire' in the Context of Bangladesh

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**Abstract:** In recent times, the law enforcement agencies of Bangladesh are universally appreciated for their constitutive and plucky attitude to extremist gangs inside the country. Contrariwise, a suspicious incident of a particular form of extrajudicial killing; Crossfire is fading their achievements. Initially, it was a media term, but now widely used to express the murder of a criminal or accused in a gunfight event between members of law enforcement agencies and criminal groups. This occurrence is facing enormous criticisms in the home and abroad and considered as a violation of human rights. Though public notions about these incidents are surprisingly flexible and they consider this for a prognosis to remainder culprits. This paper analyzed the justice idea of both groups; who are for and against this event from a moral philosophical perspective in the context of Bangladesh. Both the utilitarian idea analyzed by Jeremy Bentham (consequences) and John Stuart Mill (individual human rights) echoes the voice of these two distinct groups respectively. However, the article advocates for a distinctive idea of justice known as deontological philosophy proposed by Immanuel Kant. This moral ideology concentrates on universal human rights and keeps the consequences aside. Considering the fact 'Crossfire', this paper believed there is no alternative to ensuring justice and enacting moral duty of law enforcement agencies to indemnify security and safety of the citizen of Bangladesh.

**Keywords:** Crossfire, Law enforcement agencies, Extrajudicial killing, Moral philosophy, Utilitarianism, Deontology.

## INTRODUCTION

The paper intends to analyze the rational understanding of the killings occurred by the government security agencies apart from the judicial system in Bangladesh. The responsibilities of the law enforcement agencies are to ensure the security and safety of the citizen; whereas, they have been criticized for violating the laws for the last few years, especially after the establishment of Rapid Action Battalion (RAB) (Habib, 2015; Odhikar, 2016). The right to life is the most important right of a human being mentioned in all national legal instruments including the Constitution of Bangladesh.<sup>1</sup> Furthermore, Bangladesh is also a signatory of the International Covenant on Civil and Political Rights.<sup>2</sup> So, it is the duty of the state to guarantee fairness in all sectors, especially on the human rights issues. However, the trends of infringing this right are uprising after 2004, and around 1600 people were killed by the law enforcement agencies till

now in the name of inquiry missions to find out the associates of accused perpetrators (Momtaz, 2013). They also claim these events as unintentional and occurred while they were trying to self-defense. Though there are some synonymous terms to define these incidents, however 'Crossfire' is the most known forms of extrajudicial killing occurred by the law enforcement agencies in Bangladesh (Habib, 2015). Now, this term is widely used by several human rights organizations, civil societies, law enforcement bodies and media (Zafarullah & Rahman, 2002; Human Rights Watch, 2011).

The Bangladesh Constitution warrants the right of a citizen to have protection and respect in the judicial process.<sup>3</sup> They have the right to take part in the legal proceedings to prove their innocence before the court. If any citizen is suspected and arrested by the law enforcement agencies, he/she must be facilitated with the appropriate legal support as mentioned in the Constitution.<sup>4</sup> However, several research works claimed that the law enforcement agencies of Bangladesh are ignoring this legal obligation in several cases and arrest people without any prior charge (Amnesty International, 2011; Human Rights Watch, 2014). In some cases, the accused were killed in the

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<sup>1</sup>According to, Article 32 of the Constitution of Bangladesh, "Protection of right to life and personal liberty: No person shall be deprived of life or personal liberty saves in accordance with law".

<sup>2</sup>Article 6(1) of ICCPR defines, "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

Art. 3 of Universal Declaration of Human Rights elucidates "everyone has the right to life, liberty and security of person".

Art. 2(1) of ICCPR illustrates that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory".

<sup>3</sup>According to article 35(5) of the constitution of Bangladesh, "no person shall be subjected to torture or to cruel in human or degrading punishment or treatment."

<sup>4</sup>Art. 33(1) of constitution of Bangladesh illustrates, "No person who is arrested shall be detained in custody without being informed, as soon as may be of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice".

name of Crossfire without following any judicial process (Lanfer, 2010; Human Rights Watch, 2011). The human rights organizations raise their voice against this act, and the government of Bangladesh is defaming in both local and global levels. However, respective officers from law enforcement agencies to explain these events as unintended incidents while trying to apprehend the companions of criminals. Organizations working on ensuring human rights in Bangladesh claimed that there were 2986 extrajudicial killings occurred from 2001 to 2017 and among them, 2070 were the victims of Crossfire (Odhikar, 2017).

For a compact analysis, last five years statistics from the year 2013 to 2017 have been evaluated. Around six hundred and twenty two people were killed in Crossfire by the law enforcement agencies during this period. On an average in every year, almost one hundred and twenty five people were demolished. The number has increased from the year 2013 to 2016 and went a little bit down in the year 2017. The ratio of total numbers of extrajudicial killings and crossfire are shown in a line diagram in Figure 1. The red line shows the number of extrajudicial killings and blue line reflects the number of people killed in the specific form of extrajudicial killing titled 'Crossfire'.

These numbers cannot express the level of the sufferings of the victim's family. The civil society organizations from home and abroad are continuously pushing the government of Bangladesh to take necessary steps in this regard (Human Rights Watch, 2011; Country Reports on Human Rights Practices, 2015). There are several studies on the trends and

legal perspectives of extrajudicial killing and Crossfire in Bangladesh. Most of the research tried to concentrate on violation of human rights and legal point of view (Momtaz, 2013; Habib, 2015). Besides, some research works also elucidate the perceptions of general people in favor of Crossfire (Kamruzzaman, Khan & Das, 2016). They consider this form of extrajudicial killing as a proper method of risk reduction (Kessler & Werner, 2008). Unfortunately, there is no research found in theoretical perspectives and philosophical analysis. This paper will try to identify whether this unique form of extrajudicial killing; Crossfire is a threat to the society or a necessary element for the greater good from theoretical perspectives. More specifically, it will explain the philosophical explanations in the context of Bangladesh.

