



BANGLADESH



The Supreme Court Building, Dhaka

EXECUTIVE SUMMARY

In January 2007, the People's Republic of Bangladesh will hold a national election, its fourth since the fall of a military dictatorship in 1990. This election will be a critical test for the country. The last national election in October 2001 was marred by violence; many of the victims were Hindus, Bangladesh's largest religious minority. That election was won by an alliance that included, for the first time in Bangladesh, religiously based parties. The largest of these, Jamaat-e-Islami Bangladesh, openly promotes Bangladesh becoming an Islamic state with a legal system based on sharia, or Islamic law, and the establishment of an "Islamic social order." Moreover, avowedly Islamist political parties serving in the government coalition have sought to impose a more Islamic cast on government and society, a goal that could have serious implications for religious freedom in Bangladesh. Since the 2001 election, Bangla-

desh has experienced an upsurge in violence by religious extremists and, as a result, growing concerns expressed by the country's religious minorities, including Hindus, Christians, and Buddhists. In addition, Islamist activists have mounted a vocal public campaign against the Ahmadi religious community.¹ The 2007 election will help determine whether Bangladesh will be able to sustain its democratic institutions and effective secular legal system, which guarantee the human rights of all Bangladeshis.

Bangladesh is by many standards a moderate and democratic majority-Muslim country. It is a functioning, albeit flawed, democracy with a representative government, periodic elections that have led to changes of power, a judiciary that sometimes rules against executive authority, a lively and critical press, and a functioning civil society with active human rights groups and other non-governmental organizations (NGOs). Bangladesh's constitution contains strongly worded protections for religious freedom and other human rights and affirms the equal rights of all citizens regardless of religious faith, ethnicity, or gender.² These protections have been upheld in the courts and publicly reaffirmed by those in authority. Tolerance for religious diversity has deep roots in Bangladeshi popular culture. Women, although still disadvantaged in Bangladesh, have held leadership positions in government and in society.

In recent years, however, growing extremist militancy in the majority Muslim community has marred Bangladesh's ability to protect all of its citizens. Violence, both religiously inspired and politically motivated, has targeted Hindus,

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ON INTERNATIONAL
RELIGIOUS FREEDOM

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Minority rights activists meeting with the Commission delegation

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Ahmadis, and other minorities and has threatened to undermine the democratic institutions that protect religious freedom and to silence the country's voices of tolerance and moderation. That violence escalated in 2005, reaching its height in August when 459 bombs exploded throughout the country on a single day in a demonstration of the militants' operational reach and organizational capabilities.³ The country's courts and secular legal system have been subjected to terrorist attacks by those wishing to impose Islamic law. These attacks have included suicide bombings, a new phenomenon in Bangladesh. Secular NGOs, anti-extremist journalists,

and other public figures have also been attacked, sometimes fatally.

The government of Bangladesh initially downplayed the problem of violence by radical Islamists and even tried to discredit those seeking to publicize it. Only belatedly has the government become more assertive in its response, banning some groups and arresting several suspects. Even when arrested, however, some terrorist ringleaders have reportedly received indulgent, even accommodating treatment from the authorities, being kept in an apartment rather than imprisoned, and allowed to receive visitors.⁴ Meanwhile, law enforcement personnel, including elite units involved in counter-terrorist operations, have been further discredited by their participation in numerous extrajudicial killings, locally termed "cross-fire" killings.

To examine these and other concerns, a Commission delegation traveled to Bangladesh in February-March 2006. The delegation met with senior government officials, political leaders, human

rights monitors, leading members of various religious communities, including Sunni Muslims, Hindus, Buddhists, Christians, and Ahmadis, civil society representatives, and journalists. The government of Bangladesh received the delegation at a high level, including separate meetings with four members of the Cabinet: the Foreign Minister, the Minister for Law, Justice, and Parliamentary Affairs, the Minister of Education, and the Minister of Industries, who is also the head of Jamaat-e-Islami Bangladesh, Bangladesh's most prominent Islamist political party. Below the cabinet level, the delegation met with the Minister of State for Religious Affairs and with the Secretary for Home Affairs, whose responsibilities include law enforcement. The delegation was also received by the former Prime Minister and leader of the parliamentary opposition and senior members of her party, the Awami League.

In May 2006, the Commission again placed Bangladesh on its Watch List. As a functioning democracy with a vibrant

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civil society and a constitution that enshrines internationally recognized human rights, including freedom of religion or belief, Bangladesh could be a model for other emerging democracies with majority Muslim populations. That model is in jeopardy as a result of growing Islamist militancy and the failure to prosecute those responsible for violent acts carried out against Bangladeshi individuals, organizations, and businesses perceived as “un-Islamic.”

The Commission will continue to monitor the religious freedom situation in Bangladesh. It urges the U.S. government to 1) face up to the seriousness of the threat facing Bangladesh, 2) lead the international community in monitoring the January 2007 elections, 3) urge the Bangladeshi government to prevent anti-minority violence during that upcoming election, and 4) encourage the government of Bangladesh to address the growing problem of religious extremism and violence. With regard to the latter in particular, the U.S. government should make greater efforts to encourage the government of Bangladesh to confront and tackle this problem, rather than to embrace or ignore it, as Bangladeshi authorities have done until only very recently. The Commission recommends a series of measures needed to protect Bangladeshis against religious extremism and to promote universal human rights, including religious freedom, and encourages enhanced U.S. assistance programs to advance freedom of religion or belief and related human rights.

Bangladesh is ethnically more homogenous than many other countries, as some 98 percent of its approximately 145 million inhabitants are Bengali. Religiously, however, Bangladesh is somewhat more diverse. Sunni Muslims constitute at least 88 percent of the population, Hindus approximately 10 percent, and Buddhists and Christians together 1 percent. There are also small communities of Ahmadis, Baha'is, Shi'a Muslims, Sikhs, and followers of traditional tribal religions.⁵ Among the 2 percent of the population who are not Bengali, Bangladesh's tribal peoples are largely non-Muslim. Many of them live in Bangladesh's remote eastern Chittagong Hill Tracts region.

