

The International Crimes Tribunals of Bangladesh: Past, Present and Future

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1. Introduction

The development of international criminal law through the International Military Tribunal at Nuremberg ('IMT Nuremberg')¹ and the International Military Tribunal for the Far East ('IMTFE') immediately after World War II was frozen subsequently for some decades.² This was revived in 1993 with the formation of the International Criminal Tribunal for the former Yugoslavia ('ICTY') and then the International Criminal Tribunal for Rwanda ('ICTR').³ The subsequent period produced a number of courts and tribunals around the world, the creation of a permanent International Criminal Court ('ICC') being a milestone. Several countries started designing domestic mechanisms for international crimes in response to international crimes around the world, but challenges abound. Alleged war crimes in Sudan,⁴ Libya⁵ and Syria⁶ are among the difficult situations considered by recent policy briefs in this Series.

The activation of the 1973 International Crimes (Tribunals) Act of Bangladesh ('ICT-BD Act') in 2009 received global attention as a domestic mechanism to try core international crimes. The significance of the ICT-BD Act is that it was brought during the "half century of silence".⁷ The adoption of the Act stands out in that time

¹ The Nuremberg Military Tribunal, or International Military Tribunal, formed by Allied forces of World War II, most notable for the prosecution of prominent members of the political, military and economic leadership of Nazi Germany for offences committed during World War II.

² The victorious Allied forces established the International Military Tribunal for the Far East to try Japanese war criminals under similar provisions to those used at Nuremberg, focussing on crimes against the peace. It also had judges from countries such as China, India and the Philippines.

³ For the ICTY and ICTR, see Karin N. Calvo Gollar, *The Trial Procedure of International Criminal Court, ICTY and ICTR Precedents*, Martinus Nijhoff Publishers, 2006.

⁴ Joachim J. Savelsberg, "Sudanese Despair and International Failure, 2003–2024: No Way Out?", Policy Brief Series No. 158 (2024), Torkel Opsahl Academic EPublisher ('TOAEP'), Brussels, 2016, p. 4 (<https://www.toaep.org/pbs-pdf/158-savelsberg/>).

⁵ Katherine Iliopoulos, "Patterns of Core International Crimes in Libya: Challenges to Accountability", Policy Brief Series No. 155 (2024), TOAEP, Brussels, 2024, p. 1 (<https://www.toaep.org/pbs-pdf/155-iliopoulos/>).

⁶ Malik al-Abdeh and Lars Hauch, "Iran's Crimes in the Syrian Conflict: A Need for Documentation and Accountability", Policy Brief Series No. 154 (2024), TOAEP, Brussels, 2024, p. 4 (<https://www.toaep.org/pbs-pdf/154-abdeh-hauch/>).

⁷ Diane F. Orentlicher, "A Half Century of Silence: The Politics of Law", in Belinda Cooper (ed.), *War Crimes: The Legacy of Nuremberg*, TV Books, New York, 1999, pp. 107–112. After the pioneering efforts of the International Military Tribunals at Nuremberg and Tokyo, and the adoption of the Genocide Convention in 1948, no further steps were taken in a

period.⁸

The July–August 2024 uprising in Bangladesh attracted renewed national and international attention to the ICT-BD Act. The government has now restructured the ICT-BD and formed a new team of prosecution units, which have already issued arrest warrants against top leaders of the previous regime, followed by an amendment to the ICT-BD Act. This policy brief reflects on the ICT-BD in two phases: first, performance of the ICT-BD up until the 2024 uprising; and second, the period after the uprising and the formation of the new interim government.

2. Overview of the ICT-BD Act and the Function of the Tribunals

The investigation and prosecution of international crimes by the ICT-BD is particularly relevant to other developing nations.⁹ The ICT-BD Act is a rare example of legislation passed unanimously by the Parliament of Bangladesh.¹⁰ It was an attempt by a country facing innumerable challenges, including nation-building, to affirm its commitment to end impunity and ensure justice.¹¹ The framing of the ICT-BD Act demonstrates the strength of Bangladesh in creating a framework for justice and accountability within the domestic legal system at a time when Cold War politics were strong enough to obstruct such an undertaking.¹²

The ICT-BD Act covers all crimes under international law.¹³ It empowers the Tribunal to try crimes against humanity, genocide, war crimes, crimes against peace and other crimes under international law, if committed in the territory of Bangladesh and, since 2024 amendments, by Bangladeshi citizens abroad. The Act was not

world torn by Cold War rivalries. This "half century of silence" was only broken with the collapse of the Soviet Union and the establishment by the United Nations ('UN') Security Council of the ICTY and ICTR.

