

**“CRIMES AGAINST HUMANITY” IS AN INVALID INDICTMENT**

**AGAINST**

**PRIME MINISTER SHEIKH HASINA**

**AND MEMBERS OF HER ADMINISTRATION**



**“ICT’S VERDICT AGAINST SHEIKH HASINA AND HER  
ADMINISTRATION MANIFEST THE WORST MISCARRIAGE OF JUSTICE”**

**Researched and prepared by-**

**Barrister M R Khan**

**International Human Rights Lawyer | UK**

## 1. INTRODUCTION

This submission addresses whether the events surrounding the July–August 2024 riots in Bangladesh, during which rioters/attendees reportedly died in clashes with security forces, can legally constitute crimes against humanity under the Rome Statute and International Crimes Tribunal Act 1973 -ICTA 1973, (Bangladesh). The ICTA 1973, clearly states to define elements of Crime Against humanity - a Tribunal shall apply the definitions set out in Article 7(2) of the Rome Statute of the International Criminal Court, which Bangladesh has ratified on 23 March 2010.

For the reasons set out below, the threshold requirements of **crimes against humanity are not met, and therefore, no charge** of crimes against humanity can lawfully be brought under Rome Statute and so not under ICTA 1973 against Prime Minister Sheikh Hasina or members of her administration based on the events described.

## 2. APPLICABLE LEGAL FRAMEWORK: CRIMES AGAINST HUMANITY UNDER THE ROME STATUTE

Article 7 of the Rome Statute defines crimes against humanity as acts such as murder, extermination, torture, and other enumerated crimes, when committed as part of a **widespread or systematic attack** directed against any **civilian population**, with knowledge of the attack.

The essential cumulative elements are Article 7 of the Rome Statute establishes that crimes against humanity require:

- I. An “Attack”
- II. Which has to be “Widespread or systematic”
- III. Directed against “any civilian population”
- IV. “Pursuant to or in furtherance of a State or organizational policy”

### 2.1 An attack:

The concept of an "attack" in the context of crimes against humanity implies **intentionality a planned and systematic effort** to inflict harm on a group of people, often driven by **non-provocative and cool-headed plan** with an **ideological or political goal**.

#### 2.1 (a) Attack vs. Reactive Response

- **Attack:** An attack in this context refers to an organised campaign aimed at systematically harming **civilians**. If law enforcement authorities were to engage in an organised campaign of repression against a population or group, with the specific intent of targeting them (for example, based on their political views, religion, or ethnicity), it could potentially qualify as an **"attack."**

- **Reactive Response:** In contrast, a **reactive response** to a violent group is not inherently an "attack." If law enforcement is responding to violent criminal behaviour, such as a **riot, insurrection, unlawful killing, attempts to destabilising democratic government through conspiracy or violent protest**, and they use force to restore order and protect civilians, this would not qualify as a crime against humanity. It would more likely be considered a **law enforcement action** or **crowd control**.

### **2.1 (b) The Movement being Violent**

Protesters admitted their commission of own act of violence. Student coordinators, including their allies (other political parties) themselves openly admitted that they would not have been successful without violence. They confessed to killing thousands of police officers<sup>1</sup>, burning metro rails and BTV Bhaban landmarks<sup>2</sup>. Such actions clearly prove the so-called “protests” were in fact a violent riot, **not a peaceful movement**.



**Pic 1: Rioters killed police officer and hanged on tree. Pic 2: Rioters killing a police officer.**

**The violence committed in massive scale, but see Annex 1 for some fraction of violent atrocities done by the rioters for which it clearly portrays they were not civilians and rather they were involved in terror attack.**

<sup>1</sup> BNP leader admits killing 15 policemen to topple state authority in Bangladesh - <https://www.borderlens.com/2025/01/13/bnp-leader-admits-killing-15-policemen-to-topple-state-authority-in-bangladesh/>

<sup>2</sup> 'July Revolution could not have been realized without metro rail fires, killing of police officers' - <https://www.dhakatribune.com/bangladesh/politics/363300/coordinator-hasib-without-metro-fire-and-police>

In such a context, the Government's mobilisation of security forces was not an attempt to retain power unlawfully, but an **essential measure to prevent total anarchy, further bloodshed, saving government infrastructure and lives of other civilians**. In the context of July-August riots, the law enforcement agencies had to face and dismantling a violent movement who were constantly committing unlawful killings of civilian, police officers, arson and other aggravated criminal offences at large.