Although Hindus are Bangladesh's largest religious minority, their proportion of the population is declining. At the time of the partition of British India in 1947, Hindus accounted for approximately a quarter of the population of what is now Bangladesh.⁶ Yet, each subsequent census since 1971, when Bangladesh gained independence, has recorded a drop in the proportion of the Hindu population.⁷

This steady decline can be ascribed to a “push/pull” phenomenon. As Pakistan was established as a homeland for the Subcontinent's Muslims, Hindus found themselves in a precarious position, automatically suspect because of their perceived affinity to India and subjected to both official and societal discrimination, and sometimes to violence. In response, millions of Hindus, denied opportunities and sometimes actively persecuted in Muslim-majority East Pakistan and later Bangladesh, have left over the past few decades to seek homes in neighboring India.

After obtaining independence from Pakistan in 1971, Bangladesh was established as a secular state in which national identity would be based on Bengali language and culture, instead of the Islamic religion, as in Pakistan. The original secular Constitution has been amended, however, to introduce references to the religion of the majority community. In 1977, language was added to the Constitution's Preamble stating that “absolute trust and faith in Almighty Allah” would be one of the “fundamental principles of the Constitution.”⁸ Eliminated were earlier provisions enshrining the “principle of secularism” and barring “the granting by the State of political status in



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favor of any religion” and “the abuse of religion for political purposes.” In 1988, the Constitution was further amended to declare Islam the state religion, while stating that “other religions may be practiced in peace and harmony in the Republic.”⁹ Although these constitutional changes were made under military dictatorships, subsequent democratically elected governments have let them stand. Minority rights advocates maintain that these changes give a special status to Islam and make non-Muslims less than equal members of Bangladeshi society. To date, however, sharia has not been adopted as a basis for Bangladeshi jurisprudence.¹⁰

Following its hard-won independence from Pakistan, Bangladesh’s early political history was characterized by authoritarian regimes and political instability. Since 1991, two major political parties—the Bangladesh Nationalist Party (BNP) and the Awami League—have alternated in power through three national elections (1991, 1996, and 2001) that were viewed by international observers as free and fair. Nevertheless, the democratic experience in Bangladesh has been marred by high levels of political violence and occasional paralysis of the political system. When in opposition, both major parties have turned to parliamentary boycotts, general strikes, and street power to challenge the government. In this environment, criminal elements and religious extremists have operated with relative impunity, while undermining the security of all citizens. This particularly affects the more vulnerable members of society, including religious minorities, tribal peoples, and women.

Although many of those advocating a stronger role for Islam in Bangladesh have been engaged in peaceful political and social activities, others, drawing inspiration from extremist movements elsewhere in the Islamic world, have adopted a jihadist ideology of violent struggle against perceived opponents of Islam.¹¹ This more militant interpretation of Islam gradually developed as a political and social force in Bangladesh, aided by the expansion of madrasas (Islamic schools)¹², charities, and other social welfare institutions, some receiving foreign funding from Saudi Arabia and elsewhere. Islamic militant groups also appeared in lightly policed rural Bangladesh, where they gained some popular support by employing vigilante justice against other criminal elements and armed groups. Militants later demonstrated their strength in urban Bangladesh by attacking—and sometimes killing—authors, academics, and journalists who expressed opinions deemed by the militants to be offensive to Islam. Some outspoken activists against extremism, including Bangladeshi author Taslima Nasreen and journalist Saleem Samad, have chosen voluntary exile in the face of threats of violence.

U.S.- BANGLADESH RELATIONS

After an initial coolness created by U.S. support for Pakistan during Bangladesh’s war for independence, the United States and Bangladesh have developed a good bilateral relationship over the past three decades. The United States became a major aid donor and a reliable source of relief during Bangladesh’s recurrent natural disasters. U.S. economic assistance, food aid, and disaster relief have totaled over \$5 billion since 1971. According to the U.S. Agency for International Development, U.S. assistance objectives for Bangladesh include stabilizing population growth, improving public health, encouraging broad-based economic growth, and building democracy.¹³ Both the previous Awami League government and the current BNP-led government have publicly supported the United States in its post-9/11 conflict with Al-Qaeda.¹⁴



Commissioners Michael Cromartie and Felice D. Gaer meeting with Foreign Minister M. Morshed Khan, with photograph of Prime Minister Khaleda Zia in background



Political demonstration in Dhaka

THE 2001 ELECTIONS

Bangladesh's last general election in October 2001 was distinguished from previous Awami League/BNP contests by the decisive role played by avowedly Islamist political parties, which threw their support to the BNP. Since independence, such parties had been outside Bangladesh's political mainstream. In 2001, however, the BNP's electoral alliance with Jamaat-e-Islami Bangladesh and Islami Oikya Jote (the Islamic Unity Front) proved a winning combination. As a result, Jamaat-e-Islami was awarded the important government ministries of industry, agriculture, and social welfare, and Islami Oikya Jote was included in the ruling coalition. The inclusion of religiously based parties in government has given greater legitimacy to their political agenda and strengthened their influence on both government and Bangladeshi society.¹⁵ For example, Jamaat-e-Islami Bangladesh and Islami Oikya Jote have allegedly used their positions in the current BNP-led government to favor Islamist organizations and to deny public funding to, or otherwise to disadvantage, groups viewed as opposing an Islamist political and social agenda.

The 2001 elections also occasioned the most serious episode of anti-minority violence since independence, with killings, sexual assaults, illegal land seizures,

arson, extortion, and intimidation of religious minority group members, particularly Hindus, because of their perceived allegiance to the Awami League.¹⁶ The new BNP-led government essentially denied the scope of these abuses. There has been no thorough official investigation of the wave of violence following the elections

that the current process of voter registration was being politically manipulated in such a way as to disenfranchise many minority voters, who are in most cases easily identifiable by their non-Muslim names. Some with whom the Commission met had personally been overlooked during the process and

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and few perpetrators have been brought to justice. Investigative journalists and human rights groups who have sought to document the anti-Hindu violence have concluded that the perpetrators included partisans of the BNP and the smaller Islamist parties allied to it.¹⁷ Some of these journalists have been harassed by the government for their investigative work.¹⁸

