



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

November 13, 2015

Ambassador Mohammad Ziauddin  
Embassy of Bangladesh  
3510 International Drive, NW  
Washington, DC 20008

*Via fax 202-244-2771*

Dear Mr. Ambassador:

The Center for Justice and Accountability (CJA) expresses deep concern regarding the imminent execution of Mr. Ali Ahsan Mohammad Mujahid and Mr. Salauddin Quader Chowdhury, two men convicted of war crimes without due process by Bangladesh's International Crimes Tribunal (ICT). The attached public statement outlines our concerns about the lack of due process in the trials of Mr. Mujahid and Mr. Chowdhury.

CJA takes very seriously the objective to hold suspected war criminals accountable for the heinous crimes that they commit. It is in fact CJA's mission to hold war criminals to account. A court of law is a vital tool not only to hold accountable those who have committed atrocities but to build a historical record of truth that can enable a nation to heal.

Accountability, though, demands a fair and impartial trial during which both sides have an opportunity to present their case. Anytime the impartiality of a tribunal is legitimately questioned, justice is denied. The victims deserve a justice process that is above reproach.

It is regrettable that today the fairness and impartiality of the ICT is being called into question. To re-establish its mantle of justice, the Bangladeshi government and international community should support a review of the ICT, and make appropriate adjustments. The convictions of Mr. Mujahid and Mr. Chowdhury should be overturned and retrials granted.

Mr. Mujahid and Mr. Chowdhury face imminent execution, but have not been given an opportunity to present a full defense. All concerned should want those who have committed atrocities held to account, but only through a fair and impartial judicial process. The victims deserve nothing less.

Sincerely,

C. Dixon Osburn  
Executive Director



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**Statement by the Center for Justice and Accountability Calling For A Review of the Bangladesh International Crimes Tribunal and Retrial For Defendants Convicted and Sentenced To Death**

November 13, 2015

Statement by C. Dixon Osburn, Executive Director

The Center for Justice and Accountability (CJA) requests that the Bangladesh Supreme Court order retrials in the cases of Mr. Ali Ahsan Mohammad Mujahid and Mr. Salauddin Quader Chowdhury as it is clear that the International Crimes Tribunal (ICT) failed to afford them a fair trial, including failing to allow them a full opportunity to call witnesses who could have provided an affirmative defense. Additionally, CJA calls on the Bangladeshi government and the international community to conduct a full review of the ICT to assess its ability to conduct fair trials, and make recommendations for its future efforts.

CJA takes very seriously the objective to hold suspected war criminals accountable for the heinous crimes that they commit. It is in fact our mission to hold war criminals to account. The people of Bangladesh deserve justice for war crimes committed during the Bangladesh Liberation War during which Pakistani military and supporting militias engaged in mass murder, deportation, and rape. During the war, 30 million Bengalis were displaced internally and another 10 million Bengalis fled to India. A court of law is a vital tool not only to hold accountable those who have committed atrocities but to build a historical record of truth that can enable a nation to heal.

A metric for accountability, though, is a fair and impartial trial during which both sides have an opportunity to present their case. Anytime the impartiality of a tribunal is legitimately questioned, justice is denied. The victims deserve a justice process that is above reproach.

The current ruling party in Bangladesh established the ICT in 2010 to adjudicate war crimes and help the young nation heal from its violent birth. Early in the process, the United Nations, various human rights NGOs, and others supported the ICT's creation. This support soured once it became clear that the tribunal was not fully committed to due process.

It is regrettable that today the fairness and impartiality of that tribunal is being called into question. To re-establish its mantle of justice, the Bangladeshi government and international community should support a review of the ICT, and make appropriate adjustments. The convictions of Mr. Mujahid and Mr. Chowdhury should be overturned and retrials granted. These two defendants face imminent execution if the Supreme Court of Bangladesh does not grant a full retrial at a review hearing to be held on November 17.

Below we have outlined why the Supreme Court should grant retrials in both cases:

Mr. Chowdhury was sentenced to death by the ICT for charges including torture, murder, and genocide during the Bangladesh Liberation War. He is a Bangladeshi politician from a

prominent political family. The ICT allowed the defendant to present only five defense witnesses to rebut the 41 prosecution witnesses who were called to prove the 20 offenses against him. The ICT then permitted only four of the five witnesses to testify orally to speed up the trial. The limitation meant that Mr. Chowdhury could not present eight key witnesses who supported his defense. The ICT rejected affidavits by an additional six defense witnesses without explanation. The appellate court claimed that the notarized affidavits were fabricated, without evidence, and without allowing any of those six witnesses to testify. The government of Bangladesh has now barred entry of those six witnesses into the country. These errors of due process must be rectified.

Mr. Mujahid is a member of Jamaat-e-Islami, an Islamist opposition political party and a former minister. His political party opposed Bangladesh independence. He was found guilty of having served as a leader in a militia that collaborated with the Pakistan army. He was convicted of war crimes, genocide, torture, and abduction. In his case, the ICT committed a clear error of law by not identifying evidence supporting the elements of genocide. Additionally, the court relied significantly or wholly on unsubstantiated hearsay testimony. No witnesses identified the defendant as responsible for any offense. There have been numerous allegations that the presumption of innocence was repeatedly violated during the trial and that there were instances demonstrating a lack of independence and impartiality. The impartiality of the justice system was called into further doubt when the government arrested one of Mr. Mujahid's lawyers in advance of the review hearing to be held on November 17.

Two men face imminent execution, but have not been given an opportunity to present a full defense. All concerned should want those who have committed atrocities held to account, but only through a fair and impartial judicial process. There is still time to achieve justice if remedial actions are now taken. The victims deserve nothing less.