

KINGSLEY NAPLEY

International Crimes Tribunal
Old High Court Building
Dhaka
1000
Bangladesh

By email: info@ictcp.gov.bd

30 March 2026

Our ref: JMG/RSN/LJD/78975-1/45956394.10

Your ref:

Dear ICT

- 1 We act on behalf of Sheikh Hasina, the former Prime Minister of the People's Republic of Bangladesh ("**Bangladesh**") and President of the Bangladesh Awami League ("**Awami League**").
- 2 We write to formally object to the unlawful conduct of proceedings that have resulted in the prosecution and sentencing of Sheikh Hasina by the Bangladesh International Crimes Tribunal ("ICT"). Sheikh Hasina has been prosecuted and sentenced in absentia for capital offences in proceedings that are fundamentally incompatible with basic international standards for fairness and due process and violate her fundamental rights under international law. This correspondence does not constitute acceptance of, submission to, or recognition of the legitimacy of these proceedings as currently constituted. Sheikh Hasina expressly reserves the right to challenge the jurisdiction, composition, conduct and outcomes of these proceedings in all available fora.
- 3 Sheikh Hasina's trial was held against a backdrop of a hostile environment towards the Awami League and its supporters, and perceived supporters, that was perpetuated by measures implemented by the interim government against the Awami League, including the banning of the Awami League in May 2025 under anti- terrorism legislation, and manifested in ongoing political violence, impunity of the perpetrators of that violence, and the arrest of lawyers seeking to represent the Awami League and its members or on the basis of their association with the Awami League. Lawyers and others associated with the Awami League, have been physically attacked by mobs, including by lawyers.¹
- 4 This letter documents the following fundamental violations:
 - A. Lack of judicial independence: The reconstitution of the ICT bench with judges

¹ Saqlain Rizve, 'Vigilante [Justice Reigns in Post-Hasina Bangladesh](#)', *The Diplomat*, 27 August 2024.

- lacking experience and having overt political affiliations to opposition parties, including prejudicial comments from the bench indicating a predetermination of guilt [paragraphs 9-17 below];
- B. Prosecutorial Bias: The appointment of a Chief Prosecutor with clear political opposition ties who has actively campaigned for the banning of the Awami league while conducting these proceedings [paragraphs 18 – 23 below];
 - C. Denial of due process and fair trial rights: Failure to provide notification, disclosure of allegations and evidence, or meaningful opportunity for Sheikh Hasina to participate in or defend herself against capital charges and systematic breaches of Article 14 of the International Covenant on Civil and Political Rights (“ICCPR”) [paragraphs 24 – 28 below];
 - D. Improper trial in absentia and imposition of the death penalty: Conducting a capital trial in absentia without meeting the heightened standards required by international law [paragraphs 29 – 33 below];
- 5 These violations, individually and cumulatively, render the proceedings fundamentally unfair and incapable of producing a legitimate outcome. The verdict and sentence arising from these proceedings is therefore without legal validity and constitutes a grave violation of Sheikh Hasina’s fundamental rights, in particular, her right to a fair trial and right to life.
- 6 In addition to the above violations, a fundamental issue undermines the entire proceedings, namely that the ICT lacks jurisdiction to try Sheikh Hasina for the alleged offences. The International Crimes (Tribunals) Act 1973 (“the ICT Act”) was enacted to prosecute genocide, crimes against humanity, war crimes and other crimes under international law committed during the 1971 Liberation War. The tribunal was established with a clear temporal and substantive mandate limited to atrocities of that specific historical period. In August 2024, the interim administration (which itself had a questionable legal mandate) amended the ICT Act to extend the tribunals jurisdiction to prosecute alleged offences connected to the July 2024 protests. This represents an unlawful expansion of the tribunal’s mandate beyond its original constitutional purpose.
- 7 The alleged conduct, arising from law enforcement responses to civil unrest in 2024, falls squarely within the jurisdiction of Bangladesh’s criminal law courts, which have jurisdiction to prosecute offences including homicide, excessive use of force, and other criminal conduct. The retrospective application of these amendments raises grave concern under the principle of legality. International law prohibits the retrospective criminalisation of conduct and the retrospective extension of tribunal jurisdiction in a manner that prejudices the accused. Indeed, Bangladesh’s constitution, at Article 35(1) guarantees that no one shall be punished except in accordance with law. The amendments purport to have retrospective effect from 2009, yet are being applied to prosecute conduct from 2024: a legal impossibility that violates fundamental principles of fair notice and legal certainty.
- 8 The proper forum for any legitimate prosecution of the alleged conduct is Bangladesh’s ordinary criminal justice system, not a specialised tribunal created for historical war crimes. The misuse of the ICT to prosecute a contemporary political opponent

