

Bangladesh: Protecting the Human Rights of Thought, Conscience, and Religion: Bangladesh Hearing Transcript

April 30, 2004 (The public hearing was held in the auditorium at the City University of New York (CUNY) School of Law at Queens College, 65-21 Main Street, Flushing, New York.) PRESENT: The Hon. Joseph Crowley, Chair, Congressional Caucus on Bangladesh Felice D. Gaer, Vice Chair, USCIRF Preeta Bansal, Commissioner, USCIRF Patti Chang, Commissioner, USCIRF WITNESSES PRESENT: Razia Akter Banu, Professor of Political Science, University of Dhaka Rosaline Costa, Coordinator of Hotline Bangladesh Aroma Dutta, Executive Director, PRIP Trust Abbas Faiz, Lead Researcher on Bangladesh, Amnesty International Justice Latifur Rahman, Former Chief Justice of Bangladesh PROCEEDINGS (6:55 p.m.) MS. GAER: Ladies and gentlemen, welcome to the hearing on Bangladesh, "Protecting Human Rights of Thought, Conscience, and Religion." My name is Felice Gaer, and I am the Vice Chair of the United States Commission on International Religious Freedom. The commission was established by the United States Congress as an independent agency to monitor the status of religious freedom around the entire world and to make recommendations to the President, Secretary of State, and the Congress to ensure that the promotion of religious freedom is an element in American foreign policy and human rights policy. The commission is not part of the Department of State or of the executive branch. It is independent, and we exercise advisory and oversight functions. In order to fulfill our mandate, the commission conducts an ongoing dialogue with interested individuals and organizations, undertakes fact finding missions abroad, and holds public events, such as tonight's hearing. Since the commission's establishment in 1999, we have conducted similar hearings on a number of countries, including hearings on both India and Pakistan. The fact that this commission has held hearings on other South Asian nations, including I might add Afghanistan, with which the United States has important bilateral relationships underlines the point that these hearings are not adversarial in nature. The United States and Bangladesh have had friendly relations through successive changes of government in both countries over the past three decades. Since Bangladesh's independence in 1971, U.S. economic assistance, food aid, and disaster relief have totaled over \$4.5 billion. Bangladesh and the United States have also developed a cooperative relationship in the security area, both in the war against terrorism and a number of international peace keeping operations. In keeping with this spirit, tonight's hearing will examine recent trends regarding the right of freedom of religion and belief for every person in Bangladesh, including Muslims, as well as members of religious minority communities. I would emphasize in all of the commission's work our standard is an international one, that of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which the United States and Bangladesh are parties. In the language of Article 18 of the universal declaration, "everyone," "everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief and freedom either alone, in community with others, in public and in private, to manifest his religion or belief in teaching, practice, worship and observance." I would be remiss at the CUNY Law School if I didn't say that this language was drafted saying everyone has his right to freedom of religion and belief, but the word everyone means everyone, and today we know that that includes men and women both and has been interpreted as such in subsequent agreements that came after this universal declaration in 1948. The commission has spent considerable time in the past year advising the United States government on the progress of new constitutions for Afghanistan and Iraq. In that work, we have often held up the constitution of Bangladesh as a model for guarantees of human rights, noting in particular freedom of religion is guaranteed in that constitution for all individuals. In recent years, however, there have been signs that the values of tolerance and respect for religious differences that are enshrined in Bangladesh's constitution may be threatened. The commission has received numerous reports of abuses targeting members of religious minority communities, particularly Hindus, at the time of the last national elections in October 2001. We are, of course, aware that, as in many new democracies, political violence has been all too common in Bangladesh and clearly has not been restricted to members of religious minorities. Recently, there have been reports of agitation against members of the Ahmadi religious community, resulting in restrictions that reportedly have been placed on their publication of religious literature. There have also been calls to have the government to officially designate Ahmadis as non-Muslims, as has happened in Pakistan. In addition, according to the United States Department of State, there is widespread violence against women, violence that is sometimes led by religious leaders, particularly in rural areas. There is concern both in Bangladesh and abroad that growing religious extremism in Bangladesh could have a negative impact on the rights of all citizens in the country. These are some of the issues that our distinguished panelists will be discussing tonight. Please let me take the opportunity to introduce them. Justice Latifur Rahman, former Chief Justice of Bangladesh and head of the caretaker government during the last national elections. Professor Razia Akter Banu, Professor of Political Science at Dhaka University and an expert on the role of Islam and Islamic movements and Bangladesh's domestic politics. Mr. Abbas Faiz, expert on Bangladesh at Amnesty International's world headquarters in London. Amnesty International, currently under the leadership of General Secretary Irene Kahn, herself a Bangladeshi, has reported extensively on the violence of recent years and on other human rights issues in Bangladesh. Ms. Rosaline Costa, a veteran human rights monitor and campaigner and coordinator for the human rights newsletter "Hotline Bangladesh." And last of all, Ms. Aroma Dutta, a veteran activist in promoting the development of civil society and non-governmental organizations in Bangladesh and Executive Director of the PRIP Trust. Now, although he needs no introduction to an audience here in Queens, I would also like to introduce to our visitors from abroad Congressman Joseph Crowley, representing New York's Seventh Congressional District. (Applause.) MS. GAER: This district where we are now includes the second largest South Asian community in the United States. Congressman Crowley, who chairs the Congressional Caucus on Bangladesh, visited that country in January and has spoken forthrightly on human rights concerns there. He has graciously agreed to share with us some of his thoughts on

