



Deconstructing “Crossfire” in Bangladesh: A Legal Assessment of Structural Loopholes and State Accountability

Puja Bosu¹, Israt Jahan², Md Samsul Islam³

1. Lecturer, Varendra University, Department of Law and Human Rights, Rajshahi, Bangladesh.
Email: puja.lj17@gmail.com
2. Lecturer, Varendra University, Department of Law and Human Rights, Rajshahi, Bangladesh.
Email: isratjoty2846@gmail.com
3. Lecturer, Varendra University, Department of Law and Human Rights, Rajshahi, Bangladesh.
Email: sivamitch@gmail.com

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Abstract

This qualitative doctrinal study critically examines “crossfire,” a euphemism for extrajudicial killings carried out by law enforcement agencies in Bangladesh. Despite constitutional mandates protecting the fundamental right to life, state security forces regularly execute citizens without due process under the narrative of self-defense or crime control. Analyzing secondary materials and statutory texts, the paper identifies critical legal loopholes and ambiguous provisions that facilitate state impunity. Specifically, it deconstructs broad discretionary powers under Sections 54 and 167 of the Code of Criminal Procedure 1898, the Special Powers Act 1974, Sections 86 and 100 of the Dhaka Metropolitan Police Ordinance 1976, Section 163 of the Customs Act 1969, and definitional omissions in the Torture and Custodial Death (Prevention) Act 2013. The legal assessment incorporates key case studies—including the execution of Ekramul Haque, the landmark BLAST v Bangladesh directives, and the Major Sinha murder case—alongside the July 2024 Uprising as a constitutional catalyst for reform. The study concludes that extrajudicial killings fail to reduce crime and severely threaten democracy. It recommends immediate statutory amendments, strict evidentiary standards, the repeal of lethal force authorizations, and enhanced institutional accountability to eradicate legal ambiguities and uphold constitutional supremacy.

Keywords: Crossfire, Extra-judicial killing, Law Enforcement Agencies, Criminal Justice System, Legal loopholes.

1. Introduction

The Constitution of the People's Republic of Bangladesh enshrines the protection of life and personal liberty as the absolute bedrock of its democratic political system (The Constitution of the People's Republic of Bangladesh, 1972, arts. 31, 32). Life is a one-time offer for a person so nothing can be more momentous than the safeguarding of life. However, since independence in 1971, there is intense ambiguity in the criminal justice system of Bangladesh. Arbitrary arrest, detention, torture and extrajudicial death are the permanent feature of the criminal justice system by the law enforcement agencies. Bangladesh has a well-protected political system called democracy and follows the constitution as the supreme Law of the state. The constitution of the people's republic of Bangladesh ensures the fundamental rights of every citizen. Hence, the right to life is a right of a citizen protected by Law. Bangladesh makes remarkable progress in the socio-economic sector of human rights but not in the case of civil and political rights which ensures the legal rights of a person.

Crossfire is a common euphemism for extrajudicial killings by law enforcers in Bangladesh. Other terms including "encounter," "gunfight" and "fire-in-self-defense" have an analogous meaning. Crossfire is an ongoing problem in Bangladesh. Bangladesh constitution ensures these rights of a citizen in words. But the actual scenery is different. In practice, many people in our country are dying by the law enforcement agency in the name of Crossfire, gunfight, encounter, and fire-in-self-defense, etc. The Bangladesh Constitution, national Laws, and many international instruments that Bangladesh has ratified (International Covenant on Civil and Political Rights [ICCPR], 1966). But, Crossfire is being a vital part of the law enforcement agencies for a long time. The number of killing by law enforcement agencies is rising gradually. Crossfire is an arbitrary or unlawful deprivation of life and simply murder by the Law enforcing agency. The Law enforcing agency works to protect the general people, but now their activities are under question. In recent years, death by the Law enforcing agency is in an alarming possession, in 2018 after introducing the anti-drug operation it is 458 (the highest from 2001 to 2020), in 2019-376, and in 2020-196 ("2,699 Extrajudicial Killings," n.d.). Human Rights Watch (HRW) recently _ that "gunfight" is a false claim regularly used by law-enforcement officials in Bangladesh who execute unarmed civilians and justify such extrajudicial executions with the terms "gunfight" or "crossfire" (Human Rights Watch, 2011). A healthy safe society and rapid Justice is the most required thing to all but not at the cost of dying the systematic legal system. That can provoke a lawless state and causing fear in people.