⁸ In May 1993, the Tribunal was established by the UN in response to mass atrocities in Croatia and Bosnia and Herzegovina. In November 1994, the UN Security Council established the ICTR to prosecute international crimes in Rwanda.

⁹ For details about the tribunals, see the ICT-BD's web site.

¹⁰ Debates of the Parliament of Bangladesh, 17 July 1973, vol. 2, no. 37, p. 2373 (translated from Bengali).

¹¹ Md. Mostafa Hosain, "The Significance of Bangladesh's International Crimes (Tribunals) Act in the History of International Criminal Law and Justice", in Morten Bergsmo, Cheah Wui Ling, Song Tianying and Yi Ping (eds.), *Historical Origins of International Criminal Law: Volume 4*, TOAEP, Brussels, 2015, p. 459 (<https://www.toaep.org/ps-pdf/23-bergs-mo-cheah-song-yi>).

¹² Debates of the Parliament of Bangladesh, 17 July 1973, vol. 2, no. 37, pp. 2344–2373; *ibid.*, p. 464.

¹³ Hosain, 2015, p. 471, see *supra* note 11.

put into practice at the time of its enactment due to diverse political interests of India and Pakistan, international pressure, and a preference for the greater interests of Bangladesh.¹⁴ It was finally operationalized after 36 years with an amendment brought in 2009 when the Awami League government came into power with the mandate to try alleged perpetrators of atrocities committed in 1971.

Long-expected trials began in 2010 and two tribunals were formed under the Act, namely, International Crimes Tribunal-1 ('ICT-1') and International Crimes Tribunal-2 ('ICT-2'). The ICT-1 has been functioning uninterruptedly, the latter only from 22 March 2012 to 15 September 2015.¹⁵

3. The First Phase of the ICT-BD: Performance of the Tribunal Before the 2024 Uprising

At the time of writing, ICT-1 and ICT-2 have passed a total of 55 judgments against war crimes suspects of the 1971 liberation war. The first judgment was passed by ICT-2 in 2012 in the *Chief Prosecutor v. Abdul Kalam Azad* case. By 12 February 2024, ICT-1 had rendered judgment in 44 cases, and, by 2014, ICT-2 had passed judgment in 11 cases. Out of the 55 adjudicated cases, 30 alleged genocide, of which 21 led to convictions.¹⁶ Notably, the tribunals were able to conclude cases in reasonable time, despite very limited resources compared to international and hybrid criminal tribunals.¹⁷

Although the ICT-BD is purely domestic, Bangladesh has taken several steps to enhance the acceptability of this process and its compliance with international human rights standards, save some discrepancies including the permissibility of the death penalty, limited rights of the defence counsel, non-assurance of constitutional rights for the accused, and the conduct of trials *in absentia*.¹⁸ In 2011, the Rules of Procedure of the ICT-BD were amended mainly in response to international criticisms, ensuring certain rights of the accused, including the right to be presumed innocent, the right to a fair and public hearing with counsel of their choice, and the right to apply for and be granted bail. The amendments prohibited double jeopardy and any requirement to confess guilt. The prosecution also now bears the burden of proving beyond reasonable doubt that the crime was committed by the accused.¹⁹

Another notable criticism against the ICT-BD was its isolation from international jurisprudence, as the Tribunal is domestic with only domestic lawyers and judges. In response, the Tribunal, in the

¹⁴ Issues included China's veto on the UN membership of Bangladesh; enormous pressure from Muslim countries of the Middle East; Zulfikar Ali Bhutto's promise of the prosecution of alleged criminals by forming the Justice Hamodur Rahman Commission for inquiry; the treaty concluded between Indian and Pakistan and the strong stance of India towards Bangladesh for taking part in the Tripartite Agreement, repatriation of civilians and militaries of one country in another's territory; and finally, the assassination of Bangabondhu Sheikh Mujibur Rahman. See, further, Hosain, 2015, pp. 460–465, *supra* note 11.

¹⁵ For judgments by the ICT-2, see the ICC Legal Tools Database Bangladesh Collection.

¹⁶ Antonio Angotti, "Genocide and Constitutionalism in Bangladesh", Policy Brief Series No. 113 (2020), TOAEP, Brussels, 2020, p. 2 (<https://www.toaep.org/pbs-pdf/113-angotti/>).

