

Opinion – Sheikh Hasina’s Conviction and the Weaponization of Justice

Written by Christopher Burke

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CHRISTOPHER BURKE, NOV 18 2025

The news from Bangladesh is stark and historic. Former Prime Minister Sheikh Hasina has been sentenced to death by a domestic tribunal for “crimes against humanity.” The charges relate not to the ghosts of the 1971 war, but to the brutal crackdown on the student-led popular uprising that ultimately ended her long and often autocratic rule in the summer of 2024. The verdict is a profound, contradictory moment. A victory for the victims of state-sanctioned violence, it affirms that modern political leaders are not beyond the law. However, the legitimacy of the verdict is undermined by procedural flaws forcing a deeper examination of questions haunting transitional regimes. When does national justice become an unquestionable international precedent and when is it a political weapon of the next regime?

The conviction of Sheikh Hasina marks the latest challenge to the concept of sovereign immunity—an increasingly antiquated idea that a Head of State cannot be prosecuted for their actions. The trend was cemented in the late 1990s. The indictment of the sitting President of Yugoslavia Slobodan Milošević shattered the notion that leaders are untouchable while in office. This was reinforced by the subsequent convictions of Liberia’s Charles Taylor by the Special Court for Sierra Leone and Chad’s Hissène Habré by the Extraordinary African Chambers. Habré’s 2016 conviction for crimes against humanity by a hybrid court in Senegal was a major milestone—African justice for an African dictator.

Hasina’s case adds a unique layer. Unlike Taylor and Habré who were tried for atrocities committed decades ago, Hasina was convicted by a domestic court, the International Crimes Tribunal, for ordering the deadly repression of a political movement in a struggle for self-preservation that ended her regime. Ironically, Hasina’s government revived the tribunal in March 2010 to try alleged crimes from the 1971 war. The verdict sends a chillingly relevant message to leaders everywhere. The risk of domestic legal reckoning for crushing dissent is real and immediate. The shield of political office is no longer effective protection from charges of using state power to commit atrocities.

To serve the universal cause of justice, the legitimacy of the verdict must be unquestionable. This is where the process in Dhaka falters. Sheikh Hasina was tried and sentenced in absentia while she remains in exile. This procedural choice weakens the legal standing of the verdict. International courts including the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Tribunal for Rwanda (ICTR) have historically avoided trials in absentia for serious international crimes. This standard exists because the stakes are high and the accused has a fundamental right to be present, mount a defense and confront the evidence. The death sentence delivered under these circumstances hands immense political ammunition to critics who claim the process prioritized political closure over due process.

The domestic origin of the tribunal also places the current interim government in a delicate and ethically compromised position. Can a new, politically motivated regime deliver impartial justice against its predecessor or is it simply engaging in a formalized act of victor’s justice? If perceived to be a tool for political retribution, it fails to set a legal precedent and reinforces a destructive cycle. The use of courts to punish defeated opponents contributes to the erosion of judicial independence and political stability. The Hasina verdict plays out against a deeply troubled contemporary global backdrop. The challenges holding powerful individuals accountable is a defining characteristic

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of this era.

The International Criminal Court has struggled to enforce warrants against former Sudanese President Omar al-Bashir and current Russian President Vladimir Putin. The recent request by the ICC prosecutor for warrants against Israeli and Hamas leaders for alleged war crimes and crimes against humanity has met significant international political pushback. In each of these cases, geopolitics and sovereign power have proven to be more formidable obstacles than the law itself.

The Hasina case, though domestic, contributes to global perceptions that accountability is selective. It is easy to prosecute the defeated, but nearly impossible to touch the powerful. This selective enforcement risks discrediting international accountability. For autocrats it confirms the best way to escape justice is to simply never relinquish power. For citizens, it breeds cynicism suggesting justice is not a blind principle, but a weapon available to elites.

The conviction of Sheikh Hasina carries deep moral weight. It signals that even powerful political figures can face consequences for decisions made in office. Such moments resonate most when perceived as fair, consistent and rooted in due process rather than political momentum. A great deal will depend on how the appeal and review mechanisms unfold. Transparency, procedural clarity and space for genuine legal challenge will shape how this verdict is understood within Bangladesh and internationally. If the next steps reflect recognised standards, the case may come to be viewed as part of a broader shift toward greater accountability. Otherwise, it risks being read as another episode in the long cycle of political score-settling that defines so many transitions of power.

About the author:

Christopher Burke is a senior advisor at WMC Africa, a communications and advisory agency located in Kampala, Uganda. With over 30 years of experience, he has worked extensively on social, political and economic development issues focused on governance, extractives, agriculture, public health, the environment, communications, advocacy, peace-building and international relations in Asia and Africa.