The main objective of this study is to find out the legal loopholes and its misuse. These loopholes are misconducted by the law enforcement agency to kill someone without due diligence. People in power have created an impression that killing the criminal without bringing them to Justice can help curb crimes, but such killing can neither bring peace nor eradicate crime. This approach apparently may show some positive effect but a threat to democracy. In recent years, the law enforcement agency earns a lot of fame for reducing the number of terrorists and drug suppliers nationally and internationally. On the other hand, many blameless people also become the victim of their actions. The unfair treatment to the citizens is intentionally or unintentionally whatever it is but enough reason to fade their achievements. Sometimes the power of the law enforcement agency is politically exploited to dominate the opposition.

2. Objectives

The main purpose of this study to highlight a lack of proper and efficient implementation of the existing legal principles and the loopholes which are distorted by the law enforcement agency. A person is killed without going through the due process of Law so he cannot represent him, his representation can prove him innocent or that can be effective in some other way such as important information. Only his death does not ensure Justice and peace and it can seem effective for overcome current situation but not a permanent solution.. Some other general purposes are given below –

- a. Understanding the current situation and acquire the in depth knowledge to propose a roadmap.

- b. Finding the loopholes that are making the Crossfire easier
- c. To Highlight the misuse of the loopholes that should be recovered
- d. To mention the norms that will help to the behavior of the police towards the arrested person.

3. Review of Relevant Literature

Md. Awal Hossain Mollah (2019) In a study titled “Crossfire and Violation of Human Rights in Bangladesh: A Critical Review, by has observed that The aim of this paper is to examine the state of violation of human rights by Crossfire through Law enforcing agencies in Bangladesh. The Law enforcing agencies are mainly responsible for maintaining the Law and order, protection of life and property of the citizens and prevention and detection of crime to establish rule of Law in a state. However, The existing legal framework of Law enforcing agencies has some limitations and not implemented properly. Some recommendations are put forwarded for the eradication of the pitfalls of security forces which would be helpful for making new policies and laws by the Government. As a result, common people interest and rights will be protected and promoted. The paper is qualitative in nature and case study on Bangladesh based on mainly secondary sources of materials. (Mollah, 2019)

A.B.M. Najmus Sakib and Zarin Tasnim Rashid (2018) has done a study on “Caught between ‘Crossfire’ in the Context of Bangladesh, the paper highlights that 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. 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. The 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 (Sakib & Rashid, 2018).

Md. Kamruzzaman, Md. Bashir Uddin Khan, and Shashi Kanto Das (2016) worked on “Extrajudicial Killings: The Violation of Human Rights in Bangladesh, This paper discussed on the responsibility of the State to protect and promote human rights. All State institutions have a duty to respect human rights, prevent human rights violations, and take active steps for the promotion of human rights. Unfortunately, many a time, actions of the Rapid Action Battalion (RAB) conflict with human rights. They are pressured to get quick results, often with unofficial guarantees that they may use any means possible to accomplish the task at hand. However sometimes they abuse their power by the name of “Crossfire or Extra judicial Killing” which is the violation of Human Rights frequently occurred in Bangladesh. The main objective of the study is to explain the nature of Cross Fire in Bangladesh and hoe that is affecting human rights (Kamruzzaman et al., 2016).

