

Bangladesh Hearing - Transcript

UNITED STATES COMMISSION ON

INTERNATIONAL RELIGIOUS FREEDOM

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FELICE GAER: Good morning.

My name's Felice Gaer. I'm chair of the United States Commission on International Religious Freedom, and I'm joined today by my fellow Commissioners, Dr. Richard Land and Michael Cromartie, as well as the Executive Director of the Commission, James Standish. It's my pleasure to welcome you here today to this, the third of the Commission's hearings conducted on Bangladesh. The first was held in New York in 2004 - any of you who were there remember it was quite lively. It focused on governance and minority rights. The second was in 2006, it was here in Washington. It focused on the need for fair and violence-free elections - elections that have since then been postponed for nearly two years and are now scheduled for December 29th.

The Commission had also traveled to Bangladesh earlier that year. There are few functioning, moderate democracies in the Muslim world, and the Commission is concerned about Bangladesh's potential to rejoin the ranks of those states after nearly two years of suspended democracy and rule under a military-backed caretaker government. The Commission has long-standing concerns about religious freedom, which are of course intertwined with other rights guarantees that are essential for its realization, such as freedom of expression and assembly and the rule of law.

I should point out that this hearing is one of a series that the U.S. Commission on International Religious Freedom is convening that will focus on extremism and the repression of religious freedom. We had a hearing on Sudan in September and we're planning more on this theme, which you are all welcome to attend. Our discussion today presents a timely and important opportunity to focus on Bangladesh's efforts to hold an election that is free, fair and peaceful, in spite of the threats of religious militancy, chronic political violence and growing intolerance towards religious minorities and to those within the majority community who hold different views about Islam and the role of Islam in Bangladeshi society.

Bangladesh represents a risk of conflict, but also an opportunity to establish civilian representative government on a firmer footing. Which it will be depends on the government and the political parties and how they manage the upcoming elections. One of the themes of this hearing is the threat posed to democracy and human right by extremism, particularly extremism in the name of religion. Thus, I also wish to take the opportunity to offer personal condolences and the condolences of my fellow Commissioners to the families of the victims of the horrific atrocities perpetrated by extremists in Mumbai and to express those condolences also to the people of India.

These were horrific terrorist attacks. Bangladeshis from all major religious communities have themselves suffered in the past at the hands of extremists falsely claiming religious justification for their crimes. On a more positive note, I should also point out that Bangladesh has developed democratic institutions, an independent judiciary and a lively civil society with active civil rights groups. The country also has significant ties to the United States, including USAID programming that invests significantly in democracy and governance issues.

Unfortunately, however, Bangladesh's democratic experience has been marred by high levels of political violence. When in opposition, both major parties have turned to parliamentary boycotts, general strikes, street protests - with a high potential for violence. As we discussed in detail in our hearings in New York, following the elections of 2001, in which political Islamic groups played an important role in ensuring a victory for the Bangladesh National Party, the BNP, there were numerous reports of killings, sexual assaults, illegal land seizures, arson, extortion and intimidation of members of religious minorities, particularly of Hindus.

Many ascribed these attacks to partisans of the BNP and its so-called Islamist allies. Thousands of Bangladeshi Hindus reportedly fled to India to escape persecution. Although reports of

anti-minority violence have dropped off sharply since 2001, minority representatives continue to express concern about their future in Bangladesh, citing the growing extremism and intolerance in the majority Muslim community. Others also point to this growth, from the Congressional Resource Service to Amnesty International and other non-governmental organizations - Ambassador Milam, who testified at our last hearing, Ambassador Tariq Karim of Bangladesh and many others.

Islamist militants were blamed by the authorities for a coordinated wave of bomb explosions on August 17th, 2005. Militants were also implicated in a series of bomb attacks on courts or individual judges in October and November, 2005. The bomb attacks were accompanied by the calls by militants for the substitution of Sharia law for Bangladesh's current secular legal system. Other militants have campaigned openly to have the government designate members of the Ahmadi religious community as non-Muslims, opening the door to official discrimination and persecution that they have experienced.

Bangladesh's current caretaker government was installed with military backing in January 2007, after the postponement of elections and the imposition of a state of emergency. Under the mandate of an anti-corruption campaign, thousands have been arrested, including senior political leaders, political activists, businessmen, journalists and academics. Despite the caretaker government's public promises to uphold human rights, serious human rights abuses have been reported, included suspected killings by the security forces, arbitrary detentions, curbs on press freedom and violations of the right to due process, particularly in the context of the anti-corruption campaign.

The primary role of the military as the principal backer of the current extra-constitutional administration and the severe restrictions placed by the state of emergency on normal political activities all raise questions about the fairness of elections now scheduled for December 29th. To help us sort out these issues we have assembled three panels of distinguished expert witnesses today. First among them we are honored to have with us U.S. Ambassador to Bangladesh James Moriarty, who will address U.S. efforts to promote democracy and human rights in Bangladesh, as well as U.S. strategic interests in Bangladesh.

Ambassador Moriarty, thank you for being here. I'm just going to briefly outline who else is speaking and then we'll go right to your testimony. Peter Manikas and Kimber Shearer, representatives of the National Democratic Institute and the International Republican Institute, will discuss their election-monitoring and other long-term governance projects. And then the last panel will consist of experts on human rights and governance in Bangladesh: Dr.

Ali Riaz, chair and associate professor of politics and government at Illinois State University; Dr. Shapan Adnan, associate professor of South Asian studies at the National University of Singapore and an expert on the ethnic and religious conflict in the Chittagong Hill Tracts, Asif Saleh, executive director and founder of Drishtipat, a human rights organization whose writers collective provides media commentary in Bangladesh and abroad, and Dr. Sachi Dastidar, professor of politics and economics at the State University of New York at Old Westbury and an expert on the position of religious minorities in Bangladesh, particularly Hindus.

Unfortunately, the noted human rights attorney Sara Hossain is unable to join us today because of an urgent development in a court case in Dhaka. And we hope to have her written comments soon and it will be available on our website. She did request distribution of copies of Ain O Salish Kendro's chapter on religious freedom and that is available outside the room for anyone who wants it, along with copies of the other witness testimony. And all these documents will be available after the hearing on our Web site, www.uscirf.gov.

I'd like to ask that members of the audience refrain from applause or other interruptions - that's the experience from our New York event - talking. (Laughter). We have a lot of witnesses, little time today and we appreciate your help in this regard. Thank you very much. Ambassador Moriarty, the floor is yours.

AMBASSADOR JAMES MORIARTY: Thank you, and thank you for saving me from any catcalls that might be coming from outside. (Laughter). Madam Chair, honorable Commissioners, distinguished guests, ladies and gentlemen: Good morning. I am honored to be the first witness at this hearing on the state of democracy, human rights and religious tolerance in Bangladesh. It is a pleasure to join the diverse and accomplished group of panel members who will also testify this morning. I appreciate the outstanding work performed by the Commission in support of building democracy and advancing human rights and religious tolerance in Bangladesh.

This is an exciting time to be U.S. ambassador in Bangladesh. The country is preparing to return to a democratically elected government through national parliamentary elections on December 29th. This will bring to a close a two-year interregnum that began on January 11th, 2007, with the imposition of a state of emergency and the installation of a caretaker government. In my view, other than last month's elections here in the United States, there will be no more transformational election in the world this year than the one scheduled for Bangladesh on December 29th.

As ambassador, I have had the privilege of traveling throughout Bangladesh, from Rangpur in the north to Rangamati in the South and numerous places in-between. I've met Bangladeshis from all walks of life. I have witnessed a vibrant nation with a thriving civil society. I have observed hard-working, industrious citizens who seek a better life for themselves and their families. Bangladesh is a moderate Muslim-majority nation, as the Commission has also pointed out, and Bengalis practice a unique form of religious syncretism. The land that claims Nobel laureate Rabindranath Tagore as one of its own also takes Mahatma Gandhi's words to heart - to allow the cultures of all lands to blow about as freely as possible, while refusing to be blown off one's feet by any.

Yet, undeniably there are those who would like to end this tradition of moderation and tolerance and that is a matter of grave concern. Bangladesh is a land of contrasts. On one hand is the Bangladesh of recurring national disasters, endemic corruption, growing intolerance and a growing population, 86 percent of whom subsist on less than two U.S. dollars per day. On the other hand is the Bangladesh that is on the brink of a historic democratic transition, which could make Bangladesh a model of governance for other moderate Muslim nations. Bangladesh's economy has been growing at more than 5 percent annually for the past 17 years and at more than 6 percent annually the past six years. The country has dramatically improved most social indicators, including reducing infant mortality by over half in the past twenty years.

For example, you might also be surprised to learn that the average life expectancy for Bangladesh's 150 million people is considerably longer than that of Russian men. U.S. interests in Bangladesh revolve around three mutually-reinforcing principles, what I like to refer to as the three Ds: democracy, development and the denial of space to terrorism. Bangladesh's track record with democracy is mixed. Since the end of military rule in 1991, the country has held three largely credible elections. There has been real progress in the formal aspects of the electoral process, including voter registration.

Little improvement has been made, however, on substantive issues like transparency. Each successive government has increasingly centralized power at the national level; a winner-take-all mentality dominates. With respect to the democratic transition ahead in Bangladesh, the caretaker government has remained committed to the electoral road map announced in July 2007. The military has pledged to support the return to democracy, and I see no reason to doubt the military's pledge.

In fact, virtually all observers agree that the military did an exemplary job in registering over 80 million voters in less than a year.

The government has set the conditions for free, fair and credible elections by the end of December. For example, the election Commission now has the power to bar certain types of convicted criminals from participating in the election and to remove from the ballot candidates engaged in illegal activities. The caretaker government has also pledged to remove the state of emergency prior to the elections so that no one will be able to credibly charge the authorities with using the emergency powers to manipulate the election. I hope that the parliamentary elections on December 29th will lead to a party-based government that will be ready to move the country forward in a positive direction.

We have urged the political parties to play their part and engage in constructive dialogue with the Election Commission and the caretaker government. In recent weeks I have met with both former prime ministers, Sheikh Hasina and Khaleda Zia. Both have assured me that their parties will attempt to implement manifestos designed to ensure a better future for the people of Bangladesh. Both have assured me that they understand the need to improve the political environment in Bangladesh and to ensure a positive relationship between the governing and opposition parties. Both have assured me that their parties will unflinchingly combat terrorism.

The U.S. and others in the international community continue to press for improvements in human rights inside Bangladesh. We are seeing some progress. Extra-judicial killings have reportedly declined significantly over the past year. This is due in part to pressure from the U.S. and others. Similarly, the treatment of religious and ethnic minorities shows some sign of improvement. For example, anti-Ahmadiyya groups have not engaged in public agitation or violence in the year 2008.

Overall, the legal framework inside Bangladesh is strong and in no way condones violence or discrimination against individuals or communities. Still, the continued failure by local authorities to completely investigate all types of human rights violations remains troubling. I meet regularly with minority communities, in order to both understand their conditions and to let others know the U.S. is monitoring the treatment of the less advantaged. I recently visited the Chittagong Hill Tracts, where Buddhist tribes have seen an influx of Bengali settlers into their traditional regions.

While there, I have to admit that I witnessed considerable animosity between the original inhabitants and the new settlers. I also visited the Buddhist sage, who noted that his people had to learn to live together with the new settlers: There simply was no other choice. I am proud that I went to the Hill Tracts to open a U.S.-funded project that will help protect the environment by improving livelihoods and diminishing suspicion among the poorest people of the region.

The second pillar of U.S. relations with Bangladesh is development. Development in Bangladesh still faces serious obstacles. The recent global economic crisis has raised concerns about whether Bangladesh can sustain economic growth rates of 5 to 7 percent annually, particularly given the potential vulnerability of its export sector and its remittance flows. Some economists argue that inflation, which has crept into double digits, is Bangladesh's primary economic problem. Food prices have risen by more than 50 percent over the past year, putting at risk of chronic malnourishment another 7 million Bangladeshis.

