



Inter-Parliamentary Union

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Bangladesh

BGL/15 - Sheikh Hasina

Decision adopted unanimously by the IPU Governing Council at its 200th session (Dhaka, 5 April 2017)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, leader of the opposition at the time the communication was submitted, and current Prime Minister of Bangladesh, and to the decision adopted at its 197th session (October 2015),

Taking into account the letter from the parliamentary authorities dated 26 October 2016, the letter from the Principal Secretary at the Prime Minister's Office dated 12 December 2016, the hearing held with the Deputy Speaker of the Parliament of Bangladesh and another member of parliament during the 136th IPU Assembly, as well as the information provided by the complainants and other sources of information,

Recalling, among the extensive information on file, the following:

- On 21 August 2004, a well-planned grenade attack was launched against Sheikh Hasina, resulting in her injury, as well as the death and injury of scores of other individuals;
- The initial investigation into the attack led to the arrest of 30 suspects, three of whom made statements confessing to their participation in the attack, which were later found to be false and fabricated;
- A subsequent investigation into the attack revealed the following: the attack was carried out by Islamist militants belonging to Horkatul Jihad al Islami (Huji), several of whom, including its leader Mufti Hannan Munshi, were arrested in connection with the case. Upon interrogation, the assailants disclosed the involvement of government officials who, upon further investigation, were found to have provided administrative and financial support for the attack, including involvement in its planning and in helping facilitate the escape of some of the perpetrators;
- After the deadline for submitting the final investigation report had been extended many times, on 2 July 2011 the Criminal Investigation Department (CID) submitted a supplementary charge sheet and formally indicted, on 18 March 2012, 30 more persons, including Mr. Lutfozzaman Babar (State Minister of Home Affairs), Mr. Abdus Salam Pinto (Deputy Minister, whose brother, Mr. Moulana Mohammad Tajuddin, had supplied the grenades used in the attack), Mr. Ali Ahsan Mohammed Mujahid (Secretary General of Jamaat E Islami Bangladesh), Mr. Tarek Rahman (Senior Vice-President of the Bangladesh Nationalist Party (BNP) and the son of former Prime Minister Khaleda Zia) and Mr. Harris Chowdhury (Political Adviser to Khaleda Zia), who were charged under sections 34, 109, 118, 119, 120(b), 201, 212, 217, 218, 302, 307, 324, 326, and 330 of the Criminal Code and sections 3, 4 and 6 of the Explosive Substances Act. Former heads of intelligence and the police were also named in the charge sheet. Further investigations also found that Mr. Abdus Salam Pinto, Mr. Lutfozzaman Babar and Mr. Tarek Rahman had assured the perpetrators that they would provide the necessary administrative

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help to carry out the attack, with Mr. Babar guaranteeing that security measures would be managed in such a way to enable the assailants to carry out the attack freely. Seven of the indicted individuals were also found to have diverted the course of justice with respect to the initial investigation in order to shield the true perpetrators;

- A total of 52 suspects have been charged. As of March 2017, eight had been granted bail and 18 had fled abroad to evade justice;
- According to the authorities, one absconded suspect, Mr. Abu Bakar (aka Hafej Salim Hawlader), had been arrested and referred to the court. Red notices had been issued against Mr. Tarek Rahman, Mr. Al Haj Moulana Mohammad Tajuddin Mia, Mr. Harris Chowdhury, Mr. Kazi Shah Mofazzal Hossen Kaykobad and Mr. Ratul Ahammed Babu, with red notices for other absconded individuals currently being processed;
- The trial has been under way since 2012. A total of 491 witnesses are scheduled to provide testimony. Approximately 100 witnesses appeared before the court in 2014, 90 in 2015 and 20 in 2016, according to the information provided by the authorities. The trial has been progressing slowly;
- The Deputy Speaker stated, during a hearing held at the 132nd IPU Assembly (Hanoi, March 2015), that the case was on the right track and that the Government was committed to completing the trial quickly. He fully acknowledged that justice delayed was justice denied and emphasized that transparency in the proceedings and due process were essential to ensure a satisfactory outcome. He stated that, even without hearing the full roster of witnesses, the case could advance and reach its conclusion if the prosecution and the court agreed that sufficient evidence had been received. The attack and the circumstances contributing to the long delays in the investigation and trial were influenced by political factors. The case had also been impeded by procedural challenges filed by the defence lawyers with the intention of delaying the pursuit of justice. The Bangladeshi Government was in discussions with the authorities of the United Kingdom to facilitate the extradition of Mr. Tarek Rahman;
- The Parliament's Standing Committee on the Ministry of Home Affairs has continued to monitor the case,

