

URGENT ACTION

STOP POLITICAL LEADER'S IMMINENT EXECUTION

The Supreme Court has rejected the appeal against its ruling, upholding the death sentence against Motiur Rahman Nizami, the leader of the political party Jamaat-e-Islami. All legal appeals have now been exhausted and his only remaining option is to seek clemency from the President. His execution is imminent.

Motiur Rahman Nizami, the current chief of the Bangladeshi opposition party Jamaat-e-Islami, was convicted and sentenced to death by the International Crimes Tribunal (ICT) in October 2014. The ICT is a Bangladeshi court set up by the Government in 2010 to investigate mass scale human rights violations committed during Bangladesh's 1971 War of Independence. He was convicted of murder, rape and the mass killing of intellectuals during the War of Independence.

Motiur Rahman Nizami appealed the ICT's decision and on 6 January, the Appellate Division of the Supreme Court upheld his death sentence. After the full verdict was released on 15 March, Motiur Rahman Nizami petitioned the Supreme Court for a review of its ruling. On 5 May the Supreme Court rejected his latest appeal. This has exhausted his legal options since the number of reviews available for ICT cases is lower than for ordinary cases. He faces imminent execution unless presidential clemency is sought and granted. Nizami has yet to decide whether to seek clemency.

So far, the ICT has sentenced 21 persons to death for crimes committed during Bangladesh's 1971 War of Independence. In the past three years, four of those convicted by the ICT have been executed. There are serious and important issues around the fairness of ICT trials which have not been addressed. These have also been highlighted by the UN and other credible organisations.

Please write immediately in Bangla, English or your own language:

- Calling on the Bangladeshi Government to immediately halt the execution of Motiur Rahman Nizami and any other prisoners and commute all death sentences;
- Urging them to establish a moratorium on executions as a first step towards abolition of the death penalty;
- Reminding them that in proceedings related to offences where the death penalty might be imposed the most rigorous internationally recognized standards for fair trial must be respected.

PLEASE SEND APPEALS BEFORE 16 JUNE 2016 TO:

President

Md. Abdul Hamid
President's Office
Bangabhaban, Dhaka
Bangladesh
Fax: +880 2 9585502

Salutation: Honourable President

Prime Minister

Sheikh Hasina
Prime Minister's Office
Old Sangshad Bhaban, Tejgaon, Dhaka
1215, Bangladesh
Fax: +880 2 9133722

Email: info@pmo.gov.bd

Salutation: Dear Prime Minister

State Minister

Ministry of Home Affairs
Bangladesh Secretariat, Building-8 (1st
& 3rd Floor),
Dhaka, Bangladesh
Fax: +880 2 9573711

Email: secretary@mha.gov.bd

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 66/16. Further information:

<https://www.amnesty.org/en/documents/ASA13/3693/2016/en/>

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ADDITIONAL INFORMATION

At least 197 people were sentenced to death in Bangladesh in 2015, while four executions were carried out during the year, three of which had been sentenced by the ICT.

The government set up the ICT in 2010 to investigate mass scale human rights violations committed during the 1971 War of Independence. Amnesty International welcomed the Government's move to bring those responsible to justice, but insisted that the accused should receive fair trials without recourse to the death penalty. Previous ICT cases were marked with severe irregularities and violations of the right to a fair trial.

In contrast to death sentences imposed by other courts in Bangladesh – which can be appealed twice to the High Court Division and once to the Appellate Division of the Supreme Court – death sentences by the ICT can be appealed once to the Appellate Division only. Nizami appealed the ICT's decision and on 6 January, the Appellate Division of the Supreme Court upheld his death sentence. Prisoners in Bangladesh convicted by ordinary courts and ICT and whose death sentences have been confirmed have the right to petition the Supreme Court for a review of its ruling once the full verdict has been published. The Supreme Court on 15 March released the full verdict, giving Nizami an opportunity to lodge a petition. Now that the Supreme Court has rejected his petition, Nizami faces imminent execution unless presidential clemency is sought and granted.

Article 6 (1) of the ICCPR, to which Bangladesh is a State Party, protects against the arbitrary deprivation of life, which is absolutely prohibited under customary international law. The UN Human Rights Committee has stated that the imposition of a sentence of death after a trial which does not comply with standards for fair trial set out in the ICCPR is a violation of the right to life. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has underlined that "it is arbitrary to impose the death penalty where the proceedings do not adhere to the highest standards of fair trial."

Furthermore, Article 6 (6) of the ICCPR also sets abolition of the death penalty as the goal to be achieved by States that still retain this punishment. As of today, 140 countries have abolished the death penalty in law or practice. In 2015, four more countries – Congo (Republic of), Fiji, Madagascar and Suriname – abolished the death penalty for all crimes and the Parliament of Mongolia adopted a new Criminal Code abolishing this punishment, effective from September 2016. Amnesty International opposes the death penalty as a violation of the right to life, as recognized by the Universal Declaration of Human Rights (UDHR), and as the ultimate cruel, inhuman and degrading punishment. 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.

Name: Motiur Rahman Nizami

Gender m/f: Male

Further information on UA: 66/16 Index: ASA 13/3974/2016 Issue Date: 5 May 2016