Other analysts maintain that the country needs to improve its energy and transportation infrastructure. Corruption is estimated to cost the country up to 3 percent of its GDP - almost \$2 billion per year. The high level of corruption deters international trade and investment. The caretaker government has put significant effort into combating corruption, and to date over 60 individuals have been convicted on corruption charges. But time has run out on the caretaker government, and it will be up to the incoming political government to pursue and expand Bangladesh's anti-corruption drive.

Development is important not only because poverty creates space for extremism, but also because inequality makes it more difficult for democracy to take root. The U.S. Agency for International Development in Bangladesh maintains a food aid program that targets the needs of the poorest of the poor, especially in the countryside. USAID also manages a broad-based development program focusing on democracy and governance, including by helping to combat corruption through better local government - oops - I'm at the red already - public health, education for the poor and expanded economic opportunity and competitiveness. These programs help provide a basic social safety net. Last year, USAID immediately provided \$19.5 million dollars to victims of Cyclone Sidr. Congressional approval of an FY08 supplemental appropriation and FY09 bridge funds providing Bangladesh an additional \$75 million for Cyclone Sidr victims was tremendously helpful.

Let me turn to the last pillar of the U.S. relationship with Bangladesh: denial of space to terrorism. There are warning signs that extremism could take root in Bangladesh. Extreme poverty, weak governance and endemic corruption have created some space inside Bangladesh for extremists to operate. The government of Bangladesh has taken steps to confront this threat, including by arresting and sentencing the militants responsible for mass-bombing campaigns in 2005. The government of Bangladesh has also attempted to provide training for the country's imams and a standardized curriculum for Bangladeshi madrassas.

The United States supports Bangladesh's efforts to combat terrorism. The U.S. is helping Bangladesh to achieve better control of its border. The U.S. is also looking to engage with the rapid action battalion, Bangladesh's most effective security organization, to improve its human rights record and potentially enhance its ability to fight terrorism. Through our Leaders of Influence program, the U.S. mission works with imams and other religious leaders. We show the imams development projects and demystify for them what the U.S. is trying to do in Bangladesh. I have spoken to graduates of this program, some of whom are studying English under another U.S.-funded project. To a man, all the imams told me that their training made them understand that they must support community efforts in such fields as health, basic education, human trafficking and local governance. Over the next four years, this program will reach at least 20,000 leaders of influence representing all religious faiths and a variety of secular fields.

In concluding, I would like to emphasize that the stakes for the United States are enormous. Bangladesh is at a crossroads. The country could achieve a peaceful transition and become a model of a relatively prosperous Muslim-majority democracy, or it could return to the winner-take-all obstructionist politics of previous years. The latter could lead Bangladesh, the world's seventh most populous country, down a dark road towards chaos and widespread poverty. If Bangladesh stumbles within the coming months, it could become a breeding ground for terrorism and support for groups wishing to operate in South and Southeast Asia and perhaps beyond. That said, I am optimistic. Bangladeshis are deeply committed to democracy. Over 90 percent of them say they plan to vote in the upcoming election. Bangladeshis are among the most talented, hard-working people I have met. When I talk to Bangladeshi factory workers, they look me straight in the eye and say that they are better off than their parents were and that they expect their children will be better off than they are. And fundamentally, Bangladeshis have a tradition of tolerance, with Muslims, Hindus and Christians all helping their neighbors to celebrate each other's holidays. I am confident that the future is bright for Bangladesh. Thank you.

MS.

GAER: Thank you very much. We're now going to proceed to a round of questions, and a second round if we have the time to do that. We're going to continue to use the light system, so I encourage everyone to be familiar with it, and it's green and red and you know what they mean. Thank you for your comments about this being a transformational election and your hopefulness in that regard. I wondered if you could comment on your view of the significance of the postponement of the elections from December 18th to December 29th. Is this going to happen again? Will there be certain conditions affecting it? And can you comment at all on the reports that there will be a mobile phone shutdown at the time of the election and whether you think that's going to help free and fair elections or hinder them? Thank you.

AMB.

MORIARTY: The postponement from December 18th to December 29th was a result of negotiations between the caretaker government and the political parties, particularly the BNP. The BNP said frankly that it wasn't ready, that it needed more time to get its voters lists together and asked for a postponement. They also had attached a bunch of conditions, of other conditions. All of these were stated as preconditions for the BNP's participation in the election. The government has all along wanted all the major parties to participate to ensure that the election was credible. It ultimately determined that if they gave the BNP these extra 11 days, they would participate in the election, and that's where we are right now. It's pretty certain that the BNP will participate. At the time these negotiations were going on, my embassy commented that a slight delay to bring all the parties effectively into the election would of course be fine if the parties and the government agreed to it, and we still stand by that comment.

In terms of

the mobile phone shutdown, yes, there's a lot of rumors going around about that. It has happened in the past in various elections. Your second question is more interesting. Does it help or hurt in terms of the freeness and fairness and credibility of the elections? A lot of the political parties will say, well, this will make it tougher for observers, but the government says that what it will do is that it will also make it tougher for people to organize gangs to go and intimidate voters and to sort of mobilize efforts to manipulate the election. They assert that if indeed there is a mobile phone shutoff, everybody, all the observers will have access to land-line phones to coordinate if they see anything wrong going on at the polling booths. So I just throw those two views out for you.

MS. GAER: Thank you.

Commissioner -

MICHHAEL CROMARTIE: Which one do you accept, which of those two views do you think it is?

AMB.

MORIARTY: I've got some sympathy for both, and frankly, you know, if you talk to a lot of the human rights groups, they'll have sympathy for both. Fundamentally, I do understand the concerns about the mobilization of what they call the three M's: money, muscle power, misuse of authority. Misuse of authority I don't expect will be a big issue, I hope that money will play a lesser role because there's less of it floating around right now, but there's always the fear of what they call the "mustain bahini," the thugs being brought out to try and intimidate.

MS.

GAER: Thank you. Did you have a further question?

MR. CROMARTIE: I do, I have several.

MS.

GAER: You get one - (chuckles) - and then Commissioner Land.

MR. CROMARTIE: I thank you for joining us, Ambassador. The United States has provided over \$5 billion, I believe, to Bangladesh, mostly in development assistance, food aid, disaster relief. But also, we've also provided - through public statements in the State Department, we've also worked on improving good governance, fostering democracy and enhancing professional skills. Do you think this assistance is focusing enough on strengthening democratic institutions? I mean, can we do more?

AMB.

MORIARTY: Yes, we can always do more, and I think this is a critical transition period where you have a new government coming in. A new framework. One thing that hasn't received much attention overseas is the fact that there are 87 ordinances that the caretaker government has promulgated on issues such as local governance, the Election Commission, the Anti-Corruption Commission. The ones

dealing with local governance I think actually give us a chance to help the Bangladeshis build better government at the local level. To my mind, that's absolutely critical. The Bangladeshi democracy has many virtues, but some political analysts do comment that it is a very, very centralized democracy, where all decisions are taken at the central level and where the prime minister is in effect on seat for five years at a time. So building in checks and balances at the local level would be great, and frankly we need more money if we're able to do that - for us to be able to do that.

MR. CROMARTIE: If I could have a follow-up -

MS.

GAER: Well, I'd like to have Dr. Land, if you have a question? And then we'll do another round.

MR. CROMARTIE: But mine is directly related to the one I just asked, if I could just quickly ask this one? And that is simply this: Do you feel those programs are specifically focusing enough on religious tolerance and interfaith dialogue?

AMB.

MORIARTY: The program that I think does a great job on interfaith dialogue, religious tolerance, is the Leaders of Influence Program. We've done something like 7,000 people coming through these programs, that already, a large part of them have been Muslim imams. We're opening it up to other groups, including Hindu religious leaders. As I said, I've met with some of these people, and they get it. They understand that they work within a community, that their own role is enhanced by reaching out to other groups, by working cooperatively on all the major issues facing their community.

MR. CROMARTIE: It's called the Leaders of Influence?

AMB.

MORIARTY: Leaders of Influence Program. If you can put it in other places, I recommend it.

MS.

GAER: Before Dr. Land speaks, I just wanted to set the ground rules for all people testifying today, and that is, we are going to have rounds of questions here, and each Commissioner gets a question, and we can come back again to do that, but we're trying to do this in order to make sure everyone gets to ask questions, and we'll try to keep to the process. So Commissioner Land?

RICHARD

LAND: Thank you, Ambassador. Since May of 2005, the Commission has had Bangladesh on its Watch List of countries in which conditions may not warrant designation as a country of particular concern but would require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by governments.

How do you see religious conditions in Bangladesh today and what is your feel, as a person on the ground, for where they're going? Are they getting better or are they getting worse?

AMB.

MORIARTY: Tough to call. You know, I personally think that particularly the last year has seen a fairly real decline on clear incidents. We are going through a transition. Bangladesh will see a new government. Politicians will come back, and part of the problem is - part of the issue is going to be, how do they politicians behave? How do they interact with the more extreme religious parties? Do they use them as a vote bank, do they use them as bully boys to intimidate opponents? That's going to bear watching. I also want to slip back to what I have said earlier, though, too.

It's a country of many contrasts. The average Bengali is pretty tolerant and has lived cheek-by-jowl with Hindu neighbors for centuries with fewer incidents than in almost any other place in the subcontinent. You undeniably have, and you have had all along, some degrees of more conservative forms of Islam. It has support in various parts of the country. The more conservative forms of Islam are occasionally taken beyond that, to xenophobic, anti-Western, anti-Hindu forms. I want to stress here, though, that that does not get a whole lot of support in the broader community. It is there; to a degree it's growing, because there is money behind this. But I want to say that the, by and large the Bengalis are among the more tolerant peoples I have encountered on the subcontinent.

DR. LAND: You have no idea where the money's coming

from?

AMB.

MORIARTY: Outside. Outside.

DR. LAND: You said outside. Thank you.

MS.

GAER: Thank you. James Standish.

JAMES STANDISH: Thanks again, Mr. Ambassador, for being with us. You mentioned the Chittagong Hill Tracts as being an area where there is significant friction. One of the things in the scenario that the Commission has been interested in, obviously for that reason - one of the questions that I have is, when settlers are moving into that area, first, why are they moving in? Secondly, when they obtain land, is it through a free and fair bargain exchange or is there coercion? If there is coercion, what is the Bangladeshi government doing about it and what's the U.S. doing to interact on that particular issue?

AMB. MORIARTY: Okay, well, the reason people from the plains move up to the hills is just population density. And looking for land to try to utilize. Legally, since the 1997 peace agreement, nobody from outside the hill tracts can move in and purchase land. You know, it's just flat out illegal under the terms of that agreement. You do get into a debate as to how much is continuing to happen. There was a push on Bengali settlement, apparently for security reasons, by the Bangladesh government in the '70s and '80s, and as a result you had an insurgency. The peace treaty ending that insurgency in theory stopped migration. In practice, the hills people say that to some degree, it's going on, and that to some degree you continue to get Bengali settlers trying to in effect seize land and then try to get it blessed somehow through the courts. It doesn't look like any sort of central government policy; it looks like the actions of individuals on the ground.

MS. GAER: Thank you very much. We've just been joined by Commissioner Leonard Leo, and I welcome him. He'll skip the first round of questions in that regard. I'd like to ...

I didn't see the congressman come in, and Ambassador, if you could hold just a little bit for us, we would like to give the floor to

Congressman Joseph Crowley, who's - for those of you who don't know Joseph Crowley, I have to ask why you're here, but the truth of - but if you don't know, I'll tell you. He's not only a member of the House Foreign Affairs Committee and a member of the Subcommittee on International Organizations, Human Rights and Oversight and on the Subcommittee on Terrorism, Nonproliferation and Trade and a member of the Ways and Means committee, but the reason he's here is he's Chairman of the Congressional Bangladesh Caucus. He joined us at our quiet hearing in New York a few years ago, and we're delighted that he's here today. Congressman, happy to give you the floor.

REPRESENTATIVE JOSEPH CROWLEY

(D-NY): Thank you kindly very much. First, Ambassador, we had a brief moment in our office, in my office, and it's always very good to see you, and I appreciate all the work that you're doing in Bangladesh. And we do have to spend more time with each other, maybe we'll be doing that by phone. So I apologize for the brief meeting we had, and it is good to see you again. I want to thank all of you for being here today and expressing your interest and concern as it pertains specifically to Bangladesh, in terms of religious freedom and opportunity for freedom of expression within Bangladesh. You all have - many of you know that Bangladesh has had a special place in my heart for the past decade. Actually, it predates that, but we don't have enough time to go into all that.

