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Plenary sitting

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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the situation in Bangladesh
(2013/2561(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution 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 2013, 6 September 2007, and of 10 July 2008;
 - 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 Cooperation Agreement between the European Community and the People’s Republic of Bangladesh on Partnership and Development;
 - having regard to the statement by the spokesperson of High Representative Catherine Ashton of 22 January 2013 and 2nd March 2013;
 - having regard to the International Covenant on Civil and Political Rights;
 - having regard to Rule 122 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 fulfillment 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 which were committed during the 9 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
- C. whereas in front of the tribunal in total nine Jamaat-e-Islami leaders and two members of the opposition Bangladesh National Party (BNP) stand accused
- D. 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 offer an important moment of recognition and compensation for their suffering
- E. whereas on 21 January 2013 the International Crimes Tribunal (ICT) announced its verdict against Abdul Kalam Azad for crimes against humanity, genocide and rape committed during the war of independence in 1971 and condemned him to death following a trial in absentia of the accused;
- F. whereas UN Human Rights experts are concerned that a trial conducted in absentia does not guarantee due process in all aspects;

- G. whereas on 5 February 2013, the ICT sentenced Abdul Qader Mollah to life imprisonment while the day before, Bangladesh Jamaat-e-Islami, the Islamist political party of which Mollah is a leader, announced a countrywide dawn-to-dusk general strike demanding that the ICT be scrapped and their leaders be released
- H. whereas following the verdict, peaceful mass demonstrations began at Shahbagh intersection in Dhaka of mostly young people, spreading to other parts of Bangladesh in the following days and weeks; whereas what is now known as 'Shahbagh movement' is calling for the application of the death penalty, a ban of the Jamaat-e-Islami party and a society and politics free of religious extremism;
- I. whereas on 11 February, the Government amended the International Crimes (Tribunals) Act 1973 to introduce a provision for plaintiffs to appeal against verdicts delivered by the Tribunal; if adopted, the court ruling against Abdul Quader Mollah could be overturned in favour of the death sentence; whereas this form of retroactive legislation violates fair trial standards, undermines the legitimacy of the work of the ICT and violates the prohibition for a defendant to be tried again on the same charges following a legitimate acquittal or conviction (double jeopardy) as laid down in Art 14 (7) of the International Covenant on Civil and Political Rights, of which Bangladesh is a party;
- J. whereas various leaders of the ruling Awami League, including the Home Minister, have supported the demand of the Shahbagh movement, suggesting that the Jamaat-e-Islami party should be banned and media outlets connected to the party closed;
- K. whereas on 28th February, the ICT sentenced a third Jamaat-e-Islami leader, Delwar Hossain Sayeedi, to death including on charges of the persecution of Hindus;
- L. whereas this latest verdict has been followed by a deterioration of the situation with over 60 people dead and hundreds injured, as rioters, mostly Jamaat-e-Islami followers and members of its student group Chhatra Shibir, have continued to clash with the security forces, who have been using live ammunition against the protesters;
- M. whereas there are reports of recent attacks by Jamaat activists as well as some supporters of the BNP on more than 40 Hindu temples across Bangladesh; whereas Bangladesh's Hindu minority and other minorities (like Ahmadiyya), has suffered repeatedly under periods of violence and persecution, notably during the independence war in 1971, and after the 2001 and 2005 elections, and as a consequence some 900 000 Hindus have left Bangladesh between 2001 and 2011;
1. Is deeply concerned over the recent outbreak of violence in Bangladesh following the verdicts of the International Crimes Tribunal and expresses its condolences to relatives and acquaintances of those killed and injured;
 2. Acknowledges the need for accountability and justice for the crimes committed during the 1971 war of independence as necessary steps to achieve reconciliation and the important role which the International War Crimes Tribunal has;
 3. Strongly condemns the violence of Jamaat-e-Islami supporters against law enforcement officers and against those who support the verdicts of the war crimes tribunal;

4. expresses its concern that most deaths during the violent protests appear to have been caused by the security forces and calls on the Government to instruct the security forces to strictly observe its obligation to use maximum restraint and avoid lethal force and to thoroughly investigate the deaths of all those killed during the demonstrations
5. Strongly condemns the recent destruction of Hindu places of worship and the violence committed against religious and indigenous minorities
6. Calls on all political parties in Bangladesh to exercise maximum restraint to avoid further violence, to strictly call on their supporters not to participate in any acts of violence or heinous campaigns against other political groups
7. Deplores the reported irregularities in the functioning of the ICT, such as alleged intimidation and harassment of witnesses and indications of prohibited cooperation between judges, prosecutors and the government, insists notably that the law enforcement authorities should enhance measures to guarantee effective witness protection
8. Reiterates its strong opposition against the use of the death penalty in all cases and under any circumstances and its call on the Bangladesh authorities to commute all death sentences and introduce a moratorium on executions as a first step towards abolition of capital punishment;
9. Urges the Bangladeshi Government to support the independence of the International Crimes Tribunal and its adherence to national and international judicial standards, notably the guarantee of a free, fair and transparent trial as well as victim's right to protection, truth, justice and reparation;
10. Instructs its President to forward this resolution to the Council, Commission, the European External Action Service, the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, 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.