### OPERATIONAL SPECIFICATION

The term 'Crossfire' is a form of extrajudicial killing by the law enforcement agencies in Bangladesh. This word was initially used by the media, but later on, the term became popular around the country (Kamruzzaman *et al.*, 2013; Zafarullah & Rahman, 2002). Crossfire means firing from both sides including the law enforcement groups and criminal groups at the same time in a common area. This gunfight occurs when law enforcement agencies launch an operation to catch the associates of a listed perpetrator, but the yokefellows try to snatch away their partner. Sometimes, it also happens when the perpetrators defend to save them from seizure. Two opposite parties are involved in a confrontation and the law

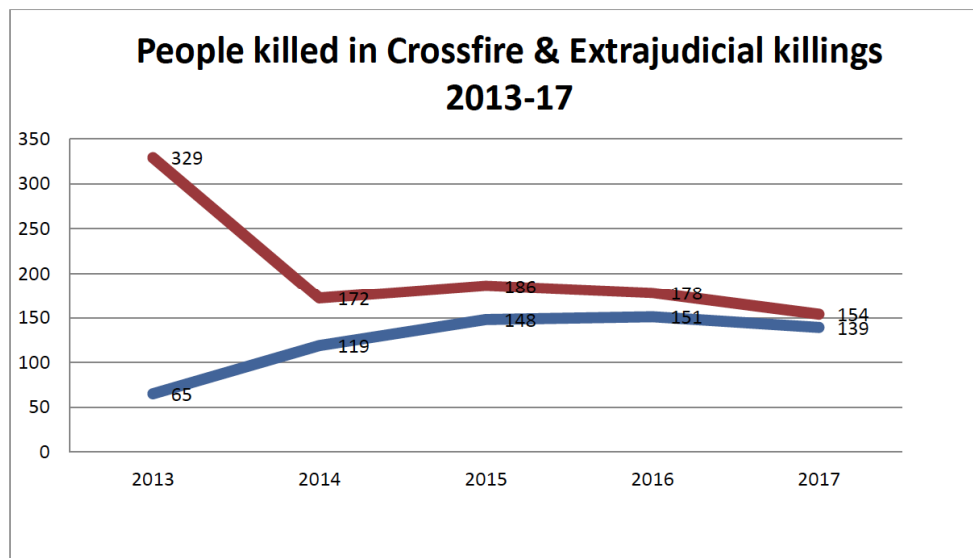


Figure 1: Total number of people killed in extrajudicial killings and the specific form 'Crossfire' 2013-17 (Odhikar, 2017).

enforcement agencies claim there was no other option except using the guns to protect them. (Kamruzzaman *et al.*, 2013) Crossfire can be better understood by its similar word; death in an encounter (Ullah, n. d.). This term is also titled as ‘targeted killings’ by the state agencies of Bangladesh to oppress opposite political parties (Human Rights Watch, 2011).

In this paper, the term law enforcement agencies refer to all the government agencies who are working for the safety and security of the people in Bangladesh. Though there are some special forces constructed with a collaboration of members from different organizations (i.e. Rapid Action Battalion, Cobra, and Cheetah) but Bangladesh Police is the core team to assure protection of the citizen (Momtaz, 2013). The law enforcement agencies that were found responsible for Crossfire in the past years are Bangladesh Police, Rapid Action Battalion, Cobra, Cheetah, Bangladesh Army, Border Guards of Bangladesh, Coast Guard of Bangladesh, Forest Guard of Bangladesh and Ansar of Bangladesh (Odhikar, 2016). Among these agencies, the Rapid Action Battalion (RAB) has the highest criticisms and still blaming for killing people in the name of Crossfire (Habib, 2015). Since 2004, around, 44.32% of all the people murdered in the Crossfire were falling out by this agency (Odhikar, 2016). However, the statistics have shown that Bangladesh Police is the topper in the list in recent times. The percentages of Crossfire conducted by different law enforcement agency groups are shown in Figure 2.

This research is based on a normative approach rather than an empirical one. The researcher tries to

illustrate several philosophical approaches to identify what basis we can argue in favor and against Crossfire committed by the law enforcement agencies. Moreover, comprehensive review of the literature was conducted to interpret this particular fact. In writing this paper adequately, researcher reviewed national, international websites, articles, newspapers, literature, and reports for a profound knowledge of research interest.

**CROSSFIRE: A UNIQUE FORM OF EXTRAJUDICIAL KILLING**

The responsibility of a government is to ensure safety, security, and the rule of law. International legal instruments and also the local legal bodies mentioned explicitly the right of an accused to have a fair and a participatory trial (Hossain, 2010; Habib, 2015). The government of Bangladesh is facing enormous criticism for failing to protect her citizen, and surprisingly the allusion is towards law enforcement agencies. The special law enforcement unit, Rapid Action Battalion is violating human rights with the backup of the government (Human Rights Watch, 2011). The concept of killing people in the name of Crossfire is common in Bangladesh, but it is rare in other countries. There were some research works on the broader concept of extrajudicial killing; still, the number is too small regarding a particular event like ‘Crossfire’. The pieces of literature analyzed above are mostly based on the legal aspect of extrajudicial murder and Crossfire. Some research works were on the statistics of Crossfire incidents occurred regarding time and place. There is no research found on theoretical or philosophical perspectives of Crossfire in local or global

