



Spotlight on the Bangladesh International Crimes Tribunal

Monday 18 March 2013

Houses of Parliament, Lords' Committee Room 4

Summary of Proceedings

Hosted by Lord Avebury

Chair: Kirsty Brimelow, Chair of the BHRC

Speakers: Stephen Rapp, US Ambassador at Large for War Crimes Issues

John Cammegh, barrister, 9 Bedford Row Chambers, defence counsel before the ICT

Clive Baldwin, senior legal adviser, Human Rights Watch

Schona Jolly, barrister, Cloisters Chambers, Executive Committee, BHRC

(Please note that this is not a verbatim transcript of the proceedings, but a summarised note.)

Lord Avebury: Welcome I am your chair for the evening. I am the Vice Chair of the All Party Parliamentary Human Rights Group. I have followed closely the events leading to the war crimes trials in Bangladesh and I have been in contact with the Foreign and Commonwealth Office regarding it. Obviously the trials are of great interest to the Bangladeshi diaspora. I have great pleasure to introduce Kirsty Brimelow of the BHRC.

Kirsty Brimelow: Thank you Lord Avebury. I would like to just make a few opening remarks. We welcome everyone here and everyone showing interest in

the ICT. BHRC's interest in the ICT comes from the perspective of fair and proper process. To that end we have issued three statements in relation to the tribunal, which was originally set up in 2010. Our first statement was issued on 16 November last year, our second on 14 December and the final statement subsequent to the death sentence handed down in the Sayedee case on 28 February 2013.

The BHRC's concerns point to a lack of due process, impartiality of the tribunal, and the lack of opportunity for the defence to present an effective defence. In particular we understand that one witness, Shukho Ranjan Bali, was not able to enter the courtroom. "Skypegate" compounded these concerns when the presiding judge resigned, and verdicts were therefore handed down when not one member of tribunal had sat through all the evidence.

We can supply a statement which will be read out. We invited representatives of the Bangladeshi Government, prosecutors at the ICT and the High Commission to encourage attendance at this meeting but ultimately they have refused to do so. We also invited the ICSF, who have spoken out in favour of the ICT process, and sent specific invitations to two private individuals associated with ICSF to try to encourage attendance. Again, they have declined to attend. We invited all of these individuals to take part in the speaker panel. When they declined, we offered them the opportunity to make a statement which we could read out. We have not received any such statement from the Prosecution, having attempted to contact 4 prosecution counsel and having made actual contact with 2 prosecution counsel. We then offered the opportunity to take part in the audience and speak from there. That was declined. We offered them the opportunity to come and sit in the audience and take note of what was said.

The Bangladeshi High Commission said they would not send a representative to this meeting. They have not done so. They wrote to us but the letter did not address any of the concerns that we set out in our statements. The BHRC cannot be criticised for holding a one sided meeting in those circumstances.

Lord Avebury: Thank you. I will add to what she said. I met with the Bangladeshi High Commission and strongly persuaded the High Commissioner to let us have a note of the government's point of view. They were not able to oblige us with their presence or a statement. It is no fault of the BHRC that we are having somewhat one-sided discussion.

(Introduces panel)

Stephen Rapp: Thank you very much. It is a great honour to be here and be hosted by BHRC and by Lord Avebury.

Lord Avebury mentioned my prior international experience. From my work at the International Criminal Tribunal for Rwanda (ICTR) and my position in the administration of President Obama, I travel through the year to all sorts of places. Following the high profile trials for Slobodan Milosevic, Charles Taylor etc, people ask all over the world why there isn't justice for atrocities in their country. Obviously the international system has limits; The International Criminal Court only has jurisdiction to deal with cases since 2002 and the intention under the Rome Statute is that these crimes should be addressed by holding people to account at state level. In many situations this is working where countries with atrocities in the past are seeking to offer redress to victims, for example in Guatemala tomorrow, General Efraim Rios Montt will stand trial for war crimes during his role in leading the military junta 30 years ago.

People ask why we bring up these things which happened so long ago? It is important to address these crimes of great horror and justice does not rest, even 40 years later you can be brought to justice. But it can be difficult, it not only needs to be fair to victims but also those who are charged.

The Bangladeshi High Commission invited me to go and advise on how they could improve process and procedure in the ICT. It was challenging. Aspects gave me pause for thought. One clause in the constitution says that none of the

ordinary rights for defendants in domestic trials apply in the ICT. Its judges also urged me to look at the rules and practice of the court, which could try to overcome the shortcomings of the statutory framework. I took that opportunity.