¹⁷ An initial budget equivalent to approximately USD 1.44 million had been set up for all foreseeable cases; see International Center for Transitional Justice, "Fighting Past Impunity in Bangladesh: A National Tribunal for the Crimes of 1971", Briefing Paper, July 2010, p. 4. By comparison, the Extraordinary Chambers in the Courts of Cambodia ('ECCC') has spent approximately USD 357.5 million and delivered two judgments, see ECCC, "Financial Outlook as at 31 December 2019", 11 February 2020, p. 1. For details, see Angotti, 2020, p. 2, see *supra* note 16.

¹⁸ For instance, international human rights law appreciates the abolition of death penalty, but, under the ICT-BD Act, six death sentences have been executed as of the time of writing.

¹⁹ Human Rights Watch, "Bangladesh: Guarantee Fair Trials for Independence-Era Crimes, Amendments to Tribunal's Rules Fall Short of International Standards", 11 July 2011.

Abdul Quader Molla case, declared that it "is not precluded from seeking guidance from international reference and relevant jurisprudence, if needed to resolve charges and culpability of the accused".²⁰ The Tribunal further reiterated that even in the absence of any explicit provision on this aspect, the Tribunal, ethically, must see what happened in similar situations in other courts and take those decisions into account.²¹ As far as the determination of international crimes is concerned, the Tribunal has also recognized its limitations and indicated its willingness to consider lessons from international criminal law. It has mentioned very clearly that "cases before the Tribunal will be decided by depending upon the jurisprudence evolved on these issues in the *ad hoc* tribunals".²²

Completion of tasks and operation until the time of writing, while delivering judgments in a fair number of cases, without imposing a significant financial burden on the state – these are notable achievements of the ICT-BD. They have, however, been juxtaposed by allegations of political bias and deviation from human rights standards by the Tribunal. As noted above, under the ICT-BD Act, an accused is still deprived of certain fundamental rights guaranteed under the Constitution.²³ Some even argue that the domestic design of the ICT-BD is merely to obtain vengeance or revenge (against the perpetrators of atrocities during the 1971 liberation war) rather than to ensure justice.²⁴

4. The Second Phase of the ICT-BD: Changes in the Act to Enhance the Fairness of the System

The student-citizen mass uprising in July–August 2024 resulted in the departure from Bangladesh of the then Prime Minister, Sheikh Hasina. A few days later, Professor Mohammad Younus, leading an interim government as its Chief Advisor, took an oath and committed to investigating and prosecuting alleged perpetrators who killed thousands of students, children and common people. To this end, the ICT-BD was reconstructed by appointing three judges on 14 October 2024²⁵ and a chief prosecutor on 7 September 2024.²⁶ On 17 October 2024, the Tribunal issued an arrest warrant against the former Prime Minister, Sheikh Hasina, and 45 others on allegations of committing crimes against humanity during the 2024 uprising.²⁷

In 24 November 2024, an amendment to the ICT-BD Act was brought with retrospective effect from 6 January 2009,²⁸ making the law timely.²⁹ A number of notable changes were introduced. The jurisdiction of the Tribunal was made extra-territorial by including crimes committed by Bangladeshi citizens abroad and those committed by foreign nationals at least partly in Bangladesh.³⁰ However, an amendment to Section 3(1) of the ICT-BD Act ("any [...] disci-

²⁰ ICT-2, *Chief Prosecutor v. Abdul Quader Molla*, Judgment, 5 February 2013, ICT-2 Case No. 02 of 2012, paras. 33, 77 (<https://www.legal-tools.org/doc/42e4c8/>).

²¹ *Ibid.*, para. 40.

²² *Ibid.*, para. 69.

²³ Constitution of People's Republic of Bangladesh, 4 November 1972, Articles 47(3) and 47A (<https://www.legal-tools.org/doc/ba1182/>).

²⁴ John Cammegh, "In Bangladesh: Reconciliation or Revenge?", *The New York Times*, 17 November 2011.

²⁵ "International Crimes Tribunal reconstituted", *The Daily Star*, 15 October 2024.

²⁶ "Advocate Tajul Islam made ICT Chief Prosecutor", *The Daily Star*, 7 September 2024.

²⁷ "ICT issues arrest warrants against Hasina and 45 others", *The Daily Star*, 17 October 2024.

²⁸ The International Crimes (Tribunals) Act, 1973, 20 July 1973, Section 1(2) ('ICT-BD Act') (<https://www.legal-tools.org/doc/c09a98/>).