The continued lack of accountability for the violence in 2001 raises serious concerns about a renewal of violence against Hindus and members of other religious minorities in the 2007 general election. Human rights activists and minority advocates also voiced serious concerns to the Commission delegation

were themselves experiencing difficulties in becoming registered. Others claimed that locations dominated by minority voters had not been visited by the enumerators conducting the registration or, on the other hand, alleged that non-citizens believed to be favorable to Islamist parties were illegally registered. Such complaints, coupled with the partisan behavior of the current Chief Election Commissioner, who was forced by public outcry to restart the registration process on the basis of the previously existing voter list, have severely compromised public confidence in the impartiality of the Election Commission, and thus in the upcoming elections themselves.¹⁹

THE GROWTH OF RELIGIOUS EXTREMISM



Minister of Industries and Amir of Jamaat-e-Islami Bangladesh Maulana Matiur Rahman Nizami (right) and Jamaat-e-Islami Senior Assistant Secretary General Mohammad Kamruzzaman

During the last two years, bombing has become a more common tactic used by Bangladeshi militants to attack their opponents or to make political statements. Whereas fewer than six bombings occurred annually between 1999-2004, and only 11 in 2004, there were 147 bombing incidents in 2005 alone, resulting in 60 deaths and 944 injuries.²⁰ Targets have included Sufi²¹ shrines, cultural programs, NGOs involved in women's empowerment, and secular politicians.²² In the most dramatic incident, militants belonging to a group called Jamaatul Mujahideen Bangladesh (JMB) claimed credit for the coordinated wave of 459 nearly simultaneous bomb attacks carried out in all but one of Bangladesh's 64 districts on August 17, 2005.

Militants added a new target with a series of bomb attacks on the judicial system in October-November 2005. These terrorist incidents included Bangladesh's first recorded suicide bombing, which left two judges dead, followed by further suicide attacks on courthouses. JMB leaflets were reportedly found on the scene following the suicide attacks. The two judges who were bombing victims were Hindus. The bomb attacks were accompanied by calls by the militants for the substitution of sharia for Bangladesh's current system of secular jurisprudence based on English common law and by threats against courts and judges for not applying sharia. The judicial system had earlier won the enmity of Islamists by ruling that fatwas

(expert opinions on Islamic law) are illegal in Bangladesh, though such decisions are often used by rural clerics to punish alleged "moral transgressions," usually by women.²³

The Increasing Influence of Extremist Groups

The increasing political power of Islamist movements and parties reflects a shift away from the secularism that was a key founding principle for Bangladesh as a nation. Moreover, the insertion of references to Islam into Bangladesh's fundamental law—and the de-emphasis of secularism as a governing principle—aided the political rehabilitation of certain Islamist political groups. As noted above, the most prominent and best organized of these groups is the political party Jamaat-e-Islami Bangladesh. When meeting with the Commission's delegation, Jamaat-e-Islami Bangladesh's leader (self-styled "Amir") Maulana Matiur Rahman Nizami, who serves as Minister of Industries in the current government, told the Commission delegation that his party's goal is "Islamic rule" and a sharia-based legal system, which he maintained would provide "justice for all." In response to a direct question, however, Nizami denied that these changes would necessarily require further amendments to the current constitution.

In sharp contrast to these reassurances, Bangladeshi human rights monitors

and minority rights advocates repeatedly expressed concerns regarding the potentially negative impact of Jamaat-e-Islami's growing political power, based on the group's participation in Pakistani atrocities during Bangladesh's struggle for independence and the past affiliation of many violent militants with the group or its student wing. In addition, one high-ranking Bangladeshi government official told the Commission that Jamaat-e-Islami was brought into the government because of that party's ability either to incite or dampen societal violence. In his meeting with the Commission, Nizami himself took credit for the absence of serious violence in Bangladesh in response to the Danish cartoon controversy, suggesting that he and his party could have chosen a different outcome.

Moderate Muslims and the leaders of Bangladesh's minority religious groups, including Ahmadis, drew connections between the growth in violent extremism and the tendency toward greater social conservatism among Bangladesh's Muslim majority with the expansion of the country's madrasas. For example, Ahmadi community leaders told the Commission delegation that madrasa students provide readily available foot soldiers for anti-Ahmadi demonstrations and showed the delegation video footage as evidence. There are also allegations of weapons training in some madrasas, particularly in Bangladesh's more remote and poorly policed districts. Marginalized Muslim groups such as stateless Biharis²⁴ and Rohingya²⁵ refugees from Burma are believed to be particularly vulnerable to recruitment.

The Government's Lukewarm Response to Rising Violence

The current Bangladeshi government at first denied the extent of the extremist

threat, claiming that such criticism was a politically motivated desire to discredit its rule both domestically and internationally. As the level of violence increased, however, the government's response became more assertive. In February 2005, the government banned two militant groups implicated in bomb attacks, specifically the attacks on such major secular institutions as the Bangladeshi NGO BRAC²⁶ and the Grameen Bank.²⁷ The 459 mass bombings and subsequent terrorist acts on August 17, 2005 caused the authorities to further step up their response. In March 2006, 21 suspected militants, including some who were madrasa students, were sentenced to death for the August 17 bombings. In a separate case, it was announced on the same day that a suspect was sentenced to death for an October 2005 bombing attack on a Hindu judge. Reputed senior militant leaders were among those arrested, including Siddiqui Islam, better known as the infamous rural Islamist vigilante "Bangla Bhai."²⁸ In May 2006, Bangla Bhai, JMB leader Abdur Rahman, and five associates were sentenced to death for the bombing murder of two judges in November 2005. According to press accounts, following sentencing, Abdur Rahman objected to being punished "under worldly laws," i.e., not under a sharia-based legal system.²⁹ The government also began investigating alleged foreign funding of extremist groups and speaking up more forcefully against the militant violence.³⁰

At the local level, Bangladeshi Islamist militants initially were treated with a certain tolerance by police and officials, who viewed them as a counter to the armed leftist groups active in rural Bangladesh. As such, for many years the militants enjoyed a level of impunity from pros-

ecution for engaging in vigilante-style actions, including extrajudicial killings. Similarly, attacks on journalists who investigated extremist violence or those expressing opinions deemed "un-Islamic" usually went unpunished. In May 2005, the Committee to Protect Journalists (CPJ) named Bangladesh as one of the world's "five most murderous countries for journalists" and pointed to "the newer and potentially graver threat" to journalists posed by "radical Islamist groups." In one case, a former leader of the student wing of Jamaat-e-Islami reportedly confessed to participating in a fatal bomb attack on a journalist, only to flee when released on bail. According to CPJ, investigations into the murders of nine journalists over the past five years "have yielded no convictions."³¹

Bangladesh's problem with religiously motivated violence is also symptomatic of broader law and order problems. According to the U.S. Department of State's most recent report on human rights conditions in Bangladesh, "Violence often resulting in deaths was a pervasive element in the country's politics" and "Vigilante killings were common." Moreover, members of the security forces, including both the regular police and various special security units such as the Rapid Action Battalion (RAB), were themselves culpable, committing "numerous extrajudicial killings," according to the State Department report, which also noted that "Nearly all abuses went uninvestigated and unpunished."³² This climate of impunity, combined with serious problems in the judiciary involving widespread corruption³³ and a heavy case backlog, seriously erode public confidence in government's ability or willingness to protect basic rights.

