

## **Bangladesh's alarming use of capital punishment: ICJ urges Bangladesh to abolish capital punishment in law and practice**

The International Commission of Jurists (ICJ) condemns Bangladesh's imposition of the death penalty in contravention of the global trend towards abolition of capital punishment. It signifies a weakening of the rule of law and respect for human rights standards in the country.

On 3 November 2013, the International Crimes Tribunal (ICT) convicted Chowdhury Mueen Uddin and Ashrafuzzaman Khan *in absentia* for abduction and murder during Bangladesh's liberation war in 1971 and sentenced them to death. The ICT, set up by the Government of Bangladesh in 2010 to prosecute persons accused of committing genocide, crimes against humanity, war crimes and other serious crimes during the 1971 war, has so far convicted nine accused. Seven have been given death sentences.

Two days later, on 5 November 2013, a special court sentenced 152 persons to death, most of them former officers of the Bangladesh Rifles (BDR), for participating in the 2009 mutiny in which 74 people were killed.

"The numbers of death sentences issued by special courts in Bangladesh is alarming," said Ben Schonveld, ICJ's South Asia Director. "There seems little interest in seeking justice; this looks more like revenge."

The ICJ considers the death penalty to constitute a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. The United Nations General Assembly has repeatedly called on all States to establish a moratorium on the death penalty with a view to abolition.

"Those responsible for committing atrocities during the Bangladeshi war of liberation and the 2009 mutiny must be prosecuted and brought to justice," added Schonveld. "But the death penalty is a perversion of justice, even more so when imposed after trials that violate due process."

Under international law and standards, including the International Covenant on Civil and Political Rights, Bangladesh is required to scrupulously and strictly to observe all relevant fair trial guarantees. This includes the right to effective legal assistance at all stages of the proceedings including the appeal.

The International Crimes Tribunal as well the Special Court set up by Bangladesh to try those accused of committing atrocities in the 2009 mutiny do not meet international standards and Bangladesh's legal obligations concerning the right to a fair trial.

The 846 suspects tried by the special court in Dhaka for the 2009 mutiny had limited access to lawyers; did not have sufficient knowledge of the charges and evidence against them; and at least 47 suspects died while in custody, allegedly after being subjected to torture.

There are also serious procedural flaws at all stages in the ICT. Pre-trial release has been routinely and arbitrarily denied; witnesses have been abducted and intimidated; and there have been credible allegations of collusion between the Government, prosecutors and judges.

The ICJ calls on Bangladesh to join the great majority of States around the world in rejecting the death penalty. To that end, Bangladesh should impose a moratorium on the practice and take steps towards its abolition, as prescribed by repeated United Nations General Assembly Resolutions.

In addition, Bangladeshi authorities must order a retrial of all persons accused of participating in the 2009 mutiny and ensure that their fresh trials meet international law standards on fair trial.

### **Additional Information**

The United Nations has adopted various instruments in support of the call for the worldwide abolition of the death penalty. In 2007, the UN General Assembly adopted a resolution emphasizing that 'that the use of the death penalty undermines human dignity' and calling for the establishment of a moratorium on the use of the death penalty 'with a view to abolishing the death penalty.' The resolution was reaffirmed in 2008, 2010, and most recently in December 2012, when a large majority of UN Member States voted in favor of a worldwide moratorium on executions as a step towards the death penalty's abolition.

On 25 and 26 February 2009, members of the Bangladesh Rifles (BDR) revolted against their commanders of the Bangladesh army. The mutiny led to the killing of 74 people, including 57 army officers. A number of women relatives of the army officers were also subjected to rape and sexual assault.

The Dhaka special court tried 846 suspects for participating in the 2009 mutiny. 152 were sentenced to death, 161 were sentenced to life imprisonment, 256 were sentenced to prison terms between three to ten years, and 277 were acquitted.

**Contacts:**

Ben Schonveld, ICJ South Asia Director (Kathmandu), t: +977 14432651; email: [ben.schonveld@icj.org](mailto:ben.schonveld@icj.org)

Sam Zarifi, ICJ Asia-Pacific Director (Bangkok), t: +66807819002; email: [sam.zarifi@icj.org](mailto:sam.zarifi@icj.org).