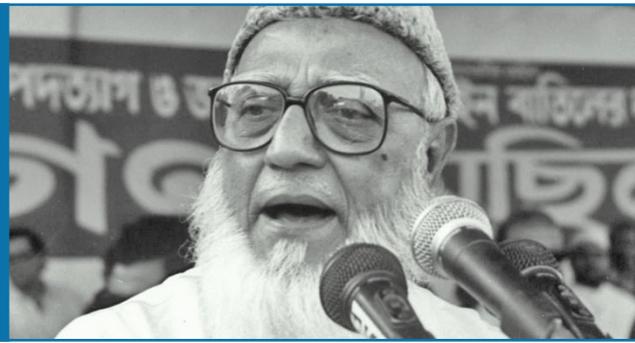


FREE GHULAM AZAM

A briefing on the arrest and defence of former political leader and activist Professor Ghulam Azam

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On 11th January 2012, police arrested Ghulam Azam, a veteran democracy campaigner and former chief of one of the biggest opposition parties in Bangladesh. He faces trial by the self-proclaimed 'International Crimes Tribunal', established by the ruling Awami League government; purportedly created to seek justice for crimes committed during Bangladesh's bloody liberation struggle in 1971. Respected rights groups such as Human Rights Watch and Amnesty International as well as the International Bar Association have cast doubt on the proceedings. Many see these actions as a step towards an authoritarian one-party state as existed soon after independence. Ghulam Azam, aged 89, led the Jamaat-e-Islami party during Bangladesh's traumatic birth.

Today he is accused of a number of crimes allegedly committed during that period, including the absurd charge of 'responsibility for all atrocities committed across the country between March 25, 1971, and December 16, 1971'. The crimes carry the death penalty. He vehemently denies these allegations.

Ghulam Azam does not fear a fair and impartial trial. However, the proceedings of the 'International Crimes Tribunal' are far from free, and are hardly international. Foreign lawyers have been barred from entering the country, and Ghulam Azam is currently being incarcerated without recourse to due process or basic constitutional rights. Awami League Ministers appear to have prejudged the proceedings by declaring when, not whether, a conviction will be secured.

This document outlines the case of Ghulam Azam and context of this show trial. His family and supporters worldwide are deeply disturbed by recent events and are concerned for his health and safety in custody. They demand his immediate release (on bail) in accordance with the normal Bangladeshi judicial process, particularly due to his infirmity and old age. This has so far been refused.

Answering the Charges

Bangladesh was established in 1971 after a nine-month bloody war. It is generally recognised that the Pakistani military carried out atrocities against unarmed civilians. Similarly, but less well publicised is that many 'Biharis' (Urdu-speaking Indian migrants) and pro-Pakistan supporters were targeted by pro-independence guerrilla forces during and after the war. The figure for the number of people killed during this period is disputed, with numbers ranging from 50,000 to 3,000,000.

Pakistan was established in 1947 with overwhelming support coming from the people of East Pakistan, what is now Bangladesh today. However, in the years leading up to 1971, the people of East Pakistan complained of their disenfranchisement and dominance by West Pakistan's political elites. Most political parties in the former East Pakistan, including the Jamaat-e-Islami, sought greater autonomy from West Pakistan. Indeed, Ghulam Azam was jailed by the Pakistani government several times due to his prominent role in the Bangla Language Movement,

including during his time as General Secretary of Dhaka University Student Union.

However, unlike the Awami League which led Bangladesh into independence, Ghulam Azam and several other parties were committed to the union of Pakistan and felt that the people of Bangladesh and their identity were better off in a federal Pakistan. Despite this deeply held belief, he was opposed to a military solution to political problems and spoke out against the crimes perpetrated by the military and paramilitary forces. Trying to steer clear of both sides, Ghulam Azam, along with many other political activists, was invited to join the 'Peace Committees'. Ghulam Azam and these committees have, by some Orwellian logic, been recast as collaborative militias aimed at identifying targets for the Pakistani military. Yet Ghulam Azam asserts that the purpose of the committees was to maintain peace between the military and Bangladeshis, and narrates incidents with names, dates and detailed facts of victims he assisted.

Professor Ghulam Azam denies any wrong doing. There is no evidence that Ghulam Azam advocated violence against civilians of any ethnic or religious background. Furthermore, as a regional leader of a small political party, he had no power or authority within the Pakistani regime of the time.

After Independence

Following the war, thousands of people suspected of being against independence were summarily executed. Ghulam Azam, who was abroad at the time, was refused re-entry into his homeland, had his citizenship cancelled and was exiled for seven years. The authorities at the time cited his opposition to independence, making no mention of the alleged crimes. Meanwhile, Bangladesh quickly became a one-party state with Sheikh Mujibur Rahman establishing himself as president for life. Without the establishment of a tribunal or a truth and reconciliation commission, he pardoned members of the

Key Points

- Ghulam Azam, a key political figure in Bangladesh, was arrested on 11th January 2012
- He rejects accusations of committing crimes against humanity during the 1971 independence struggle, and is willing to defend his name in a fair trial
- Human rights groups have cast doubt on the legitimacy of the 'International Crimes Tribunal', the government appointed body that has called for Ghulam Azam's trial.
- Professor Ghulam Azam is 89 years old, is suffering from age-related medical conditions and is incarcerated in difficult circumstances
- This arrest is in the context of a wave of violent repression against political opposition figures and human rights abuses by the ruling Awami League government.
- **Your urgent support is needed to prevent wrongful conviction and possible execution.**

Pakistani military responsible for atrocities.