THE PLIGHT OF BANGLADESH'S RELIGIOUS MINORITIES

Generally speaking, followers of minority religions in Bangladesh are free to worship and minority religious institutions appear to be subject to little official interference. Hindu, Buddhist, and Christian holy days are in some cases public holidays. Despite constitutional protections, however, non-Muslims in Bangladesh face societal discrimination and are disadvantaged in access to government jobs, public services, and the legal system. They are also underrepresented in elected political offices, including the national parliament. Minority advocates also claim that religion plays a role in property and land disputes—disputes that occasionally result in violence. Since the 2001 election, Bangladesh has experienced growing violence by religious extremists, intensifying concerns expressed by the country's religious minorities.

Continuing Problems for Hindus

Hindus are particularly vulnerable in a period of rising violence and extremism, whether motivated by religious, political, or criminal factors, or some combination. The position of Hindus has multiple disadvantages: perceived identification with India; an alleged preference for one of Bangladesh's two major political parties; and religious beliefs abhorred by Muslim fundamentalists. Massive anti-Hindu violence, and resulting flight by millions of Hindus, marked both the partition of British India and the breakup of Pakistan.



Commissioner Preeta Bansal greets Bishop Theotonius Gomes, Auxiliary Bishop of Dhaka (left) and Archbishop Paulinus Costa, Roman Catholic Archbishop of Dhaka

Although mass communal violence has been relatively rare in independent Bangladesh, Muslim mobs have occasionally targeted Hindus, e.g., in 1992 following the destruction of the Babri Mosque at Ayodhya in India. In many instances, such violence appears aimed at encouraging Hindus to flee in order to seize their property in what is a desperately land-poor country.

During and immediately after Bangladesh's parliamentary elections in October 2001, there were numerous reports of illegal land seizures, arson, extortion, sexual assault, and intimidation of religious minority group members, particularly Hin-

dus.³⁴ Some of the attackers demanded that Hindus sell their land for a fraction of its value or pay extortion money. Police protection was inadequate. Thousands of Bangladeshi Hindus reportedly fled to India to escape persecution. Minority group representatives and human rights groups with whom the Commission met ascribed these attacks to armed militant groups or to partisans of the BNP. As Hindus and other non-Muslims are popularly perceived to favor the Awami League, intimidating Hindu voters was viewed as a way to help the BNP and its Islamist allies in the elections.

The lack of accountability for reported crimes against minority group members in the 2001 election promotes an atmosphere of continued impunity for such crimes, as well as the possibility of a renewal of violence against Hindus and other non-Muslims in the January 2007 general election. In their meetings with the Commission, Hindus expressed concern about alleged political manipulation of the voter registration process, which could result in members of their community being excluded from the voter rolls, and maintained that minority neighborhoods had been overlooked by government representatives administering the voter registration process.

Anti-minority discrimination is a common problem for Bangladesh's Hindus, so much so that one prominent Hindu declared to the Commission delegation that "discrimination is everywhere." Muslim human rights activists and Hindu community leaders agreed that Hindus face pervasive discrimination in government employment and in access to the legal system. Hindus, as well as other religious minorities, are under-represented in the military, the security services, and in other government service, particularly in the diplomatic corps and similarly prominent official positions. Hindu leaders with whom the Commission met also described problems their children faced in gaining access to religious education in their own religion, as is supposed to be the case in Bangladesh's public education system.

Hindus have also been disadvantaged on property rights issues. Independent Bangladesh adopted one of Pakistan's key instruments of anti-Hindu discrimination, the Enemy Property Act (1965), renamed the Vested Property Act (1974)

by Bangladesh. This discriminatory legislation was used selectively to seize Hindu-owned property after the 1965 Indo-Pakistani War and has continued to be used under successive Bangladeshi governments to reward well-connected members of the Muslim majority community. Democratically elected governments in power since 1991 have failed to resolve the issue, exacerbating Hindu resentment over past injustices and continuing the uncertainty regarding the security of Hindu-owned property.

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Buddhists and Christians Face Second-Class Status

Buddhists and Christians in Bangladesh experience many of the same problems as Hindu Bangladeshis. In their meetings with the Commission, Buddhist and Christian community representatives noted discrimination in the public service, especially access to the higher ranks, erosion in Bangladesh's founding principle of secularism, and the threat of extremist violence. They blamed this trend in part on foreign influence, pointing to funding for certain Islamic institutions from foreign sources, particularly

from Pakistan and Saudi Arabia. Both minority groups reported being able to worship without interference, including to the extent of holding public religious festivals, although the climate for such expressions of non-Islamic faith is less hospitable than in the past.

Both Buddhist and Christian leaders noted as their fundamental concern the increasing discriminatory treatment of religious minority members relative to their Muslim compatriots and the resulting societal pressure on these minority groups. They pointed to increasing Islamic influence in the public school curriculum and to an alleged "shortage" of religion teachers for non-Muslim students. They also expressed concern that their political rights are in increasing jeopardy. Like the Hindus, they are concerned that the preparation of voter rolls for the next election provided pro-government election officials with the opportunity to exclude many minority voters.

Christian representatives told the Commission delegation that if the next elections strengthen the position of the Islamist parties, they expect increased pressure for the imposition of sharia, for blasphemy laws similar to Pakistan's, and for new, more intrusive legal restrictions on churches and other religious organizations. One prominent Christian leader told the Commission that although he could call on police protection for his own person, his community lives "always in fear" of extremist violence, particularly in the villages where "there is no one to protect" religious minorities. He went on to describe the future of the entire Christian community in Bangladesh as "unclear" because of "a small group" of extremists who want all Christians to leave the country.