A. Z. M. Arman Habib, (2015) researched on “Extrajudicial killing in Bangladesh: A Murder of Human Right This research work seeks to precisely understand the extent of human rights violation caused by the different instructions in Bangladesh. This research substantiates significantly to the existing popular literature in the field of human rights. The paper emphasizes that extra-judicial killing is an infringement of the citizens’ rights to life and state violation of International Human

Rights Charter of which Bangladesh is a signatory. In this paper, an attempt has been made, mainly, to examine and assess the position and status of human rights (right to life) and extent of contradiction of criminal Justice in Bangladesh in view of Bangladesh constitution and other related instruments when extrajudicial killing occurs repeatedly. Also deals question relating to protection of life and extent of its infringements by extrajudicial killing. (Habib, 2015)

4. Methodology

Each methodology is particularly suited for obtaining specific data types and setting an impressive guideline. This study is based on the qualitative research method and secondary research materials. The primary purpose of this study is to analyze the loopholes of the laws. As a research design, this study took doctrinal research design and tried to identify the impacts of the legal loopholes misused for Crossfire. I self-examined the laws and policies to properly analyze them to find loopholes and cost-effective ways to eradicate them. Articles, related reports, laws, news, case study and any other materials (Secondary sources) are the primary materials of this study

5. Can Crossfire Be Conceptualized as a crime?

Concept of Crossfire

Crossfire is a media-created term. The media uses Crossfire' as the killing of listed or arrested criminals through firing while escaping from Law enforcing personnel. Crossfire refers to the death of people by bullet wound, often under the custody of law enforcement agency in Bangladesh ("Crossfire (Bangladesh)," 2020). Crossfire, shootout, gunfight, fire in self-defense and encounter all the terms bear the similar meaning and used at the death of a person by the law enforcement agency. "It will be suicidal for the nation and the society to allow the law enforcement agencies to decide who should be killed on criminal charges. Bring anyone to Justice if accused of criminal charges, but no further killing in Crossfire, please." (Nazrul Islam Chowdhury).

Bangladesh Government claims that incidents of crossfire deaths are the result of law enforcement officers acting in self-defense ("Crossfire (Bangladesh)," 2020). Most of the time the law enforcement agencies claim that they do not trigger any crossfire, it happens when they goes to catch the criminals and bounds to open fire in self-defense. The narrative of the Government comes in either of the following forms:

- (1) The deceased was caught in Crossfire that erupted after miscreants had started shooting at the police,
- (2) After being challenged by a patrolling police team our police did not trigger any crossfire ("Legal Skills and Debates in Scotland," n.d.).

The Law and Crossfire

Law is a set of rules created by state institutions that make laws through the state's authority. The laws have sanctions recognized by the state and enforced by state-authorized bodies. ("Legal Skills and Debates in Scotland," n.d.). The Law serves many purposes. Four principal ones are establishing standards, maintaining order, resolving disputes, and protecting liberties and rights("The Meaning and Purposes of Law," n.d.).

No society can endure a situation where law-keepers break the Law. Any law does not give the power to kill a person without due process of Law. By taking the shelter of the legal loopholes, the law enforcement agency is involved in these activities as the state has adopted this policy to remove crime, which is a proved unfruitful step by the Government. Crossfires would not contribute in improving the situation in any way. Crossfire also violates the main principal of Law. Crossfire by the law

enforcement agency cannot even fulfil a single purpose of Law that is important to maintain the social order. In case of Crossfire, the police become the judge, jury and executioner, denigrates the legal system and the court it mutilates Justice.

The Justice and Crossfire

Justice is a concept of moral rightness based on ethics, rationality, Law, natural law, religion, equity and fairness. ("Justice," n.d.). The meaning of Justice is the process or result of using laws to fairly judge and punish crimes and criminals. There are five types of Justice. Procedural Justice is the Justice based on just fair and transparent rules and procedure, following the rule and procedure shall result into fair outcome through the institutional fairness. Crossfire cannot ensure procedural Justice as there is no transparent rules and procedure and institutional fairness. Distributive Justice focuses on just and fair distribution of social primary goods. Rights and liberties should be equally distributed in distributive justice, which is not present in the crossfire concept. The rights and liberties of the victim is violated here. Retributive Justice is reasonable and proportionate punishment to crime. The Law enforcing agency uses their arbitrary power as punishment and Crossfire is a true example of that but it is neither reasonable nor proportionate as punishment to a crime and illegal also. Restorative Justice aims to repair the damage caused to the victim and mend the offender to bring back to mainstream. Crossfire completely opposes with this justice system. Global Justice is pursuing Justice in international level.

