

Ramisa, Asiya, and the unfinished duty of the state



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The swift disposal of the rape and murder case of Ramisa Akter is, in one sense, a necessary assertion of the state's authority against a crime that strikes at the very foundation of civilised life. A Dhaka tribunal sentenced the prime accused Sohel Rana and his wife Swapna Khatun to death and imposed fines in a case that moved with extraordinary speed. The tribunal wrapped up trial proceedings, including hearing testimonies from 16 prosecution witnesses, in just six working days. The question, however, is not whether a tribunal can move quickly under intense public attention. The question is why such urgency is still exceptional.

The Ramisa case has exposed that Bangladesh does not suffer from a lack of stringent laws; it suffers from a chronic failure to make those laws credible or evenly applied in ordinary cases. The Women and Children Repression Prevention framework—strengthened over time and politically invoked after almost every national outrage—already permits the harshest punishment. In 2020, Bangladesh approved death or rigorous imprisonment for life for rape convictions following nationwide protests over some high-profile sexual assaults. The Evidence Act was amended in 2022 to prevent the courtroom humiliation of rape survivors through questions about their general character or previous sexual behaviour, except with court permission where justice requires it. So, the architecture of law exists. What remains scandalously fragile is implementation.

This is why the Ramisa verdict must not be treated as a ceremonial triumph. Rather, it must be treated as an institutional audit. The court itself has observed that crimes against children “deeply wound” the whole society and test the justice system, while noting that the same tribunal had more than 1,800 pending cases. If one case can be investigated, charged, prosecuted, and decided with such seriousness, then the delay in thousands of other cases is not an unavoidable act of fate. It is a product of administrative neglect, forensic bottlenecks, weak prosecution management, witness intimidation, poor case scheduling, and a judicial culture that too often confuses



VISUAL: ANWAR SOHEL

adjournment with procedure.

The contrast with the Asiya case is instructive here. After the rape and murder of the eight-year-old in Magura in March last year, the relevant law was amended to require completing investigations within 15 days and trials within 90 days. A tribunal later sentenced Hitu Sheikh to death and acquitted two others. But more than a year later, the mandatory death reference still remains pending before the High Court, and such delays are anything but uncommon. This is where public confidence collapses. A trial court verdict, however strong, is not final justice. In death sentence cases, the record must go to the High Court for confirmation, and the convicted persons retain the right to appeal. In Ramisa's case, the attorney general

has said the hearing process will be expedited after receipt of records and preparation of the paper book, while the law minister has said the verdict's execution may be possible within three months if all legal procedures are followed. That last condition is crucial. Justice must be swift, but it must also remain lawful, because a state that bypasses due process in the name of outrage ultimately weakens the rule of law it claims to defend.

of weakened family vigilance, community silence, institutional indifference, and state failure.

The argument for expedited justice, therefore, is not merely emotional; it is grounded in deterrence, social signalling, and the moral duty of the state to protect the vulnerable. But expedited justice cannot mean punishment in one famous case and paralysis in the rest. Deterrence is not created

deadlines. Prosecution teams must be specialised, monitored, and trained to handle child witnesses, forensic evidence, and appeal preparation. Courts dealing with women and children repression cases must be given adequate judges, stenographers, court staff, secure witness rooms, and digital case management. The High Court Division should prioritise death references and sensitive appeals through dedicated benches, but such priority must become a transparent roster policy, not an improvised response to media pressure.

Prevention must also be treated with equal seriousness. A state that only acts after a child is dead has already failed. Schools, madrasas, mosques, local government bodies, community clinics, and social welfare offices must be drawn into a permanent child protection network. Moreover, children must be taught bodily autonomy and safe reporting in age appropriate language. Parents must be trained to recognise grooming, secrecy, threats, online abuse, and behavioural signs of trauma. Neighbourhoods must stop treating sexual violence as a matter of compromise, shame, or family negotiation. Any informal settlement of rape or such abuse should trigger accountability for those who attempt to suppress the crime.

