

# **BANGLADESH: THE OTHER HUMAN RIGHTS' REPORT**

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**Dedicated to:**

*The Human Rights' Defenders*

*Who Have Been Killed or Received Death Threats*

*Under the Present Bangladesh Government*

**Commissioned by:**

*The Platform on Development Cooperation and Human Rights in  
Bangladesh (BOOM), the Netherlands*

**Dr.Peter Custers**

**Amsterdam/Leiden, The Netherlands**

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# **BANGLADESH: THE OTHER HUMAN RIGHTS' REPORT**

## **1. Introduction**

This Report has been given the title '*Bangladesh: The Other Human Rights' Report*'. It records human rights' violations that have occurred over the last year, since the drafting of the first human rights' report on behalf of BOOM (October, 2004). The spotlights will once again be put on the specific pattern of human rights' violations under the current coalition government led by BNP chief Khaleda Zia. Consequently, the report emphasizes the interrelationship between human rights' violations on the one hand, and the rise of Muslim fundamentalist political parties on the other hand. These parties have engaged in intimidation of the public, - some by using their position as members of the coalition government, others by acting as challengers of the government. Whereas this report is only one among a number of international reports registering human rights' violations in Bangladesh, - the present report unhesitatingly combines a general description of current human rights' violations with the method of political analysis. It is believed that this methodology is appropriate and helpful towards devising policies aimed at improving Bangladesh's human rights' climate. The aim of this report is to facilitate lobbying efforts by civil society organisations in Europe. This Report has been commissioned by the *Dutch Platform on Development Cooperation and Human Rights in Bangladesh* (BOOM), and is dedicated to human rights' defenders who have been killed or threatened with murder under Khaleda Zia's government.

## **2. Higher-Level Intimidation: the August 17 Bomb Blasts**

On August 17<sup>th</sup> last, Bangladesh was rocked by a long series of nearly simultaneous bomb blasts. The number of people who were killed or maimed was limited. Nevertheless, the August 17 events are a key reference point for any discussion regarding the threats to civil liberties and to the defence of human rights that Bangladesh faces today. First, the bomb blasts were carried out in a very large number of cities and towns throughout the country, demonstrating a high level of coordination between illegally operating militants. Further, from the start there also was little reason to dispute or disagree on the identify of the perpetrators, i.e. of those who had planted the bombs. Large numbers of leaflets were left behind, stating that the bomb attacks were the work of the *Jama'atul Mujahideen Bangladesh* (JMB), an underground Muslim-fundamentalist organisation, which the government had (suddenly) prohibited in February of this year. The identity of the perpetrators was subsequently confirmed by arrestees interrogated by Bangladesh's intelligence services. Clearly, the August 17<sup>th</sup> bomb blasts were intended to serve as demonstration of the military prowess and the power which Muslim-fundamentalist groupings, campaigning to turn Bangladesh into a state based on the *Shariah*, have accumulated in recent years.

The existence of the *Jama'atul Mujahideen Bangladesh* (JMB) was acknowledged in February last, when as already mentioned it was banned along with another Muslim-terrorist organisation, the *Jagrata Muslim Janata Bangladesh* (JMJB). The ban apparently was proclaimed at the instigation of Bangladesh's international donors. A university lecturer, Al Ghalib, was subsequently detained, and is reported to have admitted to his interrogators that for years he had channelled massive financial resources from the Middle East towards construction of the JMB and other Muslim-fundamentalist organisations in Bangladesh. This he did through an organisation which functioned as branch organisation of the Kuwait based *Revival of Islamic Heritage Society*. The branch since 1996 had been registered with the

Bangladeshi government's NGO-Bureau (1). According to newspaper reports published in the wake of the August 17 bomb blasts, the JMB then availed of 10 thousand full time activists, 1 hundred thousand part-timers and 1 million trainees (2). While it is quite well possible that these figures are inflated, and that the actual number of JMB-activists is lower than these dramatic numbers suggest, - the August 17<sup>th</sup> bomb blasts, and subsequent events, illustrate that the JMB is very well anchored.

Further, the JMB is not by any means the only Muslim-fundamentalist organisation which has and is engaged in illegal armed activity with the aim of turning Bangladesh into a fully Islamic state. It is part of a broader nexus which includes amongst others the mentioned *Jagrata Muslim Janata Bangladesh* (JMJB), as also the *Harkatul Jihad* (Huji), an organisation which is known to have plotted the assassination of the then Prime Minister and present leader of the opposition, Sheikh Hasina, in the year 2000 (3). What these organisations have in common is that they have channelled money from the Middle East towards the training of armed cadres; that they primarily use the network of non-official *Kowmi madrasahs* for training purposes and as shelters; and that they partly draw on the membership and the cadres of the *Jamat-Islam*'s student wing for recruitment. Thus, a report published in *The Daily Star*, claims that 'most JMB and JMJB leaders' in the past used to be 'members of the *Islami Chattro Shibir*' (4). In consequence, it cannot be presumed that these terrorist organisations do not have social or political roots; given the fact that they have a basis in the Islamic educational system, - the JMB, JMJB, Huji and other militant organisations are well entrenched in Bangladesh's civil society.

What also is obvious, is that the government of Khaleda Zia has reacted with astounding laxity, and that it for long has simply closed its eyes to the growing terrorist threat coming from the Muslim Right. On August the 26<sup>th</sup> last, it was reported that the Special Branch, Bangladesh's domestic intelligence agency, back in 2003 had recommended the banning of, amongst others, the *Harkatul Jihad* and the *Jama'atul Mujahideen Bangladesh*. Yet Khaleda Zia's government has continued to insist, as had been the Prime Minister's official line before, that the country did harbour neither 'fundamentalists' nor 'zealots'. All rumours or facts regarding the existence of militant groups were dismissed as being ruses intended to defame Bangladesh and its elected government. And although on February 23<sup>rd</sup>, the government made an initial step to formally ban two militant organisations (JMB and JMJB), - the organisational infrastructure of these organisations evidently was not much affected by this formal announcement. Since the August 17 bomb blast, the government has displayed more zeal than before in arresting activists of the JMB who are suspected of having been involved in these and other bomb blasts. Nevertheless, key leaders of the organisation have remained at large, and on October the 3<sup>rd</sup> succeeded in executing another series of blasts, in three separate Districts. The attacks were directed at the court system, and evidently aimed at demonstrating the JMB's utter contempt for Bangladesh's judiciary.

