

Police Revealed a Case of Necrophilia in Dhaka, Bangladesh – Legal and Psychiatric Issues

Nurunnabi ASM¹, Sultan MT², Islam MM³, Shaikh MAK⁴

Abstract

In November 2020, the Criminal Investigation Department of Bangladesh Police revealed in front of the media that a 20-year old young male allegedly had intercourse with female cadavers under postmortem examination inside the mortuary while working as an assistant to the official mortuary attendant in a medical college in Dhaka, Bangladesh. The subject of sex is still a taboo in the country, and an offence as bizarre as necrophilia is even beyond the imaginative capacity of majority of the population. However, this case of necrophilia has stirred the sentiment of the people and at the same time thrown challenges to the legislation and forensic psychiatry service of the country that we would like to focus on. There exists no penal provision in the country which criminalizes such “particular act of necrophilia”. However, we are interested to observe the consequences. Besides, no information was made available on psychiatric evaluation of the offender while arresting and sending him to the jail. We recommend strengthening of forensic psychiatry as a discipline to operate psychiatric evaluation in such cases which is crucial for legal proceedings. Moreover, making amendments to the existing laws should be considered to encompass this type of offence.

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Background of the case

In November 2020, the Criminal Investigation Department (CID) of Bangladesh Police revealed in front of the media that a 20-year old young male allegedly had intercourse with female cadavers inside the mortuary while working as an assistant to the official mortuary attendant. The news drew the attention of international and domestic media.¹⁻⁵ He belongs to the lower caste of a Hindu family and lived in a rural area. His uncle is the official mortuary attendant of the Department of Forensic Medicine & Toxicology of Shaheed Suhrawardy Medical College, Dhaka. He was a dropout student from his secondary school and started working in the mortuary in 2016 as the assistant of his uncle, when he was 16. Later he helped to take the corpses to the

morgue, and sometimes assisted in autopsy. Besides, he also assisted the relatives of the corpse in processing for cremation and death certificate verification. At the age of 17, he often assigned by his uncle to hold the key to the

For Correspondence:

1. Dr. Abu Sadat Mohammad Nurunnabi, Assistant Professor, Department of Anatomy, OSD, Directorate General of Health Services (DGHS), Dhaka-1212
2. Dr. Mohammad Tipu Sultan, Medical Officer, Department of Forensic Medicine & Toxicology, Dhaka Medical College, Dhaka-1000
3. Dr. Md. Mozaharul Islam, Assistant Professor and Head, Department of Forensic Medicine & Toxicology, Shaheed Syed Nazrul Islam Medical College, Kishoreganj-2300
4. Maj. (Dr.) Muhammad Abdul Kayum Shaikh, Assistant Professor and Head, Department of Psychiatry, Army Medical College Cumilla, Cumilla Cantonment, Cumilla-3501

Address of correspondence:

Email: shekhor19@yahoo.com

mortuary and sleep there at night. There is direct access to the mortuary from the room where he slept. He started to do sex with female corpses at nighttime when he was about 18 years. He was a bit selective here to those bodies which were non-mutilated, died by hanging, and of teen age (11-18 years). Swab samples taken from those corpses confirmed the presence of male sperm. Later, DNA tests indicated that the samples were from a single person. Based on the clues and evidence CID Police arrested him. He gave his confession statement under section 364 of the Criminal Procedure Code of Bangladesh.⁶

Legal issues in necrophilia

The most interesting fact is that 'necrophilia' is a word that denotes the sexual desire, attraction, stimulation or sexual act of a person towards a corpse,⁷ has little to no recognition in the book of laws of most countries. When it comes to the legislations, specific laws against sexual activities with corpses have not been directly identified in most of the nations including Bangladesh, India, and Sri Lanka.⁸ However, Brazil, Canada, France, South Africa, United Kingdom, Sweden and New Zealand are a few countries in which the necrophilia is directly recognized with criminality.⁹ In many other countries and in some states of the USA, the explicit recognition is not entertained though it has been criminalized with many other entities under the misconduct to the human remains and so on.⁹

The only law related to corpses in Bangladesh is section 297 of Penal Code¹⁰ that makes a vague attempt at incorporating the defiling of a dead body within its statutory confinements. However, there exists no penal provision in the country which directly can criminalize the "particular act of necrophilia" if no trespass has been committed.