The discrepancy of Law and real scenario of Crossfire

In Bangladesh the Law enforcement agencies have been condemned for being blamable for many recent and not so recent deaths. They have killed not only high-ranking terrorists but also innocent people. The recent and not so recent news clarifies how worst position crossfire is holding in Bangladesh. People in Bangladesh now know that death in Crossfire means nothing but a staged extrajudicial killing of a person.

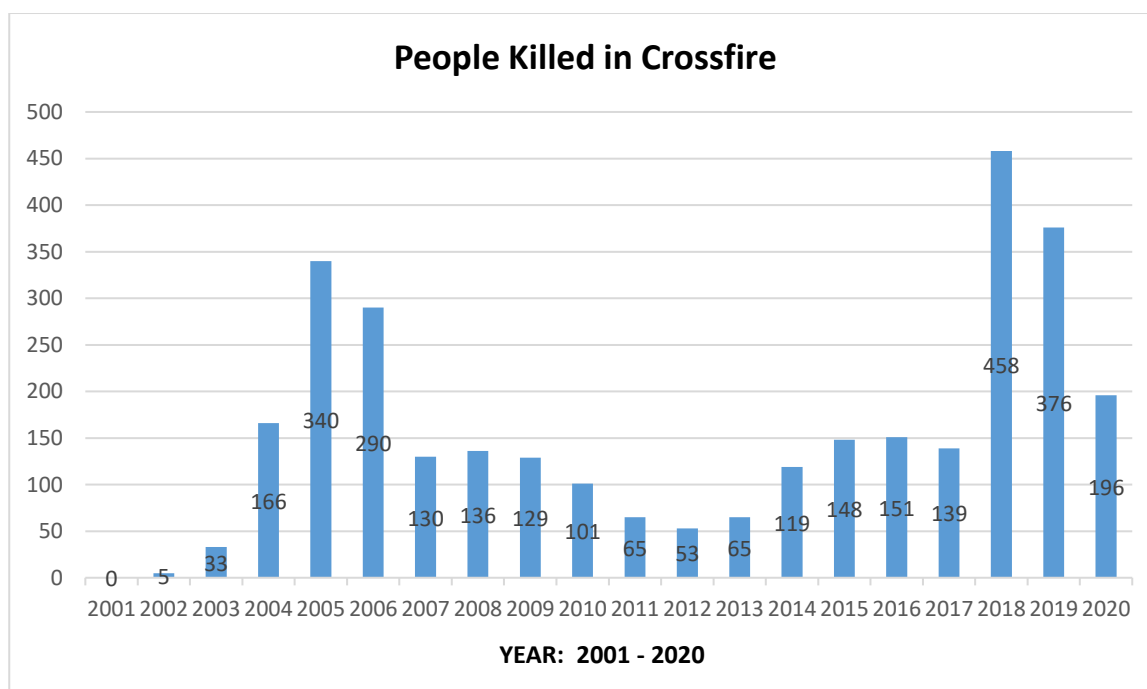


Figure 1: Number of people killed in the specific form 'Crossfire' from 2001 - 2020 by different Law Enforcement Agency.

In 2001, the number of people killed in Crossfire was zero. But, Operation Clean Heart, an anti-crime operation that ran nationwide from October 2002 to January 2003 gives a new start to the Crossfire. The Rapid Action Battalion (RAB) was established in 2004 to stop spiraling crime and alarming rise of the terrorism in Bangladesh. In 2004, with the launch of the rapid action battalion, the number of Crossfire increased very promptly. Then, from 2007 to 2017, it's like a wave, among these years, the highest amount was 151 in 2016. But again after running the anti-drug operation at May 15, 2018, a colossal rise of the amount of Crossfire comes forward to the people. In that situation many people became the victim of the attempt taken by the law enforcement agency to solve the problem very rapidly. On average, two or three people are killed in incidents involving the RAB or police every week. These incidents are so frequent that it is common to find Bengali newspapers describing the law enforcement agency as engaged in nightly 'crossfire' with presumed criminals. As it turns out, 'crossfire' is a euphemism that serves to uphold the killing strategies of the law enforcement agency. (Mariátegui, 2010, p. 760).