### **3. Ministers and Militants: The Threat from Within**

The next question that logically needs to be addressed in this report, is that regarding the nexus between leaders of the now illegally operating Muslim militant organisations, and members of the Bangladesh government. This question is an important one, since, as indicated above, it can hardly be argued that the government's tendency to ignore the growing Muslim-fundamentalist threat can be explained as naivety or as naivety alone. The government for long has overlooked domestic intelligence and newspaper reports describing the growing armed power of, as well as the growing number of human rights' violations

carried out by, the JMB and other organisations. This evidently needs to be analyzed against the background of the composition and dynamics of Khaleda Zia's own coalition government. As newspaper reports and representatives of opposition political parties have insistently argued in the wake of the 17<sup>th</sup> August bomb blasts: the government failed to act in time to avert the growing threat, since the JMB and other militant organisations were *shielded* by Ministers of Khaleda Zia's own cabinet, by members of the Parliament, and by local-level leaders of political parties belonging to the government. Some of the reports have linked BNP-Ministers to Muslim militants, such as the report stating that Commerce Minister Altaf Hossain befriended the Huji chief 'mufti' Hannan (5). Reports regarding links between activists of banned Muslim-fundamentalist organisations and the leaders of the *Jamat Islam*, however, are more detailed.

The *Jamat Islam*'s history is a history of extraordinary shifts in policy-orientation. The party was founded during the later part of British colonial rule by Said Abu Ala Moududi, who argued that the Muslim League's strivings towards an independent Muslim state Pakistan were contrary to Islamic belief. Subsequently, after the Partition of the subcontinent, Moududi shifted his base to (West) Pakistan and became a fervent advocate of the integrity of Pakistan as ... an Islamic state. The *Jamat*'s self-identification with the Pakistani state now became perhaps more unrestrained than that of any other Muslim party, as was reflected in the party's stance before and during 1971. The *Jamat Islam* vehemently opposed the demand of the people of East Bengal for regional autonomy, and then political independence. And whereas after Bangladesh's formal independence, leaders of the *Jamat Islam* at first continued to oppose the country's very existence, - they subsequently shifted gear once more. Since their legalisation in the late seventies they have aimed at full integration into Bangladesh's political structures. Amongst secular intellectuals who have analyzed the party's history and ideology, the *Jamat-Islam* is widely regarded as a fascist party (6). Its leaders have never repented for having opposed Bangladesh's liberation war, nor have they ever expressed regrets for crimes committed then (see the below section).

As to their attitude towards the JMB and other militant organisations, - leaders of the *Jamat Islam* have not only denied their existence, but have continued to do so even in the face of overwhelming evidence to the contrary. Thus, after Dhaka newspapers for months on end had reported that a grouping led by Bangla Bhai, the JMJB, had carried out public hangings and other extra-legal killings in villages of the District of Rajshahi, - *Jamati* leaders continued to state that Bangla Bhai was an invention of the Dhaka press. Again, though the involvement of the JMB in the bomb blasts of August the 17<sup>th</sup> was confirmed within days after these had taken place, and whereas Khaleda Zia's government soon was forced to admit that this organisation was indeed responsible for the blasts, - the *Jamat Islam* continued to dispute the claims of the government of which it itself was and is a part. Meanwhile, there is growing evidence of *Jamat Islam*'s links with the JMB and with other banned organisations. These links cannot all be ranked under one single heading. Nevertheless, some of the links themselves confirm that the party is aware of the existence of illegal organisations with which it shares common goals, such as establishment of an Islamic state.

Some of the linkages uncovered in press reports, are: \* efforts of *Jamat-Islam* lawmakers to obtain bail for, or ensure the release of, members of the JMB and of other persons arrested in connection with the August 17 bomb blasts; \* evidence that a part of those detained in connection with the bomb blasts are either former members of the *Jamat Islam*'s students wing, the *Shibir*, were active members of the *Shibir* until the blasts, or were aided by local leaders of the *Jamat Islam* (7). Moreover, in the past leaders of the *Jamat-Islam* have

repeatedly expressed support towards initiatives of the militant organisations, such as when a Rajshahi party leader attended a rally organised by the JMJB, and when a *Jamat* parliamentarian attended a press conference organized by JMB ideologue Al Ghalib (8). There is, then, substantial evidence indicating that the *Jamat Islam* – far from using its position in government to stem the rise of potentially competing Muslim-fundamentalist forces operating in the sphere of semi-legality or in illegality – in fact have *welcomed* their rise, seeing their activities as complementary to its own strivings to capture (an increasing share of) state-power in Bangladesh.

#### 4. The War Crimes Record: Cabinet Members Accused

An issue that is closely linked to the former one regarding the connection between Ministers and militants, is that regarding the trial of war criminals. The issue of the trial of war criminals refers to the adjudication of persons who were involved in the mass murders executed by or on behalf of the Pakistani army during Bangladesh's liberation war of 1971. The issue has been pending for long in Bangladeshi politics. It in fact needs being addressed in any human rights' report on contemporary Bangladesh. During the 9 months' liberation war now 34 years back, hundreds of thousands, if not millions, of people were indiscriminately killed. The scale of human rights violations was such, that various observers spoke of a '*genocide*' of the Bengali people. These crimes were a part of the last-ditch attempt made by the Pakistani army to re-subjugate the people of East Bengal. However, the killings, tortures and other forms of cruelty were not only executed by regular soldiers of the Pakistani army, but also by a section of Muslim politicians who had opted to collaborate with the forces of occupation. Whereas the overwhelming majority of the population of East Bengal during the 1990 parliamentary elections had clearly indicated they stood for national self-determination and for secular politics, - a small but significant section of politicians favoured the 'integrity' of the Pakistani state with Islam as state-religion, and such at all costs.