But particularly, in these last few years where there has been this struggle within Bangladesh to move back towards a representative form of government. And I've used my role on the House Foreign Affairs Committee as well as the Ways and Means committee and my role as the Chair of the Bangladesh Caucus to promote issues relating to Bangladesh, including trade issues and - particularly within the garment sector, as well as, for my international relations position, fostering and helping to move on the Asian University for Women to provide opportunity for - education opportunities in Bangladesh, not only for women in Bangladesh but within the Muslim and Arab world as well. As my expression of concern about religious freedom within Bangladesh, on my most recent trip to Bangladesh, having visited with the Archbishop, Catholic Archbishop, in Dhaka as well as the Ahmadiyya community in Bangladesh, as well as the Hindu community to show my concern for and my respect for religious diversity within Bangladesh. I've also - over the last decade have had the opportunity to work with the Bangladeshi diaspora here in the United States - particularly in New York, but throughout the United States and throughout Europe as well.

As we know, Bangladesh, as I've said before, is going through a very important time in its history as it attempts once again to move back towards representative government. And now is the time, I believe, to give that power back to the people of Bangladesh. To do that, we must make sure that all the political parties participate in the upcoming elections to restore meaningful democracy in Bangladesh. I also don't believe we can address many of the outstanding issues, especially some of the more painful issues over the

last 35 years, until we have a true representative government within Bangladesh. With the elections being punished back 11 days to December 29th for its ninth parliamentary election, I am hopeful that all parties will participate in a free and fair election, and in the brief time we did have the opportunity to discuss this with the ambassador. He believes, and the ambassador can speak for himself, that this will be, he believes, the most fair election in Bangladesh - that Bangladesh has seen for some time.

For the past two years, though, the past two years have been tough, I believe that the new elections do hold a great potential for the future of Bangladesh. The elections must be fully transparent and free of violence to show the people of Bangladesh and the world that the political parties are serious about a return to democracy. Elections are not the answer to all the problems facing Bangladesh, but they are a start to facing those problems. Whoever comes into power will have a lot to deal with. First, the new government must reach out to the other parties to form an administration that is inclusive so that they can govern effectively, and I think they could take a page out of the Barack Obama playbook when it comes to this. And maybe he took it out of Abraham Lincoln's, so an old idea, reusing it from time to time makes sense.

Second, they must strengthen institutions to promote the rule of law. The anti-corruption Commissions and the courts must become fully autonomous. To its credit, the caretaker government has set up institutions with the potential to thrive and move Bangladesh far lower on Transparency International's list of most corrupt governments. And with a successful election, I will be an even stronger advocate to reduce Bangladesh's debt to the United States, grant duty-free, quarter-free access to U.S. markets, and provide financial and technical assistance to ensure that Bangladesh stays on the right path. So I do believe this is the most - these are the most important elections since the birth of Bangladesh as a democratic nation, and my thoughts and prayers are with the people of Bangladesh and I hope that these are a very, very successful election and a brighter future for a country that I care very, very much about. So thank you for allowing me to speak this morning.

MS. GAER: Thank you, Congressman, thank you for joining us. You're welcome, if your schedule permits, to stay, and otherwise we'll return to our questions for the ambassador. Thank you. I was going to address one of the points in your remarks, Ambassador. You spoke about the warning signs that extremism could take root in Bangladesh, and yet the history of tolerance and engagement within the country. We've seen the reports about Islamic militants being implicated in numerous instances of violence in recent years, including attacks on the secular court system and on NGOs that empower women.

The Congressional Research Service tells us that there is concern that the secular underpinnings of moderate Bangladesh are being undermined by a culture of political violence in general and political Islamist extremists in particular.

They say that a further deterioration of Bangladesh's democracy and political stability may create additional space in which militants may be increasingly free to operate. They say that the roughly even political split between the BNP and the Awami League have allowed the small Islamist parties a political voice disproportionate with their overall electoral strength in the country. And the International Crisis Group says that the Jamaat-e-Islami is, and I quote, "colonizing", unquote, the BNP from within. I wonder, first of all, do you agree with that characterization? And second of all, do you agree with the view of the Congressional Research Service, which says that this development, this tendency towards a disproportionate voice for extremism may have, and I quote, "a destabilizing implication for Bangladesh, South Asia and the Islamic world and the potential to undermine U.S. interests"?

AMB. MORIARTY: Well, in terms of the Jamaat colonizing BNP from within, I should probably leave that to others to address, but I can't imagine Khaleda Zia agreeing with that statement. You know, the BNP leadership has very strong views and has - I've met a large number of them. They do view their alliance with Jamaat as very important for their party's electoral prospects. On the other hand, they do have very clear views that are by no means either formed or totally in conformity with the views of Jamaat, so again, I should probably let the BNP speak for themselves, but that accusation seems a little over the top to me. In terms of the disproportionate influence of more conservative parties on the body politic, I would say that, you know, I have to acknowledge that we're a little bit of an outlier here, in the sense that the U.S. mission, since before I'd gotten - since before I'd arrived in Bangladesh has always viewed it as important that all who were willing to play by the rules of parliamentary democracy be allowed to play by the rules of parliamentary democracy.

In terms of this, you know, these last four weeks of negotiations among the parties with the caretaker government about the rules for the election, it's probably kind of interesting to note that the Jamaat was probably the most forceful advocate among the four-party alliance, of the four-party alliance participating in the election and pushed the BNP very hard and made it very clear that they wanted to see the election occur. I take that as a positive development. Again, you know, we will judge people by their actions. Lip service isn't everything, but, you know, we have to keep an eye on groups and decide whether they genuinely are participating in parliamentary democracy. Religious conservatism is not an evil, you know. When it leads to extremism, that's when it gives us problems.

MS. GAER: Thank you.
Commissioner Cromartie?

MR. CROMARTIE: Yes.
Ambassador, do you have an opinion about the allegations that there are ties between certain Islamic groups in Bangladesh and foreign extremists, even including al Qaeda?

AMB. MORIARTY: These allegations have come up increasingly frequently. There are disturbing signs that indicate that there probably is something behind them. Al Qaeda I won't comment specifically on, but I will say that there are lots of accusations about the Pakistan-based groups.

MR. CROMARTIE: You won't comment because -

AMB. MORIARTY: I don't have anything to support that one -

(Cross talk.)

MR. CROMARTIE: Oh, okay.
Right, okay.

MS. GAER: Commissioner Land?

DR. LAND: There's a tradition of U.S.-Bangladeshi military cooperation, particularly in regard to international peacekeeping operations. How do human rights factor into U.S. military cooperation with Bangladesh and how are U.S.-Bangladesh military ties supportive of civilian control over the military?

AMB. MORIARTY: Mm-hmm.

The nexus of the U.S.

relationship with the military, the driving force between the U.S. relationship with the - between the U.S. and the Bangladesh

military is not just peacekeeping, but it's a recognition that the Bangladesh military is a major player in Bangladesh society. And frankly, a lot of what we

do is related to making sure that it's a positive influence. Whether it's high-level contacts, you know,

to encourage the military to play responsibly, to ensure the smoothness of the

transition back to civilian government or whether it's what we call subject

matter exchange exercises, where we send out our JAG people, our Judge Advocate

General people to work with the Bangladeshis to try to develop rules of engagement

for various cases, human rights is a big component of everything we do with the

Bangladeshi military, and it will continue to do so.

We are, as I said in my testimony,

looking at the possibility of beginning engagement with the rapid-action

battalion. Rapid-action battalion is a

composite force of police and military.

They have two totally separate records.

One is, particularly in the early years, of having had a lot of allegations

of human rights violations against them.

The other, frankly, is of those allegations declining and everyone

acknowledging that they are by far the most effective security force in the

country in terms of combating everything from corruption to extortion to

intimidation of minorities. So they're -

to do that though, we acknowledge quite readily that the first step is

engagement on human rights. To make sure

that they begin to develop the systems that - and not just the individuals, but

the systems that ensure that human rights abuses not only become much fewer but

also become rigorously investigated when allegations occur.

MS. GAER: Thank you.

Commissioner Leo?

LEONARD LEO: Thank you very much, Ambassador, for being

here. The military of course has a

relatively strong role in the caretaker government, and I was wondering if you

could comment on the reports of some that Islamism has grown in its - within

the ranks of the military, particularly the younger officers in the

military. And whether there's any cause

for concern there if you look at, for example, what happened in Pakistan as

there was an entanglement between the military and Islamism, which, I think,

has been somewhat destabilizing there?

AMB.

MORIARTY: This is something that's hard to quantify, and it's something that we've looked at whenever allegations pop up, whether it's, you know, extreme jihadist literature showing up at mosques on the cantonment or whatever. We do take these very seriously. My own gut feeling is that it's not very widespread in the Bangladesh military, certainly not very widespread in the officer corps. And here, I'm going to make a pitch: You know, if you look at what happened in Pakistan, part of the issue, I believe, is that we have a generation of military officers who had no contact with the outside world. And I would argue that that generation is the generation that you're really going to have to worry about in terms of Islamic extremism. And of course, I shouldn't be commenting on Pakistan, so let's forget all that. (Laughter.)

In terms of Bangladesh, though - I'll make my point - you have a junior officer corps that is extremely impressive, that has had a lot of interaction with the outside world, you know, not just with the U.S. but also the peacekeeping missions. The military is a very, very respected profession in Bangladesh. The esteem of the military is very high. Why is that? Well, partly, it's because you can make a decent, middle-class living without having to be corrupt, without having to take bribes. You can serve your country. You can travel overseas. When you travel overseas, you get roughly 10 times your Bangladesh salary; with that, you can put down the payment on an apartment and you can be an honorable person.

So I, you know, I get a delight in talking with some of these majors and lieutenant colonels, you know, some of these people who were seconded, for example, to the anti-corruption drive. These are among the best and brightest Bangladeshis you're going to meet. Are some of them, you know, more extreme believers in Islam? Perhaps. If so, I haven't seen much of it. My defense attaché also says that he hasn't seen too much of it. When you go to National Armed Forces Day, I can tell you, the wives aren't wearing burqas, they're wearing saris.

MS.

GAER: Ambassador, we understand you have to leave and we thank you very much for having been here. I just wanted to say, just for anyone who's concerned, our concern is not peoples' beliefs in any way, it's the actions that stem from that that, in turn, repress other peoples' freedoms. And that's where our focus has been on those issues. Thank you.

AMB.

MORIARTY: Thank you very much for allowing me to come.

MS.

GAER: It's our pleasure to have you. I'd like to invite the second panel to take their places at the table and, again, to thank the ambassador for joining us. We're going to begin again with the testimony from the witnesses who have promised to summarize their excellent statements, which the Commissioners have received and have reviewed. And then we'll have a round of questioning, again, in the way we indicated. And I'm wondering, Mr. Manikas, if you could begin?

PETER MANIKAS: Sure, I'd be glad to. Thank you, Madam Chair and Commissioners. We appreciate the opportunity to be here today. I'm - just by way of background - I'm in charge of all of NDI's programs in Asia and I lived in Bangladesh in 1995 and '96. I think I've seen every national election there over the last 13 years. And NDI's been involved in Bangladesh since the late 1980s. We opened up an office there in 1995 - I ran that office - and over the past 13 years or so, we've done a variety of different kinds of democratic development programs in Bangladesh. We've worked with parliament, helping them to develop new rules and worked on developing the capacity of parliamentary committees. We've helped to strengthen civil society organizations - worked with them specifically on helping them build up their advocacy efforts. And we've also done a lot of work with the political parties, and we've had a lot of contact with the political party leadership over many years.

In the lead-up to the current elections, NDI was involved in facilitating a series of workshops; we trained the political parties and the election Commission, helping them sort of respond to some of the reform initiatives that were being put on the table by the election Commission. We worked with district-level political party leaders, helping them to find ways to implement the new political party law that's part of the election law. And we also monitored the city corporation elections that were held in August. I think you've seen our pre-election statement; that statement was put together by a three-person team that included myself, Sam Gejdenson - a former member of Congress from Connecticut - and Saumura Tioulong, who is a member of the national assembly in Cambodia. We're also going to deploy 20 long-term observers that have actually already reached Bangladesh. They've been deployed throughout the country. And we have an Election Day observation, along with IRI, that's going to arrive shortly before the election and stay through the counting process.

