



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 17th May 2013

STATEMENT

The BHRC expresses concern for the safety of Shukhoranjan Bali, missing witness in the International Crimes Tribunal (ICT) in Bangladesh, who has been found in an Indian jail following allegations of abduction by Bangladeshi state authorities.

The Bar Human Rights Committee (“BHRC”) expresses deep concern over the news that Shukhoranjan Bali, the prosecution-turned defence witness in the International Crimes Tribunal (ICT) in Bangladesh, has been located in an Indian jail in Calcutta. Bali has been missing since 5th November 2012 following his alleged abduction from the door of the Court where he was due to give evidence in the case of Delwar Hossein Sayedee. Sayedee now has been convicted and sentenced to hang and his appeal is listed shortly.

The BHRC has expressed deep reservations about the fairness of proceedings in the Sayedee trial through three previous Statements. In particular, the BHRC had called on the Bangladeshi authorities to ensure a swift and impartial investigation into the alleged abduction. Those requests have been ignored. Following applications made by the defence team, the Court ordered the prosecution to investigate. No proper investigation was conducted. Instead, the prosecution simply appeared to return with a denial that there had been any abduction at all. The Attorney-General himself testified that the abduction claim had been made to bring the court into disrepute. No evidence was offered for this assertion. The authorities have failed to order an independent investigation into what took place that day. The alleged abduction of a witness in these pivotal proceedings for Bangladesh raises fundamental concerns as to the inherent fairness of the proceedings which Sayedee has received in the ICT, and indeed has critical implications for all pending trials before the same Court. Those concerns are heightened substantially by the possibility that abduction was ordered by the State authorities. Witnesses on the day of the alleged abduction claim that Bali was forced into a police van by men in plain clothes. The BHRC understands that Bali claims he was abducted at the courthouse by police, held in government custody for many weeks, and then forced across the border to India. He was sentenced by an Indian jail for illegally entering the country and has served a jail term of 100 days, although he remains in custody.

The news of Bali's whereabouts, and his explanation for his own disappearance, requires serious questions to be answered immediately by the authorities, prosecution as well as Judges and Court officials. In particular, the authorities must ascertain who ordered and carried out the alleged abduction as a matter of urgency.

The BHRC have called already for the ICT proceedings to be suspended pending a thorough, independent and impartial investigation in light of a substantial number of concerns which go to the very heart of a fair trial. The Bangladesh government has accepted that it wants the ICT to meet international fair trial standards. The BHRC now calls on the Bangladesh government to order an immediate independent investigation into the circumstances surrounding Bali's abduction and his transition to an Indian jail. Given the extreme circumstances which now exist, the BHRC reiterates its previous call for all ICT proceedings to be suspended pending a full, impartial and independent investigation into these serious allegations of state complicity in the abduction of a defence witness.

The BHRC also supports the call of Human Rights Watch for both the Indian and Bangladeshi authorities to ensure Bali's safety and security as a first priority. There is a real risk if he is repatriated to Bangladesh that his life will be endangered since he is able to reveal the facts behind his abduction. Both countries must take all necessary steps, in conjunction with the UNHCR, to ensure that Bali's safety is paramount.

NOTES FOR EDITORS

1. The Bar Human Rights Committee of England and Wales ("BHRC") is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.
2. On November 16th 2012, the BHRC expressed concern that the International Criminal Tribunal in Bangladesh (ICT) was failing to meet international fair trial standards. In particular, following the alleged abduction of a defence witness, Shukho Ranjon Bali, ("Bali") in front of the International Crimes Tribunal on Monday 5th November 2012. [See statement](#)
3. On December 14th 2012, following concerns raised by the BHRC on November 16th as to the fairness of proceedings before the Bangladesh International Crimes Tribunal ("ICT"), the BHRC urgently called for there to be a retrial in the case of Delwar Hossein Sayedee. [See statement](#)
4. On March 4th 2013, following its two statements of November 16th and December 14th 2012, the BHRC expressed grave concern at the capital punishment verdict in the

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Sayedee case. The BHRC expressed its opposition to death penalty in all circumstances. [See statement](#)

END

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