represents a fundamental jurisdictional overreach that renders the proceedings void ab initio.

A. Lack of judicial independence

- 9 The right to be tried by a competent, independent and impartial tribunal is firmly established in international law. Article 10 of the Universal Declaration of Human Rights (“UDHR”) articulates the foundational principle, which is given binding legal force in Article 14(1) ICCPR, requiring States Parties to secure judicial bodies free from improper influence. The UN Basic Principles on the Independence of the Judiciary² authoritatively elaborate the measures necessary to implement this obligation, including non-discriminatory judicial appointments and promotion based solely on ability, integrity and experience. Taken together, these instruments impose a clear duty on states not only to refrain from undermining judicial independence but to take positive steps to secure it. A national court that disregards these guarantees places the state in breach of its international legal obligations under the ICCPR.
- 10 In Sheikh Hasina's case, the proceedings before the International Crimes Tribunal demonstrate multiple and serious failures to meet these fundamental standards of judicial independence and impartiality. The circumstances surrounding the constitution of the tribunal, the manner and timing of judicial appointments, the qualifications and political affiliations of the appointed judges, and conduct during the trial proceedings collectively reveal a systematic disregard for the safeguards that international law requires. The following examples illustrate how the tribunal failed to satisfy the requirements of independence and impartiality, thereby violating Sheikh Hasina's right to a fair trial under Article 14(1) ICCPR.
- 11 Following the August 2024 deposition of Sheikh Hasina, the judicial bench and the prosecutor's office of the ICT were entirely reconstituted with new appointees associated with former political opposition parties. Judges who had been appointed to the ICT before August 2024 were rendered unavailable to hear Sheikh Hasina's trial, despite having neither formally retired nor been officially removed from the bench. No explanation has been provided for their sudden unavailability. On 9 October 2024, the interim government appointed 23 additional High Court judges. Within days - on 14 and 15 October 2024 - a reconstituted three judge bench was appointed to the ICT to preside over these proceedings.
- 12 The timing and manner of these appointments fail to meet the requirements of independence and impartiality under Article 14(1) ICCPR and the UN Basic Principles on the Independence of the Judiciary. The circumstances of the appointments, occurring within weeks of a political transition and immediately before Sheikh Hasina's trial, create an objective appearance of bias that fundamentally undermines the fairness of these proceedings. The wholesale replacement of the tribunal with judges having political opposition connections, combined with the unexplained removal of existing judges and the speed of the reconstitution, demonstrates a pattern inconsistent with

² Ibid, §10.

judicial independence. The UN Basic Principles on the Independence of the Judiciary state that members of the judiciary enjoy the right to freedom of expression and association as any other citizen, "provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary".