I met Jamaat-e-Islami, BNP and other groups, judges, victims and witnesses. I visited the Liberation War Museum in Dhaka. I was put in mind of the events of 1971, I watched events at the time as a student and I did not support Nixon and the US policy on the war at that time. I supported Ted Kennedy's view following his report to the US senate at the time which identified the genocide and argued that the US was complicit. What happened there was that at the beginning of 1971 Sheikh Mujibur Rahman had won the election across the whole of Pakistan and they didn't want to give him power. Men, women, and children including doctors and other professionals were brutally killed. There were crimes committed on all sides but predominantly against those who supported independence. 100,000s were killed and raped and so the idea of holding people to account for those crimes important and they should be brought to justice. Some of those people are now dead, some are out of reach in other countries. So those who can be held to account is somewhat limited.

It was extraordinary to be invited to comment. In doing so I wrote a letter to the government and I suggested it was important for the prosecution to set out how to ensure a fair procedure. Who are the victims? What are the factors in determining who to prosecute? In doing so it should not take account of their role now but what they did at the time.

In Sierra Leone we constantly asked ourselves why we were charging who? Because you cannot charge everyone. It needs to be explained. The court process needs to be as open as possible. The ICT could televise proceedings if it wanted to, since there were no rules and they could adopt their own procedure. I will talk in a bit about the response to my suggestions. And of course there are reporters that follow trials but it is difficult to follow. I am pleased to see that an international NGO is observing the trials. The East West Center has been

observing and reporting on its dedicated website. There needs to be someone to comment on what is happening every day. The website aims to make accurate information available about the trials. Each of the cases is outlined on their website, who has been indicted and everything being heard. Not many people can attend so it is vital that the trial is monitored and that information is widely available.

Finally I was invited to deal with the rules issue. My communication was quickly leaked and is on the internet so you can see what I said. I don't know who did it. As a diplomat it is not our role to criticise other systems but I was invited to look at the ICT and there are many situations where Bangladesh has influenced the development of international criminal law. At the ICTR, judge TH Khan had been an extremely fair judge who rejected applications for prosecutions where he did not believe there was sufficient evidence. He was a great judge and he came back to Bangladesh after one term. There were others who took a leading position in other international institutions. Of course Bangladesh, unlike the US, is a state party to the International Criminal Court.

So I was invited to look at all the rules for the ICT. Because the tribunal does not provide the same rights for defendants as in domestic trials, you have to look to the fact that Bangladesh has ratified the International Covenant on Civil and Political Rights (ICCPR) which in Part 3 lays out the rights of defendants in very specific form. So I suggested that they import those principles of fairness from the ICCPR and put them into the rules.

I also suggested they look to how other courts have founded the law on crimes against humanity, such as the Nuremberg rules; A crime against humanity is not an attack on a civilian, unless it is widespread. You need that contextual element. It is helpful to look at the international courts, such as the ICC and other tribunals for their approach. If you look at the Cambodia court, though it does get criticised, it found that in the 1970s that the offence of crimes against humanity was recognised by custom. It is necessary therefore to look to the law founded to

know what needs to be proven to establish the crimes, ie these five things must be proven and if they are not then there must be an acquittal. This is much easier to follow and to find rules of evidence.

About half of the recommendations I made were incorporated in one way or another, some not in the way I suggested. When you look at the rules in close detail these are not as they should have been used, for example, there is provision for bail but then they added the burden was on the defendant and not the prosecutor.

I came back in November 2011 and said I was disappointed. I was critical that they had not incorporated my suggestions. I said in judge-made law you could you look out and find those legal standards. Look to the ICCPR. They did incorporate several of standards however: presumption of innocence, burden beyond reasonable doubt etc.

We have been concerned about how the process has gone forward. The message I always want to deliver is that these convictions are not yet final. These issues are being raised in the submissions of the defendants in the appeals pending. It is not too late to get these things right in the Supreme Court or to adopt these principles. That is my message to the Bangladeshi authorities and to the people of Bangladesh.

I would like to say something about what has happened in public since the trials began. The first conviction was delivered *in absentia*. The ICT handed down a death sentence despite that the person was not before the court. International law is quite extensive in relation to trials *in absentia* – The ICCPR, Tribunal for Lebanon – They provide for trials *in absentia* but if the person turns up then they are entitled to a retrial. If Mr Azad were to turn up that would be expected and demanded.

