

**Bangladesh: Mass Sentencing Raises Fair Trial Concerns
Prosecution Should Halt Trials Until a New System Is Created
By Human Rights Watch
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(New York) – The prosecution teams conducting the mass trials of the alleged mutineers of the Bangladesh Rifles (BDR) must immediately stop the trials, Human Rights Watch said today. On June 18 a mass trial in a military court led to the conviction of 611 of the 621 accused in the 13th BDR Battalion.

Mass trials to date have shown numerous violations of the right to a fair trial, especially the impossibility of lawyers to give proper advice and preparation for each individual. Human Rights Watch called on the government of Bangladesh to establish an independent investigative and prosecutorial task force with sufficient expertise, authority, and resources to rigorously investigate and prosecute allegations of unlawful conduct during the mutiny.

“Those responsible for killing 74 people during the February 2009 mutiny by the border guards should be held accountable – but only in trials that meet international fair trial standards and the guarantees of the Bangladeshi constitution,” said Brad Adams, Asia director at Human Rights Watch. “The government should halt all trials for the horrific crimes committed in the mutiny until the system is changed to ensure that each accused receives a fair trial.”

On February 25-26, 2009, members of the BDR, since renamed the Bangladesh Border Guards, staged a mutiny against their commanding officers, killing 74 and injuring many others. Some victims were subjected to sexual violence. Under pressure from the army, which had urged the government to use overwhelming force against the BDR compound in a heavily populated area of the capital, Dhaka, the government responded with mass arrests of more than 6,000 BDR members from different units around the country.

To date, some 4,000 have been found guilty by military tribunals. In addition, 847 of the accused also face charges under the Bangladesh Criminal Code, some of which carry the death penalty.

The accused have been held and prosecuted in violation of Bangladesh's obligations under the International Covenant on Civil and Political Rights. Human Rights Watch has documented many abuses of due process rights against these accused, including being detained without charge for several months, being denied proper access to lawyers, and proper and full disclosure of evidence against them.

Even for the few accused who do have lawyers, their lawyers have complained to Human Rights Watch that it is impossible to provide an effective defense to each accused with so many clients and so little time to talk to each accused. Furthermore, defense lawyers report that the jail authorities make it difficult for them to meet the accused to prepare their case.

Human Watch and other groups have documented the deaths of some of the accused in custody, including as a result of torture, in the first few months after the mutiny. Defense counsel and family members have told Human Rights Watch that the accused had to give statements under torture, either implicating themselves or others. The government has not produced individualized evidence against each detainee.

“Mass trials like these cannot possibly provide real answers and justice for the horrible crimes committed during the mutiny,” said Adams. “This is mass punishment, not justice.”
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