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Press Statement

A number of questions have been put by Mr. Andy Whelan, a journalist with the Mail on Sunday, following a statement that on 9 October 2012 the Bangladesh International Crimes Tribunal has completed its year-long investigation and now claims to have enough evidence to charge Mr. Mueen-Uddin with 18 murders and has submitted its report to its own special prosecutors.

This statement is erroneous in a number of respects. First of all whilst it is correct to state that the investigators have completed their investigations, it is for the Prosecution to now file draft charges with the Tribunal Judges and for those Judges to determine sufficiency of evidence as to the charges - not the investigators and not the prosecutors.

Second, the statements that have been issued by members of the Investigation Agency and Prosecution amount to formal declarations of guilt by organs of the State before trial and as such are in breach of the presumption of innocence as guaranteed under Article 14 of the International Covenant on Civil and Political Rights, to which Bangladesh is a State Party. Such statements are inappropriate and will only serve to prejudice the fairness of proceedings and may amount to an abuse of process if continued. The practice of the media in repeating declarations of guilt before trial and creating an atmosphere of hostility directly impacts on the fairness of proceedings and should cease immediately. The politicization of these trials will only impact on the integrity of the process and the law must be allowed to take its course in a courtroom and not in the media.

Third, as no formal allegations have thus far been put to Mr. Mueen-Uddin it would be highly inappropriate for any formal response to be issued to the media. This is a matter *sub judice* and therefore any and all media comment on the nature of the allegations, the strength of the evidence and the eventual outcome of the proceedings is to be avoided.

Fourth, it would be inappropriate at this stage to comment on the substance of the allegations. However, any and all allegations that Mr. Mueen-Uddin committed or participated in any criminal conduct during the Liberation War of 1971 have been strongly denied in the past and will continue to be strongly denied in their entirety.

As regards the question that has been repeatedly raised over the past forty-eight hours concerning extradition to face trial in Bangladesh, it is important to note that there is no extradition treaty with Bangladesh and therefore the extradition procedure falls under Part 2 of the Extradition Act 2003 (EA 2003). As regards the possibility of Mr Mueen-Uddin being extradited to Bangladesh to face trial, firstly it is important to note that no request has been submitted by the Government of Bangladesh and no request may lawfully be submitted unless the Tribunal judges issues a summons. Second, the United Kingdom would not extradite a person where they are at risk of the death penalty - clearly a barrier in the present case due to the repeated remarks by the Government of Bangladesh that the accused at the Tribunal *will* face the death penalty. Third, the numerous concerns that have been raised as to the fairness of proceedings in Bangladesh by a host of independent sources would have a direct impact on any English Court considering an extradition request.

Finally, I would like to emphasise the statement made in the course of a House of Lords debate this week by

Lord Avebury to serve as a reminder that the proceedings before the Bangladesh Tribunal have received strong criticism. Lord Avebury stated “To address these concerns, the Parliamentary Human Rights Group is asking the IBA to conduct a fresh assessment of the tribunal, its procedures and practices to date in relation to international standards, seeking advice from Ambassador Rapp, the UN High Commissioner for Human Rights and its special procedures mechanisms. These proceedings are no longer a matter for leisurely discussion by legal scholars.”

The Bangladesh Tribunal was established to bring an end to a culture of impunity and to bring ‘justice’ to the victims of a brutal conflict. It is however wasting an opportunity to establish a process that meets the highest universal standards and represents a further step in the development of a nation. The Government needs to recognise that this process has far greater consequences than the next election.

A handwritten signature in black ink, appearing to read 'T. Cadman', is positioned above the typed name.

Toby Cadman

London, 12 October 2012