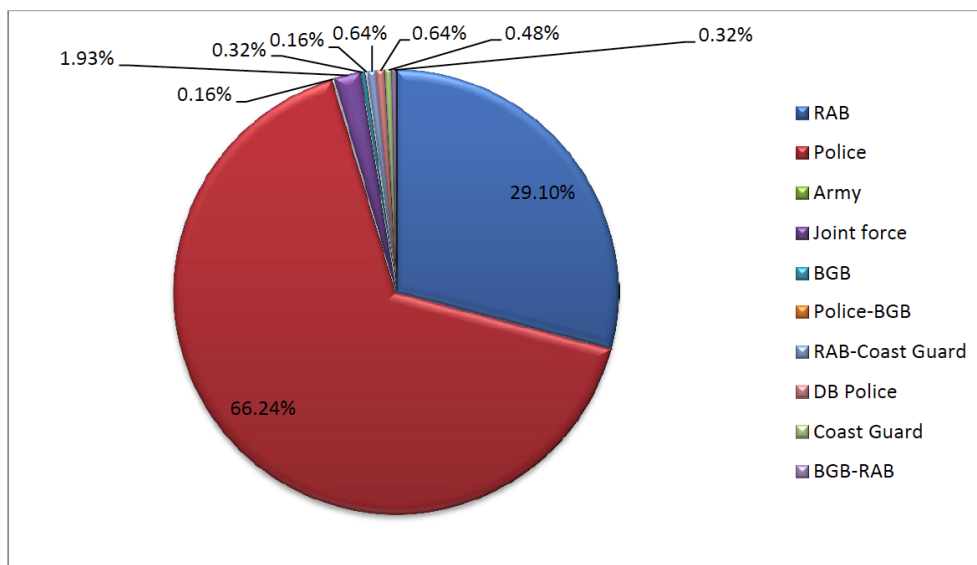


Figure 2: Total percentages of Crossfire by the different law enforcement agencies from 2013-17 (Odhikar, 2017).

level. After reviewing all the literature related to extrajudicial killing and Crossfire, researcher finds this new concept to evaluate this event from a philosophical context.

Reviewing literature in this particular area was tough for numerous reasons. The most crucial one was the availability of research papers on this issue. Extrajudicial killing is a broad concept, and there are few research studies on this context in global and local level. We can easily assume that the survey in a more accurate form will be less than the whole. The researcher found some literature on Crossfire where it was discussed as a part of the extrajudicial killing. Only, small numbers of the study were detected on Crossfire and those considered from a human rights perspective. The term is common in Bangladesh culture and all the research works identified were based on the context of Bangladesh.

## GLOBAL AND BANGLADESH CONTEXT

Crossfire incidents are synonymous with targeted killings by several human rights organizations (Human Rights Watch, 2011). Kretzmer (2005) analyzed targeted killings from international legal perspective. He identified that 'International Human Rights' allow targeted killings as the last option to impede a terrorist attack and for the greater good of the society.

Following the breakdown of 2000 peace negotiations and the 'second intifada', Israel came forward with the intention of killing selected persons for security purpose. Approximately, three thirty eight Palestinians have been killed since Israel declared their policy of 'targeted killings'. Among them, two hundred ten were specifically targeted and rest of them were bystanders (Kessler & Werner, 2008).

Three hundred and five incidents of extrajudicial killings have been reported between 2001 and 2010 in the Philippines. Moreover, a number of 390 people were victimized during this period. In total, 56% cases were reported and in contrast to this, only one percent of all the extrajudicial killings were finally convicted (Lanfer, 2010). According to a field research in the Philippines in November and December 2016, Amnesty International delegates interviewed one hundred and ten people. Some direct witnesses of extrajudicial executions were present among these interviewees. Thirty three different incidents of drug-related killings in twenty different cities and towns of the Philippines were investigated by the same organization. Among these

incidents, twenty were directly executed by the police force and thirteen were done by unknown armed persons. Furthermore, fifty nine people have been killed in total during these thirty three incidents. In accordance with the statements of the witnesses, the majority of these killings were extrajudicial killings (Amnesty International, 2017). Similarly, the 'Center for Environmental Concerns Philippines' (2010) narrated a 'Crossfire' event in a forest area of the Philippines. Three people were killed but police and army explained this killing as unintended. They claimed for a gunfight whereas the survivors stated that firing was only from one side. In Bangladesh, law enforcement agencies also demand the gun fighting from both sides for every extrajudicial killing (Aziz, 2015).

In comparison to the above-discussed cases, the situation of extrajudicial killings in Nigeria is highly alarming. There, people are often killed during police operations. Even, those who are unable to pay bribes at police checkpoints are also subjected to such kind of killings (Amnesty International, 2009). The police never acknowledge these types of incidents and label those as 'shootouts' with armed robbers where the event is similar to the term 'Crossfire' in Bangladesh.

Guiora (2004) identified that more than one thousand Israeli people were killed in numerous terrorist attacks after 2000. He discussed targeted killings from a legal perspective and explained the concept of self-defense in the context of the terrorist attacks. Though the notion of targeted killings is different in the case of Israel, however, the explanation given in favor is similar to Crossfire in Bangladesh. The law enforcement agencies of Bangladesh claim that they open fire only for their protection. The author advocates targeted killings in Israel to ensure the safety and security of ordinary people from terror attacks but deny extrajudicial killings at the local level.