Mr Molla trial resulted in criticism of the judgment and that will have to be dealt with on appeal. A life sentence was imposed upon conviction when a death

sentence could have been ordered. People protested that he did not receive the death penalty and we find that extraordinary. I come from US, which has the death penalty, though Maryland repealed its death penalty laws this week. Where it is available many aggravating circumstances are required in order to impose the death penalty. My personal view, despite my role as an attorney in the US is that I have to follow the law, but as I said in my letter it would be better if the death penalty were not available in these cases. It would be better and encourage more assistance to Bangladesh from countries in Europe which feel very strongly about the death penalty.

For example in the ICTR, more than 100,000 people were arrested, 1000 were sentenced to death and 22 sentences were implemented. But then they suspended the others. In 2006 after national discussion it decided to repeal the death penalty and the rest of the sentences were commuted. Since then Rwanda has received a great deal of assistance in its transitional process.

But the ICPPR does allow for the death penalty, though it does say if you repeal it you can't have it back. People campaigning for the penalty reminded me a bit of something I saw in America. We permit jurors on capital trials to be interviewed. When jurors who voted for death were asked why they imposed the penalty they explained that they were worried without the defendant would be out on the streets and could commit murder again. When it was explained to them that a life sentence without parole was the alternative, the jurors indicated that they wouldn't have returned a death verdict.

What is important therefore for justice is that there is a process with multi-partisan support. Then you don't have to worry that some future government will come to power and change the system because it has consensus. That's what I say needs to be the position here. The system needs to work for all concerned.

If they had asked me if they should have a provision for the prosecution to appeal to ask for longer sentences then I would say sure thing. We did it in the

CDF case at the Special Court for Sierra Leone. At international level it is possible to do this. However, when there is an attempt to change the law after the fact, after the sentence has been handed down, to allow the prosecutorial appeal, this invites a political process.

Finally I just say this, I feel strongly about the need for justice in these cases. I am aware of the fact that there is feeling on both sides that people have been unfairly targeted. We know the passions and divisions that these crimes can create. There is grievance on one side and unfair targeting on the other. There needs to be a process in which these cases are conducted in accordance with law in a way in which all parties have a role. Bolt's line from a Man for all Seasons: Thomas Moore is arguing with his son in law, about how to deal with evil-doers. Moore cites the law and the son in law says ignore the law and chop it down. Moore asks his son in law what he would do if the evil-does turned on him and the law had been flattened, where would he hide?

The process then has to be one in which any of us feel we could be judged in and gives the greatest guarantee that justice will be done. A justice for others that we would want for ourselves would go some way to reconcile the horrors committed against the victims of the war. Judgments are then rendered which stand the test of time. This will provide a lesson not just to the region, but to the world.

Lord Avebury: The idea of a multi-partisan approach is interesting, but I cannot see it happening in Bangladesh; There has always been polarisation in politics as well as law.

Schona Jolly: I will be short due to the time now. I want to sum up some of the key concerns in the Sayedee verdict and the first trial conducted *in absentia*. Although it is called the ICT, there is nothing international about the tribunal. It is purely domestic in statute and composition. Bangladesh said publicly it wanted to comply with international trial standards and asked for help to do so. In 2011, the Bangladeshi law minister said to the international community: "You

should help us so that we can hold a trial of international standard and thus set a new example for the world community.” In addition, the three verdicts to date have all shown that the Tribunal itself has been keen to demonstrate that it is complying with international standards, to defend its decision making by those standards. even when in our view that has not been achieved.

The BHRC has followed the trials closely and has issued three statements expressing our concerns. Our involvement began in earnest when defence witness Bali was allegedly kidnapped, allegedly by state security officers. Bali went missing from the doors of the court. He has never been seen again. There is still no sign of him and the tribunal has not ordered an investigation. It is an extraordinary feature of the verdict in the Sayedee case that the verdict could be handed down with whilst a witness is missing. We understand that there were about 15 CCTV cameras in the vicinity of the court and that about ten people witnessed the kidnapping but they have not been questioned. Even if everything else had been fine with the trial process, without the full and impartial investigation of this alleged kidnapping, the verdict would be unsafe.