The subject of sex is still a taboo in the country and, an offence as bizarre as necrophilia is even beyond the imaginative capacity of majority of the population. The act of 'necrophilia' is usually assumed to be very rare in our country; hence, no data for its prevalence in the general population exists to date. In Forensic Medicine, it is imperative to highlight that occurrence of necrophilia is associated with a corpse and, the corpse can be of a person who met his demise earlier, or it can be of the person who was killed for this ghastly act.¹¹ However, we observe numerous limitations with the abovementioned provision. Only those persons can be treated as liable for acts prohibited under who have trespassed into the burial grounds.¹⁰ A morgue keeper, an employee in the morgue, guards of the morgue or guards of the burial grounds and keeper of the burial grounds or any other person who is present at either place under their official capacity cannot be held liable even if they are caught indulged in any of the prohibited acts since they have not trespassed into either of the places. Hence, according to this section a person can be punished for necrophilia only if the person trespasses the burial ground and have sexual intercourse with a dead body, which tends to exclude the morgue attendant in our current case. Moreover, the punishment attached is imprisonment up to a year or fine or both.¹⁰ In our opinion, the punishment seems insufficient, as the act of defiling a human corpse is not only a crime against the society that destroys the basic right of dignified burial, but also a crime against the sentiments of the family of the deceased. Apart from that, Section 377 of the Penal Code functions as the legal impetus behind the criminalization of what was referred to as "unnatural offences",¹² but inclusion of 'necrophilia' within the provision seems a bit

tricky. However, we are interested to observe the consequences.

Psychiatric issues in necrophilia

Typically, 'necrophilia' falls within the classification of 'paraphilia' by the World Health Organization (WHO) in its International Classification of Diseases (ICD-10) diagnostic manual, as well as by the American Psychiatric Association in its Diagnostic and Statistical Manual (DSM-5).^{13,14}

Evidence showed that mortuary attendants (in local language 'dome') in our country are a group of workers exposed to extremely unpleasant, stressful and psychologically damaging working conditions and cultural marginalisation. Moreover, those working with death are often seen as 'sub-humans'.¹⁵ Mortuary workers in the India sub-continent (including Bangladesh) usually recruited from poor, disadvantaged (dalit/lower caste) communities, and their workplace make them subject to significant humiliation, and emotional vulnerability, which may result in several psychological problems.¹⁵ Moreover, individuals from those scheduled castes are more likely to have over-indulgence of alcohol, tobacco, and other substance use.¹⁶ In our case, the offender has been a known cannabis user for years. Interestingly, in this case, Police made no information available on his mental state examination or psychiatric evaluation whether he has been suffering from any mental disorder while arresting and sending him to jail. It indicates an ignorance of importance of evaluation of the mental health status among the sex offenders in Bangladesh. Besides, it gives a picture of our reluctance on mental health literacy and awareness in general in the society. In However, we feel that a thorough mental state examination

should be performed in such cases which is necessary for several aspects of legal proceedings. Evidence also suggests that alcoholism, substance abuse, psychiatric morbidity should be assessed among the paraphiliacs or necrophiliacs for fair proceedings in the court.¹⁷

Conclusion

When we are writing on this case, no (bio) medical journal has reported or discussed this case in the country. We feel a moral and professional obligation to discuss legal and psychiatric issues to initiate a dialogue on necrophilia/paraphilia. We recommend strengthening of forensic psychiatry as a discipline to operate psychiatric evaluation in such cases which is crucial for legal proceedings. Moreover, making amendments to the existing law should be considered to encompass this sort of offence.

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