the subject of tonight's discussion and to join with us in asking questions of tonight's witnesses. Thank you very much, Congressman Crowley. In holding this evening's hearings away from the commission's usual venue of Washington, D.C., the commission worked closely together with the CUNY School of Law, to which we extend particularly warm appreciation. We are also deeply indebted to the American Institute of Bangladesh Studies and to its President, Professor Syedur Rahman. Now, before I turn to Congressman Crowley, let me ask that members of tonight's audience refrain from applause or other interruptions, except for Congressman Crowley. (Laughter.) MS. GAER: It is important that the audience maintain an atmosphere conducive to civil discourse on the important issues before us. There will be an opportunity at the end of the session for the audience to send forward written questions which we will pose to the panelists. Three-by-five index cards have been provided for this purpose. Members of the commission staff are available to receive the cards, and they will be circulating during the evening, and we shall try to ask as many of your questions as possible in the time allotted. Now, I'd like to turn to Congressman Crowley and welcome you and your introductory remarks. MR. CROWLEY: Thank you, Commissioner Felice Gaer for your opening remarks, and I want to thank the United States Commission on International Religious Freedom for granting me the privilege of participating in this field hearing on Bangladesh, and I want to welcome all of the other commissioners as well as the panelists who are here before us this evening. And I, too, want to point out a special thank you to CUNY Law School where we are this evening. My brother was a graduate of CUNY Law School, and I'm a graduate of Queens College and spent a great deal of time on this campus. (Applause.) MR. CROWLEY: So it's good to be back. I guess they can clap for Queens College as well. Is that okay? But it is good to be back here and on such an important issue as human rights especially as it pertains to what's happening in the country. Many of the people who are in the audience here this evening, their homeland, their country of Bangladesh, a country that they love so dearly, and are here this evening because I think they want to demonstrate their interest in the issue as well. I in January made my second trip to Bangladesh. It's interesting to note that in the last three years, there have been four members of Congress to travel to Bangladesh. Two of those members are myself. I was there on two separate occasions, and I think that's indicative of part of the problem as it pertains in Washington and the relationship between the United States and Bangladesh. I think there is unfortunately a lack of interest in the development of that relationship as it pertains to the Congress, at least in the House of Representatives. And I have made it my goal and will continue to make it my goal to generate more interest in the House of Representatives, to have members of Congress from across our nation make the effort to go to Bangladesh. And I think it's critical and important. I think that when we are fighting this war on terror that we're engaged in and we find ourselves in need of friends around the world, there was a country in South Asia that has 130-plus million people that is a predominantly Muslim nation that we need to foster; we need to help in its development, in its growth as a democracy in a part of the world where democracy, true democracy, is little known. And it's not only in Bangladesh. I would mention Sri Lanka, as well as Nepal. We know that a relationship with India is growing on a daily basis, but also to extend that to Pakistan, obviously Afghanistan, and other countries in the area. The U.S. needs in a positive way to be helping moving forward the promotion of democracy, not necessarily the American form of democracy, although we kind of think this is the best form, but a form that coincides with the cultural values of the people of that nation and at the same time promotes the best values of the United States as it pertains to economic development and development of human rights. I was impressed with a lot of things that have taken place in Bangladesh. I have to say that the infrastructure has improved, and when I say the infrastructure, I mean the roads and the cleanliness. It was impressive the change that has taken place in the last two years. I was also there to open the Asian University for Women, which I think was an important milestone in relationship between the United States and Bangladesh. The promotion of opportunity for women for higher education not only for Bangladesh, but throughout South Asia and the Arab world as well, to give opportunity to women, an opportunity that has been denied in that portion of the world. And I believe that it's important towards the development of peace throughout the world, to engage 50 percent of the population that in many respects has been neglected in the past, to give them opportunity. My mother, as many of you know, comes from Northern Ireland, and I believe that the peace process in Northern Ireland moved forward because of engagement of women in that process. They, too, were denied a role at that table as well until recently. And that helped move that process forward, and I believe the role of women throughout the world -- they don't want their children to be used as pawns. They don't want their children to be killed in war or in terrorism. And it's innate. It's something that can't be taught. It's something that they're born with, and that's why I think it's critical and crucial to have that engagement from women. I think the Asian University for Women is a positive step. I was in Chittagong with Prime Minister Zia where the cornerstone for that structure was laid, and I look forward to seeing its development. And at the same time, I was also in Bangladesh to express my concern for issues that I'm also concerned about, and that is religious and minority tolerance. And this is not a statement about the present government. It's more a statement of multiple governments, that I have expressed my concern about the need to be tolerant towards ethnic minorities as well as religious minorities. I used the opportunity to meet with Catholic priests and Christian ministers within Bangladesh. I attended Catholic mass when I was there. I also had the opportunity to visit Dhakeshwari, which is a Hindu temple in Old Dhaka. I also had the opportunity to also speak about my concerns about the polarization of the Ahmadiya, the religious minority sect within Islam, and I likened it in an analogy or metaphor to if tomorrow the United States were to declare that Episcopalianism was the state recognized religion of the United States and that the next day Lutherans or Catholics or Methodists could no longer disseminate their information or their interpretation thereof; that that's an anathema here in the United States. We just simply don't understand that. (Applause.) MR. CROWLEY: No, no, no, no, no, no. I'm not making it -- this is not to -- I understand the situation of the government as well. It has been very well stated to me the concerns about inciting religious and communal uprising within Bangladesh, and that's something I understand, and I'm also sensitive to, and I don't want to get into a situation where we're not also sensitive to what may be their intention. But I expressed the need as a democracy and as a legislative democracy that it is the role in democracy of rule by the majority to protect the interests of minorities, and that is something that we understand. Not everyone in the United States

understands, by the way, and we, too, here have our own problems. We're not all that religiously tolerant here as well. We're not without our faults. But I felt it was important to make that statement, that that is the role; that to simply pass legislation knowing that the supreme court of the land will overturn it because of your constitution, and we know the constitution of Bangladesh is strong and it allows for freedom of speech. We believe that it will be overturned. It's not the role I don't believe of a legislative government to kick it to the courts. I don't think we should do it here, and I don't think we should do it in democracies around the world as well. So I used an opportunity to express that. My observation, not even so much a criticism, but an observation; my observations as an American legislator in Bangladesh, and again, being mindful of the situation that Bangladesh finds itself in. There's a portion of the government now that is represented by what we would characterize as fundamentalists, and there is growing concern not only here in the United States but throughout the world about the growth of fundamentalism not only in Bangladesh, but around the world. We find ourselves at war with terrorism, much of that terrorism being created by a sect within Islam, Wahhabism, that many believe was responsible for the attacks on 9/11 here in the United States in which Christian, Jewish and Muslim, Hindu were attacked on that day and killed. So we all, I think, are in this battle together. I think we all want a Bangladesh that is tolerant, that is recognizing of personal freedom, of religious freedom, of civil rights, and I believe that that is what everyone, whether BNP, Awami or not, want to see a tolerant Bangladesh. I think Bangladesh is a tolerant people. The Bangladeshi people are a tolerant people, and we want to see that promoted and continue to promote that whether it is BNP, Awami, whoever is in charge. I don't care. I don't take a position in that vein, and I don't get involved in the personal politics of the leaders of the country as well. I would like to use my role as the co-chair of the Caucus to prod all people along toward a better Bangladesh. I don't take political sides. The position I take is for the Bangladeshi people, to help the people of Bangladesh move forward and become the stellar and shining democracy that we all know it wants to be. I think it is important that the United States participate in that. I have used my capacity as a member of the International Relations Committee to call upon Secretary Powell to remain engaged in Bangladesh, to move Bangladesh from being the most corrupt country in the world towards a stellar country in the world. But it cannot do it without engagement with the United States. We need to move it so that it can make itself available to funding from the United States. The Millennium Challenge accounts need to be made available to Bangladesh, but Bangladesh needs to help itself. It's doing so. It passed legislation recently to create the commission to do away with corruption, but we need to see steps move forward very, very quickly, and that is from the top down and from the bottom up. So I want to recommit myself here again towards working with this commission as well and others towards a brighter future for all Bangladesh. And thank you all very, very much. (Applause.)

MS. GAER: A couple of ground rules and deep apologies to my fellow commissioners who are here that I didn't introduce them earlier. The U.S. Commission on International Religious Freedom consists of nine commissioners, three appointed by the President, three appointed by the Senate, and three appointed by the House of Representatives in a formula that always has five appointed by the President's party whichever that is. We're very, very pleased to have here with us tonight Commissioner Patti Chang and Commissioner Preeta Bansal. Commissioner Chang is President of the Women's Foundation of California. She founded the Women's Leadership Alliance and the Women's Funding Network. She is also a leader of the Asian Pacific-American Women's Leadership Institute, and a lawyer by training from Stanford Law School. She joins us from San Francisco, from which she has flown in specially for this hearing tonight. Welcome, Commissioner Chang. (Applause.)

MS. GAER: Commissioner Preeta Bansal is a constitutional lawyer whose career has spanned both government service, private law practice, and academia. You probably know her best as having served as Solicitor General of the State of New York from 1999 to 2001, during the first term of Attorney General Eliot Spitzer. She is currently practicing law in New York at a major Wall Street firm, Skadden, Arps, Slate, Meagher & Flom, and we're delighted that she could be with us here as well. Commissioner Bansal, welcome. (Applause.)

