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Bangladesh: Stop Harassment of Defense at War Tribunal

Lawyers and Witnesses at ICT Report Threats

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(New York) – 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, Human Rights Watch said today. The ICT was set up to provide justice for victims of atrocities in the 1971 war of independence.

Harassment of defense counsel and witnesses further tarnishes a flawed process. If the Bangladeshi government wants these trials to be taken seriously it must ensure that the rights of the accused are fully respected. That means making sure that lawyers and witnesses don't face threats or coercion.

Brad Adams, Asia director at Human Rights Watch

Lawyers representing the accused before the ICT have reported being harassed by state officials and threatened with arrests. Several witnesses and an investigator working for the defense have also reported harassment by police and threats for cooperating with the defense.

“Harassment of defense counsel and witnesses further tarnishes a flawed process,” said [Brad Adams](#), Asia director at Human Rights Watch. “If the Bangladeshi government wants these trials to be taken seriously it must ensure that the rights of the accused are fully respected. That means making sure that lawyers and witnesses don't face threats or coercion.”

Human Rights Watch has learned of threats made against a leading lawyer on the defense team of Delwar Hossain Sayedee, whose trial on charges of crimes against humanity was scheduled to begin at the end of September 2011 but has been delayed until November 20. The barrister, who wishes to remain anonymous, was warned by reliable and senior sources to stay away from his office. He was told that false charges were being prepared against him in order to arrest him and thus prevent him from participating in Sayedee's defense.

Another senior lawyer and a prominent member of the Jamaat-e-Islamiya party, Abdur Razzaq, faces an arrest warrant on charges relating to riots in Dhaka which took place in September. Razzaq, who was in Europe at the time of the riots, has been granted bail. He is expected to play a leading role in defending several of the accused. Human Rights Watch has learned from credible sources that ICT prosecutors are also seeking to formulate war crimes charges against Razzaq and that the current arrest warrant is intended to make it difficult for him to participate fully in preparing the defense.

Human Rights Watch has also learned that a key defense witness has been arrested. A journalist who was conducting research for the defense has been threatened with arrest and has since gone into hiding in fear for his life.

A further nine defense witnesses are facing criminal charges based on complaints against them filed with the police by a prosecution witness. Some prosecution witnesses have told defense counsel that they were coerced into providing statements to the prosecution and were warned against cooperating with the defense.

Human Rights Watch urged the government to investigate these cases to ensure they were not motivated to deny the accused a full and fair chance to answer the case against them.

“The conduct of these trials will tell Bangladeshis and the world a great deal about the justice system in Bangladesh,” said Adams. “The government needs to take swift action to make sure threats and harassment end.”

Human Rights Watch has long called for the ICT to establish an effective victim and witness program which would ensure protection for both prosecution and defense witnesses. Changes to the ICT rules in June, which authorized the tribunal to ensure the physical well-being of victims and witnesses, were a welcome



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improvement, but did not go far enough, Human Rights Watch said.

Human Rights Watch repeated its call for the establishment of a Defense Office, similar to those established in international criminal tribunals. A Defense Office would help ensure that the core principle of “equality of arms” for both sides is recognized, and thus would go a long way to establishing fairness in ICT proceedings.

“We have made many detailed proposals for reforms that would ensure these trials are fair, and seen as fair,” said Adams. “Fundamental to a fair trial is respect for the rights of the accused.”



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