We have been witnessing the practice of Crossfire for a long time. Though Law doesn't directly support Crossfire. People in their sub conscious mind concerning Crossfire as a lawful activity. In their mind they have strong believe that Crossfire will reduce the illegality from the society. This believe can be addressed as an infatuation. No statistic or analysis became able to prove that Crossfire is a way to reduce the amount of criminals in our country.

6. The Laws in Question and How They are misused?

In Bangladesh, the concept of killing people in the name of Crossfire is widespread. The responsibility of a government is to ensure safety, security, and the rule of Law. The Government of Bangladesh is facing enormous criticism for failing to protect her citizen, and surprisingly the allusion is towards law enforcement agencies. Many legal instruments allow the Law enforcing agency to conduct arrest where the police department is mainly vested with the main power to perform.

The Code of Criminal Procedure, 1898

The Code of Criminal Procedure, 1898 is the set of procedural rule that came into force in the British colonial period, a long time ago. The Code of criminal procedure, 1898 (CrPC) is now the major Criminal Procedural Law in effect in Bangladesh. According to section 54 and 167 of the Code, the Law allows the Law enforcing agencies to arrest on suspicion, followed by police custody detention, with a few protections. But Section 54 and 167 includes a lot of ambiguities, there is no clear explanation in the section wording that provide enough scope of abuse. The misuse is mostly done in case of Crossfire by the law enforcement agencies. The police have the authority to arrest anybody they suspect of being involved in any crime under section 54 of the Code of Criminal Procedure (CrPC) 1898. Individuals may be arrested on suspicion of criminal behavior without a magistrate's order or a warrant under section 54 of the Code of Criminal Procedure 1898. The police may arrest someone for any particular reasons addressed in the section. There is no description of the term "reasonable suspicion" in section 54 and as such it provides enough scope for police abuse. Therefore, the statute notoriously fails to provide any strict, objective legal definition or evidentiary threshold for what actually constitutes "reasonable suspicion."

The Special Powers Act 1974

The Special Powers Act 1974 (SPA) is deemed by human rights activists and other members of civil society as a repressive law. The use and abuse of this Act in the name of protecting the security of the state has resulted in a steady pattern of human rights violations. The Act provides „Special Measures“ for the prevention of prejudicial activities, for a speedy trial and punishment for grave offenses. Under prejudicial acts, the Law includes acts that are prejudicial to:

- The sovereign and/or state; to the maintenance of friendly relations between other states and Bangladesh
- To the security of Bangladesh
- To the safety or maintenance of public order
- To the peaceful co-existence among different classes and section of the community
- To the maintenance of Law and order
- To the security of any section of the public
- To the economic and financial interests of the state

For aforesaid grounds police can arrest any person at any time (Mollah, 2019, p. 14). This is the loopholes of the Law and it gives the law enforcement agencies an opportunity to arrest any person at any time in simple dress and people cannot ask them any question. This Act contains the provision regarding the protection of the State which is violating the individual human rights.

The Dhaka Metropolitan Police Ordinance, 1976

Section 86 of The Dhaka Metropolitan Police Ordinance, 1976 (DMP Ordinance) is about the penalty for being found under suspicious circumstances between sunset and sunrise. If any person is found in the following situations, without satisfactory reasons for being at that place, during the period between sunset to sunrise:

- Equipped with dangerous machinery
- Covered face or in disguise
- Present in any residence or any other building or any boat or water vessel or any other transport
- Sleeping or wandering on any street or in any place
- Possessing the tools of entering any house forcefully

Then, the person will be liable for one-year imprisonment or fine of taka two thousand or both. The police arrest a person under reasonable suspicion in this circumstance. “Without satisfactory reason” is an ambiguous term and not defined and the law enforcement authority (Police) is not blamable for their action. Section 100 of The Dhaka Metropolitan Police Ordinance, 1976 (DMP Ordinance) discusses the power of arrest without warrant of police. It provides in the presence of any police officer or in his attention if any person commits an offense under this Ordinance or any other law in force, that police officer can arrest him without a warrant. Though According to Regulation 317 of the Police Regulation Bengal, 1943 “The police shall be careful to abstain from unnecessary arrest”. Because of unaccountability the police officers can misuse such power.

