



The International Crimes Research Foundation (ICRF) responds to Amnesty International's befuddling press release

On the 27th of October Amnesty International, a "So Called" human rights organisation issued a press release titled *"Bangladesh: Two opposition leaders face imminent execution after serious flaws in their trials and appeals"* on their website.

The ICR Foundation, have thoroughly reviewed the aforementioned statement, and are deeply shocked and disdained by its content. Amnesty's press release is nothing but a compilation of false and grossly baseless facts. As an organisation devoted in researching international law, the ICR Foundation thinks that the issues raised by Amnesty International are pointless and illogical, going as far as to suggest that it may down to their lack of knowledge on international law.

Amnesty International has made claims about there being serious "faults" within the International Crimes Tribunal, which frankly is at best a false propaganda and has more smoke than fire. Bangladesh has and is still conducting the trials staying within the tangible boundaries of the law and its related procedures. The principles that govern the justice system of Bangladesh are being upheld to their fullest extent. Therefore, we feel that even the merest of distrust placed on the trials is an offence in itself. Before the trial, Bangladesh government approached only the most notable lawyers in the country to lend their expertise in the matter. It is to be noted that lawyers, even from the opposing side were approached, via formal procedural letters. But here is the sad truth. Out of 33 of approached personalities, only 1 chose to reply.

The primary framework for these trials is based on and only on the constitution of the democratic republic of Bangladesh, which in turn is what leads to the related laws, rules and procedures. The trial, without doubt, is being performed with the current existing justice system of Bangladesh in mind.

The press release mentioned that numerous people have been accused of "war crimes". This information is completely false. Till now, not a single person has been accused of war crimes. The charges named were of crimes against humanity, genocide, crimes against peace and other international crimes.

The accusations made that the appeals processes are being "sped up", just for the sake of condemning the accused is completely untrue. The trial in discussion was not conducted in haste, rather justice was served in due time, following the correct rules and regulations. Salauddin Quader Chowdhury (SQC) was arrested on the 15th of December 2010, and consequently the hearing for his Appeal review has been set for the 2nd of November 2015.

Honestly, it took 5 years for the aforementioned trial of Mr SQC to be resolved, so as to ensure there aren't any possible discrepancies. And even after that it is still sung, that the trial has been conducted "in haste".

The way Amnesty International have gone about preaching their "dictates" on the ICT, you'd think that they are prophesizing, rather than actually basing their arguments on at least a kernel of truth. SQC and Ali Ahsan Muhammad Mujahid's (AAMM) verdict has not been declared yet due to their respective review petitions still being under consideration. Yet it seems, Amnesty International is already "convinced" of what the verdict is going to be. In truth, the fact that they are somehow able to declare the results of the impending verdicts is a matter of great concern and indeed suspicion. The ICR Foundation would go so far as to suggesting that it is an intervention of the trial process and is a contempt of court. The organisation has further quoted UN, saying that the UN has raised concerns about numerous faults within the trial. That information is we're afraid, not true as well. The UN was indeed involved with the trial, but that was only up to the extent of death penalty. Never have they, I repeat never have they mentioned or raised concerns about anything regarding the trial process itself.

David Griffiths, The South Asian research director of Amnesty International has also claimed that there are irregularities in the trial. These accusations again, the ICR Foundation apologizes, are utterly nonsensical and whimsical at best. Such were his accusations, that the ICRF was forced to question Mr Griffith's credibility, and is doubtful whether he is sagacious enough to be talking about the law and especially about the topic in question. It is equivalent to contempt of court to place comments in such a brash manner. It is our request to the Government of Bangladesh to take the appropriate legal steps against David Griffiths and quash these baseless accusations.

Amnesty International has further claimed that there major discrepancies in Mr SQC's case. This accusation is as blunt a lie there is. If there are indeed some "violations", they originated from SQC's lawyers and their actions. They were the ones who tried to present a witness to the court, whose name was not even in the preliminary witness list. Allow us to remind those in doubt, how the court went about resolving the matter. Mentioned in the verdict's 251st paragraph:

"The defence in violation of the provision of section 9(5) of the Act submitted some documents before the Tribunal at the fag end of defence argument and intentionally refrained from proving those documents by recalling defence witnesses. As such the defence has miserably failed to prove its plea by documentary evidence that the accused stayed in West Pakistan during whole period of the Liberation War of Bangladesh."

Also, Mr SQC's alibi which claims that he was in Pakistan for his Hons. Exam was not backed up by any concrete evidence. The witness on SQC, Qaiyum Reza Chowdhury (Defence witness: 3) and Abdul Momen Chowdhury (Defence witness: 4) both presented two different stories to the court respectively.