In order to understand clearly how history is interlinked with contemporary politics and the violations of human rights in Bangladesh today, we need to take a brief look at the civilian and para-military structures which were devised in support of the Pakistani occupation in 1971. After the first wave of mass slaughter, which had started on March the 25<sup>th</sup>, Tikka Khan, the chief of the Pakistani army in East Bengal, on April the 4<sup>th</sup> met some 12 Bengali politicians, including the *Jamati* leader Golam Azam. The meeting paved the way for the building of so-called '*Shanti*' ('Peace') *Committees*, members of which not only helped the Pakistani army to identify civilian sympathisers with the nationalist cause, but also engaged in killing civilians themselves (9). Subsequently, in June, after proclamation of a specific ordinance, a special para-military force was established, termed '*Razzakar Bahini*'. These *razakkars*, mainly recruited from among university students and from among students and teachers of religious schools, plunged into action without much training. Rather than engaging in combat with freedom fighters, they were primarily employed to terrorize the population. But perhaps the most notorious instruments created in 1971 were the various death squads, i.e. groups such as the *Badar Bahini* which operated semi-clandestinely, and which picked up, tortured and summarily executed intellectuals suspected of being nationalists.

Now, whereas there were several communal and fundamentalist-oriented parties that agreed to help the Pakistani army in building the above mentioned civilian and para-military structures, the political party that played the most crucial role in terrorising and murdering civilians was the *Jamat-Islam*. Leading politicians of the *Jamat-Islam* joined the Shanti Committees, and leaders of the *Jamat Islam*, and of its student wing, then called the Islami

Chattro Sangha, also commanded the mass para-military force, the *Razzakars*, and death squads such as the *Badar Bahini*. According to several investigations carried out to document the given history, - the *Jamat Islam* helped Rao Forman, the Pakistani army who was chief-in-charge, in drafting his policy of killing nationalist intellectuals (10). Further, the collaborationist role of the *Jamat Islam* was shaped quite openly. Party-leaders spoke out publicly in favour the Pakistani army's operations of mass slaughter, they openly defended the formation of the *Razzakar Bahini*, and publicly championed the formation of the *Badar Bahini* in the later part of 1971. Thus, the party's role in part was reconstructed from news-reports published in Dhaka dailies (11). Leaders of the *Jamat Islam* were also sworn in as Ministers of the collaborationist cabinet. These included Abbas Ali Khan, who was to become a key leader of the *Jamat Islam* after its revival in independent Bangladesh.

Some words must be devoted to the death squad of the *Badar Bahini* in particular, since this is of special significance in assessing today's relevance of the issue of war criminals. As indicated, shortly before liberation, i.e. in the weeks preceding the surrender of the Pakistani army in December of 1971, members of the *Badar Bahini*, in the capital as well as in different towns of East Bengal, abducted hundreds, if not thousands of intellectuals from their homes. The abductors were masked and wore camouflage dresses. The victims were blindfolded, they were executed, often after brutal tortures, and their bodies were thrown into mass graves. These murders, thus, in no way can be said to have been killings that were the unfortunate side-events of the military confrontations between the Pakistani army and the liberation fighters. They undoubtedly need to be designated as *war crimes*. Although efforts to document these crimes have been problematic to say the least (12), - according to a well-known source, which has comprehensively recorded the names and roles of 1971 collaborators (13), the *Badar Bahini* were essentially an extension of the *Jamat Islam*'s earstwhile students' wing, and its principal commanders belonged to the same organisation. They included Matiur Rahman Nizami, who was the *Islami Chattro Sangha*'s vice-general secretary, and Ali Ahsan Mujahid, who reportedly was both a member of the Sangha's central committee, and a city leader of the *Jamat Islam* (14).

The story regarding the war crimes, regarding the *Jamat's Islam*'s responsibility for the mass murders committed during the 1971 liberation war, has lost none of its actuality today, nearly 34 years since the end of Bangladesh' liberation war. The process of the party's 'rehabilitation' and re-integration into Bangladeshi politics has surely started long way back. It in a sense started during the period of the first government of independent Bangladesh, led by Awami League Prime Minister Mujibur Rahman, when thousands of war criminals were released from jail, apparently under international pressure. The process was accelerated during the prolonged period of military dictatorship, when the party was allowed to resume legal activities. But it reached a new point, when leaders of the *Jamat Islam* who have never repented for the role they played in 1971, were incorporated into the coalition government of Khaleda Zia, which assumed office after the elections of October, 2001. Two above mentioned leaders of the *Badar Bahini* were included in Khaleda Zia's cabinet. Matiur Rahman Nizami became Minister of Industry, and Ali Ahsan Mujahid became Social Welfare Minister. A third reported war criminal who obtained a key post is Salauddin Kader Chowdhury, who became Khaleda Zia's political secretary (15). Clearly, then, the issue of 1971 war crimes needs to be taken on board, when evaluating the history of, and the background to, the politics of violence and intimidation in Bangladesh today.

## 5. Violence against the *Muslim* Minority of *Ahmadiyyas*

A key example illustrating the slide towards increasing religious *intolerance* in Bangladesh, is that of the persecution of the *Ahmadiyyas*, a small Muslim minority which maintains its own interpretation of the history of the Islam. The persecution of the *Ahmadiyyas* is spearheaded by the *Khatme Nabuwat Andolan*, an organisation which was founded in Bangladesh in the late 1970s, and which since the 1980s has staged numerous violent attacks on members of the *Ahmadiyya* community, and on mosques and properties belonging to the sect. Thus, as early as in 1987, six *Ahmadiyya* mosques in the town of Brahmanbaria were captured by agitators led by a local religious leader acting under the banner of the *Khatme Nabuwat* movement, and in 1992 the *Ahmadiyya* headquarters in Dhaka were bombed (16). However, under the present BNP-led government, the campaign demanding that *Ahmadiyyas* be declared non-Muslims has clearly escalated. In different localities spread throughout Bangladesh, attacks in each of which thousands of supporters of the *Khatme Nabuwat* have taken part, have been staged against *Ahmadiyyas*, their homes and places of worship. And although the campaign in recent months appears to have abated somewhat, - no effective measures have so far been taken to redress the situation and end the *Khatme Nabuwat*'s violations of minority rights.