The election that's scheduled for December 29th will come after, as you know, two years of rule by a caretaker government that was strongly backed by the military. Although the constitution envisions a very limited role for the caretaker, the caretaker actually launched a very ambitious reform program that included electoral reform, securing the independence of the judiciary and a very extensive anti-corruption drive. I think it was certainly the view of the delegation that these measures have a great degree of public support. However, there's every indication, including the evidence of public opinion polls, that Bangladesh really wants an early return to elected government. Indeed, the public's very enthusiastic about the coming election. But I think our concern is that disappointment will soon result if some of the problems of the past re-emerge - the problems of political polarization, failure of the political parties to deal with corruption, and the use of tactics which are very coercive in nature like hartals, which are general strikes.

NDI found, I think, that the election Commission itself was widely considered to be a vast improvement over the election Commissions of the past, which were largely considered to be very partisan. And the Commission, I think, has done a pretty good job of working with the political parties on revamping the election law and also adopting a number of other measures. And they include new provisions on campaign finance regulation, financial disclosure on the part of candidates and the registration of political parties. Under the new law, political parties are required to give much more power to local committees, which is a step toward making the parties much more internally democratic. The election Commission also redrew the constituency boundaries and revamped the voters list. The voters list, as you know, was a big problem two years ago, and was a justification, actually, for the military's intervention.

And shortly after assuming power, the caretaker declared a state of emergency. And it's been in effect, as you know, for the last two years. Their emergency powers were really very sweeping; they banned all political activity, prohibited any media comment that was critical of the government. Several of those provisions have been relaxed and there is now a commitment, as I understand it, to lift the state of emergency before the election takes place. It does appear, in our conversations with the political parties, that they felt fairly comfortable that they could campaign effectively throughout the country. And the caretaker also launched a very extensive, as I said, anti-corruption drive. And this raised various human rights and due process concerns. And I know that the next panel may want to address some of those concerns in much more detail.

A major reform that the caretaker pursued was the separation of the judiciary - the independence of the judiciary. And these have included the many criminal procedure ordinances and the judicial service pay order. But to finally secure the independence of the judiciary will require a constitutional amendment of

Article 116 of the constitution, which is going to require an act of parliament. Despite all these efforts to reshape Bangladesh's political system, the political landscape really looks much like it did before. The same political parties are contesting for power; the same leadership is in the hands of the political party - the same political party leaders - and the fate of the nation is again going to be in the hands of people that have been the chief contestants for power for the last 15 years or so.

If the parties are going to gain the public's confidence, they're going to have to address, I think, some of the systemic issues that were involved in the military's intervention. The political polarization that's dominated the nation's political life for decades, the pervasive corruption that affects the daily lives of ordinary citizens - and the party that wins the election, I think, and that forms the government should make a commitment to end this kind of winner-take-all approach to politics. And it could be done by providing the opposition a much stronger voice in parliament than it's had in the past. Specific measures might include, for example, providing the opposition with committee chairmanships, appointing a speaker who will act in a non-partisan manner, and providing the opposition with some degree of resources that more effectively will permit them to perform their role.

The opposition party, in turn, should agree to accept the results of the election if domestic and international observers find that the election reflects, generally, the will of the voters. They should pledge to abandon hartals and promise not to boycott the new parliament. All of the nation's parties should make a commitment to use parliament, not the streets, as the principal means of resolving disputes and for addressing the nation's pressing social and economic problems. I hope, finally, that the international community looks beyond the election itself and provides support that could sustain some of the reforms that the political parties have to adopt. The new parliament's going to need a great deal of assistance if they're really going to adopt some of the measures that are being discussed. And political parties, in order to sort of implement the reforms that relate to their own internal processes and internal democratizations, also are going to need the support of the international community.

In Bangladesh, I think, as elsewhere in Asia, democracy is still the only legitimate basis for governance. You know, I think we've seen, now, in Thailand, Nepal, Pakistan, a less-than-successful effort to provide for some sort of guided democracy - something that departed from the truly democratic process. And none of that's really worked very well and I think that's going to prove to be the case in Bangladesh as well. I mean, despite the very good intentions of the caretaker - and I don't have any reason to believe that

they're not good intentions - it's really going to be up to the political parties to ensure that some of these measures are sustained. An unelected government just can't do it - at least can't do it ultimately. So it's back in the hands of the political parties, now, and I hope they receive the international support that I think they deserve. Thank you.

MS.

GAER: Thank you very much. I'm now going to turn the floor over to Ms. Shearer. You'll notice the green light and then, when the red light comes on, it will be at seven minutes.

KIMBER

SHEARER: Okay, thank you very much. I would like to thank the Commission for inviting me to speak today. IRI began working in Bangladesh in 2003, with the initial goals of strengthening domestic election observation and expanding the participation, leadership development and influence of women and youth in politics and in civil society. In 2004, IRI expanded its program to include the "Five Estates of Democracy" initiative - oh, sorry, thank you - which was a long-term - there we go - integrated approach aimed at overcoming political malaise in Bangladesh. This initiative was based on the theory that in a democratic society, the five estates - private industry, labor, civil society, media, and political parties - play a critical role in the political process.

Initially,

IRI did not work directly with political parties because we were not yet confident that party leaders were able or willing to undertake necessary reforms, and lower-level leaders seemed powerless to promote change. Instead, IRI focused on strengthening the other four estates to assist them with becoming a more informed and active citizenry that would demand that the political parties become more responsible and accountable to their constituents.

For example, IRI has worked to empower youth, to increase their participation in civic and political activities, by hosting a series of youth festivals that have provided thousands of Bangladeshi youth the opportunity to experience firsthand the nuts and bolts of the political process through interactive games, simulated parliamentary campaigns and elections and letter writing campaigns to local and national government officials.

In 2007,

though, IRI did begin engaging political parties directly, using one-on-one consultations and public opinion research that we've been doing to provide parties with information about the views and perceptions of Bangladeshi citizens, including what issues are most important to them and what they want their government to address more effectively.

On August 4th, 2008, IRI conducted Bangladesh's first-ever exit poll during the Rajhi City Corporation elections. That poll yielded valuable data about how and when voters made their decisions about who to vote for. The

most significant aspect of the exit poll was that, according to our data, the election results did, in fact, reflect the will of the people.

On December 29th, up to 80 million Bangladeshi voters will cast their ballots to decide which set of leaders will be responsible for developing solutions for the concerns of the citizens of Bangladesh. Of these, one quarter will be young, first-time voters. In preparation for these elections, which were originally scheduled in January 2007, IRI has focused most of its programming on election observation efforts. IRI has supported a long-term, local observation group, the National Election Observation Council, also known as JANIPOP, who will observe and document every stage of the election process, from the voter registration drive to campaign registration throughout the campaign period, and, of course, through the vote counting process.

To complement its domestic election observation support, IRI has also been planning for long and short-term election international election observation efforts. In August and October 2008, IRI conducted two pre-election assessments to evaluate the state of preparations for the elections. Both assessment teams met with senior political party and election Commission officials in Dhaka city, and also deployed to the six divisions to meet with local-level political party representatives, government officials, voters and other election stakeholders. These assessments led IRI to conclude that the Bangladesh election Commission will be ready to hold the parliamentary elections on December 29th, despite some concerns about a lack of sufficient human resources, particularly with regard to adequate numbers of knowledgeable election officers. IRI did observe some irregularities and shortcomings during the local August 4th elections, however most, we believe, could be addressed by better organization and preparation, better training for election workers, including the security forces, more voter education and clarification of election laws and regulations.

In November 2008, IRI deployed 26 international long-term observers, who will remain in Bangladesh beyond Election Day. These observers have been deployed to 13 locations around the country, where they are meeting with electoral stakeholders and will observe the campaign period, Election Day and the immediate post-election period. IRI will also field an international short-term observation delegation for the election itself. International and domestic interest in Bangladesh is now almost exclusively focused on the upcoming elections. While these elections have been a significant benchmark, it is not an end of IRI's goal in Bangladesh. IRI, along with others, believes strongly that democratic benchmarks must extend beyond Election Day.

As a result, our programming supports a free, fair and credible election process while also building skills among each of the five estates that are transferable from the pre-election to

the post-election period. Even after two years of a non-political government, political parties still see electoral success as the grand prize but appear to place far less value and attention on the process of governing the country after the election. In other words, the parties seem to continue to place little importance on meeting the needs of constituents and solving the critical problems facing the country.

Despite ongoing political stagnation, the state of emergency, as well as political and electoral reforms implemented under the caretaker government have appeared to open the minds of political parties to reform, even if only slightly.

While the upcoming elections are a crucial step on the road to democracy for Bangladesh, it is critical not to lose sight of the state of governance in Bangladesh before the caretaker government assumed power in 2006. Bangladesh faced many governance challenges prior to the state of emergency that was imposed in 2007. Those challenges, as well as some new ones, will remain for the newly elected government to have to address. With so much international and domestic focus on the elections themselves, IRI would like to stress the importance of voters as the primary stakeholders in the election process. During the August 4th local elections, IRI was impressed by the high voter turnout, very low levels of violence and other disruptions and widespread acceptance of the results.

These factors, coupled with assessment findings and IRI polling data, which indicates a high intention to vote in the parliamentary elections - over 90 percent, significantly, since the spring - are critical reminders that Bangladeshi citizens are eager to exercise their rights to choose their leaders.

IRI encourages the Bangladesh election Commission, the government of Bangladesh, and the political parties not to lose sight of the wishes of Bangladeshi voters during these critical final weeks before the elections.

We hope the current government will ensure that all the proper mechanisms are in place for a free, transparent and fair election and, most importantly, that all political parties will accept the results as the will of the people, if, of course, along with other international observers, the election is deemed to be fair and credible, and that they will play a participatory role in the next government.

The future development and economic success of Bangladesh hinges on the ability of their elected leaders to lead the country in a positive direction. Thank you.

MS. GAER: Thank you both. This is a fascinating test, I suppose, in Bangladesh. The innovations that you both describe, both

in your written and your oral remarks, are really quite extensive, it seems - the transparent ballot box, the disclosures of financial information, the internal party governance issues, all the other issues, the photo ID cards and the like - I asked the - and you both expressed hopes that this is going to all keep everybody calm and that these previous elections, having gone well, might be an indicator. I asked the ambassador

and I'm going to ask both of you the same question: Do you think that the presence of mobile phone - that a mobile phone shutdown is going to help or hinder your observers on the scene? And could you give us any indication of the number - you mentioned that there were going to be short-term observers, and I'm sure the NDI is planning the same thing - could you give us

any indication of the number of election observers in a country of this huge size? How many international observers are going to be there?

MR. MANIKAS: Together, we have about 100 short-term observers and I guess about - over 45 or 50 long-term observers. But don't forget, the EU's going to have, even, a much larger delegation out there - observer delegation, and the commonwealth will as well, I believe. So there are going to be a lot of observers here, and there's domestic election monitors in the tens of thousands, probably. So it'll be a well-covered, well-observed election, I think.

MS. GAER: And do you think that these measures are going to, in fact, be successful? And the presence of military in the polls and police and the presence of -

MR. MANIKAS: They won't be inside the polls as I understand it. They'll be deployed throughout the country, nearby but not in the polling stations themselves. That's my understanding.

MS. GAER: And the mobile phone shutdown?

MS. SHEARER: The mobile phone issue - I believe that that was planned for the last elections as well, so it's not something necessarily new. In terms of how it might affect our observation effort, it's costly to a certain degree, but we will be giving each of our teams satellite phones and they will be inputting data on election day as they go to each polling station and that data will be computed at, sort of, our headquarters, actually, in real time. Of course, this is costly, to a certain degree, because satellite rentals are not inexpensive. So in terms of our election observation effort, it won't be a direct problem for us.

MR. MANIKAS: It makes it a bit more difficult, but -

MS. GAER: Well, the ambassador said that you'd have access to landlines.

