

P7_TA-PROV(2013)0100

Situation in Bangladesh

European Parliament resolution of 14 March 2013 on the situation in Bangladesh (2013/2561(RSP))

The European Parliament,

- having regard to its previous resolutions on Bangladesh, in particular those of 17 January 2013¹, 6 September 2007² and 10 July 2008³,
 - having regard to the Cooperation Agreement between the European Community and the People’s Republic of Bangladesh on partnership and development⁴,
 - having regard to the International Crimes (Tribunals) Act passed by the Bangladeshi parliament in 1973 ‘to provide for the detention, prosecution and punishment of persons for genocide, crimes against humanity, war crimes, and other crimes under international law’,
 - having regard to the statements issued by the spokesperson of High Representative Catherine Ashton on 22 January 2013 concerning the death sentence pronounced by the International Crimes Tribunal in Bangladesh, and on 2 March 2013 concerning violence in Bangladesh,
 - having regard to the joint statement of 7 February 2013 of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on the independence of judges and lawyers,
 - having regard to the principles of the United Nations Charter, to the Universal Declaration on Human Rights, to the 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights, and to the 1995 Copenhagen Declaration and Programme of Action on Social Development,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the EU has good, long-standing relations with Bangladesh, including through the Cooperation Agreement on partnership and development;
- B. whereas in fulfilment of a central electoral campaign promise, the Awami League Government under the leadership of Sheik Hasina set up a war crimes tribunal on the massacres committed during the nine-month secession war between former East and West Pakistan in 1971, in which between 300 000 and 3 million people were killed and some 200 000 women raped;

¹ Texts adopted, P7_TA(2013)0027.

² OJ C 187 E, 24.7.2008, p. 240.

³ OJ C 294 E, 3.12.2009, p. 77.

⁴ OJ L 118, 27.4.2001, p. 48.

- C. whereas the trauma of one of the gravest cases of mass murder in history still overshadows the lives of many Bangladeshis 40 years later, for whom the court proceedings are intended to offer an important moment of recognition and compensation for their suffering;
- D. whereas on 21 January 2013 the International Crimes Tribunal (ICT) announced its verdict against Abdul Kalam Azad for crimes against humanity committed during the war of independence in 1971 and sentenced him to death following his trial in absentia;
- E. whereas on 5 February 2013 the ICT sentenced Abdul Qader Mollah to life imprisonment, triggering emotionally charged but largely peaceful protests by mostly young people at the Shahbagh intersection in Dhaka; whereas this so-called 'Shahbagh Movement' was calling for the application of the death penalty in the verdict as well as for a society and politics free of religious extremism;
- F. whereas in the wake of the protests, the government amended the ICT Act of 1973 to introduce a provision allowing plaintiffs to appeal against a verdict delivered by the Tribunal; whereas the court ruling against Abdul Qader Mollah can thus be overturned in favour of a death sentence; whereas this form of retroactive legislation violates fair trial standards, undermines the legitimacy of the ICT's work and violates the prohibition on double jeopardy (*'ne bis in idem'*) in international law, which is also laid down in Article 14(7) of the International Covenant on Civil and Political Rights, to which Bangladesh is a party;
- G. whereas various leaders of the ruling Awami League party, including the Home Minister, have supported the demands of the Shahbagh Movement, suggesting that the Jamaat-e-Islami party should be banned and media outlets connected to the party closed;
- H. whereas on 28 February 2013 the ICT announced its decision to sentence Delwar Hossain Sayeedi, Vice-President of the Jamaat-e-Islami party, to the death penalty on charges including persecution of the Hindu minority;
- I. whereas the situation deteriorated following this latest verdict, with violent protests against it by followers of the Jamaat Party leading to more than 60 deaths; whereas, according to information provided by NGOs, the police response to attacks by Jamaat members and supporters included the use of live ammunition;
- J. whereas there are reports of recent attacks by Jamaat activists and some Bangladesh Nationalist Party supporters on more than 40 Hindu temples, homes and shops across Bangladesh, leaving hundreds of people homeless; whereas Bangladesh's Hindu and other minorities (such as the Ahmadiyya community) have suffered repeatedly from periods of violence and persecution, notably during the independence war in 1971 and after the 2001 elections, and whereas, as a consequence, some 900 000 Hindus left Bangladesh between 2001 and 2011;
- K. whereas judicial proceedings in several other cases are under way at the ICT and there is a serious risk of the defendants being found guilty and sentenced to death;
- L. whereas the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on the independence of judges and lawyers, as well as human rights organisations, have expressed concern about the tribunal's alleged shortcomings as

regards fair trials and due process, especially the fact that one of the trials was conducted in absentia;

1. Is deeply concerned about the recent outbreak of violence in Bangladesh following the ICT verdicts and expresses its sorrow at the recent casualties;
2. Expresses its condolences to relatives and acquaintances of those killed and injured as a result of the violence;
3. Acknowledges the need for reconciliation, justice and accountability for the crimes committed during the 1971 war of independence; stresses the important role of the ICT in this matter;
4. Reiterates its strong opposition to use of the death penalty in all cases and under any circumstances;
5. Calls on the Bangladeshi authorities to commute all death sentences, to build on the positive development of there not having been any executions in 2012, and to introduce an official moratorium on executions as a first step towards the abolition of capital punishment;
6. Deplores the reported irregularities in the functioning of the ICT, such as the alleged intimidation, harassment and forced disappearance of witnesses, as well as evidence of illicit cooperation between judges, prosecutors and the government; insists, in particular, that the law enforcement authorities enhance measures to guarantee effective witness protection;
7. Calls on the Bangladeshi Government to ensure that the ICT adheres strictly to national and international judicial standards; stresses, in this connection, the guarantee of a free, fair and transparent trial as well as the right of victims to protection, truth, justice and reparation;
8. Calls on the Bangladeshi Government to redouble its efforts to enforce the rule of law and order; recalls its obligation to honour its international commitments in the field of human rights;
9. Strongly condemns the violence of Jamaat-e-Islami supporters and affiliated parties against law enforcement officers, against those who support the verdicts of the ICT, and against religious and ethnic minorities; strongly condemns any indiscriminate violence aimed at ordinary citizens;
10. Expresses its concern about the high number of casualties; calls on the government to instruct its security forces to strictly observe their obligation to use maximum restraint and avoid lethal force and to thoroughly investigate the deaths of all those killed during the demonstrations;
11. Urges the Bangladeshi authorities to ensure that all allegations of torture and ill-treatment are investigated impartially, and that those found responsible are brought to justice;
12. Urges all political leaders in the country to de-escalate political tensions in order to avoid further violence, and to instruct their supporters not to participate in any acts of violence; calls on all political parties in Bangladesh to enter into dialogue with each other;

13. Calls on the press to refrain from incitement to confrontational violence; urges the government to ensure that journalists and editors are able to express their views peacefully without being harassed, intimidated, detained or tortured;
14. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the UN Human Rights Council and the Government and Parliament of Bangladesh.