We called for investigation in our statement. It is not just the Sayedee trial which is affected by the alleged kidnapping. This event raises questions for all the trials which follow. Which witness will stand up for the defence if things like this can happen and are not resolved?

Another feature of concern is the arbitrary and unjustified restrictions put on the defence case. Initially the Prosecution indicated in 2011 that they would call around 138 witnesses. The Defence said they would call 48. In fact the Prosecution called around 20 witnesses and served 15 unsigned statements. The Tribunal then directed that the defence would only be allowed to call 20 witnesses without assessing the value or relevance of those witnesses at all. A court can of course limit the length of the trial on grounds of proportionality and relevance but those factors had not been assessed in that way by this court.

With respect to the unsigned witness statements, the Tribunal did not assess whether the witnesses could actually attend. The old adage applies – justice must not only be done, but must be seen to have been done. Questions have been raised which suggest some of these witnesses far from being unavailable, were at a safe house at the time of the hearings. This raises the question again as to whether there was a fair trial. It is imperative that the treatment of prosecution and defence is even-handed and that the defence is able to properly put its case, subject to considered requirements of proportionality.

In the Sayedee case there was then the Economist breaking story on ‘Skypegate’. On the basis of leaked and/or hacked emails, calls and so forth, there has been said to be improper collusion and pressure between judges, prosecutors and the politicians. This needs investigation. The integrity of the ICT is damaged by these allegations. It lends the view that the ICT process is affected by political showboating or something else. This is why the BHRC has called for an independent review of the ICT process as a whole. This has not happened. Instead, the ICT imposed reporting restrictions on any discussion of this matter which was not the proper or appropriate way to deal with it.

It did however lead to the resignation of the Presiding Judge, Nizamul Huq and his subsequent replacement. So the final verdict was reached without a single member of the Tribunal having heard all the evidence. This is extraordinary by any standards. But where the case concerns offences that occurred 40 years ago and the events are embedded in the collective national psyche, where it is difficult to distinguish facts and that collective memory, it is even more important that the judges be able to test, consider and analyse the evidence and conduct detailed assessments of the credibility of witnesses before them and that can’t happen if they don’t hear all the evidence. This is a vital judicial function in any criminal trial.

The BHRC’s growing list of concerns extend beyond the Sayedee verdict to the composition of the tribunal, the other two verdicts and any verdicts yet to come.

I endorse what Ambassador Rapp says in that it is not too late for changes to the system but those changed must be made.

Just a few words on the Azad verdict rendered *in absentia*. The ICT places emphasis on the Special Tribunal for Lebanon but there has been an inaccuracies in the way the court has sought to relay the STL procedures - there is a mismatch between what international law requires, what the Tribunal says international law requires, and the judgment in Azad. The entirety of the evidence was heard in some 13 days; the State defence lawyer was appointed three weeks before the trial began and admitted to not having expertise in international law and he did not call any evidence. There is no indication that the Tribunal was assisted properly and transparently with extremely complex legal issues. It is not clear in the judgment how guilt was determined beyond reasonable doubt.

The BHRC has said that the entire process should be suspended because the verdicts are so demonstrably unsafe, thus enabling an independent review of what is happening be carried out, perhaps by members of the international community. In order for there to be meaningful and lasting justice, trials for those grave crimes committed in 1971 must be tried before courts which respect international standards, to which Bangladesh is committed, for fair trials. The Bangladeshi people deserve justice. It is not possible to move on until justice is done and such justice require fair trials. That is what everyone is looking for.

John Cammegh: Ambassador Rapp and I go back some years. I share his sentiments concerning the importance of these trials particularly in those countries rent asunder by civil war, not only to uphold the rule of law but to enable the process of reconciliation. The trials in Sierra Leone were successful. It is incumbent upon the Bangladeshi authorities and the ICT that this state sponsored court is able to see that this is done.

I have been directly involved in advising the Sayedee legal team on a daily basis. Things are worse than Schona Jolly was able to convey in the time she had. Here

is one anecdote from an American Society of International Lawyers conference in Washington DC on the ICT 18 months ago. ASIL went to great pains to invite representatives of the Bangladeshi government and prosecution. On that day representatives of the Bangladeshi embassy unexpectedly turned up, including the ambassador, and asked questions from the audience. He asked how we could say that these trials were not impartial if the prosecution has discretion to charge certain people and there is judicial process. I don't want to cast aspersions without evidence. It is a coincidence that many of those who have been charged are members of an Islamist political party the Bangladeshi Government doesn't like very much. I have to raise this because it is known and it is obvious. Where you have an outdated Act which is replete with anachronistic law and confused law and there are questions about human rights standards not applying, despite Bangladesh having signed up to the ICC and ICCPR. This is particularly so when Sheikh Hasina herself said these trials would be conducted in accordance with international standards. Qamrul Islam, the Law Minister said these trials would be a beacon to the world.

