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BANGLADESH: THE DEATH PENALTY DOES NOT EQUATE TO JUSTICE

Amnesty International condemns the relentless use of the death penalty as the highest form of punishment in Bangladesh. Since November 2015 alone, at least 50 death sentences have been imposed by trial courts in the country.¹

Although the crimes for which these individuals have been convicted are very serious and justice must be served, the taking of another's life by execution perpetuates violence and is the ultimate cruel, inhuman and degrading punishment. The death penalty also violates the right to life, a fundamental right of every human being.

DEATH PENALTY IS IRREVERSIBLE AND MISTAKES OCCUR

Executions are an irreversible form of punishment and leave no room to correct any judicial errors, or address fair trial violations from the proceedings. Wrongful executions have been carried out in several countries around the world and every year several prisoners are released from death rows on the grounds of innocence.

In the case of Oishee Rahman, who was sentenced to death on 12 November 2015 for the murder of her parents, there were reports that she was a juvenile when she committed the crime. If there has been any error in determining that Oishee Rahman was over 18 when she committed the crime, she will not have another chance to seek remedy for the wrongful sentence if her appeals fail and she is executed.²

DEATH PENALTY: NOT A DETERRENT OF SERIOUS CRIME

When pronouncing the verdict in Oishee Rahman's case, the judge said, "If such an offender is given minor punishment instead of the death penalty, such crimes will increase."³ This statement is not based on hard evidence. Studies have consistently failed to demonstrate that the death penalty deters crime more

effectively than other punishments. A comprehensive study carried out on the relation between the death penalty and homicide rates concluded that “research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment”.⁴

Several studies conducted by the United Nations have identified poverty, inequality, and the capacity of states to enforce the rule of law as factors affecting the level of violence in most countries, in addition to individuals’ particular circumstances.⁵

Preventing crime requires, among other strategies, tackling its root causes and effective and accountable law enforcement. Ensuring access to justice for victims and survivors is a crucial component, but in Amnesty International’s view this should be without recourse to the death penalty.

Furthermore, the death penalty denies those found responsible for crime the possibility of reformation and social rehabilitation, which international law establishes as the goals of incarceration. A sentence of life imprisonment, with a thorough rehabilitation and reintegration programme, would provide the possibility for those convicted of crimes to reform and reintegrate into their communities when they have served their prison sentence. In recent years, there has been a glorification of the death penalty and executions in the country – in the media and within sections of civil society.⁶

Bangladesh has legal obligations under ICCPR to restrict the use of the death penalty and its ultimate goal must be to abolish the practice.⁷ But, far from distancing itself from the calls for the death penalty, the Government of Bangladesh has in effect taken sides with those calling for more executions. Indeed, the Government has argued for the death penalty in a large number of cases and has not responded positively to calls for restraint and abolition.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. Amnesty International, in solidarity with human rights activists both in Bangladesh and across the world, and together with civil society organisations, is working to end the use of the death penalty: it is a cruel, inhuman and degrading practice. Since 1977, Amnesty International’s work to end the death penalty has focused on all countries where the death penalty is being used, including China, Iran, Pakistan, Saudi Arabia, and the USA.

Despite setbacks, the global trend towards abolition of the death penalty remains strong. More than two-thirds of all countries have abolished the death penalty in law or practice. This year three more countries – Fiji, Madagascar and Suriname – abolished the death penalty for all crimes. Out of 41 countries in Asia and the

Pacific, 18 have abolished the death penalty for all crimes. Mongolia will become the 102nd country to have abolished the death penalty for all crimes when the new Criminal Code comes into effect in 2016.

In 2014 Amnesty International did not record any executions in Bangladesh. But, at least 141 men and 1 woman were sentenced to death in the country. At the end of 2014, 1,235 people remained on death row. The total number at the end of 2015 will be even higher.

RECOMMENDATIONS TO THE GOVERNMENT OF BANGLADESH

- Commute all death sentences to terms of imprisonment;
- Ensure that a fair trial is guaranteed in all cases;
- Establish a moratorium on executions, with a view to eventual abolition.

¹ Based on Amnesty International's monitoring of the Bangladeshi media.

² The Daily Star, '*Oishee given death penalty*', 15 November 2015, <http://www.thedailystar.net/frontpage/oishee-given-death-penalty-171697>

³ The Daily Star, '*Oishee given death penalty*', 13 November 2015 <http://www.thedailystar.net/frontpage/oishee-given-death-penalty-171697> (accessed 9 December 2015, 14:30)

⁴ R. Hood, '*Death Penalty: A World-Wide Perspective*', NCJRS Abstract, National Criminal Justice Reference Service, <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=121906>

⁵ Amnesty International, '*Not making us safer: crime, public safety and the death penalty*' (AI Index: ACT 51/002/2013) <https://www.amnesty.org/en/documents/act51/002/2013/en/>

⁶ BBC, '*Huge Bangladesh rally seeks death penalty for war crimes*', 8 February 2013, <http://www.bbc.co.uk/news/world-asia-21383632>

⁷ International Covenant on Civil and Political Rights: Article 6(6): "Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant." <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>