The Customs Act 1969

Section 163 of the Customs Act 1969 gives the authority the power to search and arrest without warrant. The custom officers exercise this power when reasonable grounds arise to prevent smuggling. This Act clearly mention that for preventing the escape of any person concerned or likely to be concerned is such offences mentioned in the Customs Act 1969 or for the purpose of arresting, detaining, or taking into custody, can use such force to the extent of causing death as may be necessary. No suit, prosecution, or other legal proceedings shall be instituted except with the previous

sanction in writing of the Government. Thus, this Act gives the authority the power to shoot a person directly. There is a huge scope to misuse the provision if the Law Enforcement Authorities (Customs Officers) want to.

The Torture and Custodial Death (Prevention) Act 2013

Any person who is a citizen of Bangladesh can file a case if he is tortured by Police, Law enforcement Agency or government officials, if he is tortured at the time of giving statement or if the relative of any person in dead in the Custody of police under the Torture and Custodial Death (prevention) Act, 2013. This Law is mainly enforced to prohibit torture, inhuman, degrading punishment or treatment by the law enforcers'. Custody is not defined in the Torture and custodial death Act 2013. There is ambiguity in this term but in the regular use, it means the death in the jail or the police station. But Death in encounter or Crossfire is not mention as crime in any law. The Law enforcement Agency by misusing the legal loopholes get rid of this as the so-called gunfight or protection of their life.

7. Analysis of cases and facts in newspaper

The Government of Bangladesh has adopted extrajudicial executions as the ultimate means to rule the country for their own benefits. Crossfire has virtually replaced the regular investigation and the police work. The responsibility of the Government is to ensure the safety, security and the rule of Law for all. There are huge disagreement into the actual facts and the description by the law enforcement agency in a case of Crossfire. The investigation is not done properly in these cases, the agency just create a storyline of the event.

The killing of Ekramul Haque

On 26th May 2018, Ekramul Haque was called by the local police to discuss a case. Forty-six-year-old Ekramul Haque was indeed a local leader from the ruling Awami League party. The police was looking for a person in the same name suspected as a drug dealer, Ekramul even told his captors that when taken into custody. But they thought he was lying and kill him. The viral audio clip of the gunshot was the first on record document of Crossfire in Bangladesh. The audio clip has made the Bangla government set up a formal commission of inquiry into an unlawful killing by law enforcement for the first time. Ekramul Haque's family released the audio tape at a press conference and challenged the agencies to prove that he was an armed and dangerous drug dealer, but the Law Enforcing Agency denied their claim (Roy, 2018).

Rubel killing Case (Blast and others vs Bangladesh) Writ Petition No. 3806 of 1998[55 DLR, (2003)343]

A university student was an innocent victim who was arrested under Section 54 of the CrPC and subsequently remanded under the same Act. After being tortured in the remand period, he eventually died in the police custody. BLAST with others challenge the High Court Division of Bangladesh Supreme Court by filing a writ petition about the use of section 54 of CrPC. At the time of hearing on 7 April 2003, a division bench of High Court Division issued a set of fifteen guidelines on arrest and remand.

- No Police officer shall arrest anyone under Section 54 for the purpose of detention under Section 3 of the Special Powers Act, 1974
- A police officer shall disclose his/her identity and show his/her ID Card on demand to the person arrested or those present at the time of arrest