²⁹ See the long title of the 2024 amendment ordinance (An Ordinance further amending the International Crimes (Tribunals) Act, 1973).

³⁰ International Crimes (Tribunals) (Amendment) Ordinance, 24 November 2024, Section 1(2), (4) ('ICT-BD Ordinance') (<https://www.legal-tools.org/doc/y25u5duy/>).

plined force, auxiliary force or intelligence agency, who, irrespective of his nationality, commits or has committed, within or *beyond the territory of Bangladesh*”, emphasis added) raises some doubt as to whether the Tribunal’s jurisdiction extends to foreign nationals who have committed the crime wholly beyond the territory of Bangladesh. If intended, such an extension of jurisdiction would contradict Section 1(4)(b) of the ICT-BD Act which only extends the jurisdiction of the Tribunal provided a part of the crime was committed on Bangladeshi territory.

Moreover, the Tribunal’s jurisdiction *ratione materiae* was also expanded to include ‘incitement’ and ‘conspiracy’ to commit any crimes within the jurisdiction of the Tribunal.³¹ In defining ‘crimes against humanity’, the amendment included “forcible transfer of population, [...] sexual exploitation, enforced disappearance, human trafficking, sexual slavery, enforced prostitution, forced pregnancy, [and] enforced sterilization”, when committed as part of a widespread or systematic attack with knowledge of the attack.³² In an explanation, the Tribunal added that in defining the terms ‘attack’, ‘persecution’ ‘enforced disappearance’, ‘sexual slavery’, ‘enforced prostitution’, ‘forced pregnancy’, and ‘enforced sterilization’, the Tribunal shall “apply the definitions set out in Article 7(2) of the Rome Statute of the ICC, which Bangladesh has ratified”.³³ In the definition of genocide, acts against, and with the intent to destroy in whole or in part, a ‘political group’ were excluded,³⁴ perhaps to comply with the Rome Statute and the Genocide Convention. Moreover, in determining liability, an obligation on the Tribunal to “have regard to” the ICC Elements of Crime was introduced, to the extent that they are not inconsistent with the ICT-BD Act.³⁵

The amendment also recognized certain additional rights of accused persons, including the right to be tried without undue delay, the right to adequate time for trial preparation and free communication with counsel, the right to use an interpreter free of cost, the right to protection under the 2013 Torture and Custodial Death (Prevention) Act, and the right to be brought before the Tribunal within 24 hours of arrest as well as to not be arbitrarily detained.³⁶ The amended Section 12(2) of the ICT-BD Act further states that “the prosecution shall disclose to the defence any evidence in the prosecutor’s possession which he believes shows the innocence of the accused, or mitigates the guilt of the accused, or which may affect the credibility of prosecution evidence”. Additionally, where the evidence dictates that the accused has committed crimes not falling under this Act, but rather under any other penal laws, the Tribunal shall now order the transfer of such cases to the competent court for trial.³⁷

Amendments were also made to the rules of evidence which now provide that the Tribunal can consider all modes of digital evidence as admissible. The exception here is that when evidence is collected by violating internationally recognized human rights, the same shall not be admissible if the violation causes substantial doubt about the reliability of the evidence, or the admission of evidence is antithetical to and would seriously damage the integrity of the proceedings.³⁸

A provision for interlocutory appeal has been added, pursuant to which either party may bring such an appeal before the Appellate Division of the Supreme Court of Bangladesh, challenging the order of punishment for contempt of the Tribunal. However, the proceedings, trials and other mechanisms shall continue before the Tribunal

pending the response of the Appellate Division on this matter.³⁹

The amendment additionally includes the facilitation of virtual hearing for when victims or witnesses cannot be physically procured due to unavoidable circumstances.⁴⁰ Foreign counsel have also been allowed to appear before the Tribunal subject to the approval of the Bangladesh Bar Council.⁴¹ Victims can also now be awarded compensation if the Tribunal deems it appropriate, and such compensation shall be recovered from the assets of the convicted individuals. In case it cannot presently be thus recovered, the compensation will be paid from the offender’s future earnings or assets.⁴² Finally, the amendment also introduced guarantees of witness protection⁴³ and ensured victims’ right to participate in the proceedings of the Tribunal. The Tribunal must, in turn, note the perspectives of the victims for judicial considerations and order any protective measures, if needed.⁴⁴