Quamaruzzaman (2015) discussed the ritual of violence about three armed movements in Bangladesh. They blamed the single law enforcement agency of Bangladesh, Rapid Action Battalion as a launcher of a new form of violence. According to their point of view, this new kind of violence is Crossfire which is a shootout between government officials and the accused community of perpetrators. While discussing the notion of Crossfire, they claimed it as a cold-blooded murder by the law enforcement agencies with a curtain of a mythic gun fight. After in-depth truth finding investigations on some particular Crossfire events, the Al Jazeera also asserted those as a drama

and political oppositions are mainly victims of this extrajudicial killing. Besides, they couldn't find any legal body or instruction to superintend this act in the law of Bangladesh (Bergman, 2015). Again, in another report, the law enforcement agencies claimed that they don't have any other option because their life was under threat. At first, accused members opened fire on them while they were patrolling. The police was forced to engage in that gunfight as self-defense (Kamruzzaman *et al.*, 2013)

Human Rights Watch (2014) illustrated the aim of Crossfire, and this analysis is also quite similar to the investigation of Al Jazeera. They showed that several Crossfire incidents occurred before and after the national elections and political oppositions are victims in most of these cases. It is most unfortunate that similar events took place when the current opposition party was in government.

Momtaz (2013) tried to identify different methods of violation of law by the law enforcement agencies, the impact of this ignoring nature of society's culture and also provided some suggestions for possible solutions. She illustrated some forms of violating human rights, and Crossfire is one of them. This paper showed that corruption among the government bodies, political manipulation and lack of knowledge about human rights are the causes of Crossfire, gunfight and extrajudicial killings.

Kamruzzaman *et al.* (2013) elucidated various forms of human rights violation with giving emphasize on extrajudicial killing. This paper considered the special law enforcement group of Bangladesh, Rapid Action Battalion (RAB) as the most responsible agency for Crossfire and gunfights. The Constitution of Bangladesh and several international legal documents ensured human rights in Bangladesh, but the problem is the lack of implementation. Besides, this paper mentioned the essential feature of Crossfire and its impact on Bangladesh society. Around 45% people support Crossfire to demolish criminals from society, and this was found through a telephone survey on small numbers of individuals.

Amnesty International (2011) identified the Crossfire incidents are mostly occurred in city areas, especially in the capital of Bangladesh, Dhaka. National and international organizations continuously criticize and argue to stop Crossfire. Though there were numbers of complaints against different groups no law enforcement members were brought under the jurisdiction for their

deeds before the case of 'seven murders' in Narayanganj. Besides, some occurrences were ignored, and media named those as an unexplained death. Most of the times, the killed person framed as a criminal and it is lawful for an agent to use force for the safety of the society. Furthermore, the government is reluctant about the matter because of huge support from the ordinary people of Bangladesh in favor of Crossfire (Aziz, 2015; Habib, 2015).

Aziz (2015) denied the perception of popular culture as a shield of justifying Crossfire and viewed extrajudicial killing from a different perspective based on social class. She claimed that the victims are mostly at lower levels that are economically weak. Besides, minority groups and people with opposing political ideology are also killed in the name of Crossfire. This paper describes the legal rights of ordinary citizens and also the barriers to taking the law enforcement agencies under the jurisdiction for extrajudicial killing including Crossfire.

Human Rights Watch (2011) illustrated the notions, patterns, perspectives, and statistics of Crossfire in details and suggested some possible solutions to improve the current situation. This report criticized government agency's claim of self-defense and described some words of survivors. There is no obvious step seen although the government of Bangladesh is claiming they are concerned about Crossfire. The trends of Crossfire are increasing, and it is mentioned as continuing human rights violations in this paper.

Hossain (2010) narrated extrajudicial killings from a religious perspective and compared the death of a person with the demolition of humanity. Similarly, Habib (2015) also viewed extrajudicial killing as not only the violation of human rights, rather the 'murder' of human rights. He illustrated that a fundamental principle of natural justice is to give a person opportunity to hear their words. Unfortunately, law enforcement agencies are repeatedly violating this norm with the support of the government (Habib, 2015). He also pointed out that the extrajudicial killings are the contravention of citizen's right to life according to the constitution of Bangladesh and other legal bodies. Besides, he discussed human rights mentioned in international legal instruments like 'Universal Declaration of Human Rights and International Convention on Civil and Political Rights' (ICCPR). All these legal instruments are against extrajudicial killings, but their enforcement is rarely seen in Bangladesh. As a result, the numbers

of killed people are increasing. The writer also viewed that some policy-makers are also in favor of these types of killings. They give reasons that it is not possible to remove weakness of criminal justice system of this country overnight. Besides, mass people have a soft corner for this cleaning as they believe it is tough to bring the godfathers to justice because of the socio-political condition of Bangladesh. However, they also claim that incidents of Crossfire deaths are the result of law enforcement officers acting as self-defense (Habib, 2015). According to Amnesty International (2009), whenever a case filed against any official of law enforcement agency for extrajudicial killing, they used to legitimate the killing as a shootout with armed people. This statement closes the case as the prosecution has nothing to prove the fact. The lack of accountability makes the law enforcement members reluctant about Crossfire and gives them an opportunity to use it for personal benefit.