- A record of reasons of arrest and other particulars shall be maintained in a separate register till a special diary is prescribed
- The concerned officer shall record reasons for marks of injury, if any, on the person arrested and take him/her to nearest hospital or government doctor
- The person arrested shall be furnished with reasons of arrest within three hours of bringing him/her to the Police Station
- If the person is not arrested from his/her residence or place of business, the relatives should be informed over the phone or through messenger within one hour of bringing him/her to Police Station
- The person concerned must be allowed to consult a lawyer of choice or meet nearest relations
- While producing the detained person before the Magistrate under Section 61 of the CrPC, the police officer must forward reasons in a forwarding letter under Section 167 (1) of the CrPC as to why the investigation could not be completed within twenty four hours and why s/he considers the accusation and information to be well founded
- On perusal of the forwarding letter, if the Magistrate satisfies him/herself that the accusation and information are well founded and materials in the case diary are sufficient for detaining the person in custody, the Magistrate shall pass an order of detention and if not, release him/her forthwith
- Where a person is released on the aforesaid grounds, the Magistrate shall proceed under 190(1) (c) of the CrPC against the Officer concerned under Section 220 of the Penal Code.
- Where the Magistrate orders detention of the person, the Officer shall interrogate the accused in a room in a jail until a room with glass wall or grille on one side within sight of lawyer or relations is constructed
- In any application for taking accused in custody for interrogation, reasons should be mentioned as recommended
- The Magistrate while authorizing detention in police custody shall follow the recommendations laid down in the judgment
- The police officer arresting under Section 54, or the Investigating Officer taking a person to custody or the jailor must inform the nearest Magistrate about the death of any person in custody in compliance with these recommendations
- The Magistrate shall inquire into the death of any person in police custody or jail as per the recommendations (*BLAST and Others v. Bangladesh and Others*, n.d.).

The Government has preferred an appeal of the writ petition. On 24 May 2016, The Appeal ate Division of the Supreme Court of Bangladesh dismissed the Governments appeal of the BLAST case and upheld the High Court Division 2003 rules. These rules are in force now in Bangladesh but not fully followed and the abuse of the authority continues unabated.

The Sinha murder case

Crossfire killings have come into national focus more acutely after the preplanned murder of Major Sinha (Khan, 2020), This case is the most recent crossfire case of Bangladesh. On the night of July 31, 2020, Major (Retd.) Sinha Mohammad Rashed was shot dead by the police at Shamlapur check post on his way back to Nilima Resort in Himchhari area of Cox's Bazar. A case was filed against the then OC of Teknaf Police Station Pradeep and nine other policemen. Three members of the Armed Police Battalion (APBN) have also been implicated in the case. Currently, they are all in Cox's Bazar district jail. They were first put on 7-day remand and later a 4-day remand by the court to investigate

the Sinha murder case. This case was a guideline for people seeing these people who were harassed also file their cases. Including this one, four murder case was filed at that time together. ("Crossfire: Another Murder Charge," 2020)

8. The July Uprising as a Constitutional Catalyst

The normalization of harsh force and its spread in theory, when a state gains special powers to bypass normal legal processes under the pretext of suppressing criminals or extremists, the general public initially supports this for its necessity to suppress crime. But history shows that this unchecked power eventually exceeds its initial limits. The legal protection or 'impunity' that was used to suppress criminals eventually began to be applied against state critics, political dissidents, and ultimately the general public.

This theoretical truth was horribly visible in the mass uprising that took place in Bangladesh in July and August 2024. The article states that the same culture of impunity that allowed law enforcement agencies to get away with incidents like "crossfire" or "gunfights" or disappearances in the past has emboldened them to shoot ordinary students and citizens indiscriminately on the streets during the 2024 movement.

Two primary tools have been used to provide legal legitimacy to this repression:

Section 54 of the Code of Criminal Procedure 1898 - Under this provision, the police can arrest any individual without a warrant, solely on the grounds of 'reasonable suspicion'.

Special Powers Act 1974: Under this Act, anyone can be detained for an extended period on charges of 'prejudicial activities'.

These legal terms such as 'reasonable doubt' or 'harmful activities' are extremely vague. Taking advantage of this ambiguity, state forces abduct thousands of protesters, ordinary citizens, and students, depriving them of the normal legal protections afforded by the courts.

The widespread state violence and the resulting political shift—specifically, the fall of the government—represent far more than a mere change of rulers. This event has acted as a "constitutional catalyst." It has instilled in the public the conviction that the entire state apparatus and legal framework require reform. The people now seek a "new social contract" in which citizens' fundamental rights and legal protections are prioritized over the state itself.

