

URGENT ACTION

FIVE AT RISK OF EXECUTION IN BANGLADESH

Five men are at risk of execution in Bangladesh if the Supreme Court's final review of their sentences confirms the death sentences. It will be then for the President to commute or ratify the death sentences.

Syed Farooq-ur Rahman, Sultan Shahriar Rashid Khan, Mohiuddin Ahmed, AKM Mohiuddin Ahmed, and Bazlul Huda were sentenced to death in 1998 for the assassination of Bangladesh's first president Sheikh Mujibur Rahman and most of his family members in August 1975. As allowed under Bangladeshi law, they appealed to the High Court and then to the Supreme Court against their convictions, but their sentences were upheld in April 2001 and November 2009 respectively. The only judicial remedy open to them now is still with the Supreme Court who will review its own verdict for the last time. This review is scheduled to take place on 24 January. It is then up to the President to commute or ratify their death sentences.

Despite the Supreme Court Review having not concluded, the Bangladeshi authorities have announced that preparations for the execution of these five men have begun and the prisoners will be executed by first week of February. In addition, newspapers reported on 19 January 2010 that the President has already considered and rejected clemency requests (known as mercy petitions in Bangladesh) for three of the men - Mohiuddin Ahmed, AKM Mohiuddin Ahmed, and Bazlul Huda. Syed Farooq-ur Rahman and Sultan Shahriar Rashid Khan have not yet requested clemency. Lawyers say mercy petitions are normally considered after all the judicial processes are over, not in parallel with them. The prisoners are all on death row in Dhaka Central Jail in the capital of Bangladesh.

The killing of Sheikh Mujibur Rahman and his family members were grave human rights abuses, and those who committed them should be brought to justice. However, this should not be done through executions, because the death penalty itself is a violation of every person's human rights and is a cruel, inhuman and degrading punishment.

Amnesty International opposes the death penalty in all cases, and anywhere in the world, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging the President as head of state, and the Prime Minister as head of government to halt the execution of Syed Farooq-ur Rahman, Sultan Shahriar Rashid Khan, Mohiuddin Ahmed, AKM Mohiuddin Ahmed, and Bazlul Huda, if the Supreme Court upholds their sentences;
- Urging the President and the Prime Minister to halt the execution of all people on death row in Bangladesh and establish a moratorium on executions with a view to abolishing the death penalty in Bangladesh.

PLEASE SEND APPEALS BEFORE 4 MARCH 2010 TO:

President

Zillur Rahman
Office of the President
Dhaka, Bangladesh
Fax: + 880 2 9566593
+ 880 2 8159895 (Please send to both
fax numbers)

Email: webportal@pmo.gov.bd

Salutation: Dear President

Prime Minister

Sheikh Hasina
Prime Ministers' office
Old Sangsad Bhaban
Tejgaon, Dhaka-1215
Bangladesh
Fax: + 88028113244

E-mail: info@pmo.gov.bd

Salutation: Dear Prime Minister

And copies to:

Minister of Home Affairs
Advocate Sahara Khatun
Bangladesh Secretariat
Dhaka-1000
Bangladesh

Fax: + 88027164788

Email: sobhansikder@yahoo.com

Salutation: Dear Home Minister

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Sheikh Mujibur Rahman and most of his family members were killed when a group of military officers entered his house and opened fire on them in an attempted coup on August 15th 1975. Then acting President Kondaker Mushtaq Ahmed and his successor, President Ziaur Rahman, had granted the accused officers immunity from prosecution. It was lifted by Sheikh Hasina when she became Prime Minister in 1996 removing the legal barrier against the prosecution of suspects.

On 8 November 1998, a Dhaka court sentenced 15 of the 20 men accused of the murders to death. They were Syed Farooq-ur Rahman, Sultan Shahriar Rashid Khan, Muhiuddin Ahmed, AKM Mahiuddin Ahmed, Bazlul Huda, Khandaker Abdur Rashid, Shariful Haque Dalim, Ahmed Shariful Hossain, AM Rashed Chowdhury, SHMB Noor Chowdhury, Md Abdul Aziz Pasha, Md Kismat Hashem, Nazmul Hossain Ansar, Abdul Mazed, and Moslemuddin. The case went for an appeal hearing to the High Court and on 14 December 2000, the high court delivered a split verdict. One judge upheld the death sentence for 10 of them and acquitted the other five. A second judge upheld the death sentences on all 15 defendants. The case then went for another hearing to a different High Court judge who delivered the final verdict on 30 April 2001, upholding the death sentence for 12 of the defendants. The other three, who were acquitted, were Md Kismat Hashem, Ahmed Shariful Hossain, and Nazmul Hossain Ansar. Five of those convicted who are already in detention in the Dhaka Central Jail appealed to the Supreme Court against their death sentences. They are Syed Farooq-ur Rahman, Sultan Shahriar Rashid Khan, Mohiuddin Ahmed, AKM Mohiuddin Ahmed, and Bazlul Huda. The Supreme Court upheld their sentences on 19 November 2009, leaving a final review of the case (scheduled for 24 January 2010) as the last judicial remedy open to these five men.

Prisoners sentenced to death in Bangladesh can appeal to the High Court against their conviction. If the High Court upholds the sentence they can appeal to the Supreme Court. If the Supreme Court upholds the sentence, the prisoners have one more judicial remedy open to them and that is a final review of the Supreme Court verdict by the same Bench of the Supreme Court. If the death sentence is still upheld, the only remedy open to the prisoners is a mercy petition requesting clemency from the President.

The United Nations General Assembly adopted resolution 62/149 on 18 December 2007, calling for a worldwide moratorium on executions. The resolution was adopted by an overwhelming majority of 104 UN member states in favour, 54 countries against and 29 abstentions. Although not legally binding, the UN resolution on the moratorium on executions carries considerable moral and political weight. The resolution is a reminder of member states' commitment to work towards abolition of the death penalty. It is also an important tool to encourage retentionist countries to review their use of the death penalty. Another resolution on the death penalty was adopted by the UN General Assembly on 18 December 2008 on the implementation of the 2007 UNGA resolution 62/149. 106 countries voted in favour, 46 against and 34 abstentions. Bangladesh should join the ever increasing community of nations who declare a moratorium on executions.

UA: 20/10 Index: ASA 13/001/2010 Issue Date: 21 January 2010

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