

Laws of International Crimes in Bangladesh

Foreward by

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FOR REFERENCE PURPOSES ONLY

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FOREWORD

The law is often said to be a mirror of a society's conscience—its evolving sense of right and wrong, of justice and impunity. In recent years, Bangladesh has once again found itself at a historical crossroads, confronted not only with political upheaval but with the stark reality of grave violations of human rights and human dignity. The July 2024 Uprising, marked by widespread violence, unlawful detentions, extrajudicial actions, and brutal suppression of civilian protest, reminded us with tragic clarity that the need for accountability under international criminal law is not a relic of the past but a living, urgent demand of the present.

The suffering of the people during the July uprising – the thousands of victims those tortured or killed in custody, and the many who stood unarmed for justice only to be silenced—reawakens our national responsibility. These are not abstract crimes; they are lived experiences of our fellow citizens, whose blood, pain, and resistance cry out for recognition, remembrance, and redress.

International criminal law, rooted in the global consensus against impunity for atrocity crimes, provides the framework through which such accountability can be pursued. Bangladesh's legal foundation for prosecuting international crimes—the International Crimes (Tribunals) Act, 1973, remains a vital legal instrument for addressing gross violations of international humanitarian and human rights norms within our borders.

The work of the International Crimes Tribunal, particularly after the resurgence of mass violence in 2024, has assumed renewed urgency. As Chief Prosecutor, I stand alongside a dedicated team committed to ensuring that no crime of such magnitude goes unpunished. Our office remains steadfast in its mission: to investigate, prosecute, and secure justice for the victims—not out of vengeance, but out of a solemn duty to the Constitution, the rule of law, and the memory of those who died for the ideals of democracy and justice.

This compendium – “*Laws of International Crimes in Bangladesh*” – is an essential resource in this mission. It assembles the principal legal texts that govern the prosecution of international crimes in our domestic framework: the International Crimes (Tribunals) Act, 1973, the Rules of Procedure of the Tribunal, relevant sections of the Statute of the International Criminal Court (Rome Statute) along with the Elements of Crimes of the

Rome Statute, and rules of the Customary International Humanitarian Law, along with commentaries of selected chapters of the customary IHL as articulated by the ICRC. Together, these instruments form the doctrinal bedrock upon which we build our cases, interpret crimes, and argue for justice.

It is crucial that legal practitioners, scholars, and citizens alike understand the tools available to confront impunity. This compilation does not merely serve an academic or bureaucratic function—it is a tribute to those who perished in July 2024 and to those who continue to demand justice. It is a signal that Bangladesh has the legal will, the prosecutorial resolve, and the institutional framework to address international crimes domestically and credibly.

I commend the effort behind this timely and carefully curated compendium of relevant laws. May it support the hands of justice, and honor the memory of those whose lives have been lost in the struggle for a just and accountable Bangladesh.

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EDITOR'S NOTE

The pursuit of justice for international crimes—genocide, crimes against humanity, war crimes, and related offenses—requires both moral resolve and legal clarity. Bangladesh, through its unique historical experience of mass atrocities during the Liberation War of 1971 and also during the period of July-August, 2024, has emerged as a pioneering state in developing domestic legal mechanisms for the prosecution of international crimes. The enactment of the International Crimes (Tribunals) Act, 1973, and the establishment of the International Crimes Tribunals (ICTs) decades later marked a rare instance of a national initiative to enforce international criminal law without reliance on external tribunals.

This compendium brings together the essential sources that shape the legal framework for international crimes in Bangladesh. First, the International Crimes (Tribunals) Act, 1973 serves as the foundational statute enabling the prosecution of war criminals within the country's jurisdiction. Second, the Rules of Procedure of the International Crimes Tribunal-I provide the procedural blueprint under which trials have been conducted. Third, the Elements of Crimes of the International Criminal Court (ICC), while not directly binding, offer authoritative guidance on the constituent parts of international crimes that inform legal reasoning globally. Fourth, selected chapters of Customary International Humanitarian Law compiled by the International Committee of the Red Cross (ICRC) reflect the evolving consensus of customary norms that underpin the interpretation of international crimes.

This compilation is intended to serve as a comprehensive resource for legal practitioners, prosecutors, judges, scholars, and students working in the field of international criminal law in Bangladesh and beyond. By collecting these diverse yet interlinked sources, this volume aims to facilitate deeper understanding, comparative analysis, and informed advocacy in the ongoing quest for justice and accountability.

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