

Bangladesh's International Crimes Tribunal's legitimacy under a cloud

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Due legal process and international involvement will ensure credibility of Bangladesh's contested judicial platform.



Bangladesh's International Crimes Tribunal should codify the right of anyone tried in absentia to receive a complete retrial upon appearance. Photo: Mehdi Hasan Khan, Wikimedia Commons/CC BY-SA 3.0.

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Even as Bangladesh's Election Commission remains [undecided](#) on a firm date for holding elections in February 2026, the Muhammad Yunus-led interim government has been quick to move against future electoral nominees, debarring them from contesting the polls if they are found to have police indictments against them.

On [September 4](#), an official announcement said that the interim government had approved an amendment to the rules governing the functioning of the International Crimes Tribunal (ICT), which will bar any person charged with crimes against humanity to contest elections or hold government employment.

While the quasi-legal ICT, since its operationalisation during the then Prime Minister Sheikh Hasina's post-2008 tenure, has been criticised for being a platform for settling [political](#) scores, the interim government's decision now will serve to reinforce this practice.

Since its revival 14 years ago, the ICT has been plagued by allegations of [judicial missteps](#), shortcomings and a failure to stand the test of international judicial standards.

Clearly, the interim regime seeks to hit against the Awami League which remains a formidable political force in Bangladesh's fractious politics. The party has already been slapped with a [temporary ban](#), but the Yunus-led authority's latest move involves introducing a fresh clause in the [International Crimes \(Tribunal\) Act, 1973](#), that aims to disqualify any person from contesting elections or holding bureaucratic office if chargesheets are filed against them for alleged crimes against humanity.

Two months after Sheikh Hasina was ejected from power by a student-led agitation, the ICT issued [arrest warrants](#) against the ousted prime minister and 44 other individuals living in hiding in Bangladesh and in protection in Delhi. This was followed by a fresh indictment in January this year when a [second arrest warrant](#) was proclaimed against Hasina. The Bangladesh authorities' unrelenting pursuit of Hasina was reflected in a third move in [April 2025](#) when a Bangladeshi lower court issued arrest warrants against Hasina and some of her close relatives for an alleged illegal land acquisition.

These multi-pronged actions culminated in the ICT's move to sentence her to six months in jail for [contempt in absentia](#) based on a leaked audio recording. This raises concerns surrounding due process, judicial independence, and accountability, necessitating the need for international involvement to support justice.

Lack of international standards

The ICT's [first mandate](#) focused on atrocities committed during the 1971 liberation war. Even though such a mandate was questioned by [international human rights organisations](#), it was unclear whether the tribunal's procedures met [international standards](#). The 2025 Hasina proceedings shift the ICT's focus to adjudicating alleged crimes against humanity arising from the state's response to mass protests in July–August 2024.

Although the United Nations had highlighted in February 2025 that the crackdown on protesters was “[brutal, systematic repression](#),” which demands accountability and justice for victims, questions remain whether the ICT, which was established for trying the 1971 war criminals, could be used as a political tool against the previous regime.

As seen from the ongoing trial of Sheikh Hasina, certain significant procedural lapses have taken place that threaten the tribunal's legitimacy, including trial [in absentia](#), which is an exceptional circumstance that requires safeguards, including unequivocal notice, effective representation and a genuine right to a retrial upon surrender. In this light, Bangladesh's framework has been criticised for falling short of these protections.

The ICT cases have historically been criticised for overreliance on hearsay evidence and inconsistent application of procedural rules. In the Hasina matter, the reliance on [leaked audio recordings](#) and hostile witnesses supporting the state is an example. The tribunal must function independently of the executive influence in the form of interim authorities, just as it should have from the previous government.

In August 2024, the Bangladesh Nationalist Party [petitioned](#) the UN to investigate the deaths during the July–August protests, which led UN human rights chief Volker Türk to promise an inquiry into the matter.

By February 2025, the UN fact-finding mission published a [detailed report](#) citing widespread abuses, including possible crimes against humanity and urged accountability. In response to international concerns, Bangladesh's interim government amended the ICT Act to allow international observers and even live broadcast of proceedings.

System of reforms

The calls for “internationalisation” may go against the principle of sovereignty. Thus, the key lies in adopting a system of reforms that brings transparency and fairness without handing over control. Bangladesh may prefer inviting independent international monitors, for example, from the [UN Office of the High Commissioner for Human Rights](#) and regional bar associations, in accordance with its recent amendments.

Alongside monitoring, the tribunal could request non-binding advisory opinions from international criminal law experts on issues such as in-absentia trials and [command responsibility](#) which, as a mode of liability, assigns responsibility to senior officials for crimes committed by their subordinates. Drawing on the practices followed by the [International Criminal Tribunal for Yugoslavia](#) (ICTY), the [International Criminal Tribunal for Rwanda](#) (ICTR) and the [International Criminal Court](#) (ICC), this technical guidance would strengthen the procedural framework while leaving authority entirely in Bangladeshi hands.

In addition, the tribunal should codify the right of anyone tried in absentia to receive a complete retrial upon appearance. By committing to this, Bangladesh would align with international best practices. At the same time, victims, especially families of those killed in 2024, must be at the centre of the process. The international community could help fund these schemes to ensure a fair trial.

Also, it could consider alternatives, such as a hybrid chamber or limited cooperation with the ICC, while retaining sovereign control. These steps would ensure that justice is not only done, but *seen* to be done.

If the ICT succeeds in holding a former prime minister to account, but only by sidelining the essential rights afforded to her, it risks establishing a dangerous and precedence-setting model for how protest-era atrocities are addressed in domestic courts. Such an

approach may normalise selective justice, weaken due process guarantees, and diminish the credibility of transitional justice mechanisms intended to foster reconciliation rather than perpetuate political agendas.

The justified response to the 2024 bloodshed is neither impunity nor unjust punishment. If accompanied by international involvement and with sovereign control, the ICT may deliver justice in a way that will be cited long after the political stability returns to Bangladesh.

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