As stated above, there was substantial difference between the testimonies of two witnesses. The court itself has mentioned this in the 250th paragraph of the verdict. Qaiyum Reza claimed that he met his relative in the office of a certain Ashikur Rahman but through tribunal's verdict we got to know that the relative Momen is claiming that he met Qaiyum Reza Chowdhury at his residence.

Besides that, Mr SQC did not provide the court with any records of him completing or indeed attending Punjab University for his Hons degree. The papers that were submitted as an affidavit

for the witnesses were not done following the designated law and process. These affidavits were clearly cobbled together in a day by the lawyers of Mr SQC. They were recognized as being factually incorrect and erected on multiple lies, as the court verdict reads. In fact, the affidavits presented by Mr Khakwani and Ahmed Reza Noon gave two contradicting accounts. The one provided by Mr Khakwani claims that he himself, Naieem and Mr SQC travelled to London by car. Mr Khakwani and Naieem were to leave Mr SQC in London due to the deteriorating conditions of the then Bangladesh and return to Pakistan. However the affidavit provided by Mr Noon claimed that although the trio did arrive by car at London, both Mr SQC and Khakwani chose to remain in England. Mr SQC's lawyers further presented a book which was written detailing some of the most important events in the liberation war. The book was presented with the intention of convincing the court of MR SQC's innocence. However the book in turn held clear descriptions of Mr SQC's nefarious activities during the liberation war and in the end, backfired on Mr SQC and his lawyers, who had high hopes that it would bring them salvation proved rather than bitter setback.

In 2008, Mr SQC mentioned in his electoral affidavit that he does not have any educational qualifications. And yet that same person told the International Crimes Tribunal that he holds an Honours Degree from the Punjab University, which he acquired during the liberation war. The ICRF sincerely doubts whether Amnesty International were aware of this certain piece of vital information whilst publishing their report.

Amnesty has further question the credibility of prosecution witness no.6 (PW: 6) which again is unwarranted and fallacious. The ICR Foundation thinks that Amnesty International have failed woefully in either reading or interpreting the verdict, as delivered by the Appellate Division. The Appellate Division states in following on the matter:

"In respect of charge No.2, the prosecution has examined three witnesses over the killing of five Hindus at Madhya Gohira. P.w.6 is an eye witness. He has vividly narrated the incident and his testimony has been corroborated by P.Ws.3 and 29. P.W.6 was cross-examined by defence on 9th July, 2012, 10th July, 2012 and 11th July, 2012. He explained the horrific incident of brush firing at which his mother Pancha Bala Sharma, nephew Dulal Sharma, Brother Sunil Sharma and Uncle Jyoti Lal Sharma died on the spot and Dr. Makhan Lal Sharma succumbed to the injuries a few days thereafter. His father Jayanta Kumar Sharma also sustained injuries but luckily survived. The defence could not elicit any inconsistency from his testimony. He narrated the incident of dragging his uncle Dr. Makhan Lal Sharma by Salauddin Quader Chowdhury from home to the courtyard. P.W.6 was narrowly survived because at the spur of firing, he fell down bending his head.

The tribunal observed that P.W.6 vividly narrated the occurrence as to how accused Salauddin Quader Chowdhury along with Pakistani army brutally killed his mother, brother, nephew and uncle and injured his father and uncle. It was further observed that P.W.29 corroborated P.W.6 stating that immediately after the occurrence, he along with his father went to the place of occurrence and found Pancha Bala, Sunil, Dulal and Joti Lal dead, and Jayanta and Makhan Lal injured.

It was argued on behalf of the defence that since P.W.9 saw Sunil in India about three years back, P.W.6 could not be relied upon. This witness stated in cross that he went to India; that he could not recollect whether he saw Sunil there and then said, it might be that he saw him. He did not claim that he saw him in India. He made a confused statement in reply to a query. This statement cannot negate the positive claim of P.W.6 who is an eye witness, and

as regards the other victims the defence has taken no exception. On an analysis of the evidence we find no cogent ground to disbelieve the prosecution version.

The witnesses proved beyond doubt that the killing was perpetrated in active participation of accused Salauddin Quader Chowdhury and this killing was a prearranged one and as a result, civilian Pancha Bala, Sunil, Jyoti, Dulal died on the spot and Makhan Lal died a few days thereafter and that accused Salauddin Quader Chowdhury committed the said atrocities with intent to destroy Hindu religious people and thereby he is criminally liable under section 4(1) of Act 1973."