- 13 The process for the appointment of the new ICT judges lacked transparency. The judges appointed had only very recently been appointed to the High Court and had no judicial experience or other experience or expertise in international criminal law, or adjudicating complex criminal cases.³ This lack of transparency and of judicial expertise raises serious concerns that the new cohort of judges, appointed as additional judges to the High Court on 9 October 2024 then transferred to the ICT on 14 and 15 October 2024, were appointed and selected because of their political associations that undermines their independence and impartiality (objective bias).
- 14 The Chair, Justice Golam Mortuza Majumder, was re-appointed to the High Court bench after nearly 6 years of inactivity (he had retired as a District and Sessions Judge in January 2019) and has alleged affiliation to Bangladesh Jamaat-e-Islami. Justice Mohitul Haq Enam Chowdhury was also long retired before his reappointment to the bench (also formerly a District and Sessions judge), also has alleged affiliation to Bangladesh Jamaat-e-Islami. Justice Shofiul Alam Mahmud, a lawyer before his appointment, was only appointed a High Court judge 6 days before his allocation to the ICT tribunal and has overt ties to the Bangladesh Nationalist Party ("BNP").
- 15 In this case, concerns regarding how the judges were appointed and that their appointment was based on their political association, are compounded by comments from the judicial bench in Sheikh Hasina's trial that indicate that at least one of judges, Justice Shofiul Alam Mahmud, had pre-determined Sheikh Hasina's guilt, before hearing all the evidence and in violation of her right to presumption of innocence, in violation of Article 14(2) ICCPR (subjective bias). For example, on 7 August 2025 it was reported that in comment to the state-appointed defence counsel for Sheikh Hasina, Amir Hossain (who has also been appointed to represent her co-defendant, former home minister Asaduzzaman Khan Kamal), following cross-examination of a prosecution witness, Justice Shofiul Alam Mahmud said, "You'll try your best to save your clients from the gallows." To which the state-appointed defence counsel replied, "I'm trying, but not sure if I'm doing enough." The comment by Justice Shofiul Alam Mahmud raises real and serious concern of judicial bias on his part. We are not aware of any application made to recuse the judge on the basis of his comments.
- 16 It appears, from the state-appointed defence counsel's reply, that defence counsel either did not appreciate the serious implications of the comment on Sheikh Hasina's right to a fair trial, or accepted that the inevitable outcome of the trial will be Sheikh Hasina's conviction and sentence to death. Both the judge and the defence counsel

³ David Bergman, '[Why the Bangladesh govt needs to appoint international judges to the ICT](#)', *Prothom Alo (English)*, 19 October 2024; '[Farce of Justice or Vengeance: Allegations of Bias at ICT, Compared to Zia's Kangaroo Court](#)', *BD Digest*, 1 June 2025.

expressed their views that conviction, and sentence to death, was a foregone conclusion well before the verdict was officially determined.

- 17 In these circumstances, the fairness of Sheikh Hasina's trial is severely undermined. It is clear that her right to be tried by an independent and impartial tribunal under Article 14(1) ICCPR has been fundamentally compromised by the composition and conduct of the three-judge ICT panel that determined these proceedings.

B. Prosecutorial bias

- 18 Prosecutors play a vital role in the administration of justice. They must exercise their function impartially and independently of political or other kinds of interference, as highlighted by the former UN Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán.⁴ These comments reflect the UN Guidelines on the Role of Prosecutors that require prosecutors to perform their duties “*fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system.*”⁵ To this end, the UN Guidelines on the Role of Prosecutors state (in relevant part):

“13. In the performance of their duties, prosecutors shall:

- a. Carry out their functions impartially and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination;*
- b. Protect the public interest, act with objectivity, take proper account of the position of the suspect and the victim, and pay attention to all relevant circumstances, irrespective of whether they are to the advantage or disadvantage of the suspect;*

...

14. Prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded.”⁶

- 19 The appointment of Md. Tajul Islam, former defence counsel to senior members of the Jamaat-e-Islami prosecuted and convicted under the previous government and joint convenor of the Amar Bangladesh Party, as the Chief Prosecutor of the ICT raises serious concerns of both subjective and objective bias based on perceived animosity and long-standing affiliation with the political opposition. The Chief Prosecutor continued to engage with the Amar Bangladesh party and at party rallies throughout the

⁴ Report of the Special Rapporteur on the independence of judges and lawyers, [A/74/176](#), 16 July 2019

