

Bangladesh 1971 genocide trial begins



Delawar Hossain Sayedee is one of seven defendants facing the death penalty AFP/Getty Images

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The long-awaited trial of the main suspect accused of genocide in Bangladesh's 1971 war of independence began yesterday despite mounting questions over the way it is being conducted.

Delawar Hossain Sayedee is one of seven defendants facing the death penalty for atrocities they are alleged to have committed during the notoriously brutal conflict in which the government says three million were killed and tens of thousands raped.

Mr Sayedee, 71, is charged with crimes against humanity, genocide, murder, rape and enslavement while he was head of a student militia opposed to the split with Pakistan. Opening the case against him the chief prosecutor said Bangladesh had been turned into a "mass grave" and bringing justice to its victims was "key to the future of the nation".

Pakistani military personnel were granted immunity in the peace deal under which East Pakistan became Bangladesh. Sheikh Hasina, the current Prime Minister, who won power pledging to end a so-called 'culture of impunity', set up the International War Crimes Tribunal which, despite its name, is a domestic court with no UN oversight.

Although the tribunal has popular backing in Bangladesh, there are growing questions over its independence. Yesterday's trial began despite defence lawyers' complaints that the tribunal's chairman previously took part in mock trials and executions of some of those accused and helped prepare some of the documents to be used in the prosecution.

The claim was made by three British defence barristers who wrote to Nizamul Haque asking him to stand down. Instead the Bangladeshi tribunal has lodged an official complaint with the Bar Council in the UK against the three, all members of the 9 Bedford Row chambers which specializes in international law.

One of the British barristers, Toby Cadman, who was refused entry into Bangladesh, recently wrote a lengthy critique of the tribunal. "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."

Another Briton, David Bergman, a journalist based in Dhaka, has been charged with contempt of court for pointing out, among other criticisms, that some of the charges of genocide are supported by just one witness statement.

Human Rights Watch has also raised concerns over the trial's "flawed process." "If the Bangladeshi government wants these trials to be taken seriously it must make sure that lawyers and witnesses don't face threats or coercion."

Shafique Ahme, Bangladesh's law minister, described the allegations of harassment as "false and baseless". "There will be a fair trial," he said.

The UK has so far refused to criticize publicly the tribunal. A spokesman for the British High Commission in Bangladesh said that it hoped it would accord to international standards of justice and would 'continue to monitor' the hearings.

Critics say the fact that five of the defendants, including Mr Sayedee, are leading members of the Islamist Jamaat-e-Islami party helps explain why Western countries have not been more vocal in their criticism of how the tribunal is being conducted.

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