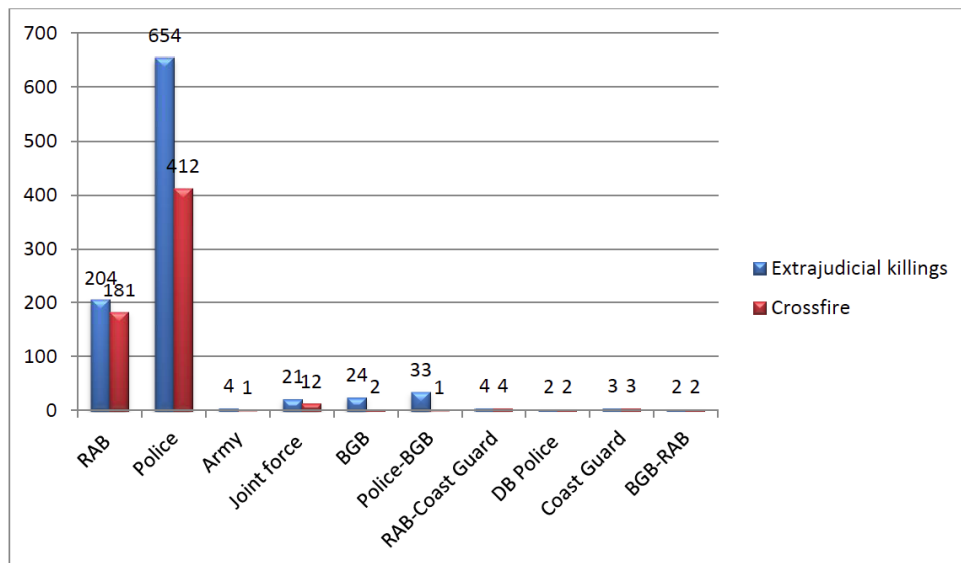
A few years ago, seven people were killed by one of the law enforcement groups of Bangladesh named the Rapid Action Battalion (RAB). Although, the mastermind of these killings was Nur Hossain, a local ward counselor of a district called Narayanganj. Under his supervision, the commander of RAB-11 and his two subordinates were directly involved in this occurrence. These three officials of law enforcement agency took part in the abduction, killing and finally disposing of bodies in Shitalakkha River. The law enforcement agency members have the only agenda in these extrajudicial killings were to be benefited financially (Sarkar & Adhikary, 2017).

One of the prominent human rights organizations in Bangladesh, 'Ain O Salish Kendra' (ASK) claimed that 135 people were killed in the name of Crossfire in 2015. However, another non-governmental organization named Odhikar (2016) stated the number as 148. The Bangladesh Police and Rapid Action Battalion (RAB) have the highest numbers of Crossfire occurrences respectively (Odhikar, 2016). The analysis of the last five years (2013-2017) statistics of extrajudicial killings and its specific form 'Crossfire' by the different law enforcement groups of Bangladesh are portrayed in Figure 3. It showed that the Police and RAB have the highest two positions both in all types of extrajudicial killings and its specific form 'Crossfire' in the last five years.

Crossfire is a unique event in the context of global level. There was only a little literature found and those focused on legal analysis. Moreover, there is no research around the world found on the ethical perspective of Crossfire. The particular form of extrajudicial killing, Crossfire has become a major problem in the context of Bangladesh.

**Moral Philosophy: Conceptualization**

Strauss (1957) viewed philosophy as searching for the truth to understand a concept more adequately. Philosophy has several branches but we will concentrate on a specific one, and that is moral philosophy or ethics. The reason behind choosing an ethical analysis was based on the aim of this research; to find out the correct understanding of justice or



**Figure 3:** Number of people killed in extrajudicial killings and the specific form 'Crossfire' from 2013-17 by different law enforcement groups (Odhikar, 2017).

injustice. Moral philosophy gives a structure to our mindset and helps us to understand a fact. This proposed structure is also supported by enough causal relations (Sandel, 2009).

Moral philosophy or ethics are merely a bunch of rules and propositions that guide people to perform in the society (Aidaros, Shamsuddin, & Idris, 2013). There are three types of ethical theories: meta-ethics, normative and applied ethics. Among them, the normative approaches gave concentration on moral actions. It tries to motivate us to the highest level of consequences (Singer, 2005). Hartman & DesJardins (2008) discussed another type of ethics called theological principles. They showed a comparison between theological and philosophical principles and claimed philosophical ethics as more influential than religious based honest discussions. Sandel (2009) argued morality from a slightly different perspective and identified three approaches to justice, and these are the maximization of welfare, right to freedom and enhancing virtue.

Several philosophers illustrated the moral ideas applicable to society concerning diversified perspectives. The concept of utilitarianism was discussed by Jeremy Bentham and John Stuart Mill, and it focused on consequences. Civil disobedience justified breaking of laws for the betterment of society, and this theory was analyzed by Henry David Thoreau and John Rawls. The idea of social contract perspective was elucidated by John Locke, Jean Jacques Rousseau, and Thomas Hobbes. Though there are some fundamental differences between their thoughts, the focusing point was the correlation between individual and society. Ayn Rand viewed morality in the sense of one's interest, and this perception was known as objectivism. Immanuel Kant made one of the most significant moral discussions referred to as the categorical imperative. His notion of morality is biased to the means of an act rather than ends. However, the ethical ideas related to the intention of this paper were found related to the analysis of Aristotle, Jeremy Bentham, John Stuart Mill and Immanuel Kant.

Aristotle (384-322 BC) discussed ethics from a macro level perspective and gave emphasis on the integrity of every single thing. His idea was known as teleological ethics that is mostly consequences based. He also mentioned that satisfaction comes from reaching the destination we intended. We all have particular aims and want to be successful in life by

acquiring those goals. According to Aristotle, when we reach the final destination of our intentions, the ultimate good in society is ensured at the same time. However, it is always tough to achieve the highest goal, and that's why we have to make choices. Though it is a very tough job, we have to choose our way. It is needed to guarantee the happiness for the whole life instead of absolute time being. If we consider an instrument, our concept of good and bad will be based on its performance. Aristotle also viewed our human life in the same way and opined that justice is what people deserve morally (Sandel, 2009). He compared the function of human body parts with our societal act; to perform for the best end. The ethics of Aristotle were criticized because it is a relative concept and can be varied regarding culture.