As stated in BOOM's previous report (2004), - the government of Khaleda Zia, instead of taking effective counter-measures to protect the *Ahmadiyyas*, in early 2004 instituted a *ban* on *Ahmadiyya* publications. This ban was justified with the argument that it would help to calm down the situation. Yet the effect was the opposite: *Khatme Nabuwat* activists felt encouraged, and have staged numerous public attacks since then. According to a Dhaka newspaper report citing Bangladeshi human rights' reports, some 20 incidents of assaults on *Ahmadiyyas* have occurred during the one and a half year period since the beginning of 2004 (17). Moreover, whereas in some cases the police has tried to stop the perpetrators of violence, in other cases it has provided backing to the *Khatme Nabuwat*'s demand that the *Ahmadiyyas* be declared non-Muslims. A very serious incident took place in April of this year, when thousands of members of the anti-*Ahmadiyya* movement brandishing sticks, machetes and darts, marched towards a minority mosque in the District of Satkhira. When reaching the mosque, they started throwing stones at *Ahmadiyyas* who had gathered to protect the place, seriously injuring at least a dozen of them. The police, instead of intervening to stop the mob, itself fixed the signboard that had been brought by the agitators on the mosque, apparently in an attempt to contain the violence. However, the mob then went on the rampage, looting *Ahmadiyya* homes, and beating *Ahmadiyyas* with sticks (18).

An analysis regarding the persecution of the *Ahmadiyyas* necessarily needs to refer to the role being played by the Muslim fundamentalist parties which are part of the ruling coalition government. Both the *Jamat Islam* and the *Islami Oikho Jote* have publicly demanded that the *Ahmadiyyas* be declared non-Muslims, both have insisted that all publications of the minority be banned. Further, leaders of both fundamentalist currents have taken part in violent anti-*Ahmadiyya* attacks. For instance, in October, 2003, Shah Alam, president of the *Ahmadiyya* community and local imam of a mosque in Jessore, died from injuries received during an attack by a large group of armed men. According to the report published by Human Rights Watch in June of this year, the attack was led by Maulana Aminur Rahman, a leader of the *Jamat Islam* (19). Up until now, Bangladeshi officials have not apprehended the killers of Shah Alam, inspite of eyewitness accounts being readily available. The *Jamat Islam*'s role in the growth of religious intolerance, and in the persecution of the *Ahmadiyyas*, however, is not limited to that of loyally *supporting* the *Khatme*

*Nabuwat's* cause. In fact, the very idea of an anti-*Ahmadiyya* agitation originated with Syed Abul Ala Moududi, the founder of the *Jamat Islam*, who after moving to (West) Pakistan in 1953 proposed the demand that the minority be declared non-Muslims. The communalism that was instigated by this agitation was considered so dangerous by the then Pakistani government, that it felt forced to intervene and arrest Moududi (20).

Diplomatic missions in Dhaka, both those representing European governments and more lately the one representing the USA, have repeatedly expressed their concern over the fate of the *Ahmadiyyas*. Thus, European diplomats in 2004 twice visited *Ahmadiyya* mosques to demonstrate their solidarity, at a time when these mosques were under the threat of an attack. However, it must be stressed that these positive interventions have been *incidental*, and that they have not succeeded in forcing the government to stage a turn-about in policymaking. As of today, the *Khatme Nabuwat* has *not* been prohibited, its leaders have *not* been arrested, the perpetrators of violence in the numerous incidents that have occurred have *not* been charged for their human rights violations, *Ahmadiyyas* who have been wounded or whose properties have been damaged have *not* been indemnified, and the ban on *Ahmadiyya* publications has *not* been rescinded (21). And although the Human Rights Watch report on *Ahmadiyyas* has been important in drawing international attention to the plight of the minority, the Bangladesh government has not been taken to task with the necessary seriousness for its utter failure to uphold constitutional provisions on religious tolerance. In other words, the pressure which diplomatic representatives have exerted on Khaleda Zia's government has been far from sufficient to help redress a situation which continues to be very dangerous.

## **6. *Madrasahs* and Human Rights' Violations**

Since religious intolerance is a key aspect of human rights' violations in Bangladesh today, there is a need to devote special attention also to the question of *madrasah* education. *Madrasahs* constitute the secondary level in the main structure of Muslim religious education, which structure further encompasses *maktabs* for primary level religious education, and higher level educational institutions for the training of religious scholars, *alem*. A large section of graduates of *madrasahs* subsequently become imams. Now, whereas various currents of Islam have historically propagated in favour of tolerance and social justice, the question is whether Islamic education as provided in Bangladesh today serves the aim of human emancipation. To start we may look at newspaper evidence on the involvement of Muslim militants with *madrasahs*. For instance, a major section of people who have participated in demonstrations against the minority of *Ahmadiyyas* is reported to have been students of *madrasahs*. Again, *madrasahs* have served as a basis of operation of key leaders of (now banned) militant organisations, such as the *Ja'amatul Mujahideen Bangladesh*, and *madrasahs* have also been used for the training of militants and for the storage of explosives and other arms. Hence, there are definite grounds to look more closely at the historical growth of the *madrasah* system, and to review current policies regarding religious education in Bangladesh.

Given the composition of the Khaleda Zia government, and given the growingly communal orientation of a part of the BNP itself, - it may not be surprising that this government, since it came to power in 2001, has favoured the expansion of the *madrasah* system of education, and such with more conviction than the expansion in the secular, modern system of education. According to statistics included in the Bangladesh Economic Review, - the number of *madrasahs* has grown at a faster pace than that of general educational

institutions, and the number of *madrasah* teachers and students has also grown at a relatively fast pace. Over the last four years, there was a 22.22 percent growth in *madrasahs*, as compared to a 9.74 percent growth in general educational institutions. Again, the numbers of teachers in *madrasahs* rose in the same period by 16.52 percent, as against a 12.27 percent rise in the number of teachers in general education; the number of students in the former institutions rose by 10.12 percent, whereas the number of students in secular institutions rose by 8.64 percent (22). Moreover, these figures do not cover the numbers of, and the population of, *Kowmi madrasahs*, a category of *madrasahs* which are run without government funding. According to the secretary of the *Kowmi Madrasah Board*, some 15 thousand of *Kowmi madrasahs* are listed with the Board (the list is acknowledged to be incomplete) (23).