Both Christians and Buddhists reported pressure regarding land and property rights. More powerful Muslim neighbors take advantage of the growing perception that Bangladesh, once a secular state, is becoming a country in which non-Muslims have either no place or, at best, limited legal rights. This problem is particularly acute for Bangladesh's predominantly non-Muslim tribal communities.³⁵ Local notables and office holders, who are predominantly Muslim, exploit their political connections to dispute the often poorly documented claims of poor minority villagers or tribal peoples to their ancestral lands.

Anti-Ahmadi Agitation

The Ahmadis, also referred to as Ahmadiyya, are a relatively small religious community in Bangladesh, representing approximately 100,000 persons in a population of over 140 million. Using the allegedly heterodox nature of Ahmadi beliefs as a justification for political mobilization, Islamist militants in recent years have mounted a widespread, and sometimes violent, campaign against the Ahmadis under the banner of the International Khatme Nabuwat Movement Bangladesh.³⁶ This organization is reportedly linked to Jamaat-e-Islami and other Islamist political parties.³⁷ When meeting with the Commission delegation, Jamaat-e-Islami leader Nizami supported the call for the government to declare Ahmadis to be non-Muslims, while disavowing support for anti-Ahmadi violence or for an official ban on Ahmadi literature. Bangladeshi human rights monitors and minority representatives told the Commission delegation that the concern about the anti-Ahmadi agitation lies not only in the threat to the freedom of indi-

vidual Ahmadis, but in its use to recruit and mobilize a constituency favoring the radical Islamization of Bangladesh.

When meeting with Ahmadi community leaders in Dhaka, the Commission delegation was shown video footage of the intimidation tactics used by the anti-Ahmadi movement, of police negligence or even complicity in anti-Ahmadi violence, and interviews with victims. Anti-Ahmadi demonstrators have called on the government of Bangladesh formally to declare Ahmadis to be "non-Muslims," as has been done in Pakistan and which has been used there to justify extensive legal restrictions on the Ahmadis' human rights. Anti-Ahmadi activists object to Ahmadi houses of worship being called "mosques" and, on a number of occasions, have organized mass demonstrations against Ahmadi houses of worship, have attempted to occupy the sites. They have also forcibly replaced signs identifying Ahmadi places of worship as mosques, sometimes with the assistance of the police. In some instances, the anti-Ahmadi agitation has been accompanied by mob violence in which Ahmadi homes have been destroyed and Ahmadi converts held against their will and pressured

to recant. Some Ahmadis have even been killed because of their beliefs. Although the campaign against the Ahmadis has continued, the violence has diminished in recent months due to improved and more vigorous police protection for members of this community. Nevertheless, Ahmadi leaders told the Commission delegation that there had not been a single prosecution of anyone responsible for violence against Ahmadis.

Although the government of Bangladesh has thus far been unwilling to succumb to pressure to declare Ahmadis to be non-Muslims, in January 2004, it bent to militant demands and banned the publication and distribution of Ahmadi religious literature. Police have since seized Ahmadi publications on a few occasions. The ban was stayed by the courts in December 2004, and the government has not appealed the ruling. Although the ban is not currently being enforced, neither has it been withdrawn by the government. Ahmadi representatives have credited U.S. and other international pressure, rather than the guarantees enshrined in Bangladesh's own constitution, for dissuading the government from further restricting their religious freedom.



Commission delegation meeting with Ahmadi community leaders



WOMEN'S HUMAN RIGHTS ALSO THREATENED BY RELIGIOUSLY BASED EXTREMISM

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Violence against women is widespread in Bangladesh. In addition to domestic violence, “honor killings,” and trafficking in persons, mostly women and children, Bangladeshi women suffer from “dowry-killings” and “acid-throwing,” victimizing hundreds annually.³⁸ Minority women are particularly vulnerable, according to statements made to the Commission delegation. Rape is reportedly a common form of anti-minority violence.

The movement to impose a stricter form of Islamic observance, as well as intimidation and violence by extremists, also restricts and victimizes women accused of acting “un-Islamic” or seen as threatening the extremists’ beliefs about the “proper role” of women in society.³⁹ Some Muslim clerics, especially in rural areas, have sanctioned vigilante punishments against women for alleged “moral transgressions.” Although the clerics’ judgments, or fatwas, have no legal standing in Bangladesh, they are sometimes enforced by customary village councils in defiance of the legal protections provided

in the regular courts. The Commission was told that there has been increasing pressure from extremist sources, including political groups, on women to dress in a more overtly Islamic manner in place of the traditional sari. Moreover, women’s more frequent employment outside the home has also generated a backlash. Islamist extremist armed groups typically oppose, and have sometimes attacked, NGOs such as the Grameen Bank that promote the economic betterment of women, because such action is allegedly counter to the militants’ interpretation of Islamic correctness.

Although the bombing campaign against those that employ women in “un-Islamic” ways elicited a strong government response, government efforts to protect women remain deficient. The authorities often fail to punish the perpetrators of violence against women, as the law enforcement and the judicial systems, especially at the local level, remain vulnerable to corruption, intimidation, and political interference. Activists who met the Commission delegation

claimed that the current government was backsliding on its own commitment to protect women’s human rights. They pointed to the government’s decision to have parliamentary seats reserved for women to be selected by the political parties rather than filled by direct election and cited changes to previous national policies to ensure women’s equal rights in inheritance and property ownership and guaranteed representation for women at all levels of decision-making.⁴⁰

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RECOMMENDATIONS

1 Urgent Measures to Prevent Anti-Minority Violence in the Upcoming Elections

In light of Bangladesh's upcoming national elections, the Commission recommends that the U.S. government should:

