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Two opposition leaders face imminent execution after serious flaws in their trials and appeals

Bangladesh

Two opposition politicians face imminent hanging for crimes committed during the 1971 Independence War after serious flaws occurred in their trial and appeal processes, Amnesty International said today.

In 2013 Ali Ahsan Mohammad Mojaheed and Salauddin Quader Chowdhury were sentenced to death by the country's International Crimes Tribunal (ICT) on charges of war crimes and genocide at trials that failed to meet international standards for fair trial. Both men had their convictions and sentences upheld on appeal in June and July this year respectively, and in the government's haste to see more war crimes convicts executed, both have now had their appeals process sped up. The UN has stated the ICT fails to meet international fair trial standards. The two men will have their review petitions, which are effectively their last appeals, heard on 2 November. If their convictions are upheld there is no legal way to overturn their death sentences.

“Their trial and appeals process were clearly flawed and since they now face the death penalty the ultimate miscarriage of justice may be only days away,” said David Griffiths, Amnesty International's South Asia Research Director. “The crimes committed during the war of independence were horrific, but the death sentences only perpetuate violence. The lack of fair trials makes the use of the death penalty even more disturbing.”

Salauddin Quader Chowdhury's defence team highlighted serious flaws in his appeal hearing. In one instance, the Supreme Court failed to dismiss the statement of a witness known as “PW-6”. The witness testified that a person who could corroborate his statement was dead when in fact the individual was very much alive and had even submitted a signed affidavit to the court to prove it.

Ali Ahsan Mohammad Mojaheed's appeal to the Supreme Court failed to dismiss the prosecution's claim that he had instigated his subordinates to commit human rights abuses, when no subordinates had either been identified or testified on record.

Almost all of the ICT's verdicts since it was established in 2009 have come against members of opposition parties, mainly individuals associated with the Jamaat-e-Islami party. Serious crimes were also committed by the pro-independence forces, but no one has been investigated or brought to justice for them. As of today, 140 countries have abolished the death penalty in law or practice.

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 ICT was set up by the government in 2010 to try people involved in crimes committed during Bangladesh's Independence War in 1971. At that time, there were mass killings, rape and forced migration perpetrated by the Pakistan army and their collaborators who were fighting against forces seeking independence.

Amnesty International welcomed the government's move to investigate the mass violations and bring those responsible to justice, but insisted that the accused should receive fair trials without recourse to the death penalty.

To date, some of the trials have been based on flawed evidence, the death penalty has been used, and some of those convicted have been executed.