### **2.1 (c) Legal framework in Bangladesh to combat Violent Movement**

To combat rioting and preserve the lives and properties of the state and individuals' police and other law enforcement agencies are entrusted with power and authorities by law. It is worthy to be mentioned that **Criminal Procedure Code (Cr PC) Section 127-130 and Police Regulation of Bengal (PRB) 1943 Regulation 153(b) & 153(c)**. PRB provisions about the scale of force to be used to disperse the rioters and preserve the lives and properties of the state. According to PRB Regulation 153 in order to save life and property police are entitled to open fire to the unlawful and rioting crowd and even cause death. If there is Magistrate present there, he/she can give order. If no Magistrate, officer in charge of a police station or any superior police officer present there can order to open fire. Details given below:

**Regulations 153 (b) of PRB-** "as they are entitled by law to protect themselves and Crown property, e.g., their weapons, ammunition, motor transport etc. against attack. Such attack may be met by force. This force should not inflict more harm than is necessary for protection but may extend to the causing of death. If then these circumstances are fulfilled a police officer of any rank even that of a constable is entitled to open fire.

**Regulations 153 (c) of PRB-** "All ranks engaged in the suppression of a riot or in the dispersal of a riotous assembly must await the orders of a Magistrate, an officer-in-charge of a police-station or a police officer superior in rank to such officer before firing.

### **2.2 Directed against any civilian population-**

Victims must be **civilians**, not active participants in violence or hostilities.

#### **2.2 (a) Who are not civilian:**

Geneva Conventions & Additional Protocols:

The **Geneva Conventions (1949)** and the **Additional Protocols (1977)** provide the basis for understanding when civilians lose their immunity from direct attack during armed conflict.

- **Article 51(3) of Additional Protocol I (1977):** "Civilians shall enjoy the protection afforded by this Protocol, unless and for such time as they take a direct part in hostilities.
- **Article 13 of Additional Protocol II (1977):** "Civilians shall not be the object of attack. They shall enjoy the protection afforded by this Protocol, unless and for such time as they take a direct part in hostilities."

Therefore, as per the above articles, those who participate in violent riots and cause hostilities **are NOT called civilians**. To be protected by Rome Statute, **the civilians are those who do NOT take part in anarchies**.

## **2.2 (b) Rioters and Their Ability to Bring Charges for Crimes Against Humanity**

Generally, **rioters or violent protestors** do not have standing to bring charges of **crimes against humanity** against state actors under the **Rome Statute**, for the following reasons:

**Article 7 of the Rome Statute** requires that crimes against humanity involve a widespread or systematic attack against **civilians**. But a civilian in this context refers to non-combatants or **people who are not actively engaged in criminal behaviour**. Rioters are often viewed as **perpetrating violence**, engaging in unlawful acts and criminal behaviour, which would remove their status as innocent civilians. Thus, a **rioter** engaged in violent acts would generally be considered a **combatant** or an individual involved in criminal behaviour, **not a civilian** who is protected under the Rome Statute. In this case, the state's response would have been **targeted** at those engaged in unlawful activities (**the rioters**), and **not part** of any widespread or systematic attack on **civilians as a whole**.

- **Case Law Reference: The Prosecutor v. Tadić (ICTY) Appeals Judgment, 1999):**

In the **Tadić case**, the **ICTY** clarified that crimes against humanity involve widespread or systematic violence directed at **civilians**, not isolated instances of force<sup>3</sup>. The response to the rioters would likely be viewed as **a reactive response** to specific threats, and not part of a broader, coordinated attack on a **civilian population**.

In the context of July-August 2024 riots, the government through the law enforcement authorities **aimed** at controlling the violence of the **rioters**, rather than being part of an organised campaign against innocent civilians.