- urge the government of Bangladesh to safeguard the voting rights of all Bangladeshis in the next national elections and ensure that those elections are free and fair by:
 - restoring public confidence in the non-partisan and independent character of both the Election Commission and the election-period caretaker government through the appointment of impartial personnel, in order to ensure free and fair elections and avoid the politicization of government bodies during the election period, with the recognition that in the past, caretaker governments headed by Bangladesh's Chief Justice have not been fully impartial;
 - making every effort to prevent violence before and after the election, including by ensuring that the caretaker government is provided with authority over the Ministry of Defense and the power to instruct law enforcement bodies to ensure the security of all Bangladeshi citizens throughout the voting process;
- instituting a registration process that will facilitate the enrollment of the maximum number of eligible voters before the election, in a manner that does not discriminate on the basis of perceived religious or political affiliation or ethnic background, and investigating and resolving complaints about the registration process fairly, promptly, and well in advance of the actual election;
- using all practical technical means of ensuring the security of the ballot, including by use of "transparent" and numbered ballot boxes;
- permitting and facilitating international and domestic non-governmental monitoring of the entire electoral process, in view of the fact that as a member of the United Nations and of the Commonwealth, Bangladesh should be encouraged to avail itself of the resources of these and other international organizations with experience assisting member states in conducting credible elections; and
- investigating fully the acts of violence committed in the aftermath of the 2001 elections and holding the perpetrators to account, with the aim of preventing potential similar recurrences in 2007 and during any other election period in the future;
- encourage Bangladeshi authorities, and in particular the caretaker government overseeing the election period, to ensure that the elections are not marred by violence by:
 - deploying the security forces to work now to identify and prepare against specific threats to vulnerable localities and communities, including religious and ethnic minorities;
 - publicly ordering the security forces to undertake a maximum effort to prevent and punish election-related violence, particularly violence targeting members of religious minority communities, whether during the election campaign, on election day, or in its aftermath; and
 - publicly condemning, outlawing, and swiftly responding to anti-minority violence and discrimination in the advance of the election and ensuring, through legislation if necessary, that election-related violence will be thoroughly investigated and that those responsible will be brought to justice;
- prepare and publicize a comprehensive pre- and post-election analysis of the election process with recommendations for needed reform;
- provide official U.S. government monitors in advance of and in connection with the election process;



tion with the upcoming elections in addition to those already planned by the National Democratic Institute for International Affairs and the International Republican Institute; and

- urge other states and international organizations to work together to increase monitoring and other efforts to forestall violence, with the assistance of indigenous human rights and other civil society organizations, and coordinate its actions in support of a peaceful, free, and fair election in Bangladesh with other countries and international organizations.

2 Urgent Measures to Protect Those Threatened by Religious Extremism

The Commission recommends that the U.S. government should urge the government of Bangladesh to:

- investigate and prosecute to the fullest extent of the law perpetrators of violent acts, including future acts and those already documented, against members of minority religious communities, non-governmental organizations (NGOs) promoting women's human rights, and all those who oppose religious extremism;
- rescind its January 2004 order banning publications by the Ahmadi religious community, continue to reject extremist

demands to declare Ahmadis to be non-Muslims, protect the places of worship, persons, and property of members of this religious community, and fully investigate and promptly bring to justice those responsible for violence against Ahmadis; and

- protect women from vigilante or anti-minority violence, combat claims of religious sanction or justification for violence against women, and vigorously investigate and prosecute the perpetrators of such violent incidents.

3 Longer-Term Measures to Protect Universal Human Rights

The Commission recommends that the U.S. government should urge the government of Bangladesh to:

- ensure that decisions on public employment in national institutions such as the civil service, the military, law enforcement agencies, and the judiciary, including at the highest levels, do not discriminate on the basis of religious affiliation, belief, or ethnic background; conduct and publicize the results of a comprehensive survey of minority representation in the public service;
- establish effective, legally transparent mechanisms for handling complaints regarding discrimination in public employment;



- ensure that law enforcement and security services are equally protective of the rights of all regardless of religious affiliation or belief;
 - establish the independence of the judicial system from the executive at all levels in order to prevent political interference in the judicial process and to ensure that the courts afford equal access and equitable treatment to all citizens;
 - include in all school curricula, in school textbooks, and in teacher training for both public schools and government-regulated madrasas lessons that teach tolerance and respect for human rights, including freedom of religion or belief;
 - promote the use of history and social studies texts in public schools that reflect the country's religious diversity and are reviewed by an independent panel of experts to exclude language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on religion or belief;
 - repeal the Vested Property Act of 1974, discriminatory legislation that has been used unjustly to seize Hindu-owned property in the decades since Bangladesh's independence and has continued to be used under successive governments to reward well-connected members of the majority community in Bangladesh;
 - ensure that publicly-funded support for domestic faith-based charitable, humanitarian, developmental, or educational activities be on a non-discriminatory basis;
 - permit NGOs to conduct legitimate humanitarian and developmental activities without harassment, undue interference, or discrimination and ensure that they are protected from extremist intimidation or violence; and
 - guarantee the right of human rights defenders to receive funding, as set forth in the relevant UN instruments,⁴¹ from foreign sources without harassment, unless such foreign funding incites or supports religious extremism, hatred, or the destruction of any of the rights and freedoms guaranteed to Bangladeshi citizens.
- 4 U.S. Assistance to Promote Human Rights, Including Freedom of Religion or Belief**
- The Commission recommends that the U.S. government should:
- use public diplomacy, including international exchange programs, to bolster the position of Bangladesh's voices of moderation and of those reformers who respect, and advocate respect for, internationally recognized human rights, including the human rights of women and of members of religious minority communities;
 - assist Bangladeshi educational authorities in improving and expanding public education in order to enhance the availability and quality of education of all Bangladeshis, regardless of faith, gender, or ethnicity, and support non-governmental review of curricula and textbooks of public schools and madrasas;
 - support efforts to improve the human rights performance and professional competence of the security forces so that they can better protect all Bangladeshis from violence and intimidation by extremists;
 - act to counter the extremist assault on Bangladesh's secular legal system, including by 1) strengthening U.S. assistance to promote the rule of law and to enhance access to the legal system by women and members of religious minorities, and 2) informing Bangladeshis, through educational and cultural exchanges, broadcast and print media, and other means of public diplomacy, of the universality of human rights and the compatibility of Islam and universal human rights, including freedom of religion or belief; and
 - support, and provide technical assistance for, the creation of an independent national human rights commission in Bangladesh able to investigate, publicize, and bring to the courts all categories of human rights abuses, including violence and discrimination against religious minorities, in accordance with international standards⁴² for such organizations, i.e., independence, adequate funding, a representative character, and a broad mandate that includes freedom of thought, conscience, and religion or belief.