As autocracy took hold, Sheikh Mujibur Rahman was overthrown in a bloody coup, by disgruntled army officers. After a period of subsequent instability, Ghulam Azam finally able to return to Bangladesh but was still denied citizenship. He fought and won his case for citizenship in 1993, when the Supreme Court agreed with the High Court judge's comments that 'there is nothing to directly implicate the petitioner in any of the atrocities alleged to have been perpetrated ... we do not find anything that the petitioner was in any way directly involved in perpetuating the alleged atrocities during the war of independence.'

Nevertheless, his detractors have continued to put forward these defamatory allegations and are now part of the ruling government's folklore, made popular by the press they control. In 2009, this led a UK official to refuse a visa, accusing Ghulam Azam of 'fighting against liberation forces.' On appeal, a British

About Ghulam Azam

- Was leader of Jamaat-e-Islami, a political party
- Believes in pluralism and a country inspired by its faith values
- Campaigned for democracy and against dictatorship in Pakistan and Bangladesh
- Is in favour of equal rights and campaigned for Fatima Jinnah to be the first female president of a Muslim country
- Consistently spoken out against extremism and terrorism.

Source: ghulamazam.net

Immigration Tribunal judge said that the official had 'failed to provide any evidence to support the very serious allegations', adding, 'I find it incredible that, more than fifteen months after that hearing, and ten months after the refusal notice dated 11th May 2009, containing even more serious allegations, not a shred of evidence has been produced to substantiate them'.

Since Bangladeshi independence, Jamaat-e-Islami has been involved in politics on a national scale. Due to the lack of dominance of any one party in recent decades, the party has found itself in the position of 'kingmaker' in close-call elections in the 1990s (including helping Awami League to power in 1996), and formed part of a coalition government in 2001 with the Bangladesh Nationalist Party. Taking Jamaat out of the political arena would benefit Awami League's ambitions of holding on to power.

Ghulam Azam's Accusers

Ghulam Azam and his supporters have consistently maintained that justice should be served and are ready to answer allegations in a free, impartial and open court. This much is owed to the families of those who suffered, and those affected still today. Yet

the 'International Crimes Tribunal' set up by the government has thus far proven itself unfit to dispense justice in a fair and impartial way.

There are clear shortcomings in its constitution and proceedings, as well concerns over the partisan nature of the judicial committee. Hand-picked by the government, members have participated in 'mock trials' in which some of the accused were previously pronounced guilty. Following these mock trials, they staged mock executions of the current defendants with the burning of their effigies.

The Tribunal has no credible independent international support. The trials have been criticised by Human Rights Watch, Amnesty International, the UN Human Rights Commission, US Ambassador for War Crimes Stephen Rapp, as well as international human rights lawyers. The political aims of the trial become clearer when it is considered that no-one has been tried for the many war crimes committed by pro-independence forces, including the massacres of Biharis.

Time to Act Now

A consensus of fair-minded observers agree that Ghulam Azam and his co-accused face a trial held by this discredited court. A verdict by the 'International Crimes Tribunal' carries the death sentence. It is time to act now to prevent an expected miscarriage of justice and flagrant abuse of individual human rights, which will have immense repercussions for the future of Bangladesh.

We urgently need your support in the following areas:

- Write to your MP and the Bangladesh High Commission detailing your concerns
- Urge the Bangladeshi government to reconsider its misuse of the International Crimes Act to discredit political opposition
- Increase awareness of this unjust trial
- Highlight the abuse of human rights and the poor treatment Ghulam Azam and other prisoners are currently receiving
- **Act NOW to prevent a grave miscarriage of justice.**

Key Quotes

"[Bangladesh's International Crimes Tribunal] law still falls short of international standards." *Human Rights Watch World Report 2011*

"The Bangladeshi government should investigate threats to defense lawyers and witnesses in cases at the International Crimes Tribunal (ICT) and take steps to prevent them." *Bangladesh: Stop Harassment of Defense at War Tribunal, Human Rights Watch*

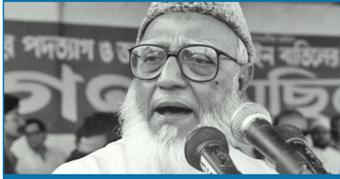
"[The International Crimes Tribunal] lacked adequate fair trial safeguards. It denied, among other things, the right to challenge the jurisdiction of the Tribunal, the right to the possibility of bail and the right to challenge the impartiality of the judges." *Amnesty International Annual Report 2011*

"To make a considered moral judgement on a conflict that took place 40 years ago, a scrupulously impartial investigation would be needed. Sadly, the current trial promises to be nothing of the kind." John

Cammegh, In Bangladesh: Reconciliation or Revenge? *New York Times*, 17/11/11

"It would appear to the outside observer that the government has no intention to do things properly. It is responding to an eager public to convict a number of individuals that have been vilified by the government and demonised by a virulent media campaign." Lawyer Toby Cadman in *The Times*, 21/11/11

"Critics have pointed specifically to the lengthy pre-charge detention of suspects, interrogation without counsel present, inability to challenge the jurisdiction of the tribunal or make interlocutory appeals, lack of presumption of innocence, potential for self-incrimination, lack of protections for witnesses and victims, and overall lack of due process rights for defendants as just a few of the numerous infirmities present in the ICT." *Crimes of War Blog*



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