## **2.2(c) Self-Defence and Necessity in Response to Rioters:**

The use of force by state actors, such as law enforcement or military forces against a violent or unlawful group is generally permissible under **international law** if it is **necessary** and **proportional** to the threat posed. In July-August 2024, the actions by the law enforcement authorities were a **reaction to the rioters' unlawful activities**, not a **provoked attack** on **innocent civilians**. **It has been reported that the rioters killed thousands of on-duty police officers while they were trying to deescalate the violent mobs. On several occasion, the police officers had to act in self-defence to save themselves while they were under deadly attack by the July-August 2024 perpetrators.**

---

<sup>3</sup> The Prosecutor v. Duško Tadić (Appeal Judgment). Case No.: IT-94-1-A, Date: 15 July 1999, [https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf?utm\\_source](https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf?utm_source)

In July-August 2024, the protesters **themselves** were engaging in **illegal acts**, which very well stand as strong justification for the Bangladeshi Law Enforcement Authorities' response. The **Rome Statute** provides for the protection of civilians, but **rioters** who are actively involved in violent behaviour are not generally considered to be under the protection of the statute in the same way as innocent civilians.

- **Case Law Reference: The Prosecutor v. Blaskić (ICTY)**  
In **Blaskić**, the ICTY ruled that unlawful acts by **non-civilians**<sup>4</sup> (such as soldiers, combatants, or those involved in hostilities) do not qualify for the same protections under international law as civilians. The force used by the state was likely **proportional** to the level of violence posed by the rioters and targeted at those actively participating in the violence. The Trial Judgment of *Blaskić* stated as:

*“209 .....it is appropriate to state that Article 3 common to the Geneva Conventions, whose customary nature was recognised, in particular, by the Appeals Chamber in the Tadić Appeal Decision, protects not only persons taking no active part in the hostilities but also members of armed forces who have laid down their arms and persons placed hors de combat by sickness, wounds, detention or any other cause. Moreover, Trial Chamber I of the ICTR which heard the Akayesu case 402 relied on this provision to classify as civilians within the meaning of Article 3 of the ICTR Statute persons who for one reason or another were no longer directly involved in fighting.”*

The Trial Judgment of *Blaskić* was later affirmed by the Appeal Judgment for the above definition of non-civilians<sup>5</sup>.

**Therefore, the contextual requirement “directed against any civilian population” is not met.**

### **2.3. Widespread or systematic nature**

International tribunals (ICTY, ICTR, ICC) consistently require that violence to be **large-scale and/or methodically organized**, following a **premeditated plan**. However, the actions taken during the July–August 2024 events were **spontaneous** and chaotic urban riots, clashes between rioters and law enforcement authorities, and **reactive** deployment of police forces to restore order and civilian safety. The actions by the law enforcement authorities during July–August 2024 were a **reaction to the rioters' unlawful activities**, not an **unprovoked attack** on innocent civilians.

**Therefore, the contextual requirement “widespread or systematic nature” is not met.**

---

<sup>4</sup> Prosecutor v. Tihomir Blaškić, Case No. IT-95-14-T (“Trial Judgement”), Date: 3 March 2000, [https://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf?utm\\_source](https://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf?utm_source)

<sup>5</sup> Prosecutor v. Tihomir Blaškić, Case No.: IT-95-14-A (“Appeal Judgement”), Date: 29 July 2004, [https://www.icty.org/x/cases/blaskic/acjug/en/bla-aj040729e.pdf?utm\\_source](https://www.icty.org/x/cases/blaskic/acjug/en/bla-aj040729e.pdf?utm_source)

#### **2.4 State or organisational policy:**

The attack must be pursuant to or in furtherance of a state policy to target civilians. Crimes against humanity require that the attack be “pursuant to or in furtherance of a State or organisational policy.” The deaths occurred in the context of **riot-control operations** responding to violent attacks. Actions by security forces appear **reactive**, not part of a deliberate strategy to target a civilian population.

**Therefore, the contextual requirement “state policy” element is not satisfied.**

### **3. UNFOUNDED CHARGE OF CRIME AGAINST HUMANITY**

As none of the essential elements as outlined in *paras* 2.1-2.4 is established, therefore a crime against humanity cannot be established for July-August 2024. The deaths of **rioters/attendees** during violent clashes, without evidence of cool-headed plan targeting of civilians, **cannot be elevated to crimes against humanity neither in the ICC nor ICT in Bangladesh.**

### **4. INTERNATIONAL PRACTICE SUPPORTS THE CONCLUSION THAT RIOT-RELATED DEATHS RARELY MEET THE THRESHOLD**

Comparable international situations involving serious state violence during riots or mass protests, such as:

- Hong Kong protests (2019–2020),
- George Floyd protests in the U.S. (2020),
- UK riots (2011),
- Gezi Park protests, Turkey (2013),
- Tibetan riots (2008),
- Kenya post-election violence (police actions only- 2007),

None of the above incidents were **not classified** by any international court or UN body as crimes against humanity despite:

- significant casualties,
- allegations of excessive force, and
- severe human-rights concerns.

