

**Hindu American Foundation (HAF)
Written Statement for the Record**

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“Bangladesh in Turmoil: A Nation on the Brink?”
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The Hindu American Foundation (HAF) is an advocacy organization for the Hindu American community. The Foundation educates the public about Hinduism, speaks out about issues affecting Hindus worldwide, and builds bridges with institutions and individuals whose work aligns with HAF's objectives. HAF focuses on human and civil rights, public policy, media, academia, and interfaith relations. Through its advocacy efforts, HAF seeks to cultivate leaders and empower future generations of Hindu Americans.

The Hindu American Foundation is not affiliated with any religious or political organizations or entities. HAF seeks to serve Hindu Americans across all sampradayas (Hindu religious traditions) regardless of race, color, national origin, citizenship, caste, gender, sexual orientation, age and/or disability.

Since its inception, the Hindu American Foundation has made human rights advocacy one of its main priorities, and is the only Hindu American organization to publish an annual human rights report comprehensively detailing human rights violations against Hindu minorities globally. The Foundation also regularly hosts Congressional Briefings, actively engages with religious freedom advocates on the International Religious Freedom (IRF) Roundtable, and participates in domestic and international forums on human rights. Furthermore, HAF has led human rights fact-finding missions to Pakistani Hindu refugee camps in India and United Nations administered Bhutanese Hindu refugee camps in Nepal, and works closely with human rights groups in Bangladesh and Malaysia.

The plight of Hindus and other minorities in Bangladesh, in particular, has become increasingly worrisome to the Hindu American community, as 2012 and 2013 were marked by several large-scale attacks on minorities. Consequently, earlier this year the Foundation spearheaded a religious freedom coalition effort to request the House Foreign Affairs Committee to host a hearing on religious violence in Bangladesh.

In light of this recent escalation in anti-minority violence, accompanied by growing religious intolerance and the expanding power and influence of Islamist groups intent on creating a repressive theocratic state, HAF respectfully submits that conditions are rapidly deteriorating in Bangladesh and that the country is at a critical juncture in its history. It can either return to the principles of secular democracy and religious equality, upon which it was founded, or continue on a path towards greater Islamization and the empowerment of religious fundamentalists.

Bangladesh's future trajectory will not only have important implications for its own citizens, but will significantly impact stability in the sub-continent and affect U.S. strategic interests in the region. The following, therefore, provides a brief overview of the current religious freedom challenges facing Bangladesh's national polity and the ongoing threats to its democracy.

I. Background

Bangladesh was created from the eastern wing of Pakistan in 1971 after a brutal conflict, where an estimated three million ethnic Bengalis were killed, more than ten million displaced, and 200,000 women raped. During the war, liberation activists, intellectuals, and ordinary Bengali civilians were targeted in a systematic campaign of violence orchestrated by Pakistan's military in collaboration with local Bangladeshi Islamists.

The Hindu minority, in particular, bore the brunt of the violence and was targeted on a scale and in a manner that constituted "genocide" according to Gary Bass, Professor of Politics and International Affairs at

Princeton University and author of “*The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide.*”

Describing the events of the war in a report dated November 1, 1971 after his trip to the region, the late U.S. Senator Edward Kennedy (D - Massachusetts) wrote:

Field reports to the U.S. Government, countless eye-witness journalistic accounts, reports of International agencies such as World Bank and additional information available to the subcommittee document the reign of terror which grips East Bengal (East Pakistan). Hardest hit have been members of the Hindu community who have been robbed of their lands and shops, systematically slaughtered, and in some places, painted with yellow patches marked ‘H’. All of this has been officially sanctioned, ordered and implemented under martial law from Islamabad.¹

Furthermore, according to the then American Consul-General and senior U.S. diplomat in Dhaka, Archer Blood, the Pakistani military was engaged in the “mass killing of unarmed civilians, the systematic elimination of the intelligentsia and the annihilation of the Hindu population.”²

An official report published after the war by the International Commission of Jurists (ICJ), entitled *The Events of East Pakistan, 1971* confirmed that the Pakistani army and local Islamist militias in East Pakistan were responsible for mass human rights violations. The ICJ report noted that there was “a strong prima facie case that criminal offences were committed in international law, namely war crimes and crimes against humanity under the law relating to armed conflict, breaches of Article 3 of the Geneva Conventions 1949, and acts of genocide under the Genocide Convention 1948 [1948].”³ The ICJ specifically found that the Pakistani army indiscriminately massacred civilians including women and children, and was complicit in “the attempt to exterminate or drive out of the country a large part of the Hindu population of approximately 10 million people.” Moreover, the Pakistani army and East Pakistani militias were responsible for “the arrest, torture and killing without trial of suspects; the raping of women; the destruction of villages and towns; and the looting of property.”⁴

Following the 1971 War of Independence, the new state of Bangladesh emerged as a secular democracy with constitutional protections and equal rights for all its citizens, including religious minorities. In subsequent years, however, Islam began to play a greater role in public life and the Constitution was amended multiple times to elevate the status of Islam and Muslims above other religions.⁵

Simultaneously, religious minorities, including Hindus, Christians, Buddhists, and Ahmadiyya Muslims, began to face greater restrictions on their religious freedom and wanton violence. This resulted in a precipitous decline of the Hindu population (the largest minority in Bangladesh), which slid from fourteen

¹ “Crisis in South Asia,” Report by Senator Edward Kennedy to the Subcommittee Investigating the Problem of Refugees and Their Settlement; Submitted to U.S. Senate Judiciary Committee, (November 1, 1971), U.S. Government Press, pp. 6--7.

² Rabindranath Trivedi. “The Legacy of the Plight of Hindus in Bangladesh,” (July 24, 2007), The Asian Tribune, <http://www.asiantribune.com/index.php?q=node/6663>.

³ Akram, Tanweer, “A Critical Evaluation of the International Commission of Jurists’ Report on the Bangladesh Genocide,” (April 14, 2007), Social Studies Research Network, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=981254.

⁴ *Id.*

⁵ “Bangladesh Parliament Votes to make Islam State Religion,” (June 8, 1988), The New York Times, <http://query.nytimes.com/gst/fullpage.html?res=940DE5D71530F93BA35755C0A96E94826>.

percent in 1974 to its current rate of approximately nine percent.⁶ Official reports from the Bangladesh Statistical Bureau (BSB) and the National Population Research and Training Institute (NPRTI) further assert that in the past decade alone, nine million Hindus were considered “missing” or unaccounted for. Human rights activists suspect that these Hindus likely fled to India to escape persecution.⁷

The process of Islamization and religious repression was accelerated with the 2001 election of the right-wing Bangladesh Nationalist Party (BNP) and its Islamist allies, including Jamaat-e-Islami (JeI or Jamaat).

Following the elections, the BNP coalition and its supporters unleashed a large-scale campaign of violence targeting the Hindu community that lasted more than 150 days. During that period, there were reportedly more than 10,000 cases of human rights abuses committed against minorities.⁸ According to Refugees International, “Scores of Hindu women and girls were raped. In some cases, they were gang raped in front of their male relatives. Hindus were also assaulted on the