

14 years of BDR mutiny: 139 appeals over death penalty still pending with SC

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Online Desk: The death sentences of the 139 convicts in the BDR carnage case could not be executed even in 14 years since the mutiny, as their appeals are yet to be disposed of by the apex court. Seventy-four people, including 57 army officials, were killed in the mutiny in the capital's Pilkhana headquarters of the erstwhile Bangladesh Rifles (BDR) on February 25 and 26 in 2009.

This incident had left the nation benumbed, as people stood aghast at the extent of the barbarity at the paramilitary force's headquarters, later renamed Border Guard Bangladesh (BGB). The appeals challenging the High Court verdict that confirmed the death sentences of the 139 in November 2017 are still pending with the Appellate Division of the Supreme Court.

The long delay is due to the apex court being burdened with a large number of pending cases, which was worsened by the Covid pandemic. The Appellate Division is yet to start hearing the appeals. Attorney General AM Amin Uddin told The Daily Star on February 17 that the Appellate Division will start hearing the appeals when the chief justice will constitute a bench for their hearing and disposal. "The bench will have to be constituted comprising at least four judges of the Appellate Division. The special High Court bench, which heard and disposed of the case and delivered the verdict, was formed with three judges."

"Now, three separate benches of the Appellate Division, which has only eight judges including Chief Justice Hasan Foez Siddique, are hearing and disposing of cases of this court. Backlogs of cases at the Appellate Division are going down as three benches are now functioning," he said. The attorney general said, "I hope the backlogs at the Appellate Division will come to a tolerable level in a few months and then the chief justice will constitute a special bench for hearing and disposing of the appeals in the BDR mutiny case." "I cannot specifically say how much time it will take to complete the hearing of the appeals," the attorney general added.

A trial court could not even finish recording statements of witnesses in another case filed in connection with the same incident under the Explosive Substances Act-1908. Public Prosecutor Mosharrif Hossain Kajol told this correspondent that the trial court concerned is now recording statements of witnesses of that case. "I hope the trial of the case will be completed within this year." Meanwhile, Aminul Islam, one of the defence lawyers of BDR carnage case, told this paper that it depends on the chief justice when the Appellate Division will start hearing the appeals.

He added that the trial court has so far recorded statements of 280 out of 1,264 witnesses in the Explosive Substances Act. A total of 49 appeals have been filed on behalf of the convicted. Of them, 26 appeals were filed by 53 condemned convicts. The rest were filed on behalf of 151 convicts who were sentenced to life imprisonment in the BDR killing case, he said, adding that the state also filed 20 appeals against the acquittals of 83 by the HC.

The defence lawyer said around 500 accused, who have already served jail sentences and got acquitted by the trial court and HC, could not walk out of jail as they are also accused in the Explosives Substances Act case. "The court may not need to record statements of most of the witnesses," he added. Over a year will be needed to finish the trial of the case filed under the Explosive Substances Act, he said, adding that family members of the arrested have been suffering and leading a very miserable life.