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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
RELIGIOUS INTOLERANCE**

**Joint written statement* submitted by the Asian Forum for Human Rights and
Development (FORUM-ASIA) and Ain O Salish Kendro (ASK) Law and Mediation
Centre , non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

Asian Forum for Human Rights and Development (FORUM-ASIA) and Ain O Salish Kendra (ASK), non-governmental organizations in special consultative status, wish to draw the attention of the Commission on Human Rights on the alarming situation faced by religious minorities and the role of the non-state actors in polarizing the religious tension in Bangladesh.

Since the consideration of Bangladesh's eleventh periodic report of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) by the Committee in March 2001, discrimination faced by religious minorities, especially the Hindu and Ahmadiyya communities, has worsened progressively. In its Concluding Observations, the Committee recommended that Bangladesh should consider giving full effect to the provisions of Article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under Article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination¹. However, Bangladesh has failed miserably to implement such recommendations and to protect the integrity of the religious minorities.

The International Religious Freedom Report of 2005 released by the US Bureau of Democracy, Human Rights and Labour stated that "The [Bangladeshi] Government's respect for religious freedom was inconsistent, and due to the action of extremists, the year was marked with harassment and violent attacks against the Ahmadiyyas²".

Violent Campaigns against Religious Minorities by Islamic Groups

Article 41 of the Constitution of Bangladesh guarantees the freedom of religion with judicial enforcement. Yet in practice, very often religious minorities are subjected to various human rights violations, including the denial of the right to life, equality before the law and the right to freedom of thought, conscience, religion and belief.

Most recently on 10 February 2006, the International Khatme Nabuwat Movement of Bangladesh, a very prominent Islamist extremist group in the country, declared to attack and occupy the mosques of the Ahmadiyya community in Trisal, Mymensing District. In response, 13 national human rights organizations jointly urged the government to protect the community. International human rights group Amnesty International also sent a letter to the Government expressing its concern³. Failing to carry out the attacks, the extremist group announced to occupy Ahmadiyya mosques in Sylhet on 24 March 2006 and Shyamnagar in Satkhira on 12 May 2006. In the same gathering, the group also demanded a new law for declaring Ahmadiyyas non-Muslims⁴.

Escalating Violence of Religious Extremists

¹ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Bangladesh, 27 April 2001, CERD/C/304/Add.118, para 8

² "Bangladesh Lauded in International Religious Freedom Report 2005", The Independent, 10 November 2005, available at www.independent-bangladesh.com

³ "Attack on Ahmadiyyas", The Daily Star, 8 February 2006; "Human Rights Bodies to Form Human Shield to Resist Bigots", 9 February 2006, The Daily Star; "Trishal Bigots—Amnesty Asks Government to Protect Ahmadiyyas, all articles available at www.thedailystar.net

⁴ Trishal bigots barred from capturing Ahmadiyya mosque, the Daily Star, www.thedailystar.net, 12 February 2006

Although sporadic bombings have been conducted by religious extremists in the past, incidents of such attacks against civilians have increased significantly in the past year. In the name of implementing Sharia law, religious extremist groups like Jagrato Muslim Janata Bangladesh (JMJB) and Horkatul Jihad are spreading a climate of fear across the country. They have targeted the judiciary, educational institutions, NGOs and journalists. These extremist groups continue to launch suicide bombings, distributing leaflets about Jihad (religious war) to establish Koranic law throughout Bangladesh.

Throughout 2005, the people of Bangladesh witnessed recurrent bombings by religious militants claiming the lives of judges, lawyers and ordinary citizens. In 2005, the country witnessed as many as 147 incidents of bomb explosions, killing 60 people and wounding 944⁵.

On 21 August 2004, a grenade attack targeted the meeting of the Awami League, one of the political parties of Bangladesh, which claimed the lives of nineteen people, including Ivy Rahaman, Chief of Women Wing of AL. Similarly, another grenade attack occurred in August 2004 targeting the British High Commissioner who was visiting his home town⁶.

On 27 January 2005, a grenade attack took the life of the former Finance Minister and eminent economist, Shah ASM Kibria, and four other civilians in Sylhet during a political meeting⁷.

The rise of religious militancy has culminated in the simultaneous serial bomb blasts on 17th August 2005, which targeted court premises in 63 out of 64 districts in Bangladesh.