These consistent precedents reinforce that **riot-control violence, even deadly, does not automatically meet ICC thresholds** under Rome Statute.

### **5. JURISPRUDENCE ON CRIMES AGAINST HUMANITY - JURISPRUDENTIAL REFERENCES (ICC, ICTY, ICTR)**

#### **A. “Widespread or Systematic” Requirement**

- ICC, Kenya Authorization Decision 9PTCII, 2010):

it explicit that **spontaneous, unorganized, or reactive actions cannot** qualify as a “widespread or systematic attack” under Article 7 of the Rome Statute (crimes against humanity). **Spontaneous or reactive actions do not meet this standard**<sup>6</sup>.

- **ICTR- The Prosecutor v. Akayesu (Trial Judgment, 1998):**  
confirmed that isolated, random and **reactive response cannot constitute crimes against humanity**<sup>7</sup>.

#### **Application:**

The July-August 2024 riot control actions were reactive, not organised into a systematic attack.

#### **B. Requirement of an “Attack Directed Against any Civilian Population”**

- **ICC Elements of Crimes (Article 7 Introduction):**  
The population must be civilian in nature. Persons directly participating in hostilities/unlawful activities fall outside this category<sup>8</sup>.
- **ICTY, Prosecutor v. Tadić (Appeals Judgment, 1999):**  
Civilians are persons who are not taking an active part in hostilities/violent activities<sup>9</sup>.
- **Strugar (ICTY Trial Judgment, 2005):**  
It was held that persons who are actively engaged in **hostile/violent acts** at the time of attack **are not civilians**, and populations composed of such persons cannot be treated as a “civilian population”.<sup>10</sup>

#### **Application:**

Individuals engaging in violent rioting, arson, and attacks on police cannot be legally classified as civilians for the purpose of Article 7.

#### **C. Requirement of a “State or Organisational Policy”**

- **ICC, Mbarushimana (Pre-Trial Chamber I, 2011):**  
The attack must be “planned, directed or organized” by a State or organization<sup>11</sup>.

---

<sup>6</sup> ICC, SITUATION IN THE REPUBLIC OF KENYA, No.: ICC-01/09, Date: 31 March 2010, [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2010\\_02409.PDF?utm\\_source](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2010_02409.PDF?utm_source)

<sup>7</sup> The Prosecutor v. Jean-Paul Akayesu (Trial Judgement), Case No. ICTR-96-4-T, Date: 2 September 1998, [https://www.refworld.org/jurisprudence/caselaw/ict/1998/en/19275?utm\\_source](https://www.refworld.org/jurisprudence/caselaw/ict/1998/en/19275?utm_source)

<sup>8</sup> Elements of Crimes, Article 7, [https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf?utm\\_source](https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf?utm_source)

<sup>9</sup> The Prosecutor v. Duško Tadić (Appeal Judgment). Case No.: IT-94-1-A, Date: 15 July 1999, [https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf?utm\\_source](https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf?utm_source)

<sup>10</sup> PROSECUTOR v. PAVLE STRUGAR, Case No. IT-01-42-T, Date: 31 January 2005, [https://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf?utm\\_source](https://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf?utm_source)

<sup>11</sup> THE PROSECUTOR V. CALLIXTE MBARUSHIMANA, NO.: ICC-01/04-01/10, Date: 16 December 2011, [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2011\\_22538.PDF?utm\\_source](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2011_22538.PDF?utm_source)

- **ICC, Bemba (Trial Judgment, 2016):**  
indicate that isolated excessive-force incidents do not demonstrate a state policy<sup>12</sup>.

**Application:**

No evidence indicates that the Bangladeshi government ever taken any policy to attack on civilians rather it was reactive response to the violent attack by the rioters in July-August 2024.

**D. Riot Control vs. Crimes Against Humanity**

- **UN Basic Principles on the Use of Force and Firearms (1990):**  
**Allows lethal force** when strictly unavoidable to protect life.
- **Limaj (ICTY Trial Judgment, 2005):**  
The Chamber held that sporadic violence, riots, or confrontations between civilians and authorities **do not constitute crimes against humanity absent an organised policy**<sup>13</sup>.