MS. GAER: I've been asked to ask everyone in the room to turn off your cell phones if you haven't. We would appreciate that. We are now going to hear from each of the panelists. We have asked them to present their remarks in five minutes and then we will turn to questions. As I told you, there will be questions, as well, from the audience. I want to request once again that we refrain from applause in order to maximize the time that we have for discussion on these issues. So as to not take any further time, Justice Rahman, we'd be very grateful if you could begin.

JUSTICE RAHMAN: Congressman Crowley, members of the U.S. Commission on International Religious Freedom, ladies and gentlemen, as the former Chief Justice of Bangladesh, at the very outset I will speak about the constitutional guarantees that is there in our constitution with regard to religious right and religious freedom in the constitution. Firstly, Article 28 of the constitution speaks of individual and collective liberty of all persons belonging to all religious, castes, and cliques. And Article 41 also speaks about the freedom of religion. Apart from this, Article 39 speaks of the freedom of conscience and expression. These are the fundamental principles, fundamental rights which are given under the constitution. Now, under the constitution not only the individual, but collectively one can set up the churches, mosques, and can also propagate and practice the religion of his own. There is no embargo set on that. Now, the question will be what is the ground reality in Bangladesh with regard to the constitutional provision that is there in our constitution. Now, individuals say that in a democracy the perception of the people is very important, perception within the country, perception outside the country. And from that perspective I will say that Bangladesh is a country where you'll find that there is a total communal harmony. (Applause and loud outburst.)

MS. GAER: Ladies and gentlemen, ladies and gentlemen, ladies and gentlemen, I am asking for silence. Ladies and gentlemen, I am asking for silence. I am asking for order. I am asking for order. Would you please sit down? Ladies and gentlemen, we are here to hear all views. We are here to hear and respect each witness. I am going to ask that anyone who is not - I am going to ask that anyone who is not prepared to respect the witnesses when they speak will be asked to leave. Ladies and gentlemen, we have come here to listen to all views. I am asking for quiet and for respect for the speakers, for this meeting, and for yourselves. Ladies and gentlemen, we have come here tonight as adults to discuss the issues, to hear them and to ask questions and answer questions. We have not come here to have outbursts. If we are going to have these kinds of

outbursts, we are going to have to ask people to leave. But we want this to be a public event. (Applause.) MS. GAER: We are ready to listen. We are ready to debate. We are ready to have questions. I realize emotions may be very strong and there are diverse views. I ask for the same courtesy that you would want us to extend to you to be extended to each of the speakers and to this commission and to the Congressman. (Applause.) MS. GAER: Mr. Justice, would you please continue. JUSTICE RAHMAN: Now, at the very outset I would say what is the impression of America regarding Bangladesh. Let us have it. America, the university has been stated across that Bangladesh is a Muslim moderate democracy. It has been said also -- (Applause.) MS. GAER: Excuse me, Mr. Justice. I've asked that members of the audience refrain from applause and that we refrain from this kind of outburst. If we are going to have those, I am going to have to ask the guards to ask you to please step out. Mr. Justice. JUSTICE RAHMAN: You see, I am not holding for any government here or for opposition. What I am trying to say is that you must make a distinction between religious persecution and social-political degradation. So that in a country what we are saying, in a country there may be law and order problems, enforcement of law, and social-economic problem, but that is something different from religious persecution, and if you connect these two fragilities, then probably you will have a different will altogether. But in my estimation and in the estimation of others, you see, in a country, you see, if you speak of terrorism today, the broad definition of terrorism is political terrorism, religious fanaticism. Everything comes within that compass, but you can never state that a country is free from all kinds of terrorism. But the question is in Bangladesh context, there are small groups. There may be small groups, but you cannot say from that that the religious harmony is not there between the foreign government entities. There are some isolated incidents. Isolated incidents are happening in some places, and it's for the government to stop it in strong hand, and by that you cannot say that there is disharmony among various religious communities. So this is what I will start with, and also I will say at the same time that the culture of Bangladesh, although it is a largely Muslim country, 87 percent are Muslim, 11 percent are Hindus, and three percent are Christians. But they are living in harmony for years together, and due to some critical difference at times, some disturbances are happening in some places. But for that you cannot say that in Bangladesh there is no religious freedom or there is a common harmony between peoples. We start by saying in the beginning, and if there are questions later on, I will answer them. Thank you. MS. GAER: Thank you, Mr. Justice. Our next panelist is Razia Akter Banu. Professor Banu, you have the floor. MS. BANU: Senator Joseph Crowley, members of the commission, Mahatma Gandhi said politics in the Indo-Pakistan subcontinent is like a coil of a snake. As one cannot separate coil from the snake, religion also cannot be separated from politics. Religion as a value system, as an inspiring, unifying, and mobilizing force in society with powerful influence on politics and society in the Indo-Pakistan subcontinent. The role of Islam in the politics of Bangladesh area in the last five decades has been subjected to differing and contradictory interpretations. Islam was usually politically positively related to that partition of subcontinent in 1947. The Muslims under the banner of Muslim League fought for Pakistan. The Muslim League was wiped out completely in 1954 elections. The battle of Bangladesh in 1971 was positively related to the ethnicity, meaning, culture, religious culture, language, and race. There is possibly an inner logic in the seemingly diverse and contradictory roles of Islam in this subcontinental politics in different career subjects in the last years. This logic is provided by the fact that political role of Islam in each period was last determined by its peculiar historical and socioeconomic setting and the perception of the various groups of Muslims of the time, and as to the degree of utility of the Islamic religious ideology for advancing their political interests. Now, what effect does Islam have on the society and politics of Bangladesh? As a background, if we analyze the party manifesto prepared for the election of 1970, it can well understand the place of Islam even in an environment with ethnic and linguistic identity of Bangladesh as predominant over Islamic identity. The manifesto stated, I quote, "No law will be formulated or imposed in Pakistan contrary to the laws of Islam well established in the Koran and Sunnah. Sheikh Mujibur Rahman himself and his essips (phonetic) in their League were the products of communal politics of the later 1930s and '40s and had played a significant role in the Pakistan movement. But with the tense circumstances, Sheikh Mujibur Rahman, the founding father of Bangladesh, incorporated secularism as one of the fundamental principles of the state policy in the very preamble of the constitution. Secularism, of course, means to protect and promote all religions at the society level, but prevent its entry into politics. A great many Bangladeshis, however, were uncomfortable with official secularism. Feeling the powers of General Marsis (phonetic), Sheikh Mujibur Rahman's government took a series of programs related to the promotion of Islam. I don't have much time to explain all these programs. The post group government of Ziaur Rahman replaced the secularism clause of the constitution with the proclamation of absolute faith and trust in almighty Allah, maintaining that government strengthen fraternal ties with the Muslim states on the basis of Islamic solidarity. The development also took several measures to promote Islam. The subsequent development of HM Ershad continued in this vein, and in 1988 the National Assembly passed a constitutional amendment declaring Islam the state religion of the country. (Unintelligible) and Sheikh Hasina government did not discontinue all these policies initiated by the previous governments. Rather, both of them use religious symbols during election campaign to manipulate the religious sentiment of the voters. The presence of Islam is indisputable whether it is secular Awami government or nationalist BNP government. Now, what is unique about Islam in Bangladesh politics is that most Bangladeshi people are Islamic minded, but Islamic state hardly appeals to them. The problem of national identity of Bangladesh and Muslims is usually formulated in the contradiction between the two major elements of their identity compound. One is religion and other is ethnicity, meaning language, culture and race. We have our nationwide scientific sample survey, and all the service we have found that our political culture is secular, and most of the respondents are tolerant of the Hindu presence, but as for the security perspective, Islam is a very powerful force to unit the people. And the current situation of Islam in Bangladesh, BNP, the ruling party, has made a coalition with Islamic parties for a purely political point of view. Jamaat, the only constitutional party based on Islamic idealism has become more responsible and pragmatic as one of the coalition partners of the government. They are now more concerned about implementing the programs like poverty, poverty alleviation, education, rather than initiating mass Islamic programs. My time is up. Okay. Thank you. Maybe you can discuss more in the question period. MS. GAER: In the