5. Grey Areas and the Way Forward

The implementation of the ICT-BD Act in 1973 was delayed, and, in the meantime, the jurisprudence of international criminal justice institutions witnessed massive developments. Evaluating the ICT-BD in light of current standards is therefore warranted. An important question is whether the legislative intent of the ICT-BD Act was to address the crimes committed in the 1971 liberation war or to address all international crimes committed in Bangladesh and by its citizens. Evidence points to the latter: (a) from the positivist point of view, Section 3 of the Act empowers the application of the Act for crimes committed anytime in Bangladesh; (b) the acceptance of the ICC Statute and the associated commitment to develop compliant domestic standards reflects an intent to continue the application of the ICT-BD Act; and (c) by addressing recent atrocities and frequently amending the law in light of international standards, such as the ICC Statute, Bangladesh has indicated its willingness to continue the application of this Act for all international crimes committed in Bangladesh or otherwise by its citizens. Against this background, it is now essential for the Parliament of Bangladesh or the Tribunal to address the following issues in this second phase of the life of the ICT-BD Act.

First, the death penalty remains a debate at the international level and several human rights groups have raised concerns against capital punishment.⁴⁵ Although the international community is yet to agree on the need for a prohibition on capital punishment,⁴⁶ the Tribunal under the ICT-BD Act has been criticized on strong moral grounds for imposing the death penalty. The Tribunal is a domestic manifestation of adjudication of *international* crimes and the domestic laws of Bangladesh have the death penalty for several offences. There is a need, however, for Parliament or the Tribunal to clarify the position and, if its permissibility is affirmed, to offer a coherent and consistent policy for its prescription, with clear and sound reasoning.

Secondly, the conduct of trials *in absentia* has also attracted criticisms.⁴⁷ The right of the accused to be present at his trial is an internationally recognized human right. Neither the ICC nor the ICTY, ICTR or the Special Court for Sierra Leone (‘SCSL’) permit trials *in absentia*. Thus, conducting trials under Section 10A of the ICT-BD Act has always raised questions regarding the denial of fair trial

³¹ ICT-BD Ordinance, Section 3(2)(g), see *supra* note 30.

³² *Ibid.*, Section 3(2)(a).

³³ *Ibid.*

³⁴ *Ibid.*, Section 3(2)(c).

³⁵ ICT-BD Act, Section 3(3), see *supra* note 28.

³⁶ *Ibid.*, Sections 17(d), (e), (f), (g), (h).

³⁷ *Ibid.*, Section 11A(3)(4).

³⁸ *Ibid.*, Sections 19(1), (1A), (1B), (1C), (1D), (1E) (1F).

³⁹ *Ibid.*, Section 21A.

⁴⁰ *Ibid.*, Section 11(7).

⁴¹ *Ibid.*, Section 11(8).

⁴² ICT-BD Ordinance, Section 20A, see *supra* note 30.

⁴³ ICT-BD Act, Section 23A, see *supra* note 28.

⁴⁴ *Ibid.*, Section 23B.

⁴⁵ Human Rights Watch, “Letter to the Ministry of Law, Justice and Parliamentary Affairs Regarding Reforming the International Crimes (Tribunals) Act”, 21 October 2024.

⁴⁶ ICT-BD Act, Section 20(2), see *supra* note 28.

⁴⁷ *Ibid.*, Section 10A.

rights, and this practice of the ICT-BD⁴⁸ has also had an impact on its perceived legitimacy, as noted by the United Kingdom Supreme Court.⁴⁹

Thirdly, there is a need to facilitate more *amicus curiae* briefs before the Tribunal, particularly from experts on international criminal law. The lack of such briefs could undermine the credibility of the judgments passed by the Tribunal as other international tribunals and courts, including the ICC, ICTY, ICTR and SCSL, mandate their trial chambers to seek, receive and consider briefs on difficult points of interpretation. Although Rule 41 of the Rules of Procedure of the ICT-BD Act empowers a judge to seek and receive independent opinions on points of law, it has never been invoked. Given the present context of the development of educational and institutional expertise in Bangladesh's legal community on international criminal law, the inclusion of *amicus curiae* briefs may add strength to Tribunal judgments. The recent inclusion of the provision for a foreign counsel to appear before the Tribunal is a similarly new horizon to be observed.⁵⁰

Fourth, the rights of the accused to receive protection under the Constitution of Bangladesh is currently curtailed. Even amidst the amendments brought, these rights are not being fully restored. For instance, judicial protection against torture which, while guaranteed under the Constitution was inapplicable for an individual accused of commission of international crimes until the recent inclusion of the protection under the 2013 Torture and Custodial Death (Prevention) Act through the 2024 amendment of the ICT-BD Act.⁵¹ However, Article 47A of the Constitution still makes other fundamental rights guaranteed under the Constitution inapplicable to individuals accused under the ICT-BD Act. This could undermine efforts to ensure accountability for the 2024 uprising.