Now, it needs to be kept in mind that the special patronisation of Muslim religious education via *maktabs* and *madrasahs* is not a novel policy, but was instituted long way back. Even the government of the Awami League, which ruled Bangladesh from 1996 til 2001 is known to have much promoted *madrasah* education. Thus, according to figures cited during a large Educational Conference held at the initiative of the *Samajtantrik Chattro Front* (Socialist Students Front) in Dhaka in 1999, the financial allocations towards *madrasah* education provided by Sheikh Hasina's government for the year 1998-1999 amounted to 2 Billion 950 million Taka. This signified an increase of almost 1 Billion Taka over the allocation towards *madrasah* education provided during the year 1994-1995, when a BNP-government had been in power (24). According to the same source, the amount of governmental expenditures per student enrolled in *madrasahs* in 1998-1999 was more than double the amount allocated to students enrolled in general educational institutions. Whereas the expenses per student were 6.900 Taka in case of the former, the expenses were only 2.841 Taka in case of the latter (25). Clearly, the question of an expansion in *madrasah* education, and of the special patronisation of this particular form of religious education, is not an issue that has arisen in the present governmental period, but a long time ago.

Yet how harmful is the stated process of growth? Among some section of the Bangladeshi press and academia there has been a tendency to question the mentioned growth without reference to the content of *madrasah* education. In terms of the curricula, some investigators have drawn a distinction between the orientation provided by education in non-governmental *Kowmi madrasahs* – and the orientation provided in government-funded *Alia madrasahs*. *Kowmi madrasahs* are said to neglect the national identity of Bengalis which formed the basis of their independence struggle. This is reflected in the fact that the *Kowmi madrasahs* teach Urdu and Farsi as part of their curricula. Most *Alia madrasahs*, however, are reported to focus on teaching Bangla, and do provide a curriculum that also includes modern science subjects (26). In any case, the relative expansion in both government-registered *madrasahs* and in *Kowmi madrasahs*, exerts a major impact on the educational, cultural and political evolution of Bangladesh. Therefore, in the context of the debate on the future of religious tolerance in Bangladesh, the issue of *madrasah* education inevitably does need to be rethought, both by policymakers in Bangladesh, and by foreign donors who have financed the Bangladesh government's educational programmes and who share an interest in curbing the growth of Muslim-fundamentalism. Meanwhile, within Bangladesh's *madrasah* system itself, the need for thoroughgoing *reforms* is widely recognized (27). Thus, a reform of *madrasah* education will likely find broad resonance.

## 7. The Rapid Action Battalion (RAB)'s Extrajudicial Killings

The question of 'extrajudicial killings' by members of law and order forces in Bangladesh has figured in several recent human rights reports, including the report brought out by the *Asian Human Rights Commission* in April last (28). Overall, the existing climate in Bangladesh is one of impunity, where different forces entrusted with the task of maintaining law and order regularly engage in tortures of persons arrested and are free to kill people who have been detained. Characteristic for the situation is the role of the so called '*Rapid Action Battalion*' (RAB), a force instituted as successor to the campaign which the army had previously waged in order to bring down the crime rate. Killings by the RAB are reported as 'crossfire incidents', a term which is synonymous with that of 'encounters', - which term for years has been in vogue in India to describe extrajudicial killings of revolutionary activists carried out by the state's law and order bodies. Like the latter, the RAB justifies its executions of people arrested in the course of its operations, by arguing that these have occurred in consequence of an exchange of fire between the targeted person and members of its force, or between armed supporters of the arrestee trying to set him free and RAB. Some 80 people were reportedly killed in the RAB's 'anti-crime'-operations in 2004.

Claims by Bangladesh's government denying the occurrence of extrajudicial killings have been disputed both by domestic human rights bodies in Bangladesh, and in international human rights' reports. For instance, the Bangladeshi non-governmental organisation *Ain O Shalish Kendra*, which undertakes legal actions to counter human rights' violations, in July last brought out a book, containing investigative reports on the issue of RAB killings. According to the organisation's director, at least seven cases were uncovered, where people who presumably had died in 'crossfire' incidents had actually been murdered by RAB (29). A specific instance of a RAB victim is that of Sumon Ahmed Majumdar, an Awami League activist who was a key witness to the murder of Awami League Member of Parliament Ahsanullah Master. Sumon reportedly died in hospital after having been tortured in RAB custody (30). Another agonizing case is that of a plumber called Nazmul Islam Bhuiyan, details regarding which were published in *The Daily Star*. Nazmul apparently was picked up from a tea stall along the Dhaka Ghorasal Highway after an altercation. The RAB men only identified themselves afterwards, after having put on their RAB jackets. According to a witness, 'The RAB men first fired into the air and then shot Nazmul pinning him to the ground with a foot on his chest' (31).

The government's move to create the *Rapid Action Battalion* (RAB) occurred, as stated, subsequent to the withdrawal of the army's campaign entitled 'Clean Heart Operation'. In the course of the latter campaign, waged in late 2002 with the same official purpose of curbing the activities of criminal gangs, numerous people were tortured in army custody, and numerous extrajudicial killings took place. The Bangladeshi government was twice criticized by international institutions for allowing the army to operate with impunity under this operation. First, Western donor institutions, foremost the European Parliament, levelled criticisms against the campaign. However, after withdrawing the 'Clean Heart Operation', the coalition government of Khaleda Zia passed a law in the Bangladesh Parliament, ensuring that none of those who had participated in the operation could be charged in court. The government then faced further criticisms for having adopted this 'indemnity law' legalising impunity, amongst others from Amnesty International. It appears that the pattern set around 'Operation Clean Heart' is being repeated in course of the RAB operations. Although the government in May last announced it would start an enquiry into incidents of extrajudicial killings by RAB, it is not known what has happened to this official enquiry since (32).