Now, the concerns that were voice regarding AAMM's trial are also 'fictitious'. It has been clearly proved in court that Mr Mujahid and his collaborators were all related to multiple crimes. The verdict on page 197 and 198 reads:

"Considering the oral and documentary evidence together with the pre and post operation conduct and activities of the appellant during the war of Independence, we have no hesitation to hold that the ruthless Al-Badr Bahini, under the leadership of the appellant and being instigated, suggested, aided, provoked and incited by him, had kidnapped and killed the intellectuals just before the victory. It was cold blooded savagery. Such barbaric, gruesome and brutal crime which the Badr Bahini committed at the instigation of the appellant is comparable with Hitler's gas chamber genocide. The entire world witnessed such genocide and brutality committed by Al- Badr Bahini. The appellant was under obligation to prevent the commission of the offence and did not do so rather he, along with some other members of his Bahini, planned, participated and instigated genocide and lastly rushed to the Cantonment and met the high Pak Army officials, on the morning of 16th December, 1971 and demanded arms which were to be handed over by Pak Army, for fighting against freedom fighters when Pak Army had already decided to surrender. The appellant was liable for instigating, planning, abetting and commission of genocide. He urged, encouraged, aided, prompted and advised his Badr Bahini to commit such atrocities. He substantially contributed to and had a substantial effect on, the completion of the crime of genocide."

The same verdict on page 192 states that:

"We have critically gone through the evidence of all the material witnesses and documents and have thoroughly scanned the same, except some minor discrepancies; there are no serious material discrepancies in the evidence warranting to completely discard their evidence. There is no reason to doubt the credibility of the witnesses."

However, it wasn't until we stumbled upon Amnesty International's most damning claim, did we finally realize that they are crossing a line. The statement is as follows:

Serious crimes were also committed by the pro-independence forces, but no one has been investigated or brought to justice for them.

This solitary statement is proof enough as to how biased Amnesty International has been thus far in their press release. They have now resorted to placing allegations on pro-independence forces (freedom fighters), containing men and women who lost more than their lives in the war. No organization, minute or global, has ever accused the freedom fighters, not in Bangladesh's 44 year history anyway. Which begs the question, what gives Amnesty International's the right to adjudicate on whether or not "pro-independence forces" committed "serious crimes"? How are they so adamant on the matter without so much as providing a shred of evidence (tried and tested in a court of law of course) to support their claim? The ICRF humbly asks how a human rights organization dares to be this blind and judgemental.

Now, if Amnesty has already decided to take that path, why not call for trials of the allied forces during the Second World War? What then about Nazis and Auschwitz? Frankly, the chances are Amnesty International is limited in its knowledge of the history of Bangladesh. That fateful night of 25th march 1971 is a prime example, where the Pakistani government carried out Operation Searchlight on the innocent citizens of Bangladesh. If there was any retaliation at all amidst the annihilation, it would have been because of self-defence, but the ICR Foundation seriously doubts there would have been any given the nature of the attack. For one, the Pakistani government itself failed to report any tangible account of retaliation during that night.

Amnesty International is not a legal organisation, yet it has tangled itself with matters as complex matter as international law, which displays it is striving to punch a bit above its weight. It has repeatedly stated that there is severe distortions in the trial process yet has failed to pinpoint an exact angle. The organisation's porous statements, in truth seem as if they originated from one of the lawyers of the accused. Indeed it seems highly likely that they are on their payroll. If not, they were certainly inspired and influenced by those on the side of the accused. Thus the press release, according to the ICRF's best interpretation, is indeed a hash of half-hearted and ill explained legal statements produced by an organization, whose expertise clearly lie elsewhere we are sure.

Finally, the statement issued by Amnesty International regarding death penalty is seemingly its own opinion, which they are entitled to. However, Bangladesh is a free and sovereign nation, and holds every right to issue death penalties as its highest form of punishment. Again I reiterate, it is the framework that exists within the current judiciary system of Bangladesh that dictates all on-going trials held in a court of law. The people of Bangladesh have given their mandate to their representatives. The people's expectations are reflected on the law and constitution of Bangladesh. The people of Bangladesh have and will decide how the law of the country will take shape. An organisation which is dependent on the substantial aid of other countries should not be interfering with matters as sensitive like the law and justice system of Bangladesh. That is what the ICR Foundation expects.

To conclude, the ICR Foundation expresses extreme annoyance over Amnesty International's dubious claims, which includes but is not limited to the unwanted attempt at intervening in the judiciary proceedings of a sovereign nation. Safe to say all they have done is predicted outcomes before they have been lawfully recognized and place unethical and false claims about Bangladesh's justice system. ICRF warns Amnesty International with all due respect to, and hopes it does not repeat what it has done so far, in the future.

The International Crimes Research Foundation

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