Recalling that, according to one of the complainants, the trial proceedings have been excessively slow, with only a fraction of the individuals registered to provide depositions having had their testimonies processed, and without any indication that the procedure would be completed any time soon. This slow progress in the trial, as well as an apparent lack of serious effort to locate and arrest the absconded suspects, had contributed to a deterioration in confidence in the proceedings and in the judicial system,

Considering that, in the letter of October 2016, and during the hearing conducted during the 136th IPU Assembly, the parliamentary authorities indicated the following:

- 224 witnesses out of a total of 491 witnesses have provided testimony to date. The most recent hearings were scheduled to take place on 20 and 21 March 2017 to cross-examine witness No. 225. With the exception of two remaining accused, all the other accused had already completed their cross-examination of this witness;
- Mr. Kazi Shah Mofazzal Hossen Kaykobad, one of the absconding suspects against whom a red notice had been issued, has been arrested in the United Arab Emirates and efforts were currently underway to secure his extradition to Bangladesh;
- Great care was being taken to respect all rules of criminal procedure and the rights to defence, as the case was politically sensitive. A number of suspects were senior officials of the current opposition party. If the court rushed the process and was not sufficiently transparent, the opposition would say that it was a political conspiracy. The court was therefore closely scrutinizing the evidence provided so as to ensure fair process,

Bearing in mind the striking similarities between the grenade attack against Mr. Kibria and that against Sheikh Hasina and others five months earlier, with both attacks targeting key members of the opposition at the time and using the same type of grenade. In both cases, the investigation has revealed an alleged conspiracy between members of the then ruling party and Islamist extremists. In this respect, several of the persons charged stand accused in both cases, including several members of the current opposition Bangladesh Nationalist Party (BNP) and three Harkat-ul-Jihad al Islami leaders,

Also bearing in mind that article 35 of the Bangladeshi Constitution provides that “every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law”. The International Covenant on Civil and Political Rights (ICCPR) – to which Bangladesh is a party – also affirms the right to be tried without undue delay. At its universal periodic review (UPR) before the United Nations Human Rights Council, Bangladesh accepted recommendations made to end impunity and to take necessary measures to ensure that perpetrators of human rights violations are prosecuted,

1. *Thanks* the Deputy Speaker for the information provided during the hearing; however, *reaffirms its wish* to receive more detailed information in writing on a regular basis on developments in the ongoing trial proceedings; *regrets* that such information has not been forthcoming and that neither the parliamentary authorities, nor the Attorney General, have yet responded regarding the long-standing proposed trial-observation mission;
2. *Notes* that the proceedings are still under way and that they are making slow progress; *takes note* of the reasons given by the parliamentary authorities in this respect;
3. *Remains deeply concerned* that, more than 12 years after the attack, none of the perpetrators has yet been held responsible in a court of law; *reiterates* that justice delayed is justice denied and *hopes* that the trial will proceed swiftly and that further progress will promptly be made towards ensuring full accountability for this serious crime, in conformity with national and international standards of fair trial, including those regarding the application of capital punishment, and without any political interference;
4. *Is worried about* the lack of fairness of and loss of confidence in the proceedings, as well as about the strong suspicions of the politicization of the judiciary;
5. *Notes with concern* that several suspects remain at large and takes note of the efforts undertaken by the authorities to apprehend them; *wishes* to be kept informed of progress in this regard;
6. *Notes with appreciation* that the Parliament of Bangladesh continues to monitor the case; *expects it to convey* its concerns and requests for information to the relevant executive and judicial authorities; and *trusts* that it will continue to keep the Committee regularly apprised of any significant developments and of the responses provided by all relevant authorities;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainants and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.