



Inter-Parliamentary Union

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Bangladesh

BGL/15 - Sheikh Hasina

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 Sheikh Hasina, leader of the opposition at the time the communication was submitted, and current Prime Minister of Bangladesh, 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:

- 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 resulted in the arrests of 30 suspects, three of whom made statements confessing their participation in the attack, which later were 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 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 Penal Code and sections 3, 4 and 6 of the Explosive Substances Act; former heads of intelligence and former heads of police were also named in the charge sheet; further investigations also found that Abdus Salam Pinto, Lutfozzaman Babar and Tarek Rahman assured the perpetrators that they would provide the necessary administrative help to carry

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out the attack, with Mr. Babar assuring that security measures would be managed in a way enabling the assailants to execute the attack freely; seven of the indicted individuals were also found to have diverted the initial investigation in order to shield the true perpetrators;

- By October 2011, the case was under way and being tried by the Speedy Trial Court;
- Of the 52 individuals now charged with involvement in the crime, 19 remain at large, including Mr. Rahman and Mr. Chowdhury, who are believed to be in the United Kingdom;
- The Parliament's Standing Committee on the Ministry of Home Affairs has continued to monitor the case,

Considering that, according to one of the complainants, the trial proceedings have been excessively slow, with only a fraction of the 491 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 have absconded suspects located and arrested, has contributed to a deterioration of confidence in the judicial system,

Considering that, according to the authorities, 188 witnesses had provided depositions as of September 2015; one suspect, Mr. Abu Bakar (aka Hafej Salim Hawlader), had been arrested and forwarded to the Court, and that red notices had been issued against Mr. Tarique Rahman, Mr. Al Haj Mawlana Mohammad Tajuddin Mia, Mr. Harris Chowdhury, and Mr. Kazi Shah Mofazzal Hossen Kaykobad, with red notices for other absconded individuals currently under process; the trial was delayed for six months due to some of the accused having appealed to the higher court, without any grounds, as a means to delay the trial,

Considering that the Deputy Speaker of the Bangladeshi Parliament affirmed, during a hearing held at the 132nd IPU Assembly (Hanoi, March 2015), that the case was on the right track and the Government was committed to completing the trial quickly; 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 stated that, even without the full roster of witnesses heard, 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 Bangladeshi Government was in discussions with the authorities of the United Kingdom to facilitate the extradition of Mr. Tarique Rahman,

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 the number of witness depositions made before the court, but *remains deeply concerned* at the slow pace of the judicial proceedings considering that, more than 11 years after the attack, none of the perpetrators has yet been held responsible in a court of law; *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;

3. *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 on the measures already taken by the authorities to obtain the extradition of some of the absconded suspects;
4. *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;
5. *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, and to organize a trial observation mission;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.