MR. MANIKAS: I don't know - I'm not sure what he was referring to.

MS. GAER: Well, I'm glad to hear about the satellite phones. Commissioner Cromartie?

MR. CROMARTIE: Yes, do you expect, in eight days, on December 12th, the state of emergency to be lifted? And should it be lifted?

MR. MANIKAS: I'd - well, yes, and in our statement, we recommended that it be lifted. My understanding is that they're really waiting for the end of the nomination process to lift the state of emergency. This was dictating the timing on this, because they don't want people that have been convicted to be nominated, and if they lift the emergency, apparently there's a risk that that could occur.

MS. SHEARER: I'd just say we concur with that, that we are hoping that the state of emergency will be lifted closer to the election to allow for the parties and the candidates to campaign effectively.

MR. MANIKAS: I have to say, though, I mean, the parties that we talked to didn't express a great deal of dismay - I mean, they've all called for the lifting of the state of emergency, but I think most of them felt that the relaxation of most of the provisions have - are likely to permit them to do what they need to do to campaign effectively.

MS. GAER: Commissioner Land?

DR. LAND: In your opinions, would it be useful, as this Commission has recommended, for the U.S. government to send an official U.S.

government delegation to monitor the elections in addition to whatever efforts are undertaken by others?

MR. MANIKAS: I'm always in favor of more observers, yeah, I mean, I think that having a group of particularly higher-profile observers is always helpful. Despite the size of the European delegation, for example, Bangladeshis tend to look towards America to sort of affirm their election process. And I think it could only be helpful.

DR. LAND: Thank you.

MS. GAER: Thank you.
Commissioner Leo, do you have a question?

MR. LEO: Uh, no.

MS. GAER: Mr. Standish?

MR. STANDISH: One of the primary concerns of the Commission is obviously violence, and particularly violence against minorities that might prevent them from coming out and voting during the election. As you're looking at the preparations for the elections, do you think that the preparations are going to be sufficient to ensure that people are prevented - particularly minorities - prevented from voting? And if not, what kind of recommendations or what kind of steps should the government be taking right now to ensure that the polls will be open to all Bangladeshis?

MS. SHEARER: I can speak, at least, to the August 4th election. As I mentioned, we did an exit poll, and we didn't break it down in terms of minority groups, specifically, it was just targeted to people who had voted that day. And a very high percentage said that they didn't encounter any major problems being able to vote. I realize that's not a direct response to your specific question, but in terms of the information we have, I think it's somewhat of an indication that people felt that they were allowed to vote, at least during those local elections. With regard to preparing for this election day, I think, as I mentioned in my

remarks, you know, increased training and awareness of the security forces about what they're able to do and not to do on election day will be very important, as well as educating the poll workers and election officers as to what they need to do as well.

MR. MANIKAS: It's the post-election period that we need to be concerned about as well, because that's been a time in which that kind of violence has occurred.

MS. GAER: Thank you.
Commissioner Leo?

MR. LEO: Have you seen any outside - other than the election monitoring activities, turning to the political side of the election process - have you seen any outside influence of activity, money or other means of support, coming from various other political movements abroad to try to influence the electoral process or to generate support for one party or another inside Bangladesh?

MS. SHEARER: I, personally, don't have any information that indicates that, but as I mentioned, too, our work directly with the political parties has just started in the last year and has been somewhat limited to discussions about some of the public opinion research that we've been doing. So I don't have anything relevant to add to that.

MR. MANIKAS: I don't have anything.

MR. GAER: Thank you.
I wanted to come back to the point you made about the registration rolls having been developed. And this was one of the key issues that was at issue the last time around, with charges and countercharges about who would be allowed to vote and wouldn't be. And I wanted to just go back to that and ask if you - how confident you really are in the election voter rolls at this point; have they been fair, in terms of the minorities in particular? And, secondly, have they developed mechanisms to handle electoral complaints on the spot? Was there any experience with that in the earlier elections? And do you have any confidence that, as things unfold, that there is a capacity to avoid the terrible events of 2001?

MR. MANIKAS: Well, I'll take the last question first: In regard to the complaint process, it's been a huge problem in the past. Often times, it's taken election tribunals five years to litigate complaints and they're never resolved. We raised the issue - our delegation raised the issue with the election Commission, and they assured us that they're addressing the problem. But beyond that, I'm not sure exactly what they intend to do. In regard to the voter roll, I think it's widely regarded as being the best Bangladesh has ever had. So we'll see how the election goes, but the problem shouldn't be the voters list.

MS. SHEARER: Right, and I would concur as well. We also support a domestic election group, JANIPOP, that I mentioned earlier, that observed the entire voter registration process and actually issued a report. And they were, overall, impressed with the Bangladesh Election Commission's reach-out to all voters, including in the minority areas. They did observe, for example, Hindus being registered and being eligible to vote and able to vote in the August 4th local elections. So I concur with Peter, that I think we can have some confidence in this voter registration list.

MS. GAER: Thank you.
We have a few more - we have about time for one more quick round and then we have to move on.

MR. CROMARTIE: This will be quick: The ambassador said he's very optimistic, and one of the reasons for his optimism is, he believes there's going to be at least 90 percent of the population that is going to vote. They say they're going to vote in the upcoming election - 90 percent: Does that seem high to you?

MS. SHEARER: Our polling that we've been doing consistently since May has indicated over 90 percent response that they plan to participate in these elections, so it's accurate according to our polling data.

MR. MANIKAS: If it happens, it will be great.

DR. LAND: Thank you.
Maybe they can advise us on how to get our - (laughter) - participation up. Since the state of emergency was declared in January of 2007, there have been numerous reports of human rights

abuses, including killings and torture, attributed to the security forces, particularly the military and the paramilitary rapid action battalion. It has been alleged that, during the last elections, the military and RAB personnel engaged in intimidation and vote-rigging. What role, if any, should the military and elite security forces such as RAB play in providing security for the upcoming elections? And what role do you think they will play?

MR. MANIKAS: The statement that our delegation made generated a bit of a reaction on the part of one of the election Commissioners - a former brigadier general - when we raised this issue. I think there's a role for the military to play on Election Day, but it has to be the proper role that security forces play in a democracy. They need to be, I think, well-educated with respect to what they should do and not do and not to intervene in any way in the political process. Hopefully, that will occur, you know, we don't know. We're going to be very watchful. I think it's a matter of concern. We've raised the issue and I guess we'll just have to see how it plays out.

In regard to the human rights abuses, we also addressed some of that in our report. And it's been a problem, I mean, clearly. And I understand there's been a lot of efforts to work with the rapid action battalion and to revise their procedures and make them much more sensitive to human rights issues. I can only hope that improves over the coming months.

MS. GAER: Thank you.
Further questions? We have time for one more.

MR. STANDISH: You mentioned the aftermath of the election, we think, back in 2001, when there was significant violence, particularly against the Hindu population. What can be done at this point to ensure that post-election violence is kept to a minimum? What is the government doing to prepare for that, and what should they be doing?

MR. MANIKAS: I can't tell you exactly what they are doing, but what I think that they ought to do is to simply be educated as to what communities that are at risk and to deploy there and, you know, sort of concentrate your forces where the problems are likely to occur. But, you know, they have to do it in a sensible way that doesn't interfere with the electoral process. But I think that they can do it if they, you know, have the mind to do it.

MS. SHEARER: I would concur; I think that's certainly the challenge, is to educate them and inform them of what their roles and responsibilities are on Election Day and the days following the election. But the security force itself, as long as it's disciplined and within those regulations, could serve a purpose.

MS. GAER: Well, I want to thank both of you and we really do appreciate not only your testimony but the important work that's ongoing and that's going to be coming up at the end of December as well. And perhaps we'll have an opportunity to consult further on that, thereafter. So thank you very much and I'd like to now invite the third and the last panel to take their place at the table so we can move into that part of our hearing.

So we thought we would proceed with having Ali Riaz first, then Shapan Adnan - I can't see because he's standing right there - Shapan Adnan, and then Asif Saleh and then finally, Mr. Dastidar. So we'll do it in that order. You have, each, seven minutes; the machine is going to go green and yellow and red, and I'm going to intervene if we run short, because we have to be out of the room by 12:30. Thank you.

DR. ALI RIAZ: Thank you. Honorable Commissioners, ladies and gentlemen, I'm honored and humbled to be here and to share my thoughts about Bangladesh. It is, indeed, a very critical time for the history of Bangladesh. I have submitted a written testimony. I'm not going to read the whole thing - it's rather lengthy - so I will highlight some of it. I'm going to talk mostly about the Islamist politics in Bangladesh, but let me preface those issues with a general observation that I have in regard to the upcoming election. As we all know, the country is now heading towards an election.

In general, the euphoria of change and hope for a corruption-free politics has almost disappeared. Despite some achievements - some of them are remarkable, indeed - of the caretaker government, the great expectations of Bangladeshis and of those who saw this as an unprecedented opportunity to bring about qualitative change into Bangladeshi politics has remained unfulfilled. Due to the absence of major, substantive institutional and structural changes in administration and politics, the return of the acrimonious, opaque, dynastic and corrupt political practices, considered impossible after 11 January 2007, now looms large. My note of caution is that the problems that prompted the events of January 11, 2007, have not been addressed adequately and, therefore, their recurrence in the future is not unlikely. I just want to put that as a note of caution.

I am going to address three issues that - first, has the absence of an elected civilian regime in the past two years, whether that has benefited the Islamists in Bangladesh? Is Bangladesh out of danger from the Islamist militancy? As we remember, it drew much attention in 2005 given the serial bombing and all sorts of things. And, finally, what are the challenges for the next government and also the international community.

My first question is, did the Islamists gain strength? My overall observation is that the absence of an elected regime in the past two years has not been very different in regard to the strength of the Islamists. Over the last previous 15 years, the way the Islamists actually gained strength, they haven't done much different. They have remained a critical force. What is remarkably different in this is that, in a political environment where the Islamists have maintained their influence, is a little bit concerning because what we have seen in the last two years.

A, the Islamists were partner of the coalition government. And that coalition government has been - at least allegedly - in my judgment, quite rightly, been involved in unbridled corruption for five years yet the Islamists took advantage of the last two years. They were not being tainted with that kind of corruption. The central leaders of the Jamat-e-Islami, for example, were largely spared in the region's anti-corruption drive. Even before this day, even what we have seen, the JI leaders have demonstrated that they can make controversial statements and get away with that. For example, they have made a very objectionable statement about the existence of Bangladesh and freedom fighters.

But JI is not the only Islamist party which took advantage of the situation. We have seen this kind of situation in August 2007, September/August. At that point, what we saw in regard with Khartoum, other Islamist parties came to the street and pretty much made havoc. And government actually didn't clamp down on them as hard as they did on other agitators, for example, the part of the students.

The most humiliating defeat of the government in the face of Islamist opposition was on the national women's development policy early in 2008. The policy insisted on equal rights of women in inheritance and equal pay, but the Islamists opposed and, finally, the government had to backtrack. As a matter of fact, since May I haven't heard anything from the caretaker government in regard to that policy.

Since October, there are two things that have happened. And both dramatically demonstrate the Islamists flexing their muscle. In both instances, the target was sculptures erected in public places. One happened on 16th of October. Some of the Islamists insisted, gave an ultimatum, and the government had to succumb. And they practically removed a sculpture in front of the international airport.

And the same thing happened a couple of days ago. On November 29th, activists of a very small group, very small group, they were trying to actually demolish a sculpture in downtown Dhaka. Yes, some of them have been arrested; but we are seeing the similar patterns. There are statements coming out. So what I'm saying, the events and the patterns of the behavior of the Islamists in the past two years indicate that the absence of political activity has not weakened their organization or diminished their strength.

The BNP-led four-party alliance, which includes the Jamaat-e-Islami and the Islami Oikyo Jote, remains intact and little remorse has been shown by the party leaders for their misdeeds during the rule. The capital government's preoccupation with two major political parties, in its move to reform the political landscape, has enabled Islamists of various shades, shape, similar conviction. That is my concern.

