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Bangladesh: Death sentence without right of judicial appeal defies human rights law

Bangladesh should immediately commute the death sentence of Abdul Quader Mollah, Amnesty International said after the Supreme Court increased his sentence from life imprisonment to death following an appeal by the government.

Mollah, a senior leader in the opposition Jamaat-e-Islami party was first sentenced to life imprisonment for crimes against humanity by the Bangladeshi International Crimes Tribunal (ICT) in February 2013. The tribunal was set up in 2010 to try those accused of committing war crimes during Bangladesh's 1971 independence war.

"We are very concerned about the Supreme Court's ruling and the apparent relentless effort by the government to ensure that Mollah could be put to death. We urge Bangladeshi authorities to commute his death sentence, and to impose a moratorium on executions as a first step towards abolishing the death penalty," said Abbas Faiz, Amnesty International's Bangladesh Researcher.

The death sentence was handed down by the highest court in the country, giving Mollah no chance to appeal. The imposition of the death sentence without the possibility of appeal is incompatible with Bangladesh's obligations under international human rights law.

"Imposing a death sentence without the right of judicial appeal defies human rights law. There is no question that the victims of Bangladesh's independence war deserve justice, but one human rights violation does not cancel out another. Executions are a symptom of a culture of violence rather than a solution to it," said Faiz.

"This is the first known case of a prisoner sentenced to death directly by the highest court in Bangladesh. It is also the first known death sentence in Bangladesh with no right of appeal."

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.

Background

The Attorney General and the Law Minister have said there would be no possibility of a review of the death sentence by the Supreme Court.

Multiple appeals against death sentences, as well as a final review of the highest court ruling on them, are available to prisoners sentenced to death by other courts in Bangladesh.

Even prisoners sentenced by the ICT have the right to a judicial appeal.

The death sentence imposed on Abdul Quader Mollah by the highest court in Bangladesh brings to five the number of death sentences linked to ICT trials. The other four - Abul Kalam Azad , Delwar Hossain Sayedee, Muhammad Kamaruzzaman and Ali Ahsan Mujaheed – were sentenced to death by the ICT earlier this year.

Commuting Mollah's death sentence will be in line with the trend set by the International Criminal Court and all other international criminal courts established since 1993. They have all excluded the death penalty as a sentence for the most horrific crimes: crimes against humanity, genocide and war crimes.