**Application:**

Even if excessive force occurred, the legal threshold for crimes against humanity is not reached in riot controlling emergency situations.

**6. SIDE-BY-SIDE COMPARISON TABLE: LEGAL ELEMENTS VS. JULY–AUGUST 2024 BANGLADESH EVENTS**

Rome Statute Element	Interpretation by ICC/Tribunals	Bangladesh July–August 2024 Facts	Meets Threshold?
<b>Attack</b>	A course of conduct involving multiple acts (ICC Art. 7(2)(a))	Clashes occurred during violent riots; <b>reactive operations</b>	<b>No</b> - reactive violence not an “attack” in the legal sense
<b>Directed against a civilian population</b>	Must target civilians not involved in violence ( <i>Tadić</i> )	Victims were rioters actively <b>attacking police and civilians</b>	<b>No</b> - not civilians as defined in Art. 7 jurisprudence
<b>Widespread or systematic</b>	Must be large-scale or planned ( <i>Kunarac</i> , <i>Kenya Authorization Decision</i> )	No evidence of a methodical plan; Lae enforcement <b>reacted spontaneously</b> to maintain law and order	<b>No</b>

<sup>12</sup> THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, No.: ICC-01/05-01/08, Date: 21 March 2016, [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016\\_02238.PDF?utm\\_source](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_02238.PDF?utm_source)

<sup>13</sup> PROSECUTOR v. FATMIR LIMAJ, HARADIN BALA, ISAK MUSLIU, Case No. IT-03-66-T, Date: 30 November 2005, [https://www.icty.org/x/cases/limaj/tjug/en/lim-tj051130-e.pdf?utm\\_source](https://www.icty.org/x/cases/limaj/tjug/en/lim-tj051130-e.pdf?utm_source)

Rome Statute Element	Interpretation by ICC/Tribunals	Bangladesh July–August 2024 Facts	Meets Threshold?
State or organizational policy	Requires coordinated policy ( <i>Mbarushimana</i> )	The government had to act <b>spontaneously</b>	No
Knowledge of attack	Must know actions further the attack (ICC Elements)	No broader attack exists; actions occurred in <b>riot control only</b>	No
Prohibited acts (e.g., murder)	Must be part of contextual elements above	Deaths occurred during violent clashes, <b>not an organized attack</b>	No
International precedents	Protest/riot killings rarely meet Art. 7	Comparable cases globally not classified as crimes against humanity	<b>Supports inapplicability</b>

## 7. CONCLUSION

**A.** In line with the above discussion, a charge of crimes against humanity against Prime Minister Sheikh Hasina or members of her administration relating to the July–August 2024 riots cannot be sustained under Rome Statute under international criminal law and as such not under International Crimes Tribunal ACT 1973. The requisite elements of Article 7 of the Rome Statute are absent:

- I. The victims were **rioters actively participating in violence**, unlawful killing, arson and aggravated criminal damages across the country. Therefore, the victim were not civilians targeted as such.
- II. The events do not constitute a **widespread or systematic attack** against a civilian population.
- III. There is no evidence of a **state policy** directing attacks on civilians.
- IV. The use of force occurred in the context of **riot control**, not as part of an orchestrated campaign.
- V. Even large numbers of deaths, without evidence of intent or policy, **do not meet the threshold**.

**B.** While the events may raise **human-rights concerns** and warrant domestic review, they **fall far short of the extremely high legal threshold** for crimes against humanity under the Rome Statute and so under ICTA 1973.

**C.** In the above premises, the statutory requirements of crimes against humanity are not fulfilled. The July–August 2024 events represent **internal violent unrest. Mob violence and**

**Riot** control operations rather than an attack on a civilian population pursuant to a state policy. Criminal accountability, if any, lies within domestic or human-rights law, not international criminal law. Therefore, the charges for crime against humanity against Prime Minister Sheikh Hasina and members of her administration is **Invalid, Fabricated and Unfounded Charge with malicious intention. Therefore, the standing verdict by International Crimes Tribunal-1, Bangladesh, dated 17/011/2025 is a classic example of miscarriage of Justice.**

**D. Should it be heard by the International Criminal Court (ICC), the proceedings attract immediate Quashment at per the precedence developed through the case laws discussed here in above.**