⁵ Ibid, §7. See also resolution 17/2 of the UN Commission on Crime Prevention and Justice, 2008, Annex, Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutor and UN Guidelines on the Role of Prosecutors, adopted 7 September 1990 by the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders, (“**UN Guidelines on the Role of Prosecutors**”)

⁶ Ibid, §§13-14.

proceedings, including in March 2025 when he appeared on stage at a party rally calling for the banning of the Awami League, drawing sharp criticism from legal professional and judicial circles in Bangladesh.⁷

- 20 We also note that accountability measures implemented by the former interim government focused only on the prosecution of members of the former government and of the Awami League, resulting in one-sided prosecutions before the ICT. We note from reports that the interim government indicated immunity from prosecution for potential crimes committed by the orchestrators of the uprising. An Interior Ministry spokesperson, Faisal Khan, is reported to have said:

Students and citizens who put forth all efforts to make this uprising successful will not face prosecution, arrest, or harassment for their acts between July 15 and August 8 [2024].⁸

- 21 Thus, it seems clear, proceedings have only been brought against those accused of perpetrating crimes against the orchestrators of the uprising, and not those involved in the uprising itself (and the crimes associated with it).
- 22 Recent revelations of systemic corruption within the ICT prosecution team have further destroyed any remaining semblance of legitimacy in these proceedings. Credible reports have emerged documenting bribery allegations involving members of the prosecution team, fundamentally compromising the integrity of the tribunal.⁹
- 23 These bribery allegations are not isolated incidents but reflect systemic institutional corruption that permeates the entire prosecutorial apparatus. When prosecutors can be influenced by financial inducements, the foundational requirement of prosecutorial independence and impartiality, essential to any fair trial, is irreparably compromised.

C. Denial of due process and fair trial rights

- 24 The ICT's systematic failure to uphold fair trial rights is extensively documented by independent international observers. Freedom House summarises that 'concerns were repeatedly raised that the ICT's procedures and verdicts did not meet international standards for victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. The tribunal regularly imposed death sentences. While the interim government amended the ICT's rules and procedures, concerns remained about its ability to hold fair trials'¹⁰.
- 25 The concerns regarding the ICT's systematic failure to uphold fair trial standards has been echoed by the International Bar Association's Human Rights Institute (IBAHRI)

⁷ See '[Conflict of Interest Surrounding Chief Prosecutor of International Crimes Tribunal](#)', *BD Digest*, 26 March 2025

⁸ '[Bangladesh immunity order sparks fears of justice denied](#)', *The Daily Star*, 29 October 2024

⁹ '[Bribery scandal rocks Bangladesh's International Crimes Tribunal amid political trials](#)', *Organiser*, 15 March 2026

¹⁰ Freedom House, '[Freedom in the World 2025: Bangladesh](#)'.

which has expressed grave concern over fair trial and due process rights in Bangladesh following the in absentia conviction of Sheikh Hasina. IBAHRI Director Baroness Helena Kennedy stated: 'It is deeply troubling to see the justice system in Bangladesh misused to advance unfair and at times, politically motivated trials. Every trial is a test of a state's commitment to justice and human rights – especially where allegations of serious international crimes are involved.' The IBAHRI highlighted 'the lack of formal notification of the charges, denial of representation by counsel of her choosing and reliance on a state-appointed lawyer 'with whom she has had no communication and given no instructions'.' The IBAHRI emphasised that imposing the death penalty following trials that do not meet international fair trial standards 'would effectively amount to summary execution and a clear violation to the right to life', as guaranteed by Article 6 of the ICCPR. The organisation has called on Bangladesh to respect its obligations under the ICCPR, particularly Article 14 which guarantees the right to fair trial by a 'competent, independent and impartial tribunal established by law', and has urged the interim government to 'halt all executions, establish a formal moratorium on the use of the death penalty and commit to full and permanent abolition.'¹¹

