

ICSF press statement

13 April 2016

**UN Should Endorse the ICT, not Undermine:
the only Justice Process Addressing Bangladesh Genocide**

International Crimes Strategy Forum (ICSF) condemns the press note dated April 8, 2016 by Ms. Ravina Shamdasani, spokesperson of the United Nations High Commissioner for Human Rights (OHCHR), where concern was expressed over the death penalties passed by the Appellate Division of the Supreme Court of Bangladesh on Motiur Rahman Nizami and Mir Quasem Ali.

The OHCHR 'press note' gives an inaccurate portrayal as it severely erred in accusing Bangladesh of not abiding by the fair trial obligations imposed by the International Covenant on Civil and Political Rights (ICCPR). Whereas, the ICT-BD has so far consistently adhered to fair trial attributes enshrined in the ICCPR, Article 14. ICSF maintains that the UN's purported position that it opposes the death penalty in all circumstances notwithstanding adherence to the strongest fair trial standards and the gravity of any given crime is inconsistent with its previous position on this issue expressed in the recent past. Such a stance is also a blatant distortion of existing jurisprudence of international human rights law as articulated in Article 6(2) of the ICCPR.

ICSF believes that the United Nations should stand by and endorse the International Crimes Tribunal, Bangladesh (ICT-BD). More importantly, the organisation should not be seen to undermine the only justice process that is addressing impunity on behalf of the millions of victims of international crimes from the Bangladesh Liberation War of 1971.

ICSF would like to point out that the UN itself is historically responsible for failing to act against the genocide which was perpetrated in Bangladesh in 1971 against the unarmed civil population at the hands of the Pakistan Army and their local collaborators. In recent times too, the UN's role has been disappointing to say the least. It refused to offer any technical assistance actively sought by the Government of Bangladesh in 2009 prior to the setting up of the ICT-BD. OHCHR cannot be oblivious to the facts, as now known from various published reports, that such an unprincipled refusal to assist ICT-BD was indeed a politically motivated decision on the organisation's part that resulted from lobbying led by Pakistan, the country where all the alleged key perpetrators of international crimes were from.

ICSF therefore calls on the OHCHR to withdraw the said press note. ICSF reiterates that the UN needs to constructively engage with the GoB, the ICT-BD, and other rights based groups (such as ICSF and others) that represent the victims of the 1971 genocide and have been campaigning for justice.

Furthermore, the UN is morally and legally obligated to provide technical and diplomatic assistance to the Government of Bangladesh so that it can carry out its mandate to try the 'untried' Pakistani perpetrators of core international crimes. ICSF demands that the UN, first and foremost, makes clear its position on this matter, which till now has been, at the very best, unclear. The UN is already due in recognizing that the 1971 genocides was one of the worst in the world from the 20th century.

/Signed

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