END NOTES

¹ Ahmadis are followers of Mirza Ghulam Ahmad, who founded a religious community in the late 19th century in what was then British India. Although Ahmadis consider themselves to be Muslim, some Muslims consider them heretics because of the Ahmadis' claim that their founder was the recipient of divine revelation, a claim believed by some Muslims to violate a basic Islamic tenet that Mohammed was the last of the prophets.

² Constitution of the People's Republic of Bangladesh, Art. 27, 28, 39, and 41.

³ Eben Kaplan, "Bangladesh: Nationwide Attacks Raise Fears of Growing Islamic Presence," Council on Foreign Relations, August 29, 2005 (<http://www.cfr.org/publication/8767/bangladesh.html>, accessed August 8, 2006).

⁴ Selig S. Harrison, "A New Hub for Terrorism? In Bangladesh, an Islamic Movement with Al-Qaeda Ties Is on the Rise," *The Washington Post*, August 2, 2006 (<http://www.washingtonpost.com/wp-dyn/content/article/2006/08/01/AR2006080101118.html>, accessed August 8, 2006). According to Harrison, "When the key leaders of these groups were captured, they were kept by the police in a comfortable apartment, where they were free to receive visitors."

⁵ U.S. Department of State, *Annual Report on International Religious Freedom 2006*, "Bangladesh," November 8, 2005 (<http://www.state.gov/g/drl/rls/irf/2005/51616.htm>, accessed May 24, 2006).

⁶ Extrapolating from the 1941 and 1951 census figures that showed the Hindu proportion of the population as 27.97 percent and 22.03 percent respectively.

⁷ This phenomenon is not unique to Bangladesh. Pakistan, the Subcontinent's other large majority-Muslim country carved out of the British Indian Empire, has experienced an even sharper decline in its Hindu community, which is now less than 2 percent of the population, down from over 20 percent at the time of Pakistan's founding.

⁸ Constitution of the People's Republic of Bangladesh, Art. 8.

⁹ Op. cit., Art. 2A.

¹⁰ For more on relevant constitutional and legal issues see Abdelfattah Amor, *Interim report of the Special Rapporteur on the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief: Addendum 2; Situation in Bangladesh*, United Nations General Assembly, UN Doc. A/55/280.Add.2, August 9, 2000. There are separate bodies of personal status law for Muslims, Hindus, Christians, and Buddhists relating to matters such as marriage, divorce, guardianship, and inheritance.

¹¹ Some returning Bangladeshi veterans of the anti-Soviet struggle in Afghanistan may have contributed to the development of radical Islamist groups such as Harakatul-Jihad-Islami/Bangladesh ("Movement of Islamic Holy War," or HUJI-B). In any event, some radical Islamists in Bangladesh have cited Taliban Afghanistan as their model, with the slogan chanted "We are all Taliban and Bangladesh will become Afghanistan." One of the five signatories of Osama bin Laden's infamous February 1998 declaration of "Jihad against Jews and Crusaders" was a shadowy "Fazlur Rahman, Amir of the Jihad Movement in Bangladesh." For an English language translation, with a link to the



Wearing hijab, rather than the traditional sari, is increasingly common among Muslim women in Bangladesh

Arabic text, see "Jihad Against Jews and Crusaders: World Islamic Front Statement," February 23, 1998 (<http://www.fas.org/irp/world/para/docs/980223-fatwa.htm>, accessed July 20, 2006).

¹² Bangladesh has a mixed system of Islamic education, with both government-regulated and private schools. There are almost 7,000 government-regulated high-school-level madrasas that teach secular subjects such as English, mathematics, and the sciences, alongside Arabic, Koran interpretation, and other religious subjects. There are in addition, 6,500 other secondary level madrasas and 18,000 elementary-level madrasas that are wholly privately funded and subject to only limited government regulation. These private madrasas serve approximately 1.5 million students and employ 130,000 teachers. The curriculum in these schools is much more heavily focused on religious subjects, although general educational subjects have been added to some in recent years. Some private madrasas receive foreign funding, including from Saudi charities. Bangladesh's madrasas serve mainly the poor, including many orphans. The great appeal of private madrasas to the poor is that they provide free food and board, in addition to the free education. The great drawback for such students is the limited career options following graduation from an educational program emphasizing religious studies and rote learning, including Koran memorization.

¹³ For a fuller description of USAID programs in Bangladesh see USAID/Bangladesh, *Strategy Statement FY 2006-2010*, September 2005 (http://www.usaid.gov/bd/files/strategic_statement.pdf, accessed July 20, 2006).

¹⁴ U.S. Department of State, *Background Note: Bangladesh*, August 2005 (<http://www.state.gov/r/pa/ei/bgn/3452.htm>, accessed July 20, 2006).

¹⁵ Maneeza Hossain, *Countdown to Election: High Stakes for Bangladesh*, Foundation for Defense of Democracies White Paper, July 2006, 1-2.

¹⁶ Of the two major parties, the Awami League is viewed as more secular, more inclined toward improved relations with India, and more favorably disposed toward the concerns of Bangladesh's religious minorities.

¹⁷ Amnesty International, *Bangladesh: Attacks on members of the Hindu minority*, December 2001 (<http://web.amnesty.org/library/Index/engASA130062001?Open>, accessed August 9, 2006); Abbas Faiz, Testimony before the U.S. Commission on International Religious Freedom, *Hearing on Bangladesh: Protecting the Human Rights of Thought, Conscience, and Religion*, April 30, 2004 (http://www.uscirf.gov/events/hearings/2004/april/04302004_bangladesh_testim.html, accessed August 11, 2006); Ain o Salish Kendra, *Deadline*

Bangladesh: Violence Against Hindus in September and October 2001, December 2001. Ain o Salish Kendra (ASK) is a Bangladeshi legal aid and human rights organization (<http://www.askbd.org>).

¹⁸ Amnesty International, *Bangladesh: Attacks on members of the Hindu minority*, section entitled "Arrest of Shahriar Kabir."

¹⁹ In Bangladesh, unlike in the United States, voter registration is conducted primarily by enumerators through house-to-house surveys. The resulting voter rolls are then published. Potential voters not listed may petition to have their names added to the rolls. Poverty and low literacy rates, however, limit this mechanism for adding eligible voters missed by the enumerators. For further information on elections in Bangladesh, see the Election Commission Secretariat's web site <http://www.bangladeshgov.org/ecs/>.