So to answer in one sentence whether the Islamists have gained strength, if not numerically, relatively, yes. Is the Islamist militancy over? We know what happened in 2005 and then, but since 2006 there has been a little bit of movement in terms of trying to reign in those militant groups. And what happened, we have seen when his government came in, they made sure the execution of the six leaders, but since then, they're regrouping. The Islamic militant groups have regrouped and they are coming back.

Primarily my concern is that the patrons have not been apprehended. The sources of weapon has not been somehow been addressed or somehow been stopped. So money is there, organization is getting strength. That is one thing that I'm pretty much worried about.

What needs to be done? My point is that, for the next regime, if the new regime has political will to stem the tide of militancy, two immediate actions: one, to address the inadequacies in existing laws that are allowing the militants to emerge unscathed and the second one is to identify and apprehend the patrons of the militant groups.

And, finally, I would say that the international community needs to follow those events very closely. Thanks.

SHAPAN ADNAN: Honorable Commissioners, ladies and gentlemen, I thank the Commission for inviting me to testify at this public hearing. And given the constraints of time and space, I will focus my discussion on the problems faced by the religious and ethnic minorities of the Chittagong Hill Tracts, who are known as the paharis or the hill peoples.

My deposition is based on field work research in that region, the last of which I undertook in August of 2008 as a member of the CHG of Chittagong Hill Tracts Commission. To begin with, the situation faced by the hill peoples under the current caretaker government, even under normal democratic rule, the CHT is effectively under the control of the military and no major decisions can be implemented without its consent. It has as its compliant accomplice the civil bureaucracy, which consists primarily of the Bengali ethnic group, both Muslim and Hindus.

Most of these Bengali officials have ultranationalist views which are undisguisedly partisan in favor of fellow Bengalis while being unhelpful and often arrogant towards the hill peoples. Now, if that is the situation during normal times, what has happened under the caretaker government is this civil and military bureaucracy has not been accountable to anyone. Even at the very top, it has been the case of a caretaker government backed by the top military commanders of the land.

As a result, this bureaucracy has provided overt or covert support to a variety of measures which have constrained the rights and freedom of the ethnic and religious minorities of the region. Amongst these, Bengali settlers were allowed to encroach on the private and common lands of the hill peoples, on a number of locations in the CHT, often with the tacit blessing of local military commanders and civil officials. Often these involved the burning down of pahari homesteads and human rights violations. The restriction on land transfer alluded to by the ambassador only applied in a very legal sense. Most of these land acquisitions were done in an extralegal manner.

There were also direct forms of religious discrimination in the CHT, but not on a very large scale. These took the form of intimidation of Buddhist monks and worshippers, desecration of Kiangs or Buddhist temples and so on. The really most destructive mechanism which has been undermining Buddhist religious institutions and social practices has been the taking over of the lands on which the temples and monastic complexes were sited, as noted above.

It is important to stress that the primary motive behind such acts appears to have been the grabbing of land parts rather than religious and ethnic discrimination, per se. And there are other incidences of this in other parts of the country and also forcible occupation of the land of non-Bengalis by Bengalis in other parts of the country.

In addition to land occupation, many mid-level leaders and creators of the PCJSS and the UPDF, the two major parties of the hill peoples, have been arrested while others have absconded and become fugitives. Some of them gave firsthand testimonies of arbitrary arrest, interrogation and torture, often on false charges, sometimes compelling them to make false confessions. Middle-class professionals among the hill peoples living in urban centers reported being constantly kept under surveillance by intelligence and facing threats of arbitrary arrest such that they had little sense of freedom.

The hill peoples in the Sajek area, whose homesteads had been burned down in April 2008, reported during our visit that they had been intimidated by both Bengali vigilante groups and military personnel such that many had to stay elsewhere at night. So these were not sort of political leaders and cadre; these were ordinary hill peoples who had also become fugitives.

On the other hands, some Bengali settlers in the same region claim that their homesteads had been also burned down at the same time and further damaged even after being rebuilt. They put the responsibility on the activists of the resistance organization of the hill peoples without being able to give further details.

Moving on to the prospects of the participation of minority groups of the CHT in the national elections, recent newspaper reports indicate that rules framed by the election Commission have prevented the two major political parties of the hill peoples, the PCJSS and

the UPDF, from being registered and hence being qualified to put up candidates in the national elections on 29 December, which means that the only option of the people there would be to vote for candidates put up by Bengali political parties.

Now, the peace accord provided for separate electoral roles for elections to the hill district councils and the regional council of the Chittagong Hill Tracts in which eligibility qualifications based on proof of long-term residence were required. However, the accord did not make similar provisions for the electorate of the national election in which all of those present in the CHTs, both the hill peoples and the migrant settlers, are eligible to vote.

Such a situation would not have been problematic for the hill peoples had they constituted a decisive majority of the voters of the CHT. However, one of the critical consequences of the in-migration and transmigration of settlers under counterinsurgency regimes of the previous decades has been to drastically alter the ethno-demography composition and religious composition of the CHT. By 1991, Bengalis were in a majority in two of the three districts of the CHT and, by 2008, even though we do not have very reliable data, it is not unlikely that the Bengalis have become the overall majority.

But more disturbing than the question of numbers is the question of security. Despite nominal freedom and the political right to do so, threats and intimidation by vigilante groups of the settlers may create conditions in which significant proportions of the hill peoples do not feel it is safe to canvass or cast their votes. Paradoxically, calling upon the electoral administration to create a less-intimidating environment is unlikely to work since polling would be conducted under the auspices of the Bengali-dominated civil and military administration. As I have noted, the hill peoples in many parts of the CHT have little trust or faith in military and civil officials.

And, indeed, some of them have become fugitives, as I have noted, and they are unlikely to go to election meetings and polling booths for fear of being arrested by the security forces who are likely to be present in and around the booths if not directly in the booths.

Now, given the very short time left before the national election on 29th December, there is very little scope for creating a level playing field. One bold option which could be tried out would be to replace the top

military commanders and civil officials currently working in the CHT with others who are likely to be more sensitive to the threats and intimidation faced by the pahari voters. There are indeed a few military officers and civil administrators with such integrity and impartial qualifications, both Bengali and pahari, in the country who, if they were to be given charge of that region, might be able to create greater trust among the ethnic and religious minorities of the region to take part and therefore provide a more balanced participation in the national elections. Thank you.

MS. GAER: Thank you so much for condensing that into the time possible. I appreciate that very much and we look forward to our further discussions. Mr. Saleh, who is, as I mentioned earlier, with Drishtipat, speaking on their behalf and his behalf, please.

ASIF SALEH: Madam Chair, honorable Commissioners and distinguished guests and ladies and gentlemen, thank you for giving me the opportunity and our organization to talk about our position today. Drishtipate, by the way, in case you're wondering, means "take notice." And thank you for taking notice. And I hope the engagement is ongoing and it stays on after the election, afterwards as well.

Today I will focus briefly on how things have been in the past two years politically and focusing on key areas of concern on the human rights front, ending with a few recommendations for the upcoming elected government.

The big headline in the Daily Star last March announced the news that foreign advisor, Iftikhar Chaudhry, has discussed with the U.N. chief the possibility of the U.N. taking up the issue of Bangladeshi war criminals' trial. He's a popular man. Talk shows in Dhaka were rife with speculations and statements followed hailing the government. However, there were no specifics. There was no follow-up action.

This incident actually typifies the way caretaker government has ruled in the last two years. It was building up expectations through media hype and following up with halfhearted or no actions whatsoever once the media buzz was over. Whether it was incompetence or lack of political will, the caretaker government coming in with much hype and lots of expectations failed to deliver on most of the promises they themselves made.

However, to be fair to them, in comparison to the previous political governments, on paper, some significant reform initiatives have been pushed by them. But because of its own undermining of the very institutes that it was trying to reform and the lack of political buying in from various political parties, most of these changes face the danger of not surviving for long. Long-term improvement of human-rights conditions in Bangladesh, however, continues to remain on the backburner of the discussion list of various political parties still.

I will highlight quickly a few areas on how things were in the last couple of years, starting with the judiciary. The political culture of the past, which was condemned by the caretaker government, continued in a lot of these sectors, unfortunately. Nowhere it was more observable than how the judiciary performed during the government rule. One of the first and foremost commendable actions of the government was the separation of judiciary from the administration. However, during the same time, various speedy tribunals and kangaroo courts were set up to conduct the cases of political prisoners. There was no transparency in prosecution, resulting in 100-percent conviction rate.

Under the previous government, the judiciary was tainted by giving very partisan appointments to people with questionable competence. However, this government continued a process where judicial verdicts went hand-in-hand with the various government policy at that time. When the government was tough on the politicians, the courts refused to grant them bail, but once it went soft on them, they started to get bails in high numbers. Coincidence or in dependence, you be the judge.

In media, in terms of media freedom, matters were particularly bleak in the first year. The emergency rules and the constant harassment from the military intelligence made things tough. The military intelligence wing, known as DGFI, was accused of constant interference and threats. Phone calls were bugged; surveillance was placed; editors were threatened and sometimes sacked through pressuring the owner. The first 24-hour news channel in Bangladesh which gave detailed coverage of the mass student protest against the government was shut down on technicalities. Journalist - (inaudible) - was taken in and was tortured with threats to comply.

by the authority became the order of the day. More ominously, there were newspaper reports of media company shares being traded with the authority in exchange of a get-out-of-jail card for the owners. This will have a long-term impact if this is true.

Freedom of assembly? Depends on who you're asking, Doctor. All of you guys have highlighted on it so I'm going to touch briefly upon it. In terms of applying severe restrictions prescribed by the emergency rules, the government was very selective. Oftentimes, the religious activists got a free ride. The last two years saw three such cases where the government caved into their unrealistic demands: the cartoons (ph) controversy, the national women's policy issue and, very recently, the sculpture controversy are three such examples.

Here's the pattern. A relatively small group of religious zealots claim that the art expression or certain policies favoring women go against the religion. They have a large - medium to large gathering and then start causing public disturbances and government quickly backs down from their policy. As recently - like Dr. Riaz mentioned - the Lalan statue removal is one of the signs of what to expect in the coming years. Lalan, who is a revered Bangladeshi spiritual and artistic figure, was openly challenged by the religious right when his statue was targeted for removal by a violent crowd. The government quickly obliged by removing the statue that it commissioned themselves only very recently. With every passing day, this group is openly challenging the established cultural heritage and the passive attitude towards them slowly but surely is reducing the free space of cultural expressions.

In the cases of the religious minorities, while there were no cases of state-sponsored flagrant violations of the rights of religious minority, the albatross of Vested Property Act remained with this government seven years after it was repealed in the parliament. The Vested Property Act is a black law in Bangladesh that gives legal cover for forcibly grabbing land from religious and ethnic minorities. Seven years after the repeal, the enactment of the law has still not taken place, causing properties illegally declared as vested property to not be returned to their rightful owners.

Ethnic minorities - I had a brief section, but I think Dr. Adnan has covered them pretty articulately. So I'm just going to quickly skip to the rapid action battalion known as RAB and the extrajudicial killings. Extrajudicial killings started under the cover of crossfire killing by RAB under the previous political government of BNP-Jamat alliance. One hoped that this government would bring an end to this practice.

It nevertheless continued. More alarmingly, for the first time this year, political activists from mainstream parties were taken in and were shot dead in supposed gun crossfire by RAB.

In one of the most brazen cases of a local leader of an underground party, Dr. Mahmum, was arrested and killed four hours after his 80-year-old mother called a press conference and pleaded for his life to the head of the caretaker government. Nevertheless, that very night, he was killed and it was termed a cross-fire killing. The institution, change-wise - caretaker government has been commended for setting up the national human rights Commission, which was a demand from human rights activists over the past 15 years.

However, if it's done right and it's resourced with competent people with an adherence, a commitment, towards human rights, this Commission can bring a change to the culture of impunity that has been so pervasive among the powerful elite. In the end, whichever party comes to power, it should have no illusion that the tough days are over. Global recession, fight over resources and inadequate infrastructure will soon take over the headlines in Bangladesh and this may then cloud up a lot of long-term reform issues that are being discussed currently. So while there is relatively stable time, during the first 100 days, I would urge the new government to implement certain sweeping long-term reforms that would benefit the long-term human rights scenario in the country.