Utilitarianism is one of the most important ethics theories that emerged in the eighteenth century. This approach gave importance to the result of an action which is the consequences. According to this theory, an act will be moral when it provides happiness to a large number of people where the condition is negligible. Eggleston (2012) accumulated the idea of six pioneers who played cabalistic roles in discussing various forms of utilitarianism. He also identified five essential characteristics of utilitarianism, and these are individualism, consequentialism, aggregation, welfarism, and maximization. In regard to the idea of justice, he believed that it is a moral right of an individual (Mill, 1863). Utilitarian concept supports the acts that create more happiness than any other acts. This concept views morality as an idea to serve the people of society (Glover, 1990). Jeremy Bentham and John Stuart Mill are treated as the most influential theorists of Utilitarian concept.

Jeremy Bentham (1748-1832) is regarded as the founder of the idea of utilitarianism (Glover, 1990; Sandel, 2009). According to his view, we always measure pain and pleasure before conduct an action. This approach gives on the maximization of happiness and minimization of pain. Bentham claimed that our happiness and suffering could be measured and it is moral to choose the event that will provide more comfort. There are two relevant terms here, utility and principle of utility. According to Bentham, the term utility carries a deeper meaning, and that is a natural and happy end. Again, the utility principle is that gives a basis for implementing a method (Burns, 2005). Every meaningful action must have a valid service. Without a service, the work will lose its appeal. It illustrates the positive consequences of an act and ignores the

negative one. The policy-makers always evaluate the utility of a decision before implementing it. However, the idea of Bentham was criticized for ignoring individual human rights (Sandel, 2009).

On the other hand, John Stuart Mill (1806-1873) discussed utilitarianism, and he gave importance to people's interest. Implementing individual rights will bring happiness in the society which is also the motto of utilitarian thought. According to his view, it is necessary to ensure individual's freedom and right for a long-lasting policy. Every person has their own choice of their meaning of happiness and how they will achieve that (Sandel, 2009).

However, Immanuel Kant (1720-1804) ignored the concept of happiness for all and concentrated on the dignity of human being. He emphasized on the high esteem of all the people in society regardless their orientation. He differentiated between an action and outcome. According to Kant, morality shouldn't be conditional to results of an action rather goodwill is the most crucial. The good is defined from the perspective of the intentions of a person (Agil, 2011). Besides, it is necessary to have a reason behind every act. This reason will justify the act we commit in society as a human being (Sandel, 2009). This idea is known as the deontological approach which gave importance to universal moral rights and duty of a human being.

### **Theoretical Underpinning of Crossfire**

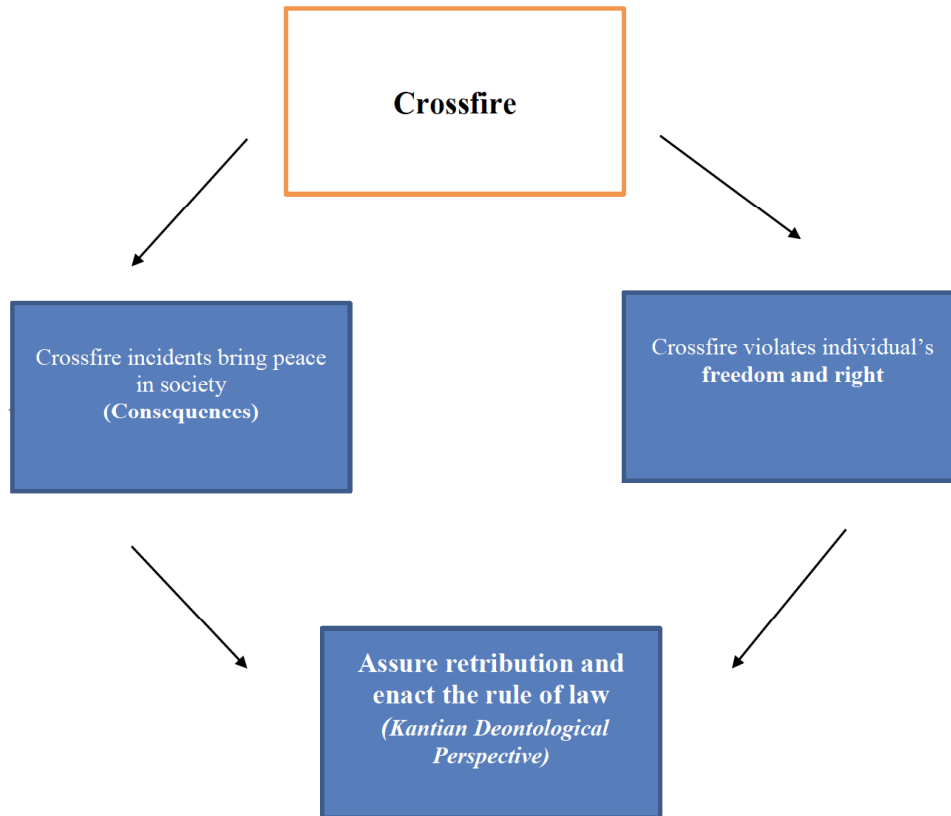
There are two specific groups here; one group supports Crossfire considering this as a tool for cleaning the society while the opposite group raises their voice to assure freedom and humanity. So, the debate arose because both groups claim their aspects as moral. The conflict between these two opposite sides brought us to a new dimension and will be further discussed in the context of philosophical theories. The Mill's idea of utilitarianism is quite different from Bentham. Besides, with the equation of happiness for all, individual's happiness is equally important in his analysis (Singer, 2005). So, he criticized Bentham's pattern of acquiring happiness ignoring individual human being. A human being has rights to enjoy his liberty and freedom without making any problem of others. However, Mill also made categories of pleasure and stated two types of pleasure; qualitative and quantitative. Bentham only discussed quantitative satisfaction, whereas; Mill illustrated the idea of qualitative pleasure which measures the attribute of felicity. West (2004) elucidated that idea of Mill's