The justice system must also be victim-centred. Families often need legal aid, counselling, safe shelter, witness protection, and financial support to continue litigation, and the system must be able to support this. Also, we often see that the “death” of public attention becomes the death of a case. That cannot continue. Every Ramisa and every Asiya should receive the same urgency before the media arrives, not because the nation is watching, but because the Constitution promises life, dignity, and protection.

Finally, the real takeaway from Ramisa's case is brutally simple: Bangladesh can move fast when the state wants to move fast, and it is both encouraging and damning. It proves capacity but also exposes selective urgency. If the machinery of justice can be mobilised for one child, it must be made available for all children. Eliminating such crimes requires more than strict laws and more than one swift verdict; it requires certainty of punishment, integrity of investigation, speed at every appellate stage, social refusal to protect offenders, and a national culture that treats the safety of girls and children as a non-negotiable measure of civilisation. Ramisa's case should not become a passing moment of satisfaction. It should become the point from which the nation stops accepting delay, impunity, and preventable violence as normal.

Criminals, too, deserve a defence, even when the crimes shock us



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The Abrar Fahad murder case in Buet, Rifat Sharif murder case in Barguna, multiple post-July uprising cases, Ramisa rape and murder case in Pallabi, and many other incidents may differ in place, nature, and type of offence, but they share one striking similarity. In each case, public outrage went far beyond demanding punishment for the accused. A strong demand emerged—from social media users, criminal justice officials, and sometimes even from bar associations themselves—that no lawyer should defend the accused in court.

The anger behind such reactions is understandable. Heinous crimes shake the conscience of society. In cases involving rape, murder, political violence, or brutality against

children, people often feel that the accused do not deserve any sympathy. Emotions become even more intense given the prevailing distrust in the justice system due to delays in delivering justice, allegations of corruption, or acting under political influence. To many, allowing legal defence for someone who has apparently confessed or whose guilt seems “obvious” feels like an insult to victims and their families.

This sentiment became particularly visible after the July 2024 uprising. As members and allies of the fallen regime were charged in various cases, accused individuals were sometimes attacked on court premises, beaten, and assaulted. Lawyers attempting to defend them often faced threats and mob

hostility. Similar outrage was witnessed in 2019 when a renowned Supreme Court lawyer represented accused persons in the brutal killing of Buet student Abrar Fahad. Recently, after the shocking child rape and murder case in Pallabi in May 2026, many citizens and even some lawyers openly declared that no one should be allowed to defend the accused.

But the question remains: can a civilised criminal justice system function if accused persons are denied legal defense? The answer, both legally and morally, is no.

One of the foundational principles of justice is the doctrine of “natural justice,” particularly the principle that “no one should be condemned unheard.” Justice requires three essential components: the judge, the prosecution, and the defence. Without any one of these, a fair trial becomes impossible. A lawyer standing beside an accused person does not mean supporting the crime, rather, it ensures that the trial proceeds according to evidence, procedure, and law instead of emotion or mob sentiment.

The Constitution clearly guarantees this right. Article 33(l) recognises the right of every arrested person to consult and be defended by a legal practitioner of their

choice. Article 35(3) guarantees the right to a speedy and public trial before an independent and impartial court. Articles 31 and 35 further establish protection of law and due process as fundamental rights. If the state prosecutes someone while simultaneously denying them legal representation, the trial itself becomes constitutionally questionable.

The Code of Criminal Procedure, 1898 and the Legal Aid Services Act, 2000 also recognise this principle. If no lawyer is willing to represent an accused person, the state is obligated to provide legal assistance at public expense. In fact, the Supreme Court of Bangladesh issued a directive in 2019 stating that if no lawyer stands for an accused in lower courts, the president and secretary of the local bar association must ensure representation.