I will tell you how difficult it has been for me to advise the defence. Lord Avebury mentioned the issue of retroactivity. One does not have to look further than the Act. Charges of crimes against humanity have been laid, but there is no definition of what it is. In Sayedee's trial the ICT said it would take note of decisions in other cases which have taken place through the years. So the defence don't know what they are accused of and prosecution don't know what they have to prove and judges don't know what they have to find.

There has been a constitutional amendment which lets in evidence which can be furnished by way of press cuttings. We know how emotive press reports can be, particularly on a subject like this. Just because I am part of the defence team it does not mean I have a political view. We condemn any violence that takes place. But I have to question what is the point in the process when justice cannot be seen to be done. The trials have now descended into a quagmire of political interference.

With respect to the Sayedee case: Bali was originally a prosecution witness who turned tail and wanted to give evidence for the defence. One of the safeguards the prosecution relied on was to apply to read the 15 unsigned witness statements which covered gaps in the evidence. They put forward these 15 statements. Fortunately it appears from the judgement that not many of those statements were taken into account. But when the records of the safe house were looked at you can see all 15 of those witnesses passed through the doors of that safe house at some time or another.

In the Molla case the defence were only allowed to call six witnesses in a case that lasted six months. The Prosecution case had 20 witnesses. In the *Kamarruzaman* case we are restricted to five witnesses.

These are worrying times. It is our fear that we are seeing a process of arbitrary conviction. There is political interference. The Government is seeking re-election this year. The Government would not have gone to Parliament and urged amendment the law to allow prosecution appeal for the death penalty if not from political pressure of the Shabagh movement. The Government won a landslide victory on a manifesto of holding these trials.

My fear is that as we approach next election, given the poor and lack of impartial reporting this Government, tapping in to popular support of the Shibir movement, will be re-elected on a platform of not only trying and convicting these people unfairly but executing them. As a barrister it is abhorrent. It smacks of the Government and society looking to equal scores and to engage in vendettas. The moment you inject justice with politics you are in trouble. That is my grave concern. It is not too late but they have to change and change drastically and change now.

Lord Avebury: There is an election coming up this year. It is inevitable that the Government will try to capitalise on the Shabagh movement. This is abhorrent in politics as well as law.

Clive Baldwin: Thank you and to the BHRC for holding this event.

These trials are extremely important and important to international political justice. Crimes against humanity affect us all and warrant no limitation period at all. After 40 years, justice still needs to be done.

Human Rights Watch (HRW) has fully supported having these trials from the outset for these very serious crimes from 1971. However, the issue has always been the same: will there be a fair and effective trial? Whichever side you have been on, did the defence present all their witnesses and was the evidence challenged?

Some concerns have been met: there are civilian and not military judges for example. But constitutional provision remains, article 47A removes most of the key constitutional rights of defendants in this cases. We oppose the death penalty in all circumstances. But international law says where the death penalty is possible then the duty to hold a fair trial is even higher. We are concerned that this is not the case in Bangladesh.

HRW doesn't comment on day to day aspects of trials. A key issue for us is the new retroactive legislation. It violates several principles of international law: the right to a fair trial; a final verdict; protections at a higher level for a capital trial; protection against interference of a political party. The appearance it gives is that justice will be done depending on what demonstrations demand. It is vital that the ICT is seen as an independent process. The ICT needs to show that its judges will take their decisions according to the evidence before them and not based on demonstrations. There is also a duty on the government and the security services to ensure judges and witnesses don't fear for their safety.

Bangladesh is one of the leading members of the Commonwealth Human Rights Action Group. It is important in this year of commonwealth human rights that it respects the right to a fair trial. It is not too late to fix the system but time is running out in terms of getting justice, given the passage of 40 years and remaining availability of suspects and also of the political process. We've just seen the death of one of the key persons on trial in Cambodia. If things proceed as they are it may be that executions in Bangladesh are just weeks away.

(Towards the end of the speech a counsellor from the Bangladesh High Commission arrived.)

