



Inter-Parliamentary Union

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Bangladesh

BGL/14 - Shah Ams Kibria

Decision adopted unanimously by the IPU Governing Council at its 197th session (Geneva, 21 October 2015)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the Parliament of Bangladesh who was assassinated in a grenade attack in January 2005, and to the resolution adopted at its 190th session (April 2012),

Taking into account the letters from the parliamentary authorities, dated 24 March and 13 October 2015, the information provided at the hearing held on 27 March 2015 with the Bangladeshi delegation to the 132nd 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:

- The initial inquiry into the assassination proved to be an attempt by the investigating officers to divert the course of justice; since the investigation was reopened in March 2007, Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including its leader Mufti Hannan Munshi, have been implicated; according to the Home Ministry's report of March 2010, several persons have been arrested, including the two who detonated the grenades (Mizanur Rahman Mithu and Md Badrul Alam Mizan); in addition, the former State Minister for Home Affairs, Mr. Lutfozzaman Babar, stands accused of harbouring and protecting the individuals who threw the grenades;
- According to the parliamentary authorities, the investigation had found that a Kashmir-based Islamic militant organization led by Abdul Mazid Butt helped Mufti Abdul Hannan and Moulana Tajuddin, Huji leader in Bangladesh, transport Arges grenades from Pakistan to Bangladesh with the intent to commit assassinations in different parts of the country; further investigation had also revealed that the accused Badrul Alam Mizan, Mizanur Rahman Mithu, Badrul, and Mohammed Ali were present when the grenades were thrown at Mr. Kibria;
- On 20 June 2011, the Criminal Investigation Department (CID) submitted a supplementary charge sheet against 14 other persons with the request that the court rule on their status;
- Mr. Kibria's family objected to the charge sheet and filed a no-confidence motion on the grounds that it was in its view incomplete and, among other concerns, failed to identify all the individuals involved in the assassination, in particular the real masterminds of the murder; the family further expressed concern that, unless further investigations were conducted, the evidence was unlikely to hold up in court, as it had been drawn largely from interrogations conducted in prison and the accused would claim that they had been obtained under duress; the family also remained concerned about persisting political interference in the investigations and the fact that it was not kept regularly informed of new developments and that its proposals to help advance the investigation had been disregarded;

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- In January 2012, the judge granted the family's motion and ordered that further investigations be carried out; the newly assigned investigating officer visited Mrs. Kibria and indicated that she would remain in regular contact with the family as the third investigation proceeded;
- The parliamentary Standing Committee on the Ministry of Home Affairs has continued to monitor the case,

Considering that, according to the authorities and one of the complainants, in the course of this third investigation, the investigating officer reviewed past case records and obtained testimony from 93 witnesses; this resulted in the identification and arrest of new suspects; a new charge sheet was submitted in December 2014 against 35 individuals; this third charge sheet was transferred to the Speedy Trial Tribunal in June 2015 and confirmed on 13 September 2015; judicial proceedings are now under way, with 171 witnesses expected to provide testimony,

Considering that, according to the authorities, the new suspects identified include Mr. Harris Chowdhury (the political advisor of the then Prime Minister Khaleda Zia – Mr. Chowdhury appears to also have been involved in the August 2004 attack on the then leader of the opposition and current Prime Minister, Sheikh Hasina), who is suspected of having planned the assassination; Mr. Harris Chowdhury, as well as two other suspects identified in the latest charge sheet, have absconded; the Bangladeshi authorities confirmed that they have informed Interpol for necessary action and that a red notice was issued against Mr. Harris Chowdhury,

Considering that, according to one of the complainants, Mr. Kibria's family no longer received regular updates on the investigation in past years and has been unable to obtain detailed information on the new charge sheet, particularly as regards the grounds and evidence upon which the 35 suspects have been charged; the complainant observes that this lack of information, coupled with the long history of political interference, complications and delays in the investigation, has resulted in a loss of confidence in the judicial process on the part of Mr. Kibria's family; although no reports have indicated that the family contested the third charge sheet as it had done in the two earlier ones, the family reportedly continues to believe that other individuals involved in the crime, particularly the potential instigators, had not yet been charged due to political interference; the complainant has further pointed out that Mr. Harris Chowdhury has been the subject of old-standing arrest warrants in other proceedings and that no serious efforts appear to have been undertaken by the authorities to have him located and extradited,

Considering that, during the hearing conducted on the occasion of the 132nd IPU Assembly (Hanoi, March 2015), the Deputy Speaker of the Bangladeshi Parliament affirmed that the case was now on the right track and that the Bangladeshi authorities were committed to completing the judicial proceedings quickly and that he was confident that quick progress would be made towards the resolution of the case; he observed that the delays in the investigation were initially caused by political factors; he fully acknowledged that justice delayed was justice denied and emphasized that transparency of the proceedings and due process were essential to a satisfactory outcome; he was not aware that Mr. Kibria's family had not been informed of recent investigative steps and observed that it was normally a matter of routine for investigators to keep the families informed; he further pledged to convey a copy of the new charge sheet when made public upon its confirmation by the court, as well as continue to convey information on any new developments in the proceedings,

Bearing in mind the striking similarities between the grenade attack on Mr. Kibria and that on Sheikh Hasina and others five months earlier; both attacks targeted key members of the opposition at the time, and the same type of grenade was used both times; in both cases the investigation has revealed an alleged conspiracy between members of the then ruling party and Islamist extremists and, in this respect, several of the persons charged stand accused in both cases,

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 – 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 parliamentary authorities for the information provided and for their renewed cooperation;
2. *Notes with interest* the ongoing progress in identifying those responsible for the attack, which has resulted in a third charge sheet, and the identification of new suspects, including one of the alleged planners; *further notes* that judicial proceedings are now under way; *wishes* to receive a copy of the latest charge sheet, as well as further information on the grounds and evidence supporting the charges against the suspects;
3. *Remains deeply concerned* that, ten years after the attack, none of the perpetrators has yet been held responsible in a court of law; and *hopes* that the trial will proceed swiftly and that further progress will promptly be made towards full accountability for this serious crime; *wishes* to send an observer to the trial and to be kept informed of new developments in the case;
4. *Observes with concern* that several suspects remain at large; *urges* the authorities to pursue all necessary efforts to apprehend them; *wishes* to be kept informed of progress in this regard, including with regard to the measures already taken by the authorities to obtain the extradition of some of the absconded suspects;
5. *Notes with concern* allegations that Mr. Kibria's family has not been kept regularly informed of progress made in the investigation and has lost confidence in the proceedings; *calls upon* the authorities to ensure that the family is regularly and fully informed and therefore able to participate meaningfully in the ongoing proceedings for the sake of transparency and accountability of the ongoing judicial process;
6. *Notes with appreciation* that the Parliament of Bangladesh continues to monitor the case and *trusts* that it will continue to keep the Committee regularly apprised of any significant developments;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information, and to organize a trial observation mission;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.