

**Statement**  
**By**  
**H.E. Mr. Shafique Ahmed**  
**Hon'ble Minister**  
**Ministry of Law, Justice and Parliamentary Affairs.**  
**Government of The Peoples Republic of Bangladesh.**

**At the general debate of the**  
**Review Conference of the Rome Statute of ICC**  
**Kampala**

**31 May-11 June 2010**

**Mr. President, Excellencies, Distinguished delegates,**

At the very outset, Mr. President, I would like to thank you for organizing the first Review Conference of the Rome Statute of the International Criminal Court. I am confident that your able leadership would guide the Conference deliberations to a successful conclusion. I also express my deep appreciation to the Government of Uganda for the excellent arrangement they have made for the Conference.

I would like to mention that the Statute will enter into force for Bangladesh from 1 June 2010 as per provision of the Rome Statute. In this regard, I would like to extend my heartfelt thanks to the Bureau of the Assembly of the States Parties, through you Mr. President, for allowing us to participate in the Review Conference as States Parties from today, the 31<sup>st</sup> of May.

**Mr. President,**

The issues before us are critical for the humanity. The world has gone through a paradigm shift in our understanding of the State. Sovereign authority to mean absolute power is being replaced by global standards of governance and State responsibility. These standards encompass broader elaboration of peace, security, justice, war crimes, genocide, and aggression, etc. There is, therefore, a need to constantly bring in new perspectives into these issues. This meeting, therefore, provides a timely opportunity to exchange our thoughts and further strengthen the competence of the International Criminal Court- the court of last resort.

**Mr. President,**

May I inform the Conference, with a modicum of pride, that Bangladesh ratified the Rome Statute of the International Criminal Court in March 2010. If I may recall, Bangladesh was one of the 120 countries that voted in favour of adoption of the ICC statute. Hon'ble

Prime Minister Sheikh Hasina, in her previous term in office, signed the Rome Statute on 16 September 1999 in New York. We were the third Asian country, and the first in South Asia, to sign the Rome Statute. These amply demonstrate Bangladesh's commitment to rule of law, international justice and our effort to end impunity for genocide, crimes against humanity and war crimes at all levels. This is also a reflection of our value-based foreign policy which seeks to uphold the progressive and humane values of democracy, justice and human rights everywhere in the world. This conviction stems from our national experience. Bangladesh was born out of a sustained struggle for representative inclusion, democracy and rights, which shaped our collective aspiration for statehood and identity. Our experience during the Liberation War in 1971 brought us face to face with genocide inflicted by the occupying forces. Bangladesh, therefore, is naturally committed to promoting all efforts at all levels to prevent such crimes and bring an end to impunity to crimes of genocide, crimes against humanity and war crimes.

**Mr. President,**

The present government of Bangladesh is committed to bring an end to the culture of impunity at the national and international levels. We have initiated the trial of the perpetrators who committed crimes against humanity, crimes against peace, genocide, war crimes, and other crimes under international law during the 1971 War of Liberation. It will be proper to mention that during the War of Liberation the perpetrators committed worst type of crimes against humanity. They killed 3 millions innocent people and raped 200,000 women and murdered hundreds of intellectuals. This trial, we are certain, would bring justice to the victims, heal the wound that we are carrying for the last 39 years, end the shameful legacy, and help Bangladesh, move forward with its agenda of development. Trial of the war crimes of 1971 has also been a popular demand of the people of Bangladesh, particularly of its youth population. It was part of our election manifesto, based on which we were voted overwhelmingly to the Parliament in the last general elections held in December 2008.

**Mr. President,**

Bangladesh is proceeding with the trials of the alleged criminals who committed crimes under International Crimes (Tribunals) Act ,1973. The government is determined to conduct the trial in accordance with international legal and human rights standards. We have already brought some amendments to the International Crimes (Tribunals) Act (Act XIX of 1973) in order to achieve the desired standard and transparency. The amendment contains a provision making the Tribunal independent in the exercise of its judicial functions and to ensure fair trial.

In the trial the accused put to trial will be given full opportunity to defend him by engaging Lawyers of his own choice. He or his lawyer can cross examine the prosecution witnesses at length. A person convicted of any crime of the Act specified in section 3 and sentenced

by a Tribunal shall have the right to appeal to the Appellate Division of the Supreme Court of Bangladesh, the highest court of the country, against such conviction and sentence. A Tribunal has been set up to independently conduct the trial. The Government has also established an Investigation Agency and appointed a team of prosecutors in accordance with the provisions of the International Crimes (Tribunals) Act 1973 (Act XIX of 1973). The Tribunal consists of three judges led by a learned Justice of the High Court. The Tribunal shall be independent in the exercise of its judicial functions and shall ensure fair trial according to the provisions of section 2A of the Act. The newly appointed seven-member Investigation Agency has started investigation into the alleged crimes. A twelve-member panel of lawyers has been appointed as Prosecutors to conduct the trials, which will be open to all. The government is also formulating a new law in order to ensure protection of the witnesses of the trial.

Through you, Mr. President, I would like to appeal to the international community for extending their support in supplying documentary evidence, that I believe in the possession of the national archives and

libraries in different countries and other sources, so that the trial of the perpetrators who committed crimes against humanity, genocide, war crimes, crimes against peace, and other crimes under international law during our liberation war in 1971, could be successfully completed maintaining international standard.

**Mr. President,**

Bangladesh has always stood for the idea of justice. Promotion of international peace, security and solidarity is a constitutional obligation for us. Respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law are the basis of our foreign policy. It is our Constitutional obligation to support oppressed peoples waging a just struggle against imperialism, colonialism or racialism throughout the world. The Crime of Aggression to us is not only the hard military power that befalls an unsuspecting people. It is rather the willful attempt to subjugate the sovereign character and spirit of a nation by acts of both territorial transgressions and estrangement of its social, natural and economic lifelines. Therefore, we feel the need for a boarder definition of the crime of Aggression, which can ensure a safer world.

**Mr. President,**

In conclusion, allow me to reiterate our strong support for the establishment of a tolerant, peaceful, and just world. We believe that a comprehensive Statute and an effective International Criminal Court may help us in our effort towards a world free of the crimes of genocide, crimes against humanity and war crimes. The challenges ahead are considerable. We need to deliberate upon these in this Conference. I am confident that the outcome of this Conference will contribute to a more harmonious world for future generations.

**Thank you, Mr. President.**