Fifth, there are no provisions in the ICT-BD Act that will exclude the Tribunal from exercising its jurisdiction over an accused under the age of 18 years or one who is mentally incapacitated. Mental conditions and other special defences have been envisaged in the ICC Statute (Articles 20, 26 and 31), Rule 67(B)(b) of the Rules of Procedure and Evidence ('RPE') of the ICTY, and Rule 67(ii)(b) of the SCSL RPE, and are even provided in Bangladesh's 1898 Code of Criminal Procedure. As the ICT-BD, under Section 3 of the Act, is empowered to exercise its jurisdiction over international crimes committed "in the territory of Bangladesh, whether before or after the commencement of this Act", this non-availability of mental defences can restrict the Act's future applications.

6. Conclusion

The commitment of ending impunity and ensuring justice should be the pivotal consideration for any criminal justice system. While the ICT-BD Act was enacted to prosecute alleged violators of customary

⁴⁸ Abul Kalam Azad and Chowdhury Moiuddin were tried *in absentia*.

⁴⁹ United Kingdom Supreme Court, *Mueen-Uddin v. Secretary of State for the Home Department*, 20 June 2024, [2024] UKSC 21 (<https://www.legal-tools.org/doc/bbxkk511/>). The Commission for the Control of Interpol's Files stated, in para. 49, that the ICT-BD proceedings against the claimant (Mueen-Uddin) were not compliant with Interpol's Constitution or with the Universal Declaration of Human Rights.

⁵⁰ ICT-BD Act, Section 11(8), see *supra* note 28.

⁵¹ *Ibid.*, Section 17(g).

international law and perpetrators of crimes against humanity, genocide and war crimes committed in Bangladesh, its application is now being extended to meet obligations as a complementary jurisdiction under the ICC Statute, ending impunity, and ensuring justice for violations of customary international law.⁵²

Evaluating the performance of the ICT-BD from the beginning of its function in 2009 up until its reconstruction in October 2024, common people in Bangladesh are divided on whether justice has been delivered to the victims, on allegations suggesting targeting of political opponents, and on respect for international human rights standards. Coming to a straightforward conclusion is difficult, as the primary audience of the ICT-BD is the local population and their perspective. Certain features of the ICT-BD in its first phase have been heavily criticized, such as arbitrary arrests of individuals, non-existence of an effective right of appeal, non-allowance of defence counsel to be present during interrogation, inability to question the jurisdiction of the Tribunal or raise constitutional challenges, and non-applicability of international rules of procedure and evidence.⁵³ Though the Tribunal in its recent second phase has brought changes to some of these aspects, not all have been addressed.

In its continuation, the Tribunal should be open to comments and observations. Constructive criticism to enhance the credibility of the ICT-BD should be welcomed, as the ICT-BD Act has been amended with a vision to cover all situations of international crimes committed in Bangladesh or by its nationals.⁵⁴ The successful completion of this second phase would further enhance the credibility of the ICT-BD Act in the domestic arena and would have real precedent value for other countries facing similar challenges.⁵⁵

The ICT-BD's second phase also has particular relevance to the ICC Statute, since Bangladesh ratified the Statute in 2010 and alleged atrocities have been committed since. In response to Bangladesh's ratification, then ICC President Judge Sang-Hyun Song noted that by "ratifying the Rome Statute, Bangladesh will become the first State Party in South Asia. I applaud its decision to join the growing commitment of states to end impunity for war crimes, crimes against humanity and genocide".⁵⁶ Echoing this statement, Bangladesh should effectively investigate and prosecute all international crimes committed on its territory while maintaining international standards as required by the complementarity principle. The victims must be offered justice, which is the spirit of the 1971 liberation war, followed by the 2024 uprising.

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⁵² Hosain, 2015, pp. 472–473, see *supra* note 11.

⁵³ *Ibid.*, p. 473.

⁵⁴ ICT-BD Act, Section 3, see *supra* note 28.

⁵⁵ Hosain, 2015, p. 474, see *supra* note 11.

⁵⁶ ICC, "Bangladesh ratified the Rome Statute of the International Criminal Court", 24 March 2010, ICC-CPI-20100324-PR508 (<https://www.legal-tools.org/doc/b5236f/>).



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