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Plenary sitting

12.3.2013

B7-0145/2013

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))

Cecilia Wikström, Phil Bennion, Marietje Schaake, Marielle de Sarnez, Robert Rochefort, Louis Michel, Ramon Tremosa i Balcells, Izaskun Bilbao Barandica, Edward McMillan-Scott, Angelika Werthmann, Sarah Ludford, Johannes Cornelis van Baalen
on behalf of the ALDE Group

B7-0145/2013

**European Parliament resolution on the situation in Bangladesh
(2013/2561(RSP))**

The European Parliament,

- having regard to its previous resolutions on Bangladesh, and in particular to resolution of 17 January 2013 on recent casualties in textile factory fires, notably in Bangladesh,

- having regard to the Statements by the spokesperson of EU High Representative Catherine Ashton on violence in Bangladesh in March 2, 2013, and on the death sentence pronounced by the International Crimes Tribunal in Bangladesh in January 22, 2013,

- having regard to the EU Annual Report on Human Rights and Democracy in the World in 2011, published by the European External Action Service, in June 2012,

- having regard to the EC-Bangladesh Cooperation Agreement of 2001,

- having regard to the foundations for close cooperation between the Community and Bangladesh laid by the Agreement between the Community and Bangladesh signed on 16 November 1976,

- having regard to the [Country Strategy Paper for Bangladesh](#) for the period 2007 to 2013,

- having regard to the 1966 International Covenant on Civil and Political Rights, particularly to Articles 2 and 6 related to the right to life and to ensure prompt and effective reparation when violations occur, to which Bangladesh belongs since 2000,

- having regard to the principles of the United Nations Charter, to the Universal Declaration on Human Rights, to the 1993 Declaration of Vienna and the Programme of Action of the World Conference on Human Rights, to the 1995 Copenhagen Declaration on Social Development and programme of action,

- having regard to the UN's Paris Principles of 1991 on national institutions for the promotion and protection of human rights,

- having regard to Rule 110(2) of its Rules of Procedure,

A. whereas following the death sentence given to vice-president of the Jamaat party, Delwar Hossain Sayedee, for crimes linked to Bangladesh's 1971 independence war, at least 44 protesters have died in clashes with the security forces.

B. whereas individuals taking part in strikes have vandalised more than 40 Hindu temples across Bangladesh, with shops and houses belonging to the Hindu community being burned down, leaving hundreds of people homeless.

C. whereas according to a number of NGO's, Bangladesh is failing to adequately commit to the protection, promotion and fulfillment of the human rights of its citizens.

D. whereas according to the decisions of the UN working group on arbitrary detention on 16 January 2013, the deprivation of liberty of Messrs Islam, Azam and Ali in connection with the International Crimes Tribunal is arbitrary and constitutes a breach of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights.

E. Whereas torture and other ill-treatment are widespread in Bangladesh and committed with virtual impunity by all security agencies - the police, the Rapid Action Battalion (RAB), and the army - acting alone or together.

F. whereas, contrary to the state's obligation under international human rights law and the domestic law of Bangladesh, at least 10 people have gone missing in the course of 2012. In most cases the victims have not been traced although there are reports of state involvement.

G. whereas, according to the Asian Legal Resource Centre (ALRC), the Government of Bangladesh is failing to exercise reasonable control over its agencies engaged in human rights abuses. The agencies include, inter alia, the police, paramilitary units, particularly the Rapid Action Battalion (RAB) and other intelligence agencies working under the influence or directly controlled by the armed forces of Bangladesh

H. Whereas, Over 1,000 people are reported to be on death row in Bangladesh.

I. whereas there is evidence that extrajudicial executions are continuing in Bangladesh, while the perpetrators have not been neither investigated independently nor brought to justice so far.

J. Whereas the EU launched a number of development programs aimed at supporting democratic institutions and oversight bodies, as well as continued to work on the promotion and protection of human rights, poverty alleviation and support for the democratic system in Bangladesh.

1. Urges the Government of Bangladesh to build on the positive development of no executions in 2012 and to establish an official moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolution 67/176 of 20 December 2012.

