

## **BANGLADESH**

- BGD-16: Saber Chowdhury
- BGD-17: 1 parliamentarian [Confidential case]
- BGD-14: AMS Shah Kibria



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# Bangladesh

*Decision adopted unanimously by the IPU Governing Council at its 214th session  
(Geneva, 17 October 2024)*



©IPU Election, Saber Hossain Chowdhury, 28th IPU President, 16 October 2014.

## BGD-16 – Saber Chowdhury

### Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Acts of violence
- ✓ Lack of due process in proceedings against parliamentarians

### A. Summary of the case

Mr. Saber Hossain Chowdhury, a former member of Bangladesh's Parliament and Honorary President of the Inter-Parliamentary Union (IPU), is being prosecuted in a series of criminal proceedings that were initiated after anti-government and pro-democracy protests in Bangladesh brought about the resignation of the Prime Minister and the dissolution of Parliament in early August 2024.

According to the complainant, the multiple charges against Mr. S. H. Chowdhury are politically motivated and range from sedition, conspiracy and murder to unlawful assembly and use of explosives in connection with incidents that happened between 2015 and 2024. The complainant alleges that these proceedings were initiated as part of a revenge spree against prominent members of the ousted Awami League party, of which Mr. S. H. Chowdhury was a key figure. The complainant also states that due process has not been followed in the proceedings against Mr. S. H. Chowdhury, raising concerns about the legitimacy of the charges and the protection of his fundamental rights. The cases are still under investigation and key details are yet to be disclosed.

### Case BGD-16

**Bangladesh:** Parliament affiliated to the IPU

**Victim:** Male majority member of parliament

**Qualified complainant(s):** Section I(1)(a) and (d) of the Committee Procedure (Annex I)

**Submission of complaint:** August 2024

**Recent IPU decision(s):** - - -

**Recent IPU Mission(s):** - - -

**Recent Committee hearing(s):** - - -

#### Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: October 2024
- Communication to the authorities: Letter to Chief Adviser to the Interim Government (October 2024)
- Communication to the complainant: October 2024

According to the complainant, in addition to the alleged politically motivated legal proceedings, Mr. S. H. Chowdhury's personal safety is under threat. The complainant reports that his family residence was attacked and set on fire on 5 August 2024, with the assailants allegedly stating their intent to murder Mr. S. H. Chowdhury and his family.

In September 2024, the interim government of Bangladesh announced the creation of a ministerial committee, along with one committee for each district, with the purpose of identifying and recommending the withdrawal of proceedings filed with the intent to harass political leaders, activists and innocent persons. According to the complainant, this arrangement appears to place the onus on the accused to demonstrate their innocence.

On 6 October 2024, Mr. S. H. Chowdhury was arrested and brought to court the following day. Pictures and videos provided by the complainant and available on the internet show Mr. S. H. Chowdhury entering and leaving the courthouse with his physical integrity visibly at risk with eggs, stones and blunt objects being thrown at him. According to the complainant, five additional cases were unexpectedly added to the file during the trial, denying Mr. S. H. Chowdhury's legal team a fair opportunity to defend him.

On 8 October 2024, Mr. S. H. Chowdhury was granted bail in six of the cases for which he had been detained. However, other cases, including seven for murder, remain pending. Upon his release, Mr. S. H. Chowdhury was immediately taken to a hospital for medical treatment, as he had been seriously injured when a brick was thrown at his head, causing severe trauma. The complainant has expressed serious concerns about Mr. S. H. Chowdhury's safety while in hospital given the lack of law enforcement protection for both Mr. S. H. Chowdhury and his family. The complainant also urges that all travel restrictions on Mr. S. H. Chowdhury be lifted so that he can seek urgent medical treatment abroad, as his life remains in danger in his home country.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning Mr. Saber Hossain Chowdhury, a former member of Bangladesh's Parliament and Honorary President of the Inter-Parliamentary Union (IPU) is admissible, considering that the complaint (i) was submitted in due form by a qualified complainant under section I(1)(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns a sitting member of parliament at the time of the alleged facts; and (iii) concerns allegations of threats and acts of violence and intimidation and of lack of due process in proceedings against parliamentarians, which are allegations that fall within the Committee's mandate;
2. *Welcomes* the release on bail of Mr. S. H. Chowdhury on 8 October 2024 and the assurances provided by the interim government to the IPU leadership that the new administration in Bangladesh is striving to restore the rule of law and address the numerous challenges it faces with full respect for legality; however, *expresses its deep concern* at the acts of violence to which Mr. S. H. Chowdhury was allegedly subjected during his court appearance on 7 October 2024, resulting in injuries; *considers* that, as Mr. S. H. Chowdhury was in custody, the State of Bangladesh had a responsibility to ensure his safety and physical integrity and that it failed to fulfil this duty; *urges* in this regard the relevant authorities to take the necessary steps to investigate these attacks, to provide information on progress made in the identification and punishment of those responsible, and to ensure that such acts of violence do not recur in future court appearances and that he continues to receive medical treatment in a safe place for as long as necessary;
3. *Expresses its deep concern* also at the allegations of serious violations of the right to a fair trial in the proceedings against Mr. S. H. Chowdhury and at the alleged use of the judiciary as part of a revenge campaign against prominent members of the Awami League; *recalls* that the fairness of proceedings implies, among other things, the absence of any direct or indirect influence, pressure, intimidation or interference, from whatever source and for whatever motive; *requests* the relevant national authorities to provide official and detailed information on the facts justifying each of the charges brought against Mr. S. H. Chowdhury; and *expresses its firm hope*

that due process will be guaranteed at all stages of the proceedings in accordance with applicable national and international standards;

