



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND & WALES

London, 27 April 2016

STATEMENT

Bar Human Rights Committee calls for Bangladesh to halt prosecution of opposition leader Motiur Nizami

The Bar Human Rights Committee of England and Wales (BHRC) calls for the government of Bangladesh to halt the imminent execution of **Mr Motiur Rahman Nizami**, the leader of the opposition Jamaat-e-Islami party. Mr Nizami was convicted by the International Crimes Tribunal (ICT) of Bangladesh and sentenced to death in October 2014. On the 4th January 2016, the Supreme Court of Bangladesh upheld the convictions and sentence. The Supreme Court yesterday rejected his review petition and the Attorney-General has indicated that his execution date will be set unless any plea for clemency is received by the President on his behalf,

The proceedings before the ICT, including those relating to Mr Nizami, have been criticised by the BHRC and other international human rights organisations, including the UN, for their lack of due process, suffering from repeated violations of international law and fair trial standards. BHRC has previously noted its concerns about serious failings of the ICT, which include the lack of judicial independence, witness interference and disappearance, arbitrary limitation of evidence, limitations on the defence to cross-examine witnesses, adequate access to legal advice, a failure to provide the safeguard of the presumption of innocence, a failure to respect the principle of equality of arms between the parties, and other grave shortcomings.

The Supreme Court of Bangladesh itself has recognised serious concerns about the evidence brought against Mr Nizami and the manner in which his trial was conducted before the ICT. Notwithstanding this, and the procedural flaws and shortcomings that have been identified, as well as the failure to meet international standards in respect of war crimes trials, it has upheld the conviction and sentence on two occasions.

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The BHRC is opposed to the death penalty in all circumstances. However, in cases where the death penalty is sought, it is even more vital that “super due process” is observed in accordance with international law. States must ensure that all of the minimum guarantees and safeguards for a fair trial are reflected, as required by Article 14 of the International Covenant on Civil and Political Rights, to which Bangladesh is a party.

The BHRC calls for all proceedings before and arising from the ICT, including all punishments and executions, to be halted pending a full and independent investigation into the concerns raised about international due process and fair trial standards.

The BHRC is committed to, and commends, a process of accountability in Bangladesh for the grave crimes committed in 1971. However, such accountability can only be provided in accordance with international fair trial norms and guarantees to which the Bangladeshi Government has in the past expressed its own commitment.

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NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Ed Gillett, Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.