

# Evaluating Death Penalty in the Context of Bangladesh: A Legal Analysis of Its Compatibility with the Right to Life.

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## Introduction

The death penalty is a controversial and significant issue globally, particularly in countries like Bangladesh. In the context of Bangladesh, the legal and ethical implications of the death penalty continue to spark widespread debate, especially in light of international human rights standards and the country's commitment to the right to life.

**Key Focus:** Assessing the compatibility of the death penalty with the **right to life**, guaranteed under both Bangladesh's constitution and international human rights law.



# International Legal Framework



## Right to Life under International Law:

- **Universal Declaration of Human Rights (UDHR)** – Article 3: Right to life.
- **International Covenant on Civil and Political Rights (ICCPR)** – Article 6: Death penalty should only be for the most serious crimes.

**UN's Position:** Calls for a de facto moratorium on executions and gradual abolition. The United Nations has consistently advocated for the abolition of the death penalty worldwide. In particular, the UN calls for a **de facto moratorium** on executions, urging countries that still retain the death penalty to cease carrying out executions as a first step toward eventual abolition. This stance is rooted in the belief that the death penalty violates the **right to life** and that there is a growing global consensus against its use. The UN's Human Rights Committee encourages states to adopt

# Judicial Safeguards and Concerns

- **Judicial Review:** Death penalty sentences can be appealed to the Appellate Division of the Supreme Court.
- **Clemency:** The President can grant clemency in certain cases.
- **Judicial Concerns:**
  - Inadequate legal representation.
  - Potential for wrongful convictions due to procedural flaws.
  - Bias and political motivations affecting the fairness of trials.



# Human Rights Perspectives

- **International Human Rights Criticism:**
  - Amnesty International and Human Rights Watch highlight concerns over the fairness of trials, political use of the death penalty, and the effectiveness of deterrence.
- **Arguments Against:**
  - Violation of the right to life.
  - Risk of irreparable harm in cases of wrongful convictions.
  - The death penalty doesn't serve as an effective deterrent.



## Conclusion & Future Considerations

- **Compatibility with the Right to Life:**
  - The death penalty raises significant concerns regarding fairness, proportionality, and irreversible harm, conflicting with international human rights standards.
- **Potential Shift:**
  - Growing international trend toward abolition of the death penalty.
  - Moving toward a moratorium or abolition may align Bangladesh with its human rights obligations.
- **Final Thought:** Reconsideration of the death penalty in Bangladesh is essential for ensuring justice, equity, and human dignity in the legal system.