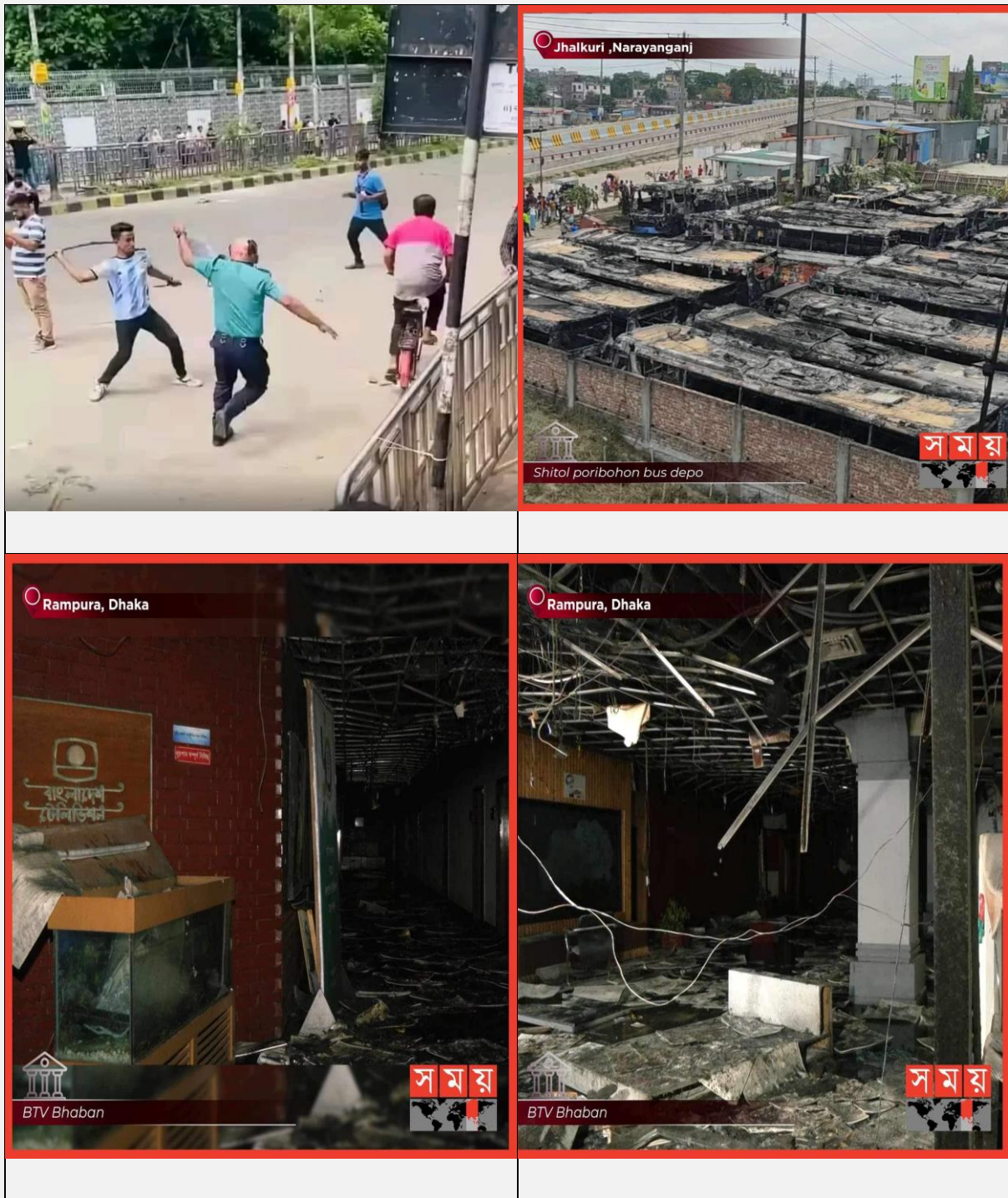
**E. Accordingly, the verdict of ICT dated 17/11/2025 against PM Sheikh Hasina and others stands as a classic example of “Miscarriage of Justice”.**

10 DECEMBER 2025

**Barrister M R Khan**  
**International Human Rights Lawyer | UK**  
Email: [legal.mkhan@gmail.com](mailto:legal.mkhan@gmail.com)

**Encl-**  
**Annexure-1**

**ANNEX 1: Various Photos from July-August 2024 which shows that Protest was a violent movement and a terror attack.**













Some moments where PM extended her hands for help to the victims during July-August 2024 atrocities.