²⁰ Ain o Salish Kendra, *List of Bomb Explosions in Bangladesh (1999-2005)*; Ain o Salish Kendra, *Chronological List of Bomb Explosions in Bangladesh 1999-2005*.

²¹ Sufism is the mystical tradition in Islam, emphasizing personal experience of divine love and acceptance. As such, Sufism is suspect in the eyes of those advocating strict adherence to sharia.

²² In August 2004, multiple bomb explosions killed 20 people at a Dhaka rally attended by Awami League leader and former Prime Minister Sheikh Hasina Wajid, who may have been the principal target. Several senior party figures were killed or wounded. A previously unknown Islamist group claimed responsibility and followed up with death threats to prominent Awami League activists, terming them "infidels." In January 2005, former Finance Minister and Awami League Member of Parliament Shah A.M.S. Kibria, a prominent secular Muslim, was assassinated in a grenade attack.

²³ U.S. Department of State, *Country Reports on Human Rights Practices, 2003*, "Bangladesh," February 25, 2004 (<http://www.state.gov/g/drl/rls/hrrpt/2003/27944.htm>, accessed July 25, 2006).

²⁴ Non-Bengali Muslims, originally from northern India, stranded in Bangladesh after independence from Pakistan.

²⁵ The Rohingya (or Rohingja) are also referred to as Arakanese Muslims as they come from the Arakan region of Burma.

²⁶ BRAC's full, but seldom-used, name is the Bangladesh Rural Advancement Committee. BRAC's declared vision for Bangladesh is "a just, enlightened, healthy and democratic Bangladesh free from hunger, poverty, environmental degradation and all forms of exploitation based on age, sex, religion and ethnicity" (<http://www.brac.net/cgi-bin/parser.pl/0002/www.brac.net/about.htm>, accessed July 12, 2006).

²⁷ The Grameen Bank is a financial institution that specializes in micro-credit lending to the poor, including pioneering work with rural women. For more information on the Grameen Bank see <http://www.grameen-info.org/>.

²⁸ A nom de guerre meaning "Bengali Brother."

²⁹ "7 JMB linchpins handed death in Jhalakathi," *The Daily Star*, Dhaka, May 30, 2006.

³⁰ To a national conference of imams in November 2005, Prime Minister Khaleda Zia denounced those who were "trying to establish a reign of terror and turmoil" in the name of Islam. At a national conference on "interfaith harmony" in February 2006, the Prime Minister declared her government to be "dead against the practice of any discrimination on the basis of religious identity." Similarly, the Religious Affairs Ministry arranged public activities against Islamic militancy in conjunction with the 35th anniversary of Bangladesh's independence on March 26, 2006.

³¹ Committee to Protect Journalists, *Attacks on the Press in 2005*, "Bangladesh" (http://www.cpj.org/attacks05/asia05/bangla_05.html, accessed August 9, 2006).

³² *2005 Country Reports*, "Bangladesh" (Internet). The human rights monitoring organization Hotline Bangladesh has compiled a list of 211 so-called "cross-fire" killings by RAB for the period July 2004 to December 28, 2005, in addition to 394 deaths attributed to the regular police for the period May 2004 to December 28, 2005.

³³ Bangladesh and Chad share last place on Transparency International's most recent rank ordering of perceived government corruption, viz. Transparency International, *Transparency International Corruption Perceptions Index 2005*, October 2005 (<http://www.transparency.ca/Reports/CPI%202005%20PressKIT/final111005.pdf>, accessed August 9, 2006).

³⁴ For a more detailed discussion of these events see Amnesty International, *Bangladesh: Attacks on members of the Hindu minority*, December 2001 ([http://web.amnesty.org/aidoc/aidoc_pdf.nsf/index/ASA130062001ENGLISH/\\$File/ASA1300601.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/index/ASA130062001ENGLISH/$File/ASA1300601.pdf)).

³⁵ The best known, and most violent, example being in the Chittagong Hill Tracts, where the predominantly Buddhist Chakma ethnic group led a long-running insurgency against Bengali Muslim settlers. Although this insurgency ended in 1997 with the signing of a peace accord negotiated by the previous Awami League government, tensions remain amid complaints that the accord has not been fully implemented, either to resolve land disputes or to provide tribal peoples with a real share in local government.

³⁶ "Khatme Nabuwat" is derived from an Arabic phrase for the "finality of the Prophethood" of Mohammed. For a detailed description of the anti-Ahmadi agitation and the government of Bangladesh's response, see Human Rights Watch, "Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh," June 2005 (<http://hrw.org/reports/2005/bangladesh0605/>, accessed July 20, 2006). See also Amnesty International, "Bangladesh: The Ahmadiyya Community – their rights must be protected," April 23, 2004 (<http://web.amnesty.org/library/Index/EN.GASA130052004?open&of=ENG-BGD>, accessed July 24, 2006). In June 2006, Amnesty International reported that 22 Ahmadi families in Dhaka were threatened with death by members of the International Khatme Nabuwat (<http://web.amnesty.org/library/Index/ENGASA130062006?open&of=ENG-BGD>,

accessed August 22, 2006).

³⁷ Human Rights Watch, "Breach of Faith," 2, 4-5.

³⁸ U.S. Department of State, *2005 Country Reports on Human Rights Practices*, "Bangladesh," March 8, 2006 (<http://www.state.gov/g/drl/rls/hrrpt/2005/61705.htm>, accessed May 31, 2006).

³⁹ This is despite Bangladesh's unusual distinction of having had two women serve as Prime Minister and as heads of both major political parties. This circumstance, however, owes more to the South Asian tradition of "legacy" politics than to Bangladeshi women's empowerment per se.

⁴⁰ See also Hameeda Hossain, "Women's Rights in Retreat," *The Daily Star*, Dhaka, July 5, 2005.

⁴¹ Article 13 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, passed in 1998, states that "Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means..."

⁴² Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights, found in the Annex to *Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights*, Office of the High Commissioner for Human Rights (<http://www.unhcr.ch/html/menu6/2/fs19.htm>, accessed July 27, 2006).

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