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Bangladesh: Resist pressure to push for death sentences at war crimes tribunal

The Bangladesh government must not let a proposed new legal amendment lead to a push for death sentences for those convicted in its ongoing war crimes tribunal, Amnesty International said.

Bangladesh's International Crimes Tribunal (ICT) was set up in 2010 to try people suspected of crimes under international law, including genocide, war crimes and crimes against humanity, committed during the country's 1971 war of independence.

On Sunday, Parliament is likely to pass an amendment to the law governing the ICT's proceedings, which will enable prosecutors to appeal for the death penalty for those sentenced to imprisonment in the tribunal. Current procedures allow the defence the right to appeal in all circumstances, but permit the prosecution to appeal only against an acquittal.

"Given the extremely tense situation in Bangladesh, there is a real risk that the government will use this amendment to push for those tried in the ICT to be sentenced to death," said Abbas Faiz, Amnesty International's Bangladesh researcher.

"We urge the government to resist this. The death penalty is the ultimate cruel and inhuman form of punishment, and the government should abolish it altogether, not call for it."

The amendment, proposed by Bangladesh's Cabinet, will allow the prosecution an equal right to appeal sentences handed down by the ICT – creating an opening for the prosecution to ask the Supreme Court to increase sentences of imprisonment to death sentences.

The ICT delivered its first verdict in absentia on 21 January 2013, sentencing one of the accused, Abul Kalam Azad, to death for crimes against humanity. Azad's defence intends to appeal the verdict.

On 5 February, the ICT sentenced Abdul Quader Molla, a senior member of Jamaat-e-Islami (an opposition party), to life imprisonment for crimes against humanity.

That second verdict sparked mass protests across Bangladesh with tens of thousands of people rallying in Dhaka calling for the death penalty for Molla. Opposition activists have called both verdicts politically motivated

A further seven individuals, all members of political opposition parties, are currently on trial in the ICT.

"The ICT is a historic opportunity to end over 40 years of impunity for the horrendous crimes committed during Bangladesh's independence war," Faiz said. "Victims deserve justice, but the accused also must have their human rights respected. Imposing the death penalty, which is a human rights violation, is not the answer."

“The government must not simply use their majority in Parliament to change the law so that they can ask the Supreme Court to impose a death sentence.”

“This is the time for a calm and considered approach to these trials, if they are to bring justice and help ensure redress for the victims of the mass scale human rights violations in 1971. The government must ensure that the ICT maintains its independence and does not come under pressure from the public and the authorities to deliver the verdict that they want.”

Amnesty International has also received disturbing reports that some individuals critical of the ICT have been threatened and may be at risk of retaliatory violence.

“It is absolutely vital that the government ensures that those critical of the ICT are given protection and do not have to fear for their safety simply for exercising their right to freedom of expression,” Faiz said.

“People must be able to express their views about these trials freely and without being subjected to harassment or intimidation, and without fear of retaliation.”

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, as a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and as the ultimate cruel, inhuman or degrading punishment.

The International Criminal Court and all other international criminal courts established since 1993 have excluded the death penalty as a sentence for crimes against humanity, war crimes, and genocide.