By 15 November 2005, a judge was subjected to an attack in Sylhet, while two others were killed in another bomb attack in Jhalakhati⁸.

The destructive bombing culture is not a recent phenomenon. In the past, there have been bombings in front of Ramna Batamul, the main stage for the cultural program on the occasion of Nababarasha (Bangla New Year celebration) on 14 April 2001⁹, four cinemas in Mymensingh and Satkhira districts from 28 September 2002 to 6 December 2002¹⁰, and bombings during an event organized by Udichi, a left-leaning cultural organization in Jessore on 6 March 1999¹¹.

In the current situation, ordinary people live in perpetual fear that at any time, anything can happen to take away their lives. As outlined above, the chronological list of activities

⁵ Documentation Unit, Ain O Salish Kendra (ASK)

⁶ Jihadist Terrorism in Bangladesh, website of the Director of Institute of Topical Studies, Chennai, available at <http://muktadhara.net/page77.html>

⁷ Kibria, Four Awami League men killed in grenade attacks, The Daily Star, 28 January 2005, available at www.thedailystar.net

⁸ Jamaatul Mujehedin Bangladesh suicide bomber kills two judges, The Daily Star, 15 November 2005, available at www.thedailystar.net

⁹ Jihadist Terrorism in Bangladesh, website of the Director of Institute of Topical Studies, Chennai, available at <http://muktadhara.net/page77.html>

¹⁰ Ibid

¹¹ Ibid

committed by the extremists indicate that they are targeting all sectors of society and with more determination.

Government Neglect of its Responsibility to Protect

Even in the aftermath of the simultaneous bomb blasts on court premises that occurred throughout the country on 17 August 2005, the Government has failed to take action against the perpetrators of the attacks or to take adequate security measures to protect its citizens. Such climate of impunity has led to an alarming situation with increasing rates of violence. By allowing extremist groups to attack innocent citizens unabatedly, the Government is failing to protect the right to life of its citizens, which must be secured by a State mechanism, as provided for in Article 32 of the Constitution. Besides, the Government of Bangladesh is a State Party to the International Covenant on Civil and Political Rights, which protects the right to life under Article 6, as well as the guarantee of the right in the Universal Declaration of Human Rights.

New Anti-Terrorism Act

Instead of bringing the perpetrators to trial with due process of law, the Government is pushing through a new Anti Terrorism Act at the moment¹², which many NGOs have openly objected to.

The Act proposes a speedy trial that could lead to the imposition of a death penalty to a suspected 'terrorist'. We do not consider the use of death penalty as a solution to this problem as it does not address the root causes, and in particular while there are global initiatives towards the abolishment of the death penalty.

The details of the Act has not been disclosed publicly to date, but there is a concern that there are no safeguards in the proposed law that will ensure that no innocent persons will be subjected to human rights violations in the name of fighting terrorism or for other political purposes.

The question now is whether the Government is sincere and committed to addressing the issue of religious militancy, particularly when many of the patrons of these militant religious groups are in the ruling Government coalition. Such vested interests cast a doubt as to whether the proposed Anti-Terrorism Act is a smoke-screen to suppress opposition and to harass the human rights community and ordinary citizens in the long-run.

Recommendations:

The year 2006 marks the 25th anniversary of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Given the disturbing trends outlined in this statement, we strongly call upon the 62nd session of the Commission on Human Rights to urge the Government of Bangladesh to:

¹² As of February 2006

- Take effective measures to stop the proliferation of violent campaigns by militant groups.
- To conduct an independent and reliable investigation into all the bombings, make the results public and to place the culprit of the violent campaigns before the law.
- To implement CERD's recommendations on Bangladesh in April 2001 to "ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under Article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination".
- To ensure that the proposed Anti-Terrorism Act provides sufficient safeguards to protect the human rights of those convicted under the Act, and that decisions are made with due process of law. In this regard, we would like to call on the Special Rapporteur on the promotion and protection of human rights while countering terrorism to closely monitor the implementation of this Act.
- To issue a standing invitation to the UN human rights Special Procedures to visit Bangladesh, and in particular allow the Special Rapporteur on Freedom of Religion or Belief to visit the country and to study the current situation on the ground.

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