I mean, these are as follows. I'm just going to quickly mention the seven points: implementation of the Chittagong Hill Tracts peace treaty, implementation of the Vested Property Return Act, making an analogous commitment towards banning extrajudicial killings, stop interfering with court decisions and court appointments, create an effective national human rights Commission and start investigation of some of the worst cases of violation from the past, stop hidden interference with the media and protect cultural icons and create a space of free expression.

Barring further experimentation with such suspensions of democracy, we hope to see the process, albeit flawed, slowly will be giving institutional root to democracy that ensures basic rights for its people and that ends the culture of impunity. Thank you very much.

DR. RIAZ: Thank you very much. And our final panelist will be Professor Dastidar. Thank you for joining us.

SACHI DASTIDAR: I thank the Commission for inviting me. I will focus my comments on treatment of Hindu and other minorities. I have been working on these issues for about 25 years, having authored several books. Actually, I have brought some of these books if you want to see these later: "Empire's Last Casualty: Indian Subcontinent's Vanishing Hindu and Other Minorities" was released earlier this year. It documents the loss of 49 million Hindus from Bangladesh census since '47 partition, while "Living Among the Believers: Stories from the Holy Land Down the Ganges" is a collection of 18 short stories based on the life of Hindu minorities and of tolerant Muslims who are trying to protect them.

I also head a foundation that helps educate the poor and the orphans in 22 schools, 14 in Bangladesh. Let me take this opportunity to invite all of you to visit our schools as American people's generosity to Bangladesh. On one hand, I love the land, culture, warmth of individuals. We have built half a dozen schools and dormitories. I am touched as they have named the home for the widowed and abandoned women after my wife and the college building after me.

Yet, I am saddened by the remorseless persecution of our indigenous Hindu minority for Islamic culture and the hatred of all Bengali Muslims. I am also saddened by the denial of Hindu plights by a section of our elites, especially when the vast majority killed for the independence were Hindus. Except for the hard-core pro-tolerant activists, writers, poets, journalists, editors and bulk of rural residents, a segment of elites are either unaware or unwilling to understanding the depth of serious day-to-day harassment, humiliation and institutionalized discrimination directed towards Hindus and their Buddhist, Christian and indigenous cousins.

Almost on a daily basis, I received information from home about rape, forced conversion, murder, temple desecration, confiscation of properties, denial of jobs and more. These, I bet, are a fraction of intolerant acts that take place on a daily basis. At the village, school or hostel level, personal intimacy of majority and minority communities is great, but the treatment of Hindus, Buddhists, Christians in far away village tends to be that of malaun, nomo or hinderbacha are derogatory insults we hear on a daily basis.

In Bengali, we have a saying: (In Bengali) - or, "whosoever ascends the throne becomes the demon," which amply describes the plight of Hindus in Bangladesh. Make no mistake, Bangladesh's problem of democracy is not in its anti-minority attitude, but in its shameless anti-Hindu attitude. Attack on Christians, Buddhists and indigenous peoples started only after plains and indigenous Hindus had been decimated. Throughout her history, with changing focus, Hindu cleansing, confiscation, killing and anti-Hindu apartheid, colonization in Chittagong Hills has been a constant feature.

Except for three years of tolerance - secular rule of the father of the nation. Yet, even the father obtained the racist Hindu oppression law of Enemy Property Act, which allows the confiscation of Hindu properties without notice and compensation. And he didn't allow rebuilding of the ninth-century Ramna Kali temple, where Islamists killed over 100 Hindus before destroying it. These were extremely important anti-Hindu symbolism, appeasing Islamists. Sadly, he and his family paid with their lives for his mistakes.

By anti-Hindu apartheid, I mean ban on hiring of minorities in public service, military, police, Foreign Service, diplomatic corps, border guards and more. Not a week goes by when I do not hear complaints by minorities how they were denied jobs after passing entrance exam once their identity was known to recruiting bosses. Even when a pro-independence nationalist group came to power, they too maintained that ban, they too chose not to appoint a single Hindu minister or ambassador, although about 30 percent of their vote came from the Hindus. Yet, they too retained the Enemy Property Act.

Earlier this year, during a trip to 12 districts, we witnessed several interesting scenes. In one all-Hindu village, there were long lines of people waiting to be registered as voters. I was a bit - I was reminded that the administration has maintained the apartheid with no Hindu minority in the governance and other practices of discrimination were retained in spite of the fact that the administration has such talented individuals.

When the discussion of election came up, Muslim majority and Hindu and non-Muslim minority views were from trepidation to downright fear. Yet, there is no solution but to seek public mandate in a democracy under transparency. One may ask: Can the state control violence and discrimination of Hindus and other minorities? I believe, apart from element of anarchy, state is able to control most of the violence. I have couple of examples which I am keeping - skipping, one I'll read here: A few years ago, when my Hindu attorney's son was beheaded because they didn't give up their property and move to India, I pleaded with the government for a trial of the murderers with the specially conducted convicting many killers. Actually, Congressman Crowley was a big help; the father met him at Dhakeshwari Temple.

I'll sum up. To sum up, there are some

possibilities of transparent and democratic election and what should be done before and after. I have 18 points; I'll read a few. Number two: Protocols of protecting minorities before and after election must be developed now, before election. This is urgent. Punishment for election terrorists must be spelled out by the international and ex-pat community. Number six: Before election, the political parties must pledge to appoint ministers from minority communities in the new government. Tolerance and intolerance cannot exist side by side in a democracy; nine: A special court needs to be set up for speedier trial of rapists, election terrorists and property confiscators; 10: Pledges should be sought from political parties that the restriction of hiring minorities be lifted; 11: Discriminatory apartheid-making oral exam must be eliminated; 12: All parties must pledge that land confiscated from Hindus through Enemy Property Act must be returned, reparation paid and perpetrators prosecuted.;13: Once elected, for reasons of symbolism and substance, a number of high-profile state positions be filled by Hindus and other minorities, such as president, prime minister, home minister, chief justice, army/navy/air force chief, major party leaders or similar positions. In constitutions, equal right for all religions must be re-enshrined; 15: decolonization and autonomy of Chittagong Hill Tracts; 16: schooling in tribal mother tongues; 17: return of lands belonging Ramna Kali Temple and Ma Anandamayi Ashram. And finally, a resolution must be made for the trial of mass murderers of 1971.

These pieces will usher in a pluralistic, tolerant, prosperous democratic nation - a symbol of success in the developing world, among Muslim-majority nations and a leader in Indian subcontinent. Thank you.

MS.

GAER: That's quite a list. All of you, I want to thank for the specific recommendations, for staying within the time limits, and for raising so many provocative issues. We're going to have - we can stay here until 12:30 and we'll have as many rounds of questions as we can until then. On the record, I'll start with the first question.

Mr. Riaz,

you wrote in your testimony about this defeat dealing with women. The pressures that were brought up - it's on page three of your testimony - how the policy called for equal inheritance and equal pay for women and how Islamist pressures brought that to an end and that the current government has been silent because of that. I wondered if you and any of the other panelists wanted to comment further on what your expectations are of the successor parties - or the candidates, I'm sorry - the candidates in the elections.

And secondly, at least three of you - and I didn't look carefully, maybe all four of you - talk about the impunity problem in reference - a lot of things over the years, but you all seem to also reflect back on the 1971 events and this question. I wonder if you could give us any indication of where you think that issue is going. Many of us are interested in these problems because they tend to create a climate in which abuse seems to be accepted if it's never punished. And I'm wondering if you think that there's actually going to be any movement - is there a widespread expectation, in fact, with regard to the 1971 events? Thank you.

DR. RIAZ: Thank you. In regard to the women's development policy, I'll just mention two aspects of it. There are many others, which was included in the national women's development policy that came out in March. And what happened is the way government succumbed to the pressure of Islamists is very interesting. First of the all, the government said no, no - the criticism from the Islamists was these new policies are contrary to the Quran and Sunna and all sorts of things. And then government said no, no there isn't any contradiction, and then they set up a review committee of the ulama - the Islamic scholars - and they came up and said oh yeah there are a few here and there and the government stopped there.

When they came up with the review committee - I'm surprised, why didn't they come up with the review committee which included other people? That surprised me, particularly from this caretaker government; had this been happening between 2001 and 2006, I wouldn't be surprised. I was surprised and a little bit disappointed when I saw it between 2007 and 2008.

For the 1971 issue, personally I think even for symbolism - even if it is for symbolism, I mean definitely for substance but even if it is for symbolism - there should be a trial of anyone or at least even one single individual who had been engaged in rape, murder, violation during 1971. This is an issue Bangladesh will have to address in some form or other, because otherwise it's not possible to move forward. This needs to be - as I said, even for a symbol. And I personally think they should be, everyone, general amnesty didn't allow - the general amnesty during the Mujibur regime doesn't allow anyone to go scot-free like this, you know.

MR. DASTIDAR: Yeah, I think it is, I believe - this is a very serious issue. What it shows, that people who are murderers can go scot-free. And mass-murderers - people who committed genocide. This is, in my mind, just not symbolism, but for everywhere - we had people in the last government who - in Pabna, had - again, he had murdered five individuals himself, including four Hindus and another Muslim, who was a minister. We

had somebody in Bangladesh's government nominated, who could have been head of the Islamic Association - he is associated murder of Hindus in Chittagong. And so we are seeing that we have not only given scot-free, the whole world has given a pass on that. So it is, in my mind, not only symbolism, but that chord, that murderers can go scot-free and then they can rise into position, in my mind, that is also important.

MR.

SALEH: Can I just touch on that? A culture of that - what he was mentioning - at the same time, we should remember that Jamaat-e-Islami party, which the U.S. Administration very much considers as a moderate Islamic party, was one of the key perpetrators in the 1971 war - that they were the collaborators in perpetrating one of the worst genocides in the last 30 years. And the issue is - and that's where the fear is, that I think the wrong kind of parties the administration is engaging in the name of moderation. I think the proper approach should be, engaging with the secular forces, who - emboldening them and empowering them, rather than - I think they can do the sweet talk, and you know, it's sort of like, they will tell you exactly what you want to hear, but that should not - I mean, you should not fall for that.

And the trial of the - regarding the trial - there was specific recommendation - I was part of the amnesty secretary general's Commission last year - and there was specific recommendation being made to the government to seek international help. And I think there's now a need to - the government needs to act on that. So that's why it was a disappointment that the caretaker government didn't take that initiative.

MS. GAER: Thank you very much. That's a very important testimony and I appreciate, also, that several of you spoke about the national human rights Commission, which, perhaps, could be useful in addressing this issue. Mr. Adnan, if it's on the two points I raised, otherwise I'll go to my fellow Commissioners -

MR.

ADNAN: On this issue, if I may comment, the problem of punishing or giving some kind of legal sanction to those who were collaborators and who perpetrated in genocide during the 1971 war - it's not as black and white as it seems. If one looks at the historical record, the people who actually survived that were often protected by powerful political leaders of the mainstream parties, the Awami League and the BNP. And, indeed, it was under the BNP of Ziaur Rahman - General Ziaur Rahman - that the Jamat-e-Islami was given the political license to operate. Since then, both the Awami League and the BNP have entered tactical alliances with Jamat-e-Islami at several times. So once that kind of horse-trading has taken place, while the rhetoric of retribution is maintained, it is, in practical terms, much more difficult to

carry out what appears to be the appropriate thing to do.

MS.

GAER: Thank you very much. Commissioner Cromartie?

MR.

CROMARTIE: I'd be curious to know, from any of you, whether the allegations that there might be ties between Islamic groups in Bangladesh and extremists abroad - do you think there's any validity to the - or, there's any evidence that foreign funding has been used to promote religious extremism in Bangladesh?

DR.

RIAZ: I had mentioned, briefly, in my written testimony that relationships between the Islamist militant groups in Bangladesh and outsiders are not one-way; definitely, the Islamist militant group in Bangladesh was engendered - in some ways, you know, cultivated - by external connections. Most of them started, if we remember, because of their involvement in Afghan war. When they came back, this Afghan veterans' network started the HUJI in Bangladesh. Now, it is not one-way; it is two-way - it has become two-way. There are allegations, and possibly some indication, of that kind of connections. Whether, though, they are a transnational terrorist group, I'm not exactly sure that we can pinpoint that. Definitely, in this instance, I would actually agree with Ambassador Moriarty's statement; Pakistan-based militant groups and Bangladesh-based militant groups may have some sort of a relationship.

MR.

DASTIDAR: Can I add something? I cannot directly address that; but what I can address indirectly is that, like they said, for instance, are there - (inaudible, off mike) - but when we went there - (inaudible, off mike) - but this is really needed in Bangladesh, because we get tons of money from the Middle East. Now, that doesn't mean that we think there are any terrorists or anything, but the funding is there. So - (inaudible, off mike) - asking for \$100 or \$50 that we send from here, there's been plenty of funds coming from elsewhere.

MR.

SALEH: I just want to add to that that I think getting the money there probably is not the problem; that the issue is the lack of transparency, and you've probably noticed that the major democratic parties - (inaudible, off mike) - basically run on donations. However, Jamat-e-Islami tried to portray themselves as a sort of party of good people and they do not depend on any

donations. Where is the money coming from? And why isn't there is no accountability and no transparency on that sector? I mean, there should be some sort of a campaign finance reform in Bangladesh as well and in the other two parties as well. But there is a big question mark, that, you know, people are not asking the right questions as well.

DR.

LAND: Thank you for coming and giving us this - I think I would summarize it as sobering - testimony. I would characterize it as far more pessimistic than the previous two panels. What would you recommend that the U.S. government do to help rectify the situation and to implement the things that you have proposed?

DR.

RIAZ: Let me take one aspect, only, because this is a broad - let me talk about Islamist militancy. Islamist militancy in Bangladesh is not a simply domestic issue. It is not only about money; it's about weapons; it's about regional and extra-regional dimension to it. Bangladesh is too small, Bangladesh is too weak, in terms of dealing with these kinds of issues, particularly when its two neighbors, who have their own battles to do - and they're using Bangladesh as a proxy - Bangladesh is very little in that game. So it is the United States and international community which needs to step in. To put it very bluntly, can Bangladesh go and tell the Pakistanis to stop this? No, they cannot. I wish they could; they cannot. But can the United States do so?

I

understand that Secretary Rice is, right now, in Islamabad. I hope she's telling that, not only about the connection between the Pakistani militant groups and the Mumbai incident, throughout the whole region, the Pakistanis and those sort of, you know, Islamist militant groups. In a region which is peppered with insurgencies - look around, if you look around, it is peppered with insurgencies - whether it is Islamist militancy or not, any militant group is a threat to the regional stability, and the United States policy should be very clear that there cannot be an ad hoc policy; there should be a very clear, concise and more to it - that's what I'm expecting from the next administration.

MR.

ADNAN: Do you want suggestions on the Chittagong Hill Tracts?

DR.

LAND: Any of the - I want to hear anything you think the U.S. government can do to help rectify the problems that you have surfaced.

MR.

ADNAN: One crucial - I mean, there's several steps that can be taken, and the U.S. government could be in a position to ask or to kind of exhort the Bangladesh government to follow those issues. One is to make the civil military administration in the Chittagong Hill Tracts more credible and more legitimate in the eyes of the hill peoples. At the moment, it does not have legitimacy; it's seen as a kind of occupational - occupying force. Now, that is not entirely true, but that is the emotional response, if you like, of a lot of the hill peoples.

The second

thing which can be done is that even without, you know, other major reforms, if the bargaining power of the hill peoples could be increased and enhanced in other ways, then they would be made capable to ask for their own rights. One of those would be, for example, the crucial question of restituting occupied lands. The peace accord, which had many provisions to empower the hill peoples, has been put into cold storage. So one paramount policy initiative would be to resuscitate that accord and, in particular, the land Commission which was supposed to have resolved issues about occupied lands and restituted these to the original owners.

The third

policy would be to promote the voluntary withdrawal of Bengali settlers. About half a million of them were transported there under the military regimes of the 1980s to fight a counterinsurgency war through demographic means. Now, a significant proportion of the Bengali settlers who are there today are waiting to come back, provided they are given sufficient incentives, and that would include not only financial incentives, but also certain disincentives like, the government has provided them with free rations - not to the hill peoples, but to the settlers, ever since they went. If those were stopped and if new migration was not allowed to take place, then at least the situation - the structural situation in the hill tracts - would be improved.

The last

policy suggestion I have to make is that one of the things that we sensed during our visit to the Chittagong Hill Tracts in August was that there had developed an equal rights movement amongst the Bengali settlers, which is known as the Shamo Odhikar Andolon, which means exactly that - "equal rights movement." And they had appropriated the discourse of human rights, of affirmative action, and were claiming to be

people who were being discriminated against.

Now, as part of that, this - the actual membership of the settler community, of these sort of colonizers - if you looked at the actual structure, these included local-level party bosses of the Awami League, the BNP, and Jamaat-e-Islami. It was an all-party alliance of Bengalis to protect their interests.

And one of the objectives that they seem to be pursuing right now is to renegotiate the peace accord of 1997, the basic thrust of which is to say, well, what's happened has happened, let's legitimize the status quo, we will not allow any further migration to take place. In that - for that cause, you will probably get solidarity from all the parties across the board.

MR. SALEH: I just want to, quickly, add to that. I think that one of the best things that the U.S. could do is stop intervening with the democratic process that's going on in Bangladesh. I think the January 11th intervention was partly engineered by the diplomats, and I think it failed miserably, so going forward, there should not be any such experimentation. Democracy in Bangladesh is flawed. It's not the perfect system, but it should be given time to correct itself, through process; it should be done properly. And the second thing, I think, was mentioned by the ambassador - the local governments.

The local government election is coming up, and I think that's a huge way where, you know, those governments can be empowered and strengthened. That's going to actually be the foundation of democracy in Bangladesh. And, lastly, I would say that, in terms of just the - every time there has been military regimes in Bangladesh, or Pakistan or other places, the Islamic militancy has increased. I mean, maybe there is - I don't have the empirical data - but the idea is that, if there is no freedom of expression, then the voice of dissent comes back much more violently. And often times, these Islamist parties take advantage of that. And that's pretty much it.

DR. GAER: These are big issues, and I thank you all for trying to condense your comments. You appreciate we have three more minutes in the room and we have Commissioner Leo seeking to speak. And I also want to take the opportunity, by the way, to thank Ambassador Humayun Kabir for being here. I appreciate your presence, sir. I welcome you. He is the current ambassador of Bangladesh to the U.S. for those of you - if there's anyone in the room who doesn't know. Thank you very much. Commissioner Leo?

MR. LEO: I get the impression that Islamic militants get a bit of a pass in Bangladesh on the corruption issue because of this distinction between sort of personal enrichment, on the one hand, and diverting public funds to serve a broader constituency, the Islamic community. To follow up on Commissioner Land's question or comment about what the United States can do, would it be helpful to help starve off Islamic militancy if the United States beefed up some of its anti-corruption efforts - educational efforts or otherwise - in Bangladesh as a way of creating a little more parity between the Islamic militant political community and some of the other factions in Bangladesh?

DR. RIAZ: First of all, I would make a clear distinction, here, between the Islamists and Islamist militants; we are talking about two groups, here. And the JI, I consider them as Islamist - they're operating within the mainstream, yes. I understand they may have some connection with the militant groups. So, in terms of the corruption part when I was insisting it is the Islamists we are talking about who were part of the last coalition government, which was utterly corrupt, yet, when we saw this anti-corruption drive, we didn't see much going against Jamaat-e-Islami, which a little bit, you know, disconcerting to me.

In terms of the U.S. policies, as I've mentioned, one thing is this regional dimension; the other thing I would say - let us not look at Bangladesh through the 1970s prism, that it is a basket case, that it is aid-dependent. No, it is not. As the ambassador has shown in his presentation, Bangladesh is doing well in terms of economy, to a great extent. It needs to be considered as a partner. The United States can open its market, which is very much needed. Economic development is a great antidote to this kind of militancy or extremism, to a great extent. That's why I would suggest that as one thing. To invest more in education, not only supporting the government - in many ways, the United States can do that. So those are the issues that they can do. As I said, generally speaking, one thing is that, looking at it as a regional issue. Let us not consider Bangladesh as separate from the South, issue. The second issue is, Bangladesh is not a basket case; they're not begging for it. They just want to be considered to be equal partner, open the market, let them come and do what they can do.

MR. DASTIDAR: Can I add just one thing? Very quickly, I'm not - I would request your government to be really consistent. We - all I want, whether Islamic or inner terrorism is directed to - (inaudible) - we should first say that this should be prosecuted - they should be prosecuted. I would be very happy - actually, last election took place, one village I - where a school we have built that's named after my mother and mother-in-law - every single Hindu was driven out and an opposition candidate was elected. And I called - actually, the headmaster was driven out with machine guns two weeks before election. I called our embassy; I said that this is

happening. When I went back in January, I found that out of 150 people I interviewed, only one was able to vote. Now - and our embassy gave a clean bill, and I asked them - they said, yes, we didn't go there. I asked Carter Center, they said, we didn't go but we just issued this report. All I request, that they be consistent.

MS. GAER: Thank you, Mr. Adnan?

MR. ADNAN: I accept the distinction, there, between militants and Islamists. I think the question of external connections and external support applies to all of the groups, both Islamist and Islamic militants, but in the case of the militants, like the JMB - the Jamaat-ul-Mujahedeen, the HUJI - the Harkat-ul-Jihad - what you have is much more external training and external connections. Now, even though some of that applies to the Jamaat, I think the Jamaat needs to be seen as - the strategy and the power base of the Jamaat needs to be analyzed more. The Jamaat has built up its power base and its support base across the strata of society, from the richest to the poorest, and it has appealed to the fact that the moral order in which poor people live is, to some extent, structured by the corruption, which is propagated by the various mainstream parties.

So this is what the Jamaat has done - it has put forward an alternative vision, and to that extent, it has genuine roots in the soil, even if one does not agree with its politics. And that makes it much more difficult to tackle the Jamaat, as compared to the militants, who do not have that kind of roots and society, and who, to some extent, can be dealt with through much more repressive means. But the Jamaat, one really needs to be able to expose the hypocrisy between their projection of the moral order of Islamic rule and the fact that they, too, are party to corruption and other kinds of misappropriation of resources. And that - who is going to do that? The mainstream parties don't have the face to do it, because they are corrupt themselves. That, I think, is the crucial political question.

MS. GAER: Mr. Saleh, if you have a final comment, and then we'll bring the hearing to a close.

MR. SALEH: Yeah, I mean, just to add to that, I think that philosophy, backed by foreign funds, is basically - they are, now, kind of doing the Hamas model in Bangladesh. If you look at the health sector, if you look at the education sector, through madrassas, through various free hospitals, they are providing a lot of these services that the state couldn't provide. So they are trying to win the hearts and minds of the people that way. So it needs to be addressed much more fundamentally, as Dr. Adnan has said, that in the sense that there are lots of good, grassroots-level organizations who are fighting the battle, who are doing good work.

They - if they can be somehow emboldened, I think that's the key - identifying them and identifying how to empower these various change-makers in Bangladesh who are fighting the good war, not a war between philosophies - it's basically a war of surviving. It's sort of like, who is providing, who is delivering for the people, at the end of the day? And whoever delivers will win the war. But, historically, if you look at the voting pattern, Jamaat-e-Islami has not won more than 7 to 8 percent of the votes. So Bangladeshis tend to vote - do not like to mix religion with politics, but that may change with the whole delivery type of model they are going in. But we need to kind of just address that. I think that's, sort of, the fundamental - and also, not give disproportionate importance to these various Islamist parties as well.

MS. GAER: Well, I want to thank all of our panelists today for all of this advice. I want to thank all of you who came and who are concerned about these issues. As I said, you will find a transcript of this in a few days on our website. I want to thank my fellow Commissioners and I want to thank the staff of the Commission, Mr. Standish as well as Bridget Kustin, Kody Kness, Judy Ingram, who I haven't thanked in other hearings, Steve Snow, our senior policy analyst, whom many of you have consulted with in preparing this material, and Dave Dettoni, our deputy director. Thank you all. We will keep a close watch on events as they move towards the elections and we will stay interested in these issues; please, be in touch. Thank you.

(END)