## 8. Non-Governmental Organisations Blacklisted

An issue that needs to be discussed both in the context of general human rights' violations, and in the context of the growing climate of religious intolerance, is that regarding the repression of Non-Governmental Organisations (NGOs), which operate with financial backing provided by sources in Western countries. In last year's BOOM-report, the government's strategy vis-a-vis NGOs was analyzed as a two-pronged strategy. On the one hand, the government has devised a new policy-instrument to tighten control over the activities of NGOs, in the form of an amendment to the Foreign Donations Ordinance. Adoption of this draft Bill remains an option as of to date. On the other hand, the coalition government over recent years has worked hard to create a climate of fear amongst NGOs and their supporters, by refusing to release funds approved for their work, and by threatening them with withdrawal of their registrations. Over the last year, the blacklisting of a selected number of NGOs has continued, and NGOs which had suffered from harassment in previous years - primarily *Proshika*, *BNPS*, *Prip Trust*, *IVS* and the NGO-coalition *ADAB* - have continued to be subject to government repression. But NGOs have also suffered from attacks plotted by quarters outside the government. Thus, in February last, both offices of *Brac* and of the *Grameen Bank* were bombed, reportedly by a Muslim fundamentalist organisation.

Further, whereas the government has continued to insist that its intentions are to prevent the misuse of funding, Amnesty International in its latest Report 'Bangladesh: Human Rights Defenders Under Attack', has quoted evidence suggesting that the government's harassments are politically motivated. Thus, the report quotes from a speech delivered by Prime Minister Khaleda Zia in October of 2001, in which she lashed out at 'a handful of NGOs' which have involved themselves 'in party politics and views' (33). According to Amnesty, the speech 'seems to have been regarded as a *blueprint* (italics mine) for a pattern of harassment'. Amnesty's report further describes the repression against *Proshika's* leadership. *Proshika's* chief, Dr. Qazi Faruque Ahmed, has been implicated in 18 criminal cases, and although he was released from jail in July 2004, charges against him have continued pending (34). Whereas Amnesty recognizes the government's responsibility to investigate potential financial irregularities, - the government's action against *Proshika* leaders is deemed to have been 'disproportionate to the accusations levelled against them'. The Amnesty Report also records the case of the NGO *Prip Trust*, funds of which have been frozen by government action. *Prip Trust's* executive director, Aroma Dutt, in 2001, i.e. before the last parliamentary elections, in a letter to the then President Shahabuddin Ahmed, predicted that members of the Hindu minority community would face attacks. Her high profile stance in opposing the October 2001 persecution of Hindus is seen as one of the likely reasons for the government's continued harassments (35).

However, whereas the harassment of NGOs, and notably of NGOs which champion women's emancipation, has meanwhile drawn significant international attention, - few observers have noted the enormous contrast between the blacklisting of secular-oriented NGOs on the one hand - and the free scope to operate which the present coalition government, as also its precursor, have allowed to NGOs with a Muslim-fundamentalist orientation. One case is that of the Saudi based *Al Haramaine*, which is reported from 1997 to 2000 to have brought in 200 million Taka per year through Bangladesh's NGO Affairs Bureau. *Al Haramaine* was only banned after the UN listed it as a terror cell (36). Another example, which has been mentioned above, is that of the *Revival of Islamic Heritage Society* (RIHS), registered with the NGO Affairs Bureau in January 1996. Both Islamic NGOs, it should be noted, have freely functioned in Bangladesh both under the previous Awami

League government and under the present BNP-led government. The RIHS too has been able to channel massive funds into Bangladesh, funds which reportedly were used to finance the *Ja'amatul Mujahideen* Bangladesh (JMB) which organisation masterminded the August 17 bomb blasts, as well as other militant organisations (37). And although the government of late has started to create some barriers for the functioning of NGOs which supply money for the training and arming of Muslim militants, - the economic infrastructure which has meanwhile been built to sustain their network, according to university research, is huge (38). Undoubtedly, Khaleda Zia's government over the last four years has used *double standards* in its attitude displayed towards secular *versus* non-secular NGOs.

## 9. Regression on Women's Rights

With regard to the state of women's human rights, we may start by noting the most grievous cases of violence against women. The recently approved Poverty Reduction Strategy Paper (PRSP) of Bangladesh contains a section entitled 'Progress made in Women's Advancement and Rights', in which the Bangladesh government pledges to eliminate all forms of violence against women. The government's record over the last year, however, inspires very little reason for optimism. Thus, more than 300 persons are reported to have fallen victim to acid attacks in the year 2004, and almost two thirds of those were directed against women (39). Whereas the government had enacted legislation in 2002 to reduce acid throwing on women, the given law so far has been poorly enforced. Again, the year 2004 has also seen the continuation of incidents of rape, including of rape crimes committed by law enforcement personnel. In one case, recorded from Kushtia District, a woman was taken for questioning to a police camp, where 14 police officers are stated to have subsequently raped her (40). In a number of cases, women have been taken into 'safe custody' after reporting a rape, only to be abused and raped once again. In most cases, police personnel accused of rape and torture are not investigated. At this stage, it is difficult to see the elimination of violence against women as proposed under the PRSP as more than a paper ideal.

Moreover, governmental pledges stated in the PRSP are at variance with official policy pursued currently under the National Policy for Women's Advancement (NPWA). A governmental policy bearing this title was adopted in 1997, subsequent to the United Nations Beijing Conference. It ostensible is being upheld by Khaleda Zia's government. However, according to an article distributed by IPS on July the 27<sup>th</sup> last, the present government has quietly changed the provisions of the mentioned NPWA (41). The article states that a secret government committee, chaired by Law Minister Moudud Ahmed, has changed a whole series of the Policy's provisions. Provisions with regard to women's economic participation are being altered; provisions on equal shares in property and assets are being dropped; women's inheritance rights are being changed, and land rights are being cancelled. The latter change is especially alarming since it threatens to undermine landless and land poor women's chances of achieving emancipation. Under a *Land Manual* adopted in the late 1980s, landless women had specifically been granted equal rights to a plot of land. And although the *Manual* has never truly been implemented, it has been an important reference point for landless women wishing to assert their rights. Whereas the precise extent of changes in the NPWA is yet to be confirmed, - Law Minister Moudud Ahmed, when questioned by IPS, confirmed his opposition against the previous government's policy on equal inheritance rights, basing himself on the *Quran* (42).