History repeatedly demonstrated why such principles matter. There have been cases where people appeared unquestionably guilty before later evidence proved otherwise. False confessions, mistaken identities, political motivations, and public misinformation are not impossible. Even when guilt is genuine, legal defense remains essential to ensure that punishment is lawful, proportional, and

based on evidence beyond reasonable doubt. Providing defense does not erase the crime; it protects the integrity of the justice system itself.

Some may argue that lawyers defending notorious offenders are morally compromised, but a defence lawyer's role is not to prove innocence at all costs or justify criminality. Their duty is to ensure that the constitutional protections are preserved and that the state proves guilt through lawful means. If lawyers begin choosing clients based only on public approval, the rule of law would gradually transform into rule by mob emotion.

A society committed to justice must be willing to defend legal rights even for those it hates most. Otherwise, courts lose their neutrality, trials lose legitimacy, and punishments become acts of vengeance rather than justice. The demand should therefore not be to silence defence lawyers. It should be for speedy trials, fair investigations, judicial accountability, and appropriate punishment through due process. Because ultimately, the true test of the rule of law is not how it treats the innocent, but how it treats the accused.

CROSSWORD

BY THOMAS JOSEPH

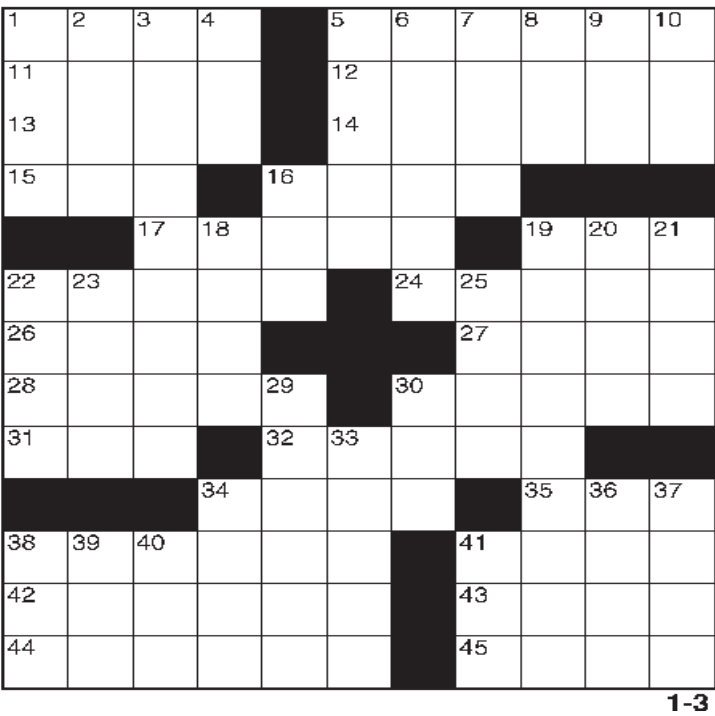
ACROSS

1 Frenzied
5 Pollux's twin
11 Fired
12 Some time
13 Sell
14 Grimacing, perhaps
15 Picnic invader
16 Sink problem
17 Poor sport's cry
19 Sleep attire, for short
22 Scalawag
24 Base runner's act
26 Taj Mahal city
27 Take apart
28 Does in
30 Duo quadrupled
31 Skirt edge
32 Winter coat
34 Idiotic

DOWN

1 Hot flow
2 Farm team
3 Metric mass unit
4 Unusual
5 Island off Naples
6 Looks forward to
7 Galleon, e.g.
8 Badge material
9 Pamplona cry
10 Traffic stopper

16 Expected
18 Wharf
19 Five-pointed figure
20 Green gem
21 Place for a coin
22 Reckless
23 Look lewdly
25 Diving position
29 Incite
30 Sphere
33 Improve, in a way
34 Take a nap
36 Shrek, for one
37 New driver, usually
38 Pilot-policing org.
39 Strike caller
40 Grammys category
41 Saucer, perhaps



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