4. *Fails to understand* how the creation of *ad hoc* non-judicial mechanisms with the aim of identifying and recommending the withdrawal of proceedings filed with the intention of harassing political leaders, which appears to first require the accused to prove their innocence, would contribute to ensuring that the requirements of competence, independence and impartiality of the judiciary are met; *recalls* that the presumption of innocence, which is fundamental to the protection of human rights, places the burden of proof on the prosecution, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of the doubt, and requires that persons accused of a criminal offence must be treated in accordance with this principle; and *wishes* in this regard to receive official and detailed information on the mandate and legal basis of the functioning of these bodies;
5. *Decides* to mandate a trial observer to monitor the upcoming court proceedings in the present case; and *wishes* to be kept informed of the dates of the trial when available and of any other relevant judicial developments in the case;
6. *Requests* the Secretary General to convey this decision to the relevant authorities of Bangladesh, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.



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# Bangladesh

*Decision adopted unanimously by the IPU Governing Council at its 213th session  
(Geneva, 27 March 2024)*



Shah Ams Kibria (right) presents the national budget in parliament on 13 June 1997 © MUFTY MUNIR / AFP

## BGD-14 – Shah Ams Kibria

### Alleged human rights violations

- ✓ Murder
- ✓ Excessive delays in proceedings

### A. Summary of the case

Mr. Shah Ams Kibria, a member of parliament belonging to the then opposition Awami League, was killed on 27 January 2005 in a grenade attack during a political gathering. According to the complainant, the killing was politically motivated.

Almost 20 years have gone by and no one has yet been held accountable for the killing. It has been investigated three times by three different governments (the Bangladesh Nationalist Party, the caretaker government, and currently the Awami League). With each investigation, the list of persons charged has been expanded but a number of them have not been apprehended. A trial is under way but is progressing extremely slowly. The complainant has also raised a number of issues relating to general concerns about the independence of the judiciary and respect for fair-trial guarantees in Bangladesh and the fact that all the suspects targeted seem to be from the political opposition, which could indicate that the proceedings are politically motivated.

### Case BGD-14

**Bangladesh:** Parliament affiliated to the IPU

**Victim:** Male opposition member of parliament

**Qualified complainant:** Section I.(1) (a) and (d) of the Committee Procedure (Annex I)

**Submission of complaints:** March and October 2005

**Recent IPU decision:** April 2017

**IPU Mission(s):** - - -

#### Recent Committee hearings:

- Hearing with the Bangladeshi delegation to the 148th Assembly (March 2024)
- Hearing with the complainant – online (March 2023)

#### Recent follow-up:

- Communication from the authorities: Report providing updates about the case shared by the Bangladeshi delegation to the 148th Assembly (March 2024)
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Speaker of Parliament (February 2024)
- Communication to the complainant: March 2024

According to the complainant, Mr. Kibria's relatives – who are a party to the criminal proceedings – have not been kept informed of the proceedings. They repeatedly filed no-confidence motions against the successive charge sheets, which they considered incomplete. The family continue to believe that other individuals involved in the crime, particularly the potential instigators and masterminds, have not yet been charged or arrested owing to political interference. In March 2023, at a hearing before the Committee on the Human Rights of Parliamentarians, the complainant confirmed that the situation had not changed.

During the hearing conducted at the 148th IPU Assembly (Geneva, March 2024), the Bangladeshi delegation reaffirmed that judicial proceedings in Bangladesh take time, that courts have limited capacity and resources, and that the delays in the investigation were largely caused by the defendants, and by the family contesting the charge sheets and investigation reports. Acknowledging that justice delayed is justice denied, the delegation committed to continue to keep the IPU informed of any new developments in the case and to do its utmost, within parliament's constitutional mandate, to contribute to a satisfactory resolution of the case without further undue delay.

## B. Decision

### The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Bangladeshi delegation for the information provided during the hearing and for the spirit of cooperation; and *reaffirms its wish* to receive more detailed information on a regular basis on developments in the ongoing trial proceedings, including copies of the charge sheets, as well as further information on the grounds and evidence supporting the charges against the suspects, the names and status of all suspects and the identities of all individuals who remain charged today and those who are in custody;
2. *Notes* that the proceedings are still under way and that slow progress is being made; *takes note* of the reasons given by the parliamentary authorities in this respect; *remains deeply concerned*, however, that almost 20 years after the attack none of the perpetrators has yet been held responsible in a court of law; *solemnly affirms* that justice delayed is justice denied; and *sincerely hopes* that the trial will finally proceed swiftly and that further progress will promptly be made towards ensuring full accountability for this serious crime, in compliance with national and international standards on the right to a fair trial, including those regarding the application of capital punishment, without any political interference;
3. *Fails to understand* why the Awami League, in power since 2009, has not been able to take the necessary steps to shed light on the murder of one of its prominent members; *reaffirms*, in this regard, its strong conviction that the continued interest of the Awami League and parliament in the case – within the boundaries of the separation of powers – is crucial for helping ensure that justice is done and for sending a strong signal that the assassination of a parliamentarian must not be left unpunished; *notes with appreciation* that the Parliament of Bangladesh continues to monitor the case; and *wishes* to be kept informed of any steps it takes in this regard;
4. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.