Kirsty Brimelow: You are a late guest but we are grateful that you have come. Mahbulul Alam is a counsellor who has come on behalf of High Commission. He has provided a document which says that the trials are run according to due process, independence is guaranteed and the process is transparent and open to public, and you set out affiliation to ICC, and that the Government pledged that justice would be done when it received its mandate.

With respect you don't address the specific issues I am sure you are familiar with and which have been raised tonight. For example, the witness called Bali who has disappeared and hasn't been seen since. Do you have anything to say about that?

Mahbulul Alam: I am here just to note points and not here to make any comments.

Questions and comments from the floor:

In particular it is about the nature of the international claim that is attached to the ICT. International law is held up as a source for good and opportunity for comparison. In the context of what has been held up as a particular problem for

defendants, is the international claim responsible for many of the problems? For example, the Cambodia Court is thought to have produced poor indictments.

Stephen Rapp: I would be glad to discuss on another occasion that court and many others. But here this is a court which talks about prosecuting international crimes. But they could be charged as ordinary crimes. But many of the rights available to the defence for ordinary crimes don't apply here because different rules have been applied. We'd like it to be a model and we'd like other courts to look at it as such but if they would have to make these changes for that to be possible.

Baroness Uddin: I came to listen rather than speak. I am deeply impressed with the cases put forward. I am used to hearing from those prosecuting as well as those putting the defence points. As someone who grew up during the war it wasn't what I considered civil war. And I oppose death sentences. So I take deep interest in what's happening. I'm appalled by the violence that has erupted causing difficulty for ordinary people. I didn't intend to say anything publicly. But I wanted to hear and take it back to the All Party Parliamentary Group. Those of us who know members of the Bangladeshi Government have been raising these issues. The Bangladeshi High Commission has a very well respected understanding of the broad issues involved. I take the point all of you have agreed on that it is not too late to get the process back on the right track.

Above all I believe in a fair trial. Prime responsibility of those of us in Parliament is to ensure it has been heard loud and clear in Bangladesh. The APPG can take it away as a group and try to take it forward. I think perhaps the UK should send a delegation. We are good friends with Bangladesh. The UK is not in a precarious position over the atrocities or the death penalty and the support that we can give, unlike the US.

I want to make this point; those of us who witnessed people killed, brutalised and raped, the numbers are so massive that justice cannot be denied to the victims, alive or dead and these should be our paramount consideration.

Lord Avebury: There have been attempts to send a delegation but there have been objections raised to who and what they should do.

Non-practising barrister and Bangladeshi lawyer:

To pay respect to those who lost their lives in the atrocities we cannot just have any justice, it must be meaningful and we call on the support of the organisations like the BHRC to make this happen.

The protesters for the death penalty are supported by the Government and they are demanding the disbanding of the party affiliated with the defendants. They want only hanging and not a trial. They are demanding banning of businesses of those who support this party. It is wide spread, all over the country. Those who have attempted to protest in response have been fired on.

As signatory to the ICC is there any mechanism to compel the Government to stop and bring the responsible people to justice?

Stephen Rapp: The ICC can't get involved in crimes before 2002. I don't know if you are talking about the crimes being committed now but these are questions the ICC prosecutors can look at. Crimes of violence must be part of widespread and systematic attack, where 1000s of people affected, or they are committed in the context of an armed conflict, or a systematic attack on the civilian population. These are questions that she can look at and review.

Qu: I'm frustrated by the injustice. How much pressure can the international community put on Bangladesh and how can I get involved?

Kirsty Brimelow: Bangladesh has good relations with the UK. We hope that they will listen to us. In terms of involvement there are grassroots organisations and HRW is involved. The membership of the BHRC are lawyers, so lawyers can get involved with us. Appeals are pending and we hope that lobbying and political input will help reverse the injustices which have occurred.

Clive Baldwin: Awareness and publicity are important. Pressure can be placed on the Bangladeshi Government as to complying with its responsibilities including changing the law where required. The Heads of Government of the Commonwealth meet in Sri Lanka this year. With Bangladesh chair of the Human Rights Group this is an important time to address this issue.

Stephen Rapp: This is an issue which could be raised with the UN Human Rights Commission for one. There are special rapporteurs who have been appointed and they are engaging and communicating with them on these issues. The Universal Periodic Review is coming up for Bangladesh and this could put pressure on the ICT system.

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