Last year's BOOM report had pointed at the rise of Muslim-fundamentalist forces as a major factor tending to erode whatever space women have gained to achieve economic and

social emancipation. This observation remains valid today, no matter how many lofty pledges may have been incorporated in the country's PRSP. Leaders of the *Jamat Islam*, of the *Islami Oikho Jote* and of other Muslim fundamentalist parties, in their speeches are outspokenly opposed to women's empowerment and to women's free participation in social life. Both foreign observers and representatives of social organisations in Bangladesh have noted a perceptual increase in the use of *burkhas* by women over recent years (43). NGOs which champion women's rights, as mentioned, are a specific target of government harassment, apparently instigated by fundamentalist Ministers. And activists mobilising for a national rally, held by the *Kisani Sabha* (Peasant Women's Association) in Dhaka in March of this year, faced virulent opposition from Muslim fundamentalist politicians. Therefore, there is a real risk that Bangladesh's foreign financiers be deluded by the paragraph on women's rights included in the country's PRSP. Unless a concrete policy be devised aimed at countering current trends in political culture which *disfavour* women's rights, - years of efforts to build a climate favourable to women's emancipation and greater participation in public life threaten being washed away.

### **10. The Judiciary and the Executive: Moudud's Separation Failure**

The issue of the separation between the judiciary and the executive branches of government is an issue that impacts on the observance of human rights. For this reason its inclusion in a human rights' report is appropriate. In itself, full separation between the two branches of government does not suffice to ensure that justice will be meted out to all citizens equally. In the case of Bangladesh, for instance, access to the court system for the country's majority of landless and landpoor people is complicated by the fact that they miss the necessary financial resources required to launch court cases or defend themselves against complainants in court. This is true in particular in view of the fact that the Bangladeshi court system is pervaded with corruption, - with magistrates, court officials and lawyers demanding to be paid very substantial bribes. However, the issue of the separation between the judiciary and the executive too is a vital issue, since non-implementation of the constitutional provision on the separation of state functions facilitates political interference by government officials in the functioning of the courts, which interference is likely to be additionally biased in the favour of the rich and well-to-do - rather than in favour of the country's majority of landless and landpoor people.

The present government of Khaleda Zia and its Law, Justice and Parliamentary Affairs Minister, Moudud Ahmed, when coming to power made a commitment that they would institute full separation between the two branches, i.e. the executive and the judiciary, during the running period of government. This would require new legal amendments, for although the Constitution provides for an independent judiciary, - under a longstanding temporary provision of the same Constitution the lower courts have been placed under the executive branch of government. This means that it is in particular the lower courts that are subject to government interference. The judges of the Supreme Court of Bangladesh, which consists of a High Court division and an Appellate Court division, are known to be rather independent and have proven to be capable of resisting government pressure. This is less true of judges based in the lower courts. The judges' benches here consist in Magistrates who form a part of the executive branch of government, and of Session and District judges who belong to the judicial branch (44). Effective separation of the executive and the judiciary would lead to replacement of a large number of magistrates which, clearly, is only possible through determined action on the part of the cabinet.

Law Minister Moudud Ahmed's record is one of failure, as the Minister was forced to admit during a Press Conference held in October last. His failure, moreover, has led to a clash between the government and the Supreme Court. The latter as early as in 1999 had given instructions on the issue of the separation between the executive and the judiciary. Yet through the last four years, Minister Moudud has only pleaded one after another extension of the time-period provided by the Supreme Court for implementation of its instructions. The last request for extension was the *twenty-first* of its kind! (45) In the October Press Conference, Moudud explained that the government has instituted a Judicial Service Committee, which has appointed some twenty-five assistant judges, and that separation of the two branches of government is difficult, since it involves changing the jobs of no less than 600 magistrates (46). Faced with endless extension pleas by the government, the Supreme Court has run out of patience. In its October verdict on the government's extension plea, it has announced that it will start contempt proceedings against the government. In short, the government failure with regard to the separation issue has led to a head-on clash between the government on the one hand, and the very highest body of the Bangladesh judiciary on the other hand. Since October, however, the issue of Moudud's separation failure has been overshadowed entirely by bomb attacks specifically targeting Bangladesh's judiciary. The murder of several local judges and other killings in court premises have sprouted widespread public protests against assaults by suicide bombers belonging to the earlier discussed JMB.

### **11. Human Rights' Issues and the Upcoming Elections**

A last crucial issue to be covered in this report, is that regarding the next parliamentary elections. This too is a human rights' issue, since the outcome of the elections undoubtedly will have its bearing on the human rights' situation in the future governing period, as the outcome did in 2001. A major section of Bangladesh's foreign donors appear to be aware of this, and have indicated repeatedly that they would like to ensure the elections will be held in a truly democratic fashion (47). At one, perhaps superficial level, - the major requirement appears to be that regarding the neutrality and independence of the next caretaker government. Prevailing rules in Bangladesh prescribe that the incumbent government resign well ahead of the next elections, and that its functions be taken over by a government which is non-partisan. However, experiences preceding the elections held in 2001 indicate that the non-partisan character is not necessarily guaranteed by the existence of a caretaker regime. Hence, - well ahead of the next parliamentary elections 'wrangling' has started over, for instance, the Election Commission and its role. The Bangladesh press has reported sarcastically on conflicts that already have arisen between the Chief Election Commissioner and other members of the Commission, for instance over the question of the drafting of reliable voters' lists (48).

From a broader human rights' perspective, two issues appear to be crucial besides that of the neutrality of the caretaker government. There, first, is the question of the expenditures made by parliamentary candidates. This issue has been an important one ever since the early 1990s, when Bangladesh entered its post-military dictatorship period. In a striking public intervention made at the end of August last, the World Bank's country director for Bangladesh, Christine Wallach, stated that political parties in Bangladesh raise 'huge sums' for national elections through corruption, including through irregular public procurement (49). Wallach notably mentioned the power sector, where corruption is specially large in view of the magnitude of the transactions involved. According to the World Bank's representative, electoral spending in Bangladesh amounts to 3.3 Billion US Dollars, or *five percent* of GDB (50). Coincidentally, the opposition alliance led by the Awami League, in its electoral

manifesto ardently pleads against the misuse of black money for electoral ends. As the alliance states, - electoral spending should be restricted. To this end, officials of the caretaker government should carefully monitor spending at the local level (51).

