

URGENT ACTION

TWO PRISONERS AT RISK OF IMMINENT EXECUTION

Despite serious fair trial concerns, on 18 November the highest court in Bangladesh upheld the death sentences of Ali Ahsan Mohammad Mujaheed and Salauddin Quader Chowdhury. This was the last judicial remedy available to them. They are now at risk of imminent execution unless the President commutes their death sentences to terms of imprisonment.

Ali Ahsan Mohammad Mujaheed, Secretary General of the Bangladeshi opposition party Jamaat-e-Islami and former Social Welfare Minister, and **Salauddin Quader Chowdhury**, former MP and senior member of the opposition Bangladesh Nationalist Party, were sentenced to death by the International Crimes Tribunal (ICT) in 2013 on charges of crimes against humanity and genocide during the 1971 Independence War. The ICT, which is a Bangladeshi court set up in 2010, found them guilty after trials that did not meet international standards for 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 (the highest court) – death sentences by the ICT can be appealed once to the Appellate Division only. The prisoners can ask the Appellate Division for a review of its own decision, and this review is done by the same bench that rules on the appeal. The two prisoners appealed against their death sentences to the Appellate Division, but their convictions were upheld. They then applied for a review, but the Appellate Division dismissed their review petition on 18 November. The review petition at the Appellate Division was effectively their last judicial opportunity to appeal their sentences.

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 alive and had even submitted a signed affidavit to the court to prove it. Ali Ahsan Mohammad Mujaheed'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.

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

- Calling on the Bangladeshi Government to immediately halt the execution of Ali Ahsan Mohammad Mujaheed and Salauddin Quader Chowdhury;
- Urging them to commute the death sentence against Ali Ahsan Mohammad Mujaheed and Salauddin Quader Chowdhury to terms of imprisonment;
- Reminding them that Bangladesh is a state party to the International Covenant of Civil and Political Rights (ICCPR), which requires states to adhere to the highest standards of fair trial.

PLEASE SEND APPEALS BEFORE 31 DECEMBER 2015 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: stateminister@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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Amnesty International reported that at least 141 men and one woman were sentenced to death in Bangladesh in 2014, with 1,235 people being under sentence of death at the end of 2014.

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. Article 14 of the ICCPR sets out standards of fair trial which include the right to a fair and public hearing by a competent, independent and impartial tribunal for anyone facing a criminal charge; the right to be presumed innocent until proven guilty; the right to be informed promptly and in detail in a language which they understand of the nature and cause of the charges against them; the right to adequate time and facilities to prepare a defence; the right to communicate with counsel of the defendant's choosing; the right to free legal assistance for defendants unable to pay for it; the right to examine witnesses for the prosecution and to present witnesses for the defence; the right to free assistance of an interpreter if necessary; the right not to be compelled to testify against themselves or to confess guilt; and the right to appeal to a higher court. Safeguards of fair trial must be respected in all capital cases.

The UN Human Rights Committee has stated that "the imposition of a sentence of death upon conclusion of a trial in which the provisions of the [International] Covenant [on Civil and Political Rights] have not been respected constitutes a violation of article 6 of the Covenant". 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."

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.

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 oppose 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.

The ICT was set up by the government in 2010 to investigate mass scale human rights violations committed during the Bangladeshi 1971 Independence War. 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.

Name: Ali Ahsan Mohammad Mujaheed and Salauddin Quader Chowdhury

Gender m/f: Male

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