As part of this social contract, independent commissions such as the 'Commission of Inquiry on Enforced Disappearances' and the 'Police Reform Commission' were subsequently established. This is a positive sign of institutional reform. However, the article issues a crucial warning: reform will not succeed merely through investigations or the publication of reports.

These revolutionary reforms will prove lasting only if:

The legislature (Parliament), acting on the commissions' recommendations, mandatorily amends Section 54 of the Code of Criminal Procedure to prevent the police from making arbitrary arrests without a warrant.

Any sections or provisions embedded within the 'Customs Act 1969' which grant state forces a legal license to use lethal force or open fire on citizens are completely repealed.

9. Recommendations

Reasonable suspicion, reasonable complaint, credible information, or against any individual involved with any cognizable offense are the words that have no clear standard or lack of information. The radical amendment of these relevant provisions must be done. The dangerously ambiguous terms like "reasonable suspicion" must be replaced with strict, codified requirements for objective, actionable evidence prior to any warrantless arrest. Due to the ambiguity, the Supreme Court also set some

principles through the BLAST Case 2003. But still the problem is raising in Bangladesh. So these vagues terms should be more clearly described in the legal standard.

When the authority arrests the person, they must inform the people near him. The Accused person must have the opportunity to communicate with his family and friends that he is arrested. The authority should help him in this purpose.

Generally, an arrest is a legal weapon that law enforcement agencies to fight Preventive detention violates human rights, and warrantless arrest is justified to stop a person before committing a crime. Sometimes concerning the state's security, this measure is taken, but innocent people may suffer for it. Proper measure should be taken when the preventive detention is done. An independent commission assess the activities and supervise the action plan.

Laws that provide explicit statutory shields for arbitrary detention and lethal force must be critically overhauled or entirely repealed. The broad definitional net of "prejudicial activities" in the Special Powers Act 1974 must be narrowed. Sections 86 and 100 of the Dhaka Metropolitan Police Ordinance 1976 must be amended to remove the criminalization of mere presence. Finally, Section 163 of the Customs Act 1969 must be immediately repealed, and the prior-sanction clauses that grant absolute institutional immunity must be abolished.

To prevent smuggling, the customs officer can shoot and use that force that may cause the death of a person on reasonable ground, according to the law. And no suit can be filed without the der of the Government. The term reasonable ground is vague, and their power is a lot. More accountability is needed to recover the gaps

Custodial death is a term that includes a lot of things. The Act imposed for its prevention not even define this properly. Crossfire is also happened when the accused in the custody of police but that is still a term for which the law enforcing agency make the story of self-protection. The ambiguities should be removed.

A special ordinance enforced for the Dhaka city may create ambiguities as it describes some situation and satisfactory reason. But what type of reasons are satisfactory reasons is depending on their consideration which is misused. For this type of Arrest, the people present there at that time may be the witness of arrest for which the authority is bound to.

At the time of these arrest before taking him to the custody, the police or others may accountable for showing his details identity two or more adult renowned person of that area or inform them.

10. Conclusion

This research aims to identify and evaluate the current position of Crossfire in Bangladesh and discover a cost-effective way to come out of this situation by figuring out the legal loopholes. From the beginning of this research, this paper aims to recover the gaps that provide the use of arbitrary power to the law enforcement agency. The adequate application of the existing legal rules with minor modifications can make a tremendous change for society.

Crossfire is a violation of the constitutional rights of a person. Based on the research of the current national laws and cases, no effective laws exist to remove Crossfire and even do not admit Crossfire as a crime. There is no adequate punishment in any law if the person is dead in Crossfire in Bangladesh. On the other hand, Crossfire is considered a policy to remove criminals from Bangladesh by the law enforcing agency.

Proper adaptation of some rules in some minor changes in the suggested Act as mentioned in the paper may help solve the problem cost-effectively. These steps will have a long-lasting future effect in the protection of life. Proper implementation of the existing laws with minor modification of loopholes or implementing a new chapter in these procedures can reduce the amount of Crossfire in Bangladesh.

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