2. Recalls the obligations of the government of Bangladesh to respect its international commitments in the fields of human rights and due process.

3. Expresses serious concerns following a month of violent protests that have so far caused the death of at least 140 persons in Bangladesh, including women and children.

4. Calls on all political actors in the country to exercise maximum restraint and use their influence to put an end to violent incidents.

5. Calls for an end to the use of live ammunition by police and security services.

6. Urges the Bangladeshi authorities to ensure that all allegations of torture and ill-treatment are impartially investigated, and that those found responsible be brought to justice.
7. Believes that all political parties in Bangladesh should condemn strongly any violence against the Hindu community, and instruct all their members and supporters not to take part in such attacks.
8. Calls on the Bangladeshi Government and judiciary authorities to respect and guarantee the fundamental human rights of its citizens.
9. Expresses the need for reform of the criminal justice system in Bangladesh, in order to deliver effective justice, free from political interference, discriminatory practices and corruption.
10. Encourages the Bangladeshi authorities to review the Anti-Terrorism Act of 2009 (ATA) to ensure its compliance with international human rights standards relating to counter-terrorism.
11. Welcomes the Bangladeshi authorities' efforts to ensure that meaningful and broad-based consultations are held with the public, human rights defenders, and other relevant stakeholders to prevent and tackle terrorism activities.
12. Calls on the Government of Bangladesh to carry out an impartial and independent investigation into the reports of abductions and enforced disappearances and to ensure that police and other security agencies fully co-operate with the investigation.
13. In this respect calls for special attention to be given to the allegations of denial of medical treatment that may amount to torture of professor Ghulam Azam while in the custody of the International Crimes Tribunal (ICT) and the alleged kidnapping by Bangladesh government security forces of Mr. Shukhoronjon Bali from the premises of the ICT as he was about to give testimony in favour of the defence in the case against Mr Delwar Hossian Sayedee.
14. Urges the Government of Bangladesh to ensure that all journalists and editors are free to express their views and opinion peacefully without being harassed, intimidated, detained or tortured.
15. In this respect expresses serious concern about the ICT using its powers to intimidate and arrest members of the press on charges of contempt of the court for reporting or commenting on its work, underlines that a free press reporting about the work of the ICT is essential to the credibility of the court and indeed of the entire proceedings.
16. Calls on the Government of Bangladesh to bring to justice all perpetrators of human rights violations and crimes under international law during the 1971 war of independence regardless of what party they supported or what political affiliation they had at that time.

17. Calls for an immediate and independent investigation to be opened by the Bangladesh authorities to examine the many and very grave allegations of irregularities and breaches of national Bangladesh laws as well as international law and standards in connection with the work of the ICT.

18. Regrets that all parties in Bangladesh, and in particular all individuals in senior political office or involved in the proceedings of the ICT may have failed to scrupulously respect the principle of the independence of the judiciary and the presumption of innocence of all individuals accused in front of the ICT.

19. Firmly condemns the adoption of an amendment to the international crimes (tribunal) act intended to retroactively introduce the possibility for the prosecution to appeal a sentence from the ICT in order to seek the death penalty instead of the life sentence that was pronounced against Mr Abdul Qader Mollah; views this as a blatant case of political interference by the government of Bangladesh and the legislative branch in the work of the judiciary.

20. Notes the many serious problems that have been identified by a multitude of respected authorities and NGOs with respect to the International crimes (tribunal) act of 1971 (amended in 2009); for example the rules of procedure of the court, the serious allegations of lack of judicial independence of the court and seemingly arbitrary rulings in important procedural matters.

21. Calls for an immediate suspension of the proceedings and the work of the ICT and an immediate suspension of the execution of all sentences passed, especially with regards to death sentences until these issues have been properly addressed.

22. Calls upon the government of Bangladesh to seek international support to put an end to impunity for war crimes and crimes against humanity committed in the 1971 war of independence by requesting that all cases, including those in front of the ICT and cases where the ICT has ruled, to be transferred to the ICC in the Hague so that all alleged suspects can receive fair trials.

23. Instructs its President to forward this resolution to the EU Council, the European Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the UN OHCHR and the governments and parliaments of Bangladesh and Pakistan.