happiness has three essential elements. Firstly, it is possible to make differences between pleasures concerning quality. Secondly, some conditions are inferior to others, and lastly, the superiority of pleasure is correlated with inherent mental or physical differences of an individual. The Mill's ethic theory was criticized for his idea that people who undergone into both qualitative and quantitative pleasure make a gradation regarding happiness.

The idea of justice has different notions, and some view justice from legal, social, political or economic perspective. This article concentrated on a different view of justice analysis named moral philosophy. After evaluating the ideas mentioned above, the discussions of Immanuel Kant is more appealing for this paper. Kant showed a positive correlation between justice and liberty this sense of duty enacts dignity and freedom of all. His notion of ethics based not on consequences rather on a category. It is titled as categorical imperative which means there will be a universal concept applicable for all. People will ensure morality by following reasons rather than their desires (Rachels, 2003). There is no specified condition for an act, and the idea of pleasure is obsolete here.

Those who support Crossfire concentrate on the goals, purifying the society by any means. The fear of criminals will be gone with his death, and there will be peace in the community within this process. They stated Crossfire as justice because it gives the ultimate punishment to a perpetrator who was threatening for the society. In opposite, a criminal is also a human being, and he also has right to live. This argument is made by those who are against Crossfire (i.e. non-government organizations, human rights activists). Kant concentrated on a broader view and argued that people should be treated with dignity and respect. He gave importance to the whole community rather on a particular person. Kantian philosophy is duty based, and the responsibility of the law enforcement agencies of Bangladesh is to enact laws and warrant the safety of the citizens whatever his/her race, ethnicity and religion is (Habib, 2015). Besides, the perpetrators should be taken under the rule of justice to assure retribution for his deeds. It will create equilibrium and freedom in society. Giving pleasure to ordinary people by killing the listed criminals in the name of Crossfire violates the moral responsibility of the law enforcement agencies of Bangladesh. We can construct a dialectical frame to evaluate the theoretical perspective of Crossfire following Figure 4;





**Figure 4:** Theoretical framework of the paper.

### **Crossfire: A Threat to Universal Human Rights**

To analyze the event from a philosophical perspective, it is necessary having a prior knowledge about the context of Crossfire in Bangladesh. Moreover, the socio-political conditions of Bangladesh also need to be counted. All the legal instruments gave priorities to the right to life of a human being. According to those statutory bodies, the criminals have also right to have a fair judicial procedure. But the question arises when these criminals create a constant threat to the regular life of ordinary people and become untouchable because of their dominance on politics of Bangladesh.

The positive and negative impact of a particular form of extrajudicial killing, Crossfire is an ongoing debate in Bangladesh. Wiping out criminals from the society by following this method is a popular concept among ordinary people (Kamruzzaman *et al.*, 2013). In opposite, the government is pressured by the civil societies, national and international non-government agencies to ensure the rule of law (Zafarullah & Rahman, 2002). Bangladesh is an overpopulated and at the same time an underdeveloped country. The government took several initiatives to maintain social order in the country, but failed because of the

significant practices of corruption in every sector. They also run a crash program named 'Operation Clean Heart' to bring the godfathers, mafia, and criminals under jurisdiction. This initiative has failed because the arrested, accused members get rid of the prison by using their illegal power.

The procedural justice process in Bangladesh is struggling with a large number of cases. It takes a long time to get any verdict, especially regarding serious offenses (i.e. Murder). Besides, the judiciary of Bangladesh has several stages, and it is possible for an accused to appeal to the higher court and to lingering the process. So, it is easy for the criminals to get rid of them from punishment by following diversified ill means. The state powers of Bangladesh are decentralized to three independent bodies: legislative, judiciary and executive (Mollah, 2012). Several research works claimed there are huge corruptions in different stages of these institutions. As a result, Bangladesh was the highest corrupted country in the world from 2001-2005 (Transparency International, 2005).

More often, people of Bangladesh open the newspapers and find a criminal was killed in Crossfire while the law enforcement agencies were in operation

to find his colleagues. Though such type of killing is a violation of law, it gives pleasure to ordinary people (Aziz, 2015; Habib, 2015). People of Bangladesh are divided into two groups on the question whether Crossfire is a justified process of controlling crime or not. One group supported this act, whereas another group criticizing it as a state's policy to suppress the oppositions. The legislators always try to make a plan that will maximize the happiness of the majority of the people. Both, the law enforcement agencies and the judiciary are suffering to ensure justice for all. The ordinary citizens and the policy-makers who supported this act have some points. They argued that the weakness of judicial system cannot be repaired within a night and the criminals should be punished for his deeds. Moreover, the criminals are powerful because of the social construction of Bangladesh. Again, criminals are threats to the security of the citizen. So, it is a just a process to kill criminals in the Crossfire as an outcome of their evil works and at the same time for bringing peace in society. This idea echoed Jeremy Bentham's utilitarianism which is the maximization of happiness for the larger portion of the society. This group is biased to the outcome that will generate the highest state affairs and ignores the pain of minority groups (e.g. criminal's family members).

