



Minister

**Government of the People's Republic of Bangladesh
Ministry of Law, Justice and Parliamentary Affairs**



MESSAGE

I am delighted to know that the Forum for International Criminal and Humanitarian Law (FICHL) – a neutral international organization – has made a laudable endeavor to focus on the use of old evidence in core international crimes cases by holding a seminar in Dhaka on 11 September 2011.

A civilized society must recognize the worth and dignity of those victimized by abuses of the past. Co-existence between the *hostis humani generis* and victims of war crimes should end and thus, from the viewpoints of restorative justice, even after 40 years the trial should be held. The Convention on the Prevention and Punishment of the Crime of Genocide defined this international crime and spelled out obligations of States Parties to prosecute already in 1948. Bangladesh considers that the perpetrators of crimes against humanity, crimes against the peace, genocide and war crimes should be tried. The State has an obligation to remedy serious violations of human rights as Bangladesh recognizes Article 8 of the Universal

Declaration of Human Rights and Article 2(3) of the International Covenant on Civil and Political Rights which ensure the right to an effective remedy for violations of human rights.

Bangladesh acceded to the Rome Statute of the International Criminal Court in March 2010. We were the third Asian country, and the first in South Asia, to do so. This amply demonstrates Bangladesh's commitment to the rule of law, international justice and our efforts to end impunity for genocide, crimes against humanity and war crimes at all levels. This is a reflection of our State value which seeks to uphold the progressive and humane values of democracy, justice and human rights everywhere in the world. This conviction stems from our national experience. Bangladesh was born out of a sustained struggle for representative inclusion, democracy and rights, which shaped our collective aspiration for statehood and identity. Our experience during the Liberation War in 1971 brought us face to face with genocide inflicted by the occupying forces. Bangladesh, therefore, is naturally committed to promoting all effort at all levels to prevent such crimes and bring an end to impunity of crimes of genocide, crimes against humanity and war crimes.

The present Government is committed to bring to an end the culture of impunity at the national and international levels. We have initiated the trial of the perpetrators who committed crimes against humanity, crimes against the peace, genocide, war crimes, and other crimes under international law during the 1971 War of Liberation.

This trial, we are certain, will bring justice to the victims, heal the wound that we are carrying for the last 39 years, end the shameful legacy, and help Bangladesh to move forward with its agenda of development. The trial of the war crimes of 1971 has also been a popular demand of the people of Bangladesh, particularly of its youth population. It was a part of the election manifesto of the present Government for which the people voted overwhelmingly during the last Parliamentary elections in December 2008.

Bangladesh is proceeding with the trial of the alleged criminals who committed crimes during our liberation struggle, as per the provisions of the International Crimes (Tribunals) Act of 1973 (Act XIX of 1973) and the rules framed on the basis of that Act. The Government is determined to conduct the trial in accordance with international legal and human rights standards. We have already made some amendments to the International Crimes

(Tribunals) Act in order to achieve the desired standard and transparency. The amendments contain provisions making the Tribunal independent in the exercise of its judicial functions, to ensure fair trial, and also deleted the provision for inclusion of an Army person in the Tribunal.

In the trial the accused will be given full opportunity to defend themselves by engaging lawyers of their own choice. They or their lawyers can cross-examine prosecution witnesses at length. A person convicted of any crime specified in Section 3 of the Act and sentenced by a Tribunal shall have the right to appeal to the Appellate Division of the Supreme Court of Bangladesh, the highest court of the country, against such conviction and sentence.

A Tribunal has been set up to independently conduct the trial (the ICT-BD). The Government has also established an Investigation Agency and appointed a team of prosecutors in accordance with the provisions of the 1973 Act. The Tribunal consists of three judges led by a learned Justice of High Court. The Tribunal shall be independent in the exercise of its judicial functions and shall ensure fair trial according to the provisions of Section 6(2A) of the Act. The Government is also formulating a new law in order to ensure protection of the witnesses of the Trial.

During the past 18 months, a number of international organizations and eminent experts have come forward to extend support and constructive suggestions to ICT-BD. As an independent Tribunal with a statutory obligation to ensure fair trial, it has welcomed the technical support provided by the autonomous Case Matrix Network (CMN). Training sessions have also been held in Dhaka organized by the CMN aiming to strengthen the capacity of the ICT-BD investigators and prosecutors.

All these activities clearly indicate that the perpetrators of war crimes must be brought to justice, in a manner, needless to say, that maintains fairness and due process of law. I consider the FICHL seminar on old evidence and core international crimes in Dhaka on 11 September 2011 – and the book it will produce – as another key event that will surely be a mechanism of providing support to the professionals working in the ICT-BD.

The seminar benefits from distinguished speakers. I am honored to have been included as one of the key speakers. It will obviously be an opportunity for me to share views on the topic with those distinguished

experts and local participants. I am sure that the input provided through the seminar will open avenues for the ICT-BD professionals and personnel to work more efficiently and effectively. Finally, I extend heartfelt thanks and gratitude to Professor Morten Bergsmo and the FICHL for organizing this seminar of high international profile.

I wish all possible success for the FICHL seminar.



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