26 Human Rights Watch has similarly expressed serious concern over the fair trial violations in Sheikh Hasina's case. Following the 17 November 2025 verdict, Human Rights Watch noted that Sheikh Hasina and former Home Minister Khan Kamal were "prosecuted in absentia, not represented by counsel of their choosing, and sentenced to death, raising serious human rights concerns.' The organisation emphasised that 'the prosecution failed to meet international fair trial standards, including for a full opportunity to present a defense and question the witnesses against them, and the right to be represented by counsel of one's choosing.' Human Rights Watch noted that 'trials in absentia fundamentally undermine the right to a fair trial as set out in article 14 of the International Covenant on Civil and Political Rights (ICCPR)' Human Rights Watch called on the Bangladeshi government to 'ensure equal access to constitutional remedies for all defendants, and to impose a moratorium on the death penalty with a plan to abolish it altogether.'¹²

27 Amnesty International has issued equally damning criticism of the proceedings. Responding to the November 17, 2025 verdict, Amnesty International's Secretary General, Agnès Callamard, stated unequivocally: 'This trial and sentence is neither fair nor just'. Amnesty International noted that 'the unprecedented speed of this trial in absentia and verdict raises significant fair trial concerns for a case of this scale and complexity.' The organisation also highlighted that 'although Sheikh Hasina was represented by a court-appointed lawyer, the time to prepare a defence was manifestly inadequate' and that 'such unfair trial indicators are compounded by reports that defence cross examination of evidence deemed to be contradictory was not allowed.'¹³

¹¹['IBAHRI urges Bangladesh to adhere to international fair trial standards and due process'](#), 8 December 2025.

¹²['Bangladesh: Hasina Found Guilty of Crimes Against Humanity'](#), 17 November 2025.

¹³['Bangladesh: Justice for victims of 2024 massacre not served by death sentence against Sheikh Hasina'](#) 17 November 2025.

- 28 To date, the ICT and the government of Bangladesh have failed to make any legitimate attempt to allow Sheikh Hasina to participate in the proceedings. The authorities have failed to provide formal notification of the proceedings to Sheikh Hasina or to disclose any particulars of the extremely serious allegations levelled against her by the ICT. This complete denial of procedural fairness has rendered it impossible for Sheikh Hasina to understand the case against her, to prepare a defence, or to respond to the charges, in flagrant violation of her fundamental rights under Article 14(3) ICCPR. The absence of proper notification and disclosure is not merely a procedural irregularity; it constitutes a wholesale denial of the right to be heard and the right to defend oneself, rendering the entire proceedings fundamentally unfair and legally void. Any legitimate judicial process seeking to establish the truth must be founded upon impartial procedures designed to ensure fairness, transparency, and adherence to the rule of law - none of which have been present in these proceedings.

D. Improper trial in absentia and imposition of the death penalty

- 29 Article 14(3)(d) ICCPR expressly provides for a person's right to be tried in her presence. While this right is not absolute, the Human Rights Committee has clarified that trials in absentia may only be held "exceptionally and for justified reasons".¹⁴ Critically, the Committee has emphasised that when in absentia trials are held, "strict observance of the rights of the defence is all the more necessary."¹⁵ This requirement for heightened procedural safeguards becomes even more imperative in capital cases where the defendant faces the death penalty. These principles are directly applicable to the decision to try Sheikh Hasina in absentia, particularly given that the interim government has simultaneously pursued an extradition request to India - a fact that fundamentally undermines any claim that her absence was voluntary or that the trial in absentia was justified.
- 30 Sheikh Hasina's trial is not the first capital trial before the ICT that raises serious fair trial and due process concerns. We note that former leaders of Bangladesh Jamaat-e-Islami had been prosecuted in absentia and convicted by the ICT including Abdul Kalam Azad, who was sentenced to death after a trial in absentia in July 2013. At that time, UN experts raised concerns about the passing of the death sentence in absentia. As the Special Rapporteurs stressed: "Given the historic importance of these trials and the possible application of the death penalty, it is vitally important that all defendants before the Tribunal receive a fair trial."
- 31 The former Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, articulated the heightened standards required in capital cases, drawing on the minimum guarantees of the right to a fair trial provided by Article 14(3) ICCPR:

"Capital punishment may be imposed only following proceedings that give all possible safeguards to ensure a fair trial and due process, at least equal to

¹⁴ Human Rights Committee, General Comment no. 13, §11.