question period. Thank you very much. Our next panelist is Abbas Faiz from Amnesty International. You have the floor. MR. FAIZ: Thank you. Ms. Chairperson, Commissioner Gaer, Congressman Crowley, Commissioners Bansal and Chang, ladies and gentlemen, it is an honor to be at this meeting and to present Amnesty International's analysis of the situation of religious communities in Bangladesh. A number of self-ascribed Islamic groups are responsible for a range of human rights abuses, and these abuses are against religious minorities. However, the government of Bangladesh appears to be yielding to their demands to limit freedom of religion in the country. We are all aware of the current campaign of hate speech and attacks by Islamic groups against members of the Ahmadiya community in Bangladesh, which is a serious threat to freedom of religion and freedom of expression. Why the reason for the sudden rise in the anti-Ahmadiya agitation is not immediately identifiable. The targeting of the community is believed to be a tactical measure by Islamic groups to force the government to introduce more stringent Islamic law in the country. The groups are hoping to obtain mass support through these agitations from the poor and disenfranchised sections of society whom they feel they could influence by appealing to their religious beliefs. Madam Chairperson, Amnesty International has recently published a report on the situation of the Ahmadiya community which I would like to present to the hearing. Another religious minority in Bangladesh which has been the target of attacks is the Hindu minority. Following the general elections of October 2001, hundreds of Hindu families were subjected to violent assaults, including rape, beating, and the burning of their property. They were reportedly attacked by supporters of the Bangladesh Nationalist Party which won the majority of seats in parliament. (Applause.) MR. FAIZ: Because of their perceived support for another political party which also was contesting the election. Hundreds of Hindu families reportedly fled to India. The police failed to take effective measures to protect the community. Some arrests were made, but most assailants were not brought to justice. So far, Madam Chairperson, there has been no independent and impartial investigation of these attacks. While the government has taken action, and this has to be acknowledged, to protect members of the Hindu minority in the main cities during the festivities or in times of escalated tension between Hindus and Muslims in neighboring India, members of the community in Bangladesh, particularly in the rural areas, continue to be at risk of attacks. For example, in an apparently planned arson attack on a Hindu family in Banskhal Upazila near Chittagong at midnight on the 19th of November, 2003, 11 members of the family were burned to death. The government called it an act of banditry, but evidence suggested it was a motivated attack against the family because of their identity as Hindus. Police filed a case, but despite repeated demands from civil society groups, no independent inquiry has been conducted into this or other attacks against the members of the Hindu minority. There are other evidence of attacks against members of the Hindu minority, but because the time is short, I will not go into all of those. Another problem that exists which has a very close connection to the situation of the religious minorities in Bangladesh is the situation of intellectuals, writers, journalists who actually speak about the situation of the minorities, the situation of religious minorities or who speak about the activities of radical Islamic, extremist Islamic groups in the country. We all know about the situation of Dr. Hamayun Azad, a university professor. He was attacked on the 27th of February while he was waiting to go home after leaving a national book fair. Dr. Azad is in critical condition. He is still needing a lot of surgery, and the reason for his attack appears to be that he actually appears to be connected to the book that he wrote, which is about religious groups. So that is the situation with regard to the minorities and with regard to the intellectuals in the country. There is a lot of problem, and these problems actually stem from a number of issues. For example, poor governance, corruption, nepotism. All of these things undermine the rule of law in the country, and in fact, the inability of the main political parties to engage in a dialogue to reduce political tension in the country is itself something that undermines the institutions of the state to uphold the rule of law. So quite a lot that needs to be done not just by the government, but by all parties involved, and also there is a lot that the government of the United States can do, and we have a series of recommendations which I'll be very happy to present them to the hearing in a different format. Thank you very much. (Applause.) MS. GAER: Thank you very much. And I would like to reiterate here that all of the panelists have submitted testimony to us. The testimony is much longer than they're possibly able to convey in five minutes. We will be posting that testimony on our Web site, which is www.uscirf.gov, and it will be available to all of you. The Commissioners have received and read that testimony in full already. I just want all of you to know that. Our next speaker is Rosaline Costa, and you have the floor, madam. MS. COSTA: Good evening, everybody. I am grateful to the commission that I have been given this chance to speak and to share our concern with everyone. I have been involved in human rights work since 1986 and worked for all people irrespective of any religion, caste or class. I have worked specially for the Hindu communities when they were attacked, Buddhist, Ahmadiyas, tribal people in Chittagong, tribal people in Mymensingh, and also in Sylhet. But I have never experienced Christians to be persecuted or attacked by the Muslim community, and we had always a peaceful living with them for centuries. Bangladesh, once a secular, peaceful country, has become a focus of terror, a country of shame, and the topmost list corrupted country during these past few years. It was a country not long ago here people of different faiths and opinions lived together side by side, shared their religious faiths and their life. But today, in the 21st Century when the whole world is growing in developing awareness and education, we are suffering because of religious hate in Bangladesh, not all the people, but a very small section of people in the country trying to create this agitation among the people and break the peace and harmony among the people that have been for centuries in the country. The government mechanism is failing in protecting and promoting the rights and life of minority people. In a very nutshell, I want to highlight some of the types that I myself documented and also I myself experienced. In 1941, we know that there were about 33 percent of the religious minorities and ethnic minorities in Bangladesh, but now there are only, as we have heard, there are only 13 percent minorities in the country. That gives us a real "why." That gives us a question why the minorities are decreasing, and there are few facts that gives us a clear indication that the Hindu communities left for India. In 1964-65, there was a criminal war, and during that time a huge number of Hindus left for India. In 1990 and 1992, two years during Babri mosque attack in India, many Hindus in Bangladesh were attacked and persecuted for which they had to leave the country for their secrecy and safety. After Bangladesh was created in '71, we got secularism and also

freedom of religion, but it was taken away, as our honorable previous speakers already said. In 1978, secularism was abolished and (unintelligible) was introduced. That was the seed of communalism, which was shown in the constitution, and Islamization began during that time. In 1988, General Ershad introduced Islamic religion, which was widely misinterpreted saying that it was an Islamic country made by Ershad, but which was not correct, but ordinary people was bought by the political politicians, and they believed it is a Muslim country, Islamic country. The worst situation began from 1990s when some of the things have happened like Babri mosque (phonetic), and then (unintelligible) which happened in 1992. In a few hours' time, about 1,200 people were killed in Logong, Chittagong Hill Tracts in the Khagrachari area. On 10 April 1992, Kasia and Gaross (phonetic) were persecuted and evicted in the name of development and also grading of land by the government, by the local majority community, in Myemensingh and also in Sylet. Apparently it chose that very silently an agenda is being implemented to evict the ethnic and religious minorities and which is being continued. A number of tribals were killed during this time. Especially during the last six years about eight tribals were killed just for land grabbing and protesting their human rights violations. Ethnic Christians was unnatural in Bangladesh, but in 1995, when "Satanic Verses" was published, many villages were attacked, houses burned, and people were attacked. In 1998, St. Xavier's School, a 100-year school, was attacked, ransacked, and completely damaged. The inmates (phonetic) were sent out, and sisters were threatened. In 2001, Barnyards (phonetic) of Catholic mission was bombed down and killing 11 people and injuring 25 people. The government has done nothing in this regard, no compensation. No inquiry commission, independent inquiry commission was made, and no criminals were addressed. When the coalition government came, in collaboration with two Islamic parties, the minorities began to face serious problems. I visited Bhola myself, and I have found the women with whom I have spoken, about 98 percent of the women, they were raped and gang raped. I rescued three girls, including one eight year old, Rita Das (phonetic). She was raped by six men. Now, that's one of the things that's going on. Give your daughter or give money. This is continuously going on in everywhere. So I think I can give you a lot of incidents like that, but because of the shortness of time I'm sorry that I cannot give you. We feel that we have to stay, we want to stay in the country peacefully with other people, and we want to enjoy the guarantee that the constitution gives us, which is religious freedom and practice of religion peacefully. And I hope with the help of the commission we will see one day that we are living in the peaceful country that we have lived before. Thank you. (Applause.)