A second crucial issue is that regarding war criminals. Whereas the previously mentioned issue is important from the perspective of the voters' *socio-economic* rights, - the issue of war criminals is crucial from the perspective of the voters' *civil* rights. In the section of this report on the war crimes record, reference has already been made to the fact that war criminals who have committed severe human rights' violations in 1971, have never repented for their crimes. It has also been indicated that this issue is closely intertwined with the role of Muslim-fundamentalist politicians, more particularly with the role played by the leaders of the *Jamat Islam*. Critics of Bangladesh's dominant political parties argue that in the past neither the BNP nor the Awami League have consistently opposed the return of war criminals in Bangladeshi politics. Nevertheless, it is noteworthy that the electoral alliance formed under the leadership of the Awami League, in its manifesto insists that those who committed war crimes in 1971 should not be allowed to stand as election candidates, and that communal propaganda, i.e. publicity counter-posing one religious community against another, should be banned (52). For the first time since the *Jamat's* re-integration in Bangladeshi politics, the exclusion of war criminals from the electoral process is being demanded by a broad spectre of parties. Given the gravity of the issue, the demand should be supported wholehearted by all foreign donors of Bangladesh.

## **12. Conclusion: Donor Criticisms and Donor Responsibility**

The above summary of human rights' violations committed in Bangladesh since the distribution of BOOM's first Human Rights Report (2004), while not covering all aspects, should suffice to bring out that severe violations have continued through the period November, 2004 – October, 2005. Overall, the climate of intimidation and fear created subsequent to the assumption of power by the present coalition government of Khaleda Zia has persisted. Moreover, whereas in the past there was no unanimity among foreign observers as to the impact on the human rights' climate from the participation of Muslim-fundamentalist parties in government, - the August 17 bomb blasts have fully confirmed that there is a definite link between contemporary human rights violations, and the scope which under the present government has been provided to Muslim-militant organisations to freely operate. The question which I would like to discuss in this concluding section is that regarding the responsibility of Bangladesh's donors. To what extent are the country's foreign donors, such as the European Commission and European governments, to be blamed for the situation of persistent human rights' violations in Bangladesh? How effective have been diplomatic interventions aimed at defending minority rights?

During the last year, an increasing number of foreign governments have expressed public concerns over Bangladesh's deteriorating human rights climate. Besides, several attempts have been made to exert pressure on the Dhaka authorities. First, diplomatic representatives of European countries in 2004 twice demonstrated their solidarity with members of the Muslim *Ahmadiyya* community, when the latter were under the threat of a mass attack. These visits to *Ahmadiyya* places of worship undoubtedly are to be appreciated, and seem to have contributed towards warding off planned attacks. Nevertheless, as indicated above under the section on the persecution of *Ahmadiyyas*, - the pressure generated by the given visits neither sufficed to end the anti-*Ahmadiyya* campaign and the repeated violations of *Ahmadiyya* rights, nor have they helped to remedy the situation. Until today, the *Khatme*

*Nabuwat* movement has continued its public agitation, the ban on *Ahmadiyya* publications has not been rescinded, and leaders of past attacks have not been prosecuted by the Bangladesh state. In consequence, the impact which the solidarity visits by representatives of diplomatic missions have had in terms of countering religious intolerance has been very *limited*.

Another step taken by Bangladesh's donors was the holding of an urgent meeting in late February, in Washington D.C., without participation of Bangladesh's own government. The meeting notably discussed the threat being posed by Muslim-militant organisations. Clearly, the Dhaka government took notice of the donors' growing discontent, since on the eve of the Washington meeting it banned two specific organisations, i.e. the *Jagrata Muslim Janata Bangladesh* (JMJB) and the *Ja'amatul Mujahideen Bangladesh* (JMB), and arrested professor Al Ghalib, reputed to be ideologue of the last-mentioned organisation. Yet although these organisations are central to the threat being posed to religious tolerance in Bangladesh, the mentioned ban was far from effective towards weakening the operational strength of these and other Muslim militant organisations, as is evident from the fact that the JMB in August could stage its countrywide, near simultaneous bomb attacks, virtually without any impediments. It has been able to stage further bomb blasts since. Moreover, instead of expressing its gratitude towards those donors who forewarned her, - Khaleda Zia's government since February has worked hard to put a lid on donor criticisms, and prevent the holding of another meeting where donors would assert themselves. Nevertheless, opposition against Muslim fanaticism is belatedly becoming a national issue. This is underlined by the fact that two standing committee members of the BNP and a joint secretary of the party in November have spoken out against the *Jamat Islam* and against the government's section that patronises Muslim militants (53).

Meanwhile, the need for exertion of much stronger pressure by Bangladesh's bigger and smaller donors persists. On the basis of the experience gathered over the last four years since Khaleda's coalition government came to power, it can safely be stated that, if the government were to return in its present composition subsequent to the next parliamentary elections, this would certainly have a dramatically negative impact on the human rights' climate, - more particularly on the chances of re-establishing Bangladesh's traditional climate of religious tolerance. Bangladesh's foreign donors can ill afford a repeat of the situation in the late 1980s, when a broad range of voices pleading for an end to general Ershad's military dictatorship from within Bangladesh's civil society were largely *ignored* by the country's foreign donors. Today, a broad range of social actors are calling for strict rules, so as to ensure that notorious human rights' violators and notoriously corrupt politicians cannot abuse the electoral process. It is time for civil society organisations in Europe which champion the socio-economic rights of Bangladesh's majority of poor and advocate respect for human rights, to take position. It is also time for European governments and policymakers who have shown awareness about the Bangladeshi government's poor human rights' record, to more actively defend these rights.

***Dr. Peter Custers***

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