In opposite, those who are against this event are raising awareness for individual human rights. There are some human rights organizations, non-governmental organizations and civil society groups are continuously advocating against this killing. This concept of lobbying for individual human rights is similar to the idea of another utilitarian philosopher, John Stuart Mill. He also explicitly mentioned the differences between proper and improper activities in the context of hindrance and obligation. Besides, the notion of happiness is not quite similar to all (Jacobson, 2008). Mill supported the highest consequences like Bentham, but he was not too ambitious. Mill also gave importance to happiness for all. At the same time, he also asked for preserving the right of an individual until he doesn't create any threats to others. Here the problem rose to incorporate the idea of Mill's with the event Crossfire. The civil society members are recommending guaranteeing the fair procedure rather killing someone with no prior judgment. They only criticize the government for not controlling the law enforcement agencies from Crossfire. However, the question raised here is about the listed top-level criminals and mafias. They are creating a threat to society and seeking money from people in business and civilians (Kamruzzaman *et al.*, 2016). The law

enforcement agencies failed to bring criminals to procedural justice because they are influential. So, in the context of Bangladesh and the case of a particular event, Crossfire; the idea of protecting individual rights will be beneficiaries for criminals or accused. In opposite, the ordinary people will have to continue their suffering. So, we cannot make a conclusion from these two analyses, whether Crossfire is a just process or not according to the perception of moral philosophy.

Utilitarian ethics discussed the progress of a maximum number of people in society, whereas Kantian notion seeks for reasons. It is broader perspective than Mill's individualistic approach and concentrates on rights applicable to the whole community. According to Kant, consequence-based policy will push justice to a dangerous position. The law enforcement agencies should treat people with dignity and respect. The criminals of Bangladesh are creating hassles and violating the rights of ordinary citizens. In opposite, they are killed by the law enforcement agencies in the name of Crossfire. So, the rights of both sides are violated. Moreover, several research papers asserted that sometimes political opposition leaders and personal clashes are dissolved by arranging a drama of Crossfire (Country Reports on Human Rights Practices, 2015).

Kant's deontological idea gave emphasizes on the concept of duty. Its results should not measure task, but it is an individual act. The law enforcement agencies of Bangladesh have some functions based on reasons. Confusion might be raised here about the notion of imposed duty, but the fact is different in reality. They took an oath to respect the due process model and to oblige by this premise is their duty. They are bound to bring the criminals under the procedural law (Kamruzzaman, 2016). It is not moral to repress the criminals in the name of Crossfire because it violates their duty. Besides, their duty is to ensure safety and security of ordinary people in the country. Kant also made a contrast between actions and intentions. The measures taken by the law enforcement agencies of killing criminals in the name of Crossfire resemble intention to purify the society. The intention is not moral as it is opposite to the motto of law enforcement agencies; protecting the citizen of the country. So, the law enforcement agencies should follow the rules and regulations to protect everyone as agents of the government.

Kant argued that justice can be achieved through freedom. In contrast, Crossfire is violating the freedom

of the person who is being killed. Kant carried the flag of human rights for all members of society without considering whether they are accused, criminals or ordinary citizens. Keeping the outcome based idea aside, Crossfire can be considered as an injustice and inhuman act for violating the universal human rights though there are some philosophical ideas found in favor of the consequences of Crossfire.

## CONCLUSIONS

This paper illustrated a highly debatable event in the context of moral philosophical perspective. The right to life is the most fundamental right of a person and should be protected at any cost. The Constitution of Bangladesh and other legal instruments mention people's right to life, freedom of expression and also the right to have proper legal support. However, these laws cannot stop the rate of people disappearances in Bangladesh in the name of Crossfire (Mariategui, 2010). The corrupted socio-political situation of Bangladesh is weak to run the legal process against the top listed accused and criminals. In previous sections, we have discussed the perceptions of general people favoring Crossfire. Killing people in the name of 'Crossfire' may initially reduce the number of criminals from society. However, it is not a proper solution and a violation of the universal human rights in all aspects. Moreover, it is regrettable that the statutory bodies of the government are violating national and international laws.

A person should be punished because of committing a crime and the punishment should not be same for all crimes. Kant suggested some retributive solutions for those who commit crimes. The retributive nature should be proportional and justified (Rachels, 2003). So, the law enforcement agencies of Bangladesh should bring the listed accused and criminals under judicial process rather killing them in the name of Crossfire. The main concentration should be given on the reformation of the legal system to ensure that everyone will act according to his moral obligations. This concept may create solidarity and bring peace in society to the long run. Besides, law enforcement agencies should treat all members of the society equally and guarantee justice by following universal human rights. The question arises when the law enforcement agencies claimed that they were forced to open fire for self-protection and treated it as an unintentional act. There is no other alternative of establishing departmental inquiry for ensuring liability while this type of situation arises. In addition, the

existing legal norms and rules should bring into practice for enacting professional attitude among the different law enforcement agency groups. Considering the specific form of extrajudicial killing, Crossfire; every act of the law enforcement agencies should be moral and accountable to guarantee human rights in society. To sum up, the culture of indemnity among the law enforcement agency bodies should be wiped out to assure justice. The future researchers should concentrate on more victim-oriented approaches and advocate for adequate compensation strategies for the family members of the people killed in Crossfire. In addition, the policymakers should introduce some mandatory modules on human rights-related issues to trained up the law enforcement agency members.

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