MS. GAER: We are ready for our next speaker. Our last witness is Aroma Dutta, and thank you for joining us, and you have the floor, madam.

MS. DUTTA: Thank you very much. Honorable Madam Chairperson, excellency Congressman Crowley, Commissioner Chang, Commissioner Bansal, ladies and gentlemen, good evening. This is a very historical moment because we, the citizens of Bangladesh, would like to live in harmony and have a pure coexistence with all of the groups within the country, and there are problems which we would like to resolve. Unless and until the problems are resolved, I mean, the issues will escalate and the problems are going to become more difficult to handle. I am an activist and a development worker by profession. I have been working at the Crossroads for the last 22 years, and I would just like to mention from the experience I have that Bangladesh is a signatory to all of the major human rights treaties. The contemporary scenario facing religious minorities and women shows blatant disregard to all of these obligations. Women are threatened and are becoming victims. Bangladesh has always cherished the dream of a secular democratic country. We at the moment are labeled as a moderate Muslim state. The moment it is labeled, certain ideologies get identified with our national entity, which definitely discriminates the other religious groups automatically. This has a very serious implication on women and especially on the poor and marginalized communities, and the minority communities, of course. The civil society and the civil society organizations since 1972 are very active for employment of women and promoting secular environment by creating space and school for all of the citizens despite their religion, caste and creed for peaceful existence. The worrying trend is -- the most worrying trend is the strengthening of the fundamentalist forces in the society instigated by and used for political ends. This strikes at the core of their minority sensitivities and heightens their feelings of insecurity and exclusion from the mainstreams, continuous encroachment into security and civil spaces by force of military and agenda (phonetic). Human rights defenders demand accountability for rights violation, including redress for victims defaced and being branded and vilified as anti-state elements or partisans and facing legal action amongst others for tarnishing the image of the government, instant jointly dealing with the problems for resolving. From my experience, I would like to say in 2001 during the caretaker government period, I mean, there had been a constant trend which came out in the newspaper in the southern part of Bangladesh starting from Jessore, Satkhira, Bagerhat, Bhola, Barisal. One hundred and thirty-four constituencies were at stake, and there was mass rape. And I wrote a letter. I wrote three letters to the then our honorable Justice who was Latifur Rahman, who was the chair of the caretaker government, the then president, Mr. Shahabuddin, and also to the election commissioner, Mr. Sayid, to look into the whole thing so that this situation does not aggravate, and it is being controlled because I could see the trend that something -- whoever comes into power, it doesn't matter, Awami or BNP. I mean, whoever will come into power are going to go through a period of serious turbulences. But instead of that I thought I'm a citizen of this country and my whole family has given blood for this country, which tends with a lot of pain and degrading an honor that I, being a patriot and a citizen, that I could take up this issue so that we can have real democratic practices. But instead I'm being like persecuted and being punished for taking up the issue, and my organization has been stopped. My organization has -- my organization has been stopped from functioning. A series of investigations is going on. I have lost \$6.2 million and also ten million Euros from European Commission because I have been punished for taking a stand for the women of our country. The contribution of (unintelligible) in Bangladesh and the development model is globally recognized and have been instrumental in women in power mentem (phonetic), nonformal education, raising awareness of equal rights as human beings and famous microcredit program. The government policies are suffocating the NGOs out of existence. New regulatory law is in process to kill the developmental sector in a blood planned manner by a repressive anti-people, anti-woman, and anti-poor and minority sector within the government. So this act of state denial process, we're all helpless because the enforcement system and mechanism are weak and also

civil society organizations have extended their hands to work together with the government to resolve the issue, but they are denied and severely punished for raising the issue. And this is what we would like to request to the U.S. government: that we would like to have a peaceful coexistence and we would like to see that, that we are the civil society organizations that are like extended ears and extended eyes to help the government because there will be problems. There are problems. It is nothing to deny. We would like to solve the problems so that we can live harmoniously because the country is going to a lot of problems which we have to face together. And this is my special request, and with that, I would like to thank the house and also the United States Commission on International Religious Freedom for our peaceful coexistence so that our country Bangladesh can be developed. Thank you. (Applause.)

MS. GAER: Thank you very much. I would like to make sure we have maximum time for questions. We have passed out the three-by-five cards, and if you have specific questions, please fill them out and someone will come around. Please stay seated; please stay seated. Just hold your card up and someone will come around. Congressman Crowley, thank you. Now, we're going to begin by a round of questioning by the Commissioners, and I'd like to ask again for order here. I'm going to ask the first question. Please, can I ask for quiet. They will be coming around. All of your cards will be picked up. I'd like to ask the first question of Justice Rahman. Mr. Justice, we have heard numerous reports, including from several of the witnesses here today, about the violent attacks that occurred around the time of the 2001 elections in October. Some of these allegations are of physical attacks against women, and the attacks affected many different groups, but we understand from the materials we have received and the testimony today that it was the Hindu community that was most seriously affected. The U.N. special rapporteur on religious freedom in his report to the United Nations Commission on Human Rights emphasizes that it's important that any direct or indirect involvement of extremists in attacks against Ahmadis, minorities, ethnic communities, and women be systematically pursued in the courts and combated. Now, Mr. Justice, since these elections and attacks, sporadic attacks against members of religious minorities have also continued. As you, sir, were head of the caretaker government during that time in October 2001, I want to ask you what efforts were made, if any, by yourself or others to pursue the perpetrators of these attacks. And I wonder if you could clarify for us why, according to the information we have received, no one has been held to account for these violent attacks on Hindus and whether you would personally support the establishment of an official inquiry into the events of 2001.

JUSTICE RAHMAN: Let me tell you soon after the parliamentary election of 2001, some BNP and Jamaat rowdy elements pounce upon a few Awami leaguers and members of Hindu community in few places believing that these members opposed the BNP panel candidates, (unintelligible). So this is really a political issue, not a matter of religious persecution. (Loud outburst.)

MS. GAER: If we cannot have some decorum and quiet I'm going to have to clear the room and we'll continue this in private. Our commission intends to continue to listen. I don't think those of you who are here want to see us continue in private, but we're perfectly prepared to do so. So please, will you please maintain some order.

