



INTER-PARLIAMENTARY UNION

CHEMIN DU POMMIER 5
1218 LE GRAND-SACONNEX / GENEVA (SWITZERLAND)

COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

CASE No. BGL/14 – SHAH AMS KIBRIA – BANGLADESH

Decision adopted by the Committee at its 112th session (Geneva, 26 - 29 January 2006)

The Committee,

Referring to the outline of the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh assassinated in January 2005, and to the resolution adopted by the Governing Council at its 177th session (October 2005),

Taking account of the letters from the Speaker of the Parliament of Bangladesh dated 19 October and 24 December 2005; and *also taking account* of communications from one of the sources dated 21 November 2005 and 5 and 18 January 2006,

Recalling the following elements on file:

- On 27 January 2005, as Mr. Kibria was leaving a meeting in his constituency in north-eastern Bangladesh, grenades exploded, which instantly killed three persons and injured many others. Mr. Kibria was severely injured and died on his way to hospital. While the Speaker affirmed that the authorities would have provided a helicopter to take him to Dhaka for medical treatment had they known of the attack, the sources affirm that despite appeals to the Government to send a helicopter, no such assistance was provided;
- Two cases, a murder case under the Penal Code of Bangladesh and an explosives case under the Explosive Substance Act, were filed. In both cases, the police investigation has been closed. In the murder case, on 19 April 2005, 10 persons were charged, 8 of whom were arrested, while 2 absconded. With respect to the explosives case, an appeal for further investigation, in particular into the origin of the grenades, was dismissed, and the case was sent to the competent tribunal for trial;
- On 30 April and 4 May 2005, the lawyer for the family of Mr. Kibria (the plaintiff) lodged appeals against the decision of the courts to close the investigation in the murder case, as it considered the investigation to be incomplete, in particular since it has failed to identify the source of the explosives used in the attack, to track the funding for the attack and to ascertain how those who threw the grenades received the necessary training, and also because two of the suspects have not yet been apprehended. The appeals were dismissed. An application against this decision before the High Court Division of the Supreme Court of Bangladesh was filed. Further proceedings were temporarily stayed.

Considering the following new elements on file:

- On 21 November 2005, the High Court dismissed the appeal and referred it back to the lower court, although at two separate hearings the High Court had reportedly issued two contrary verbal statements, one supporting the need for further investigation and the other dismissing the appeal. As of 5 January

2006, Mr. Kibria's family had not received the documents finalizing the Court's decision. The investigation is said to be currently at a standstill, as the lower court has already ruled that there was no need for further investigation;

- The sources have referred to newspaper reports (*Janakantha*, 26 December 2005) according to which a High Court judge ruled that the confessional statements of four of the accused (Shahed Ali, Joynal Abedin Momen, Zamir Ali and Tajul Islam) were invalid as the confessions were obtained under police pressure and that they had applied for bail. The main defendant, Abdul Quayum, has reportedly consistently alleged that he was framed, tortured, and denied food and medical care, and that on 16 April 2005, when the police report was being heard by the magistrate, the police refused his request to make a voluntary confession before the magistrate;
- The Speaker has forwarded a copy of the resolution which the National Parliament adopted the day after Mr. Kibria's death and newspaper clippings reporting that the President of Bangladesh and the Prime Minister expressed their shock at the killing of Mr. Kibria and sent messages of condolence. However, Mr. Kibria's family reportedly never received any such condolence letters;
- According to the newspaper clippings forwarded by the Speaker, the Prime Minister said that it was the duty at this moment "to find out the perpetrators and ensure harsh legal punishment" and that she had directed all concerned agencies "to invest all their strength to identify the heinous criminals at any cost and take proper action against them". An incomplete newspaper clipping reporting about the reaction of the Secretary General of the BNP to Mr. Kibria's murder is entitled "International probe, if needed, says Mannan Bhuiyan";
- according to the sources, a discussion in the National Parliament about Mr. Kibria's murder was blocked by the parliamentary authorities, which reportedly prompted the current boycott of the parliament by the opposition. The sources refer moreover to press reports according to which at a recent meeting of the parliamentary Standing Committee on the Home Ministry, Mr. Mohammed Nasim, M.P. asked that the report of the Judicial Inquiry Commission on the August 2004 attack on Sheik Hasina and documents relating to Mr. Kibria's murder be put on the Committee's agenda. The request was refused by the Chairman, as a result of which Mr. Nasim walked out of the Committee in protest,

Considering finally that according to the sources, and in stark contrast with the actions of the police in this case, the police investigating the spate of suicide bombings committed in August 2005 looked at telephone records to trace the militants' network and did indeed investigate the sources of the explosives, detonators and other triggering technology,

1. *Thanks* the Speaker for the information and documents he provided;
2. *Considers* that the invalidation of the confessional statements of four of the accused raises serious doubts as to the conduct of the investigation and warrants in itself a re-opening of the investigation; *wishes to ascertain* whether the allegations of the main accused, Mr. Quayum, that he has been coerced and subjected to ill-treatment are being investigated; and *also wishes to ascertain* the grounds on which he has been prevented from making a confessional statement before the magistrate, as he himself has requested;
3. *Would appreciate* receiving a copy of the High Court's ruling dismissing the plaintiff's application for further investigations;
4. *Reaffirms* that the authorities have a duty to carry out a thorough and independent investigation into Mr. Kibria's murder, as they did in the case of the August 2005 suicide bombings; *notes* that the Prime Minister and other officials have called for

such investigations to take place, indicating even the possibility of the involvement of international experts; and *can only encourage* the authorities to proceed in this sense;

5. *Considers* that as long as all leads shedding light on Mr. Kibria's murder have not been investigated, the investigation cannot be deemed to be complete;
6. *Reaffirms* that the murder of a parliamentarian stands as a threat to all members of the parliament concerned and the institution of parliament as such, and in the final analysis to the people whom it represents, and that parliament should therefore avail itself of its oversight function to ensure that the competent authorities comply with their duty to carry out full and effective investigations to identify and prosecute those responsible and thus to prevent any repetition of such crimes;
7. *Notes therefore with concern* that the National Parliament has not taken any action to monitor the investigation, and has even refused requests (motions) to do so; and *would appreciate receiving* the observation of the parliamentary authorities in this respect;
8. *Requests* the Secretary General to convey this decision to the Speaker and the sources;
9. *Decides* to continue examining this case at its next session, to be held during the 114th IPU Assembly (May 2006).