

URGENT ACTION

OPPOSITION LEADER FACES IMMINENT EXECUTION

The Supreme Court has rejected the latest appeal of Mir Quasem Ali and upheld his death sentence. The only remaining avenue available to him is to seek clemency from the President.

Mir Quasem Ali, the key financier of the Bangladeshi opposition party Jamaat-e-Islami, was convicted and sentenced to death by the International Crimes Tribunal (ICT) in November 2014. The ICT is a Bangladeshi court set up by the Government in 2010 to investigate mass scale human rights violations committed during Bangladesh's 1971 War of Independence. He was sentenced to death for abduction, torture and murder during the War of Independence, and also handed a total of 72 years in prison on eight other charges.

Mir Quasem Ali appealed the ICT's decision and on 8 March 2016 the Appellate Division of the Supreme Court upheld his death sentence. Mir Quasem Ali subsequently petitioned the Supreme Court for a review of its ruling and on 30 August the Supreme Court rejected his latest appeal. This has exhausted his legal options since the number of reviews available for ICT cases is lower than for ordinary cases. Death sentences by the ICT can be appealed only once to the Appellate Division. Mir Quasem Ali faces imminent execution unless presidential clemency is sought and granted. On 1 September, the authorities reportedly granted Mir Quasem Ali seven days to decide whether he wants to seek clemency.

Many credible organizations including Amnesty International and the UN have raised serious and important issues around the fairness of the ICT trials which have not been addressed. On 23 August, a group of UN experts urged the Bangladeshi government to annul the death sentence against Mir Quasem Ali and grant him a retrial, noting how the proceedings had reportedly been "marred" by "irregularities". Additionally, Mir Ahmed Bin Quasem – Mir Quasem Ali's son and a member of his defence team – was arrested without a warrant by men in plainclothes on 9 August. He has been held incommunicado ever since, and has not been charged with any crime.

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

- Calling on the Bangladeshi Government to immediately halt the execution of Mir Quasem Ali and any other prisoners and commute all death sentences;
- Urging the authorities to establish a moratorium on executions as a first step towards abolition of the death penalty;
- Reminding them that in all proceedings related to offences the most rigorous internationally recognized standards for fair trial must be respected.

PLEASE SEND APPEALS BEFORE 14 OCTOBER 2016 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: secretary@mha.gov.bd

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR MD. ABDUL HANNAN , 28 Queen's Gate London SW7 5JA, 020 7584 0081, Fax 020 7581 7477, info@bhclondon.org.uk, www.bhclondon.org.uk

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

At least 197 people were sentenced to death in Bangladesh in 2015, while four executions were carried out during the year, three of which had been sentenced by the ICT. In 2016, Amnesty International has recorded a total of eight executions in Bangladesh, including the hanging on 10 May of Motiur Rahman Nizami who had been sentenced to death by the ICT.

The government set up the ICT in 2010 to investigate mass scale human rights violations committed during the 1971 War of Independence. Amnesty International welcomed the Government's move to bring those responsible to justice, but insisted that the accused should receive fair trials that comply with international standards without recourse to the death penalty. Previous ICT cases were marked with severe irregularities and violations of the right to a 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 of the Supreme Court – death sentences by the ICT can be appealed once to the Appellate Division only. Prisoners in Bangladesh convicted by ordinary courts and ICT and whose death sentences have been confirmed have the right to petition the Supreme Court for a review of its ruling once the full verdict has been published.

Mir Ahmed Bin Quasem - the son of Mir Quasem Ali, a Supreme Court lawyer and a member of his defence team - was subjected to an enforced disappearance on 9 August, when men in plainclothes arrested him from his home. The men did not identify themselves as being with any security forces. His wife and cousin were present during the arrest. He has been held incommunicado since without access to lawyers or family members, and has not been charged with a crime.

Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a State Party, protects against the arbitrary deprivation of life, which is absolutely prohibited under customary international law. The UN Human Rights Committee has stated that the imposition of a sentence of death after a trial which does not comply with standards for fair trial set out in the ICCPR is a violation of the right to life. 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."

Furthermore, 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. In 2015, four more countries – Congo (Republic of), Fiji, Madagascar and Suriname – abolished the death penalty for all crimes and the Parliament of Mongolia adopted a new Criminal Code abolishing this punishment, effective from September 2016. 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 opposes 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.

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