

# International Crimes Strategy Forum (ICSF)

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Press Release

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## **Deeply disappointed with verdict: ICSF calls for amendment of Art 49 of the Constitution**

International Crimes Strategy Forum (ICSF) is deeply disappointed with the appeal-verdict passed on Mr. Delowar Hossain Sayeedi by the Appellate Division of the Supreme Court of Bangladesh that commuted his death sentence to imprisonment for his crimes against humanity during the the country's Liberation War in 1971.

In view of this verdict, ICSF demands that the government undertake immediate steps to amend Article 49 of the Constitution of Bangladesh that contains the provision of Presidential "prerogative of mercy" by specifically excluding individuals from its remit who have been convicted and sentenced for international crimes.

The existing power of the President under the current provision 'to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any court, tribunal or other authority' - has a history of being abused for political and other considerations, a possibility that ICSF believes must be prevented in cases of sentenced perpetrators of international crimes. This constitutional amendment is absolutely essential to ensure that the Supreme Court's verdict of 'imprisonment till death' in case of Mr Sayeedi, and in all future cases are truly implemented without any interference. Only such an amendment can ensure justice for the the victims of 1971 crimes, end impunity and establish rule of law.

ICSF takes this opportunity to recognise that the case against Mr Delowar Hossain Sayeedi was the first of its kind under the International Crimes (Tribunals) Act, 1973. This case faced great difficulties from its inception, having also been subjected to the greatest extent of conspiracies from quarters striving to derail the justice process. This included, among others, the abduction of a key prosecution witness, defence obtaining the register of prosecution witnesses in the safe house, hacking of personal computers of ICT judges and illegal interception of their personal communications etc - all during the trial of Mr Sayeedi. The case faced the highest number of challenges from the Defence Counsel and the International Crimes Tribunal can take pride in the fact that it heard every single petition filed before it before disposing them.

ICSF acknowledges this verdict as a continuation of the initiative in Bangladesh to bring an end to the long held culture of impunity for international crimes committed during the War that prevailed for four long decades. ICSF remembers the victims of 1971 and their sacrifices upon which Bangladesh was built on. ICSF does not know whether today the souls that fell prey to Mr Delowar Hossain Sayeedi can truly rest in peace for the justice done for crimes that have been perpetrated against them. ICSF, nevertheless, acknowledges the relentless activism and campaign for justice against all odds that have led to this day.

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