¹⁵ Ibid.

those stipulated in the International Covenant on Civil and Political Rights, to which Bangladesh is a State party.

...

"Due process requires at a minimum that defendants are able to speak freely with their counsel, have adequate time to conduct their defence, and the ability to call witnesses to speak on their behalf. The principle of equality of arms should be respected at all stages of the proceedings."¹⁶

- 32 These fundamental requirements have been systematically violated in Sheikh Hasina's trial. The ICT has failed to provide the heightened procedural safeguards that international law mandates for capital trials conducted in absentia. Instead, the proceedings have been characterised by multiple and serious violations of due process, including judicial and prosecutorial bias, the denial of adequate legal representation, the intimidation of lawyers associated with the Awami League, and the complete failure to notify Sheikh Hasina of the charges or to provide her with any meaningful opportunity to participate in her defence.
- 33 Under international law, the imposition of the death penalty following such fundamentally flawed proceedings constitutes summary execution, defined as "an arbitrary deprivation of life resulting from a sentence imposed without minimum fair trial guarantees as set out in article 14 of the International Covenant on Civil and Political Rights".¹⁷ The death sentence imposed upon Sheikh Hasina meets this definition. The trial was conducted in manifest violation of her rights under Article 14 ICCPR, including her right to be tried by an independent and impartial tribunal (Article 14(1)), her right to the presumption of innocence (Article 14(2)), and her rights to adequate time and facilities to prepare her defence, to defend herself through legal assistance of her own choosing, and to examine witnesses (Article 14(3)).

Conclusion

- 34 For the reasons set out above, the proceedings against Sheikh Hasina have been conducted in flagrant violation of fundamental fair trial guarantees enshrined in international law. The systematic failures of judicial independence, prosecutorial impartiality, due process, and the improper conduct of a capital trial in absentia render these proceedings fundamentally unfair and incapable of producing a legitimate outcome.
- 35 We formally demand therefore that:
- The verdict and sentence imposed against Sheikh Hasina be immediately set aside as legally void;
 - No steps be taken to execute the death sentence, which would constitute summary execution in violation of international law;

¹⁶ Ibid

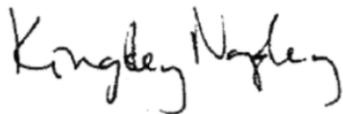
¹⁷ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, [A/77/270](#), 5 August 2022, §17

- Any further proceedings against Sheikh Hasina be conducted only in full compliance with international fair trial standards, including proper notification, disclosure of all allegations and evidence, the opportunity for Sheikh Hasina to participate meaningfully in her defence with legal representation of her choosing, and trial before an independent and impartial tribunal;
- The government of Bangladesh take immediate steps to ensure the safety and security of lawyers and others associated with the Awami League who face intimidation and violence;
- The ICT and the government of Bangladesh acknowledge these violations and take remedial action to ensure compliance with Bangladesh's obligations under the ICCPR and other international human rights instruments.

36 Sheikh Hasina reserves all rights to pursue all available legal remedies, including but not limited to proceedings before international human rights bodies and other competent fora, to challenge the jurisdiction, composition, conduct and outcomes of these proceedings and to seek redress for the violations of her fundamental rights.

37 We request your urgent response to this correspondence within 14 days of the date of this letter, confirming the actions you intend to take to address the serious violations outlined herein.

Yours faithfully



Kingsley Napley LLP

20 Bonhill Street | London | EC2A
4DN | United Kingdom
Direct: +44 (0)20 7814 1281
Mobile: +44 (0)77 7561 2427
Reception: +44 (0)20 7814 1200
Fax: +44 (0)20 7490 2288
rniblock@kingsleynapley.co.uk
www.kingsleynapley.co.uk