JUSTICE RAHMAN: The attorney general on the 17th of August 2002, on BBC, he said, on Bangladesh, it was only incidental that political victims hail from minority community. He said so, and it appears to be a political victimization, not a case of religious violence. You see, what I am trying to say -- what I'm trying to say, that election was held on 1st of October and the government was formed on 10th of October, and during this time, I will say there were some incidents for which we immediately directed the Inspector General police and the law enforcing agencies to do, the early steps. And in fact, steps were taken by us, but my period, being very short, and the elections are being held, nothing else I could do during that period because the government was formed the 10th of October. It was for the government to be, but really, really what really happened during the time was really due to a political matter. It was really a matter of political consequence, nothing to do with religious. Therefore, they did not work it for the party. So they took action against this. Can we say that it is a matter of religious persecution? I would say not at all.

MS. GAER: Well, Mr. Justice, my question is -- (Applause.)

MS. GAER: -- my question to you is whether you would support the establishment of an official inquiry today into those events of 2001.

JUSTICE RAHMAN: I have no jurisdiction to do that. I have no jurisdiction to do that.

MS. GAER: Not as a private individual?

JUSTICE RAHMAN: No, I can also do that. On what capacity I do that?

MS. GAER: As a human being?

JUSTICE RAHMAN: No, I cannot do that.

MS. GAER: As a former Chief Justice?

JUSTICE RAHMAN: Because I have no local standing. I have no local standing to do that. The relevant time when I was there, I did my best, and I controlled some places because during my time when a report came to me that something somewhere (unintelligible), some progress was made. Immediately I send the police and deal in those. And also the matter was resolved immediately. So because I'm not a political person, my job was to see that the law and order improves, election takes place peacefully, and people can cast their votes. So that was done in a perfect manner. But I did acknowledge in my book that after election, a little bit of persecution started for which we cannot say that it was a religious vengeance. Rather a political vengeance, and --

COMMISSIONER BANSAL: Mr. Justice, as someone who is committed to the rule of law as you are and stands for the legal system, would you now as a private individual who has spent your life in the legal system, would you now support an official governmental inquiry?

JUSTICE RAHMAN: This is for the government to do. I cannot say anything on this matter. (Loud outburst.)

MS. GAER: Okay. We're going to move on. We're going --

JUSTICE RAHMAN: What is happening?

MS. GAER: I'm asking for quiet or we are going to have to clear the room.

COMMISSIONER BANSAL: We're going to continue with the next set of questions. My questions are for Ms. Costa, Ms. Dutta and Mr. Faiz, and any of you can answer. My questions are really what can the United States as a government do to help promote religious freedom and religious tolerance in Bangladesh. The United States has provided over \$4 billion of assistance to Bangladesh. Are there any U.S. AID programs that you particularly think have been helpful? What things other than providing money can the United States do to promote tolerance? Please.

MS. COSTA: I think when United States gives the money, they have the right to ask what they do with that money. Secondly, they have to see whether everyone, all the citizens, enjoy the right that is guaranteed in the constitution, especially to see whether the minorities get any position in the government. Are they involved in government mechanism in policy making or in the public commission? Whether there are any real minority representatives are there. Because of imbalance, we cannot get

all of the clear evidence of what is happening. So United States of America, they have the right to ask and right to see what happens in the country with so much money when they give. And this is the money that was collected from the people, and people have the right to know what that money does in Bangladesh. COMMISSIONER BANSAL: Mr. Faiz and Ms. Dutta. MR. FAIZ: The government of the United States has considerable influence in Bangladesh, and there are a number of human rights issues that are connected with the subject that you are discussing, though any encouragement that the government can give to the government of Bangladesh, that the government of the United States can give to the government of Bangladesh with regard to the solution of all of these human rights problems, I can just name quite a few here will be very helpful. I think one of the immediate things that has to happen is that the ban on the publications of the Ahmadiya community has to be lifted, and that is something that the international community, in general, the government of the United States can really help. There has to be those people who attack members of the Ahmadiya community -- they have to be brought to justice. They haven't been brought to justice. So there is a lot of need for support and encouragement there. Members of the Hindu community who have been attacked, their attackers, the perpetrators have not been brought to justice. There is a lot of room for encouragement and support for that process there. And also there is the question of the protection of the people, intellectuals, writers, other human rights defenders who talk about the situation of the minorities, religious minorities, and who defend their rights and who express their own opinion about the activities of religious groups. They need protection, and the people who attack them have got to be brought to justice. So these are definitely the area in which the United States can lend support to any program that exists in Bangladesh. MS. DUTTA: I think United States of America can help through U.S. AID to promote more civil society organizations, particularly to deal with the human rights issue and E-governance issue because governance issue is most important, particularly at the grassroots level through strengthening the local government system where the representatives from the grassroots, especially women and the minorities are encouraged. That's one. And have a clear-cut program so that the representation is very well balanced and their voices are heard. That's one. Second is particularly to look into the Public Service Commission, in public service because the minorities are not well represented at the policy making level. It would be very balanced, and it would create a very harmonious situation if the minorities are well represented in the judiciary system, in the administration system, in the security system. So it should be more of a representation where they could actually make their voices heard. And the third issue is that they can set up a commission, I mean, like a watchdog so that when the political parties who have good political will, but then there are groups which they do not have control over it, and the government should work more closely with the civil society organization and treating them as friends, not as enemies, and work as a watchdog for the state. Thank you. COMMISSIONER CHANG: Dr. Banu, the next question is addressed to you. Some observers have alleged that Islamic extremism has been on the rise in Bangladesh. What is your view on this topic? And is there any evidence that there has been foreign funding that has been used to promote religious intolerance? MS. BANU: Muslims of Bangladesh are basically tolerant, and we have conducted a survey, nationwide scientific survey, and in that survey we observed that our political culture is secular, and most of the respondents said that they don't want religious people to be their representatives. They are religious minded, and they chose their representative who will be professionals, but support to some extent religious people. And now they're cautious of religious extremism. And finally I have no knowledge about foreign funding, and religious extremism. This random criminal violence in Bangladesh is the result of social unrest, plus social injustice, plus pressured expectations, change of value systems, feeling of insecurity, competition for scarce resources, problem of wide population, and large scale unemployment. Rather than the violence, systematic violence against the minorities is not really -- stands true in all cases. (Applause.) MS. BANU: I have pure examples. If you want me, then I can describe. I went to my constituency just after the election, and I found two instances of violence against religious minorities. One instance, I asked, "Why did you do that?" Said that they are Hindus. Because they're Hindus, we're not giving them beating because they're Hindus, but during the past regime, they made so much atrocities that we could not sleep in our home for last -- (Applause.) MS. BANU: Another incidence is that there was incidence of breaking the hands of the datie (phonetic), Hindu datie, and the two respective members, they did not break it. Someone else break it. I was told someone else broke those arms of the daties, and immediately the defeated party went to the Pama complained against this. I have two evidences, and religious extremism, it seems in Bangladesh there are two schools of religious thought in India. One is Deobandi and another is Aligorian, and the followers of Bangladesh and the Islamic writers and thinkers, they belong to the Aligorian, Aligorian concept, and Aligorian concept is the modern and progressive. They explain Islam rationally, and they want to place the modern challenges through Islamic way, but they want to give the imams Islamic training and follow the classic explanation of the (unintelligible). They are more fanatic, more dogmatic. So there is a difference of Muslims up north Indian and Pakistan and in Bangladesh, and there are two reasons. How Islam expressed in Bangladesh? And who spread, spread by the Sufis? They give more emphasis on humanism in Islam rather than explaining the conceptual and theological aspects. So the Muslims of Bangladesh are more tolerant and more moderate than the Muslims of north India and Pakistan. So in that respects, in reviewing all of these aspects, it is not the extremism. Religious extremism is not the future course of Bangladesh politics. Thank you. (Applause.) MS. GAER: If we're going to get to any questions from the audience, I'm got to ask the audience to participate by respecting the speakers and the questions, not by such outbursts. I'd like to pose a question to Justice Rahman. Some militants have reportedly agitated to have the government declare Ahmadi non-Muslim as has been done in Pakistan to the detriment of their rights as citizens, in fact. Although resisting such calls, the government has reportedly banned Ahmadi publications. If this is true, how can this action be reconciled with the constitutional protections for freedom of religion and freedom of expression? And noting the history, as Congressman Crowley said, of religious tolerance in Bangladesh, we're really quite concerned as a commission that the influence of those threatening to deny religious communities their rights seems to be out of all proportion to the support such groups have from the population in Bangladesh. I wonder if you could comment on that. JUSTICE RAHMAN: On November 22nd, 2003, a mob attempted to destroy Ahmadi mosque in Dhaka, and also an extremist party named

Khatme Nabuat, they became vocal for declaring Ahmadis non-Muslim. The Religious Minister said that we cannot declare Ahmadiya as non-Muslims. That was in the press, and to quell the situation, in that incident about ten police persons were injured and the situation was brought under control by the government at that particular point of time. Now, to quell the situation some publications were banned of the Ahmadi. What happened, and they are now challenging that before the court of law, before the high court, and that is pending there, you see. Probably what I feel to tackling the situation because of the enormity or velocity of the situation, the public citizens were banned, and that has gone up to the court, and there the court will decide the future course of action, but there it was against the constitutional amendment of freedom of the press and of expression. That will be decided there, you see. But another mosque also, Ahmadiya mosque, attacks were made, but government so far as I know from the press release, government took action to stop this. The real problem in Bangladesh is the social, economic, political problem, and the problem of law enforcement, taking advantage of the law in other situations. The rowdy elements of society are taking actions not only against the minorities, but also against the majority communities. If I may tell you, if the total population, 14 percent are minorities, and if you look to the newspaper every day, you find the majority community people are suffering most maybe death, maybe rape, maybe many things. So in that proportion, I would say the 14 percent will also have to share for the social, economic and political depredations. But we are confusing the religious persecution here with political and social problems. That I will submit is not the correct position, and there is political hostility between the two major political parties that is aggravating the situation, and correct pictures are not being presented in the press also, which is what I look at it.

COMMISSIONER BANSAL: We're going to turn to some of the audience questions so that we have some time to do this. Obviously there are a lot of questions. So we're trying to group them in categories. There are a number of questions. There's a whole group of questions that talk about or that ask the commission as to why we're focusing on Bangladesh and not on India, especially Gujarat, and to that we would direct the audience to look under the commission's Web site. We have held hearings on Gujarat. We're continuing to look at the violence in Gujarat. It is continued to be reported upon, and we would encourage you to look at the Web site on that. We've had hearings like this on Gujarat. We're going to now turn to some of these audience questions. This is a question about the enemy vested property law. The audience member asked the 2.5 million acres of land has been seized by using a racist law called the enemy vested property law. In Chittagong Hill Tracts, the tribal population has been reduced from 97 percent in 1947 down to 50 percent in 1997, and the audience member asks: isn't this evidence of ethnic and religious minority cleansing? The question is directed to Mr. Rahman, but I would encourage any of our panelists to join in.

JUSTICE RAHMAN: It is more or less economic migration if that be so. That is my impression. (Loud outburst.)

COMMISSIONER BANSAL: Mr. Faiz? Please.

MS. GAER: If we're going to have an answer to the question, if we're going to be able to ask any of the audience questions, I've got to ask the audience for silence.

MS. BANU: As for the migration, in 1947 that was the process, and that process has continued. And may I mention the quotation from Budha Dev Boshu, the Chief Minister of West Bengal. He said the migration of Hindus to India is purely economic and family affairs because most of the Hindu families, they have some members in India. So if there is any right situation, other members of the community, they just migrate. And also many Muslims also are going to India for business purposes, and Bangladesh is so overpopulated that if there is an option to come to United States, I think 90 percent of the population of Bangladesh will opt for United States. So this is a process. It's not really -- and also psychological. I personally think that as a minority community, they sometimes suffer from psychological disadvantage, too, just really not religious persecution, definitely not.

COMMISSIONER BANSAL: Mr. Faiz, could you also address that?

MR. FAIZ: Well, I think it is true that pressure for land has been to an extent responsible for the migration of certain groups of Bengali people from the mainland Bangladesh to the Chittagong Hill Tracts, but it would be an unfair picture to say that that was the only reason. I think there was a lot of encouragement on the part of the government to resettle and to settle Bengali people from mainland Bangladesh in the Chittagong Hill Tracts. It has a lot to do with the politics of the region. It has a lot to do with the ambitions of the region. It had a lot to do with the difficulties that existed between India and Bangladesh at the time. So it is a whole -- I mean, it is a very complex picture, and also the migration of Hindus from Bangladesh to India, it exists, but this is not a permanent thing. They go there and they come back. However, this doesn't mean that the attacks did not take place against the Hindus in October 2001.

COMMISSIONER BANSAL: Thank you.

MS. BANU: May I add a little point?

COMMISSIONER BANSAL: Yes.

MS. BANU: The general Chittagong Hill Tracts area's tribal people population is growing five percent, and the Chittagong Hill Tract area is ten percent. So how can you, Bangladesh, have the luxury to give ten percent of the land to the poor five percent of the population. Bangladesh is well populated, and it has to accommodate people from the mainland, and it is the law in India. You can see as people are pushing; tribal people are pushing, pushing, pushing toward the interior, and the plain people are taking advantage of that.

Thank you.

MS. GAER: Thank you. Ms. Costa, did you want to comment on this?

MS. COSTA: Yes, just regarding (unintelligible) along with the Hindus; also many Garos they were affected in misusing. They did not stay in India. When war broke out in 1964-65, they went, but they came back. They did not get the land up to now. And regarding Chittagong Hill Tracts, it's not because there is a big land. There is a big land, but we have to seek out other lands, how much there are. And the tribal population is not sufficient for them also, but the problem is why the population is decreasing. Tribal population is decreasing, and majority population is increasing. How come? Thank you. (Applause.)

MS. GAER: Commissioner Chang.

MS. DUTTA: Regarding the vested property, most of the properties of the minorities are not taken by the poor people. It is by the people in power and rich people, never the poor people. Poor people do support their neighbors. So I think that's not correct.

MS. GAER: Thank you. Commissioner Chang.

COMMISSIONER BANSAL: Although the next question is addressed to Justice Rahman, I'd like to open it to the rest of the panel. It is claimed by the government that although Islam has been declared the state religion, that people belonging to other religions are also equal. How many MPs, female MPs, ambassadors, secretaries, justices are minorities?

MS. BANU: I don't have the actual statistics, but almost 50 percent of population are represented, but now six representatives. So in that way minorities are under represented

because there is a common constituency, and the minority people, the minority people cannot come out successfully. That's the reason. And (unintelligible) Gupta, he's seasoned politician, and every time he comes out successfully. MS. GAER: Did anyone else want to comment? MS. BANU: And about Vested Property Act, in April 2001 -- MS. GAER: Ladies and gentlemen, please be quiet. MS. BANU: The Vested Property Act in April 2001, parliament passed the Vested Property Return Act. This law required the government to return land that was seized under the now defunct vested property act. Now the Hindus can claim the property, but -- (Loud outburst.) MS. BANU: That is a problem, but if they are living here. They cannot come from India and claim. There are so many Muslims like that. They cannot go to India and claim the property. Those who are living here, they can definitely claim the property. (Applause.) MS. GAER: Mr. Justice, did you want to comment on that question? JUSTICE RAHMAN: Please, the law has been made for the general vested property, and the government is now making a list of the properties, and those who are here the years, they will get back the properties. The process is going on. That is what I have heard, and I know about it. MS. GAER: I have received a question from the audience. It's addressed to you, Mr. Faiz, but I would like to also address it to Ms. Costa and Ms. Dutta. The question is: how and what is the methodology to separate political violence from religious violence when the victims of any violence are minorities, particularly when the minorities are involved with politics? The question is really in some ways a response to the points that Mr. Rahman made when he said this was political, not religious violence. How do you separate or determine or reach a conclusion as to what is political and what is religious when the victims are themselves minorities? MR. FAIZ: Well, I would like to begin by answering that question with the issue of Ahmadiis, and I don't think any of the speakers will disagree with me and any of the audience, I hope, people in the audience, that they are not, in fact, a political community. They are a religious minority, and they are in really serious trouble. Their publications have been banned. One of their preachers has been killed, and no one has been brought to justice. This person was murdered by a group of Islamist activists, in front of his family, and nobody has been brought to justice. What was his politics? Seventeen members of the Ahmadiya community were excommunicated. There were not allowed to speak to each other in front of the members of the Islamist groups. They were not allowed to sell or buy anything from their own village. They were not allowed to send their children to school. So what was the politics of these families? You know, there was no politics involved. It is very difficult. It is easy and convenient, and I think the problem that exists is that there is a readiness to associate any problem that is in the society with the difficulties that the two main parties have within each other, and I think if people try to kind of move away from that and look at problems that exist as problems that need to be solved, not as political issues, then it is possible to get somewhere. (Applause.) MS. GAER: Ms. Costa. MS. COSTA: In regard to the rape, I just want to mention that when rape any girl, any woman, it's a crime, and I don't see any religious girls when they are raped, but when minorities are raped, when they are going to the police or even most of the time they cannot go to the police, but the family is asked to leave the country. If you go to the police or if you go to the press, you have to leave the country. That is not safe to the Bangalis, and many incidents I have that way. They are told leave the country because they are Hindu. So in that respect, I don't see this is just a social issue. This is also a minority issue. MS. GAER: Thank you. Ms. Dutta. MS. DUTTA: I has been a real rewarding. If any minority women are raped, the political party in power should come forward not by denying the fact because if one even exemplary punishment was given, then it would have been like an issue which would have refrained the other people from doing. So it should not be a denial process. It happens. We have to do because they are also our daughters. So there has to have a political will. If there is a political will and take this to control the measure, and I think it can be resolved without just denying the fact. It happens. It will happen, but it can be handled. COMMISSIONER BANSAL: I'd like to ask the witnesses a question about the lack of -- we have heard a lot about the lack of prosecution of perpetrators of violence, especially religious violence. What accounts for this? What accounts for the failure of the court system, the prosecution system, the inaction to the extent that it exists? And I'm hoping that we can address any perceived deficiencies in the justice system and what the United States might be able to do to strengthen that, help strengthen it. MS. BANU: One of the reasons is the corruption by the police. Sometimes political parties, sometimes -- because they are all suffering. All of the political parties are suffering. Sometimes they are sincere, but the inaction and corruption by the police sometimes, and also reporting, reporting when the case file and police report. It isn't effectively put in that way so that the court can take action. COMMISSIONER BANSAL: So is this a local problem? You're saying local police? MS. BANU: Yes, it is local police, and you see these atrocities, and who are the people? The people have been local, the crimes carried out mainly by the mastans and the local gundas and the local Tasks (phonetic). They feel that these people are not dishonest people. It is because of the personal gain and sometimes personal animosity, personal clash, and loss and gain. Most of the cases have that, and I think we should respect the sentiment of the majority of the people. There are many more instances of the people's resistance against attacks on religious freedom. For example, the demand for introducing blast from Milo (phonetic) in the early '90s was decisively defeated by the majority of the people. Attempt to clear communal rapes by certain people for political or economic reasons was strongly resisted, and prosecution of social tension by cross-border incidents was successfully mitigated. So the cases are isolated with minorities and also the majorities. They both are suffering because of the law and the situation, because of the property, because of the unemployment, because of the social tension-frustration. This is the main reason. I don't think that Islam poses one civil or there is a systematic prosecution against minorities. Thank you. (Applause.) COMMISSIONER BANSAL: Could we hear from some of the other witnesses on that, on the legal system? MS. GAER: Mr. Faiz? MR. FAIZ: Yes, I think if we were to be looking at it very thoroughly, it is not just one factor. There is, for example, the issue of poor governance which has been identified as a problem in upholding the rule of law. There is corruption. There is the fact that the ruling parties have systematically ignored human rights abuses by their own supporters or supporters of parties in alliance with them, and then allowing them impunity for such acts. There is a poor trained and corrupt police force, and a severely overloaded judicial system, and these all deprive the underprivileged and the minorities of the right to access to justice. There is, however, the failure of the government and the opposition, as I mentioned earlier to engage in a dialogue to reduce the political tension in the

country and to strengthen the democratic process. This failure has further undermined the ability of the institutions of the state to uphold the rule of law, including safeguards in the constitution of Bangladesh. So a whole catalogue of reforms has to take place if the issue has got to be addressed fundamentally. But the most immediate thing that the government has to do, any government -- and I'm not referring to just this government -- the government in power has the responsibility to bring to justice --

MS. GAER: Ladies and gentlemen, please, we can't hear Mr. Faiz.

MR. FAIZ: Right. The most immediate thing that any government has to do, including this government, is to bring to justice those who have engaged in these attacks, and by that they will send a very clear message that they are going to uphold the provisions of the constitution of Bangladesh, the provisions of international human rights law, and they are not going to tolerate any attacks, any activities of this kind.

MS. GAER: Thank you. (Applause.)

MS. GAER: Ladies and gentlemen, our commission has heard a great many points this evening, points of view, much information. We are concerned about the increased number of attacks on religious minorities in Bangladesh, and we are very pleased to have had this opportunity to discuss some of these issues, to receive testimony, and hear from so many persons. We intend to conduct further inquiries and to continue to address this issue. We intend to do so in a way which allows us to receive all of the information and to hear all sides on this issue. We will be putting information about this, including the testimony that I mentioned before, onto our Web site. We will be publishing -- (Loud outburst.)

MS. GAER: And I must say this to my knowledge is the first time in many, many years that a United States government body has held an open hearing on the question of human rights in Bangladesh, and on the question of these attacks and the recent events, arrests, and other issues including the religious communities that have been under threat. I must say that the disruptions, the screaming and the like will not do very much to encourage others to conduct similar meetings. (Applause.)

MS. GAER: These issues are too important to allow them to be silenced by this kind of action, emotions, and behavior. I ask you to communicate with us, and to respect all of your colleagues who are here who want to hear and listen to these issues. (Applause.)

MS. GAER: At the same time, I want to assure you that our commission and our Commissioners will be looking into these issues very seriously. We know there are visits coming up just in a few days I think of the Justice Minister and in a couple of months, one of the senior ministers in the cabinet in Bangladesh will be visiting. These are opportunities to further study and question these reports. We take them very seriously. We know that you do. We look forward to continuing this. Thank you for joining us. (Whereupon, at 8:46 p.m., the public hearing was concluded.)