



INTER-PARLIAMENTARY UNION

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

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

***Resolution adopted by consensus by the IPU Governing Council at its 178th session
(Nairobi, 12 May 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/178/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Taking account of the information provided by members of the Bangladesh delegation at the hearing held with the Committee in Nairobi; also *taking account* of information provided by the sources on 23 March and 28 April 2006,

Recalling that 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 more. Mr. Kibria was severely injured and died on his way to hospital; two cases, a murder case under the Penal Code of Bangladesh and an explosives case under the Explosive Substance Act, were filed and in both cases the police investigation has been closed; in the latter case, an application for further investigation was dismissed and the case was sent to the competent tribunal for trial; in the murder case, on 19 April 2005 ten persons were charged, eight of whom were arrested, while two absconded; according to the charge sheet, the main accused, Mr. Abdul Quayum, had been assured by some powerful leaders that he would be nominated in the next election if he succeeded in killing Mr. Kibria,

Recalling further that on 30 April 2005 the lawyer for the family of Mr. Kibria (the informant) submitted an application for further investigation in the murder case as the family considered the investigation to be incomplete, particularly since it had failed to identify the source of the explosives used in the attack, to track the funding for the attack, to examine important witnesses, and to investigate who the powerful political leaders were who assured Mr. Quayum that he would be nominated for the election; the application was dismissed on 10 May 2005; an appeal against that decision was subsequently lodged in the High Court Division of the Supreme Court of Bangladesh, which on 21 November 2005 dismissed the appeal arguing that the proper course of action was to file an application for further investigation with the trial court, which was competent to rule such an order; *considering* that an appeal lodged against that ruling before the Appellate Division of the Supreme Court was likewise dismissed and that the case is now pending before the Speedy Trial Court, which is bound by law to complete proceedings within a maximum of 135 working days,

Considering that, on 26 January 2006, the High Court Division of the Supreme Court of Bangladesh heard writ petition No. 3201 of 2005 in which four of the suspects of Mr. Kibria's killing, namely Shahed Ali, Joynal Abedin, Amir Ali and Tajul Islam, applied to be allowed to retract their confessional statements as they had been obtained under torture; the High Court found no reason "not to give the accused a chance to retract their confession" and directed the lower court to allow them "to file application before the trial court for retraction of their confessions..."; *considering* also that, according to the source, the main defendant, Mr. Abdul Quayum, has also alleged that he was framed, ill-treated, 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 under Article 164 of the Criminal Procedure Code before the magistrate; *noting* in this respect that, according to the documents provided by the source, the magistrate passed an order to allow him to "give a 164 confessional" but that the order was then crossed out by someone and Mr. Quayum did not make a confessional statement,

Recalling further that in newspaper clippings concerning the killing of Mr. Kibria provided by the Speaker, the Prime Minister is reported as saying that the present duty was "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"; another newspaper article reporting the reaction of the Secretary General of the Bangladesh Nationalist Party (BNP) to Mr. Kibria's murder is entitled "International probe, if needed, says Mannan Bhuiyan",

Recalling finally that, according to the sources, a discussion in the National Parliament about Mr. Kibria's murder was blocked by the parliamentary authorities, which reportedly prompted a temporary boycott of the parliament by the opposition; the sources also refer to press reports that, at a 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 placed 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* that, according to the Bangladesh delegation, Parliament does not usually monitor investigation in such cases but offers its condolences, which it did in this case,

Noting lastly 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 delegation of Bangladesh for its cooperation;
2. *Reaffirms* that the authorities have a duty to conduct a thorough and independent investigation into Mr. Kibria's murder, as they did in the case of the August 2005 suicide bombings; and *notes* that the Prime Minister and other officials have called for such investigations, even indicating the possibility of involving international experts;
3. *Considers* that the investigation has omitted to examine questions which are essential for shedding full light on Mr. Kibria's murder, and that the fact alone that the lower court has been ordered to allow four witnesses to retract their statements obtained under duress, in addition to the doubts as to whether Mr. Quayum was allowed to make a confessional statement, warrants additional investigation;
4. *Expresses deep concern* in this respect at the ability of the Speedy Tribunal Court to order such investigation given the time limits within which it operates;
5. *Decides* to send an observer to the court proceedings, and *requests* the Secretary General to take the necessary steps to this end;
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 ultimately to the people whom it represents, and that parliament therefore has a vested interest in ensuring that the competent authorities comply with their duty to conduct full and effective investigations in order to identify and prosecute those responsible, thus ensuring the due administration of justice and preventing a repetition of such crimes;
7. *Calls therefore* on the National Parliament to avail itself of its oversight function to this end and closely to follow the proceedings in the case of Mr. Kibria, and *would appreciate* receiving the observations of the parliamentary authorities on this point;
8. *Requests* the Secretary General to convey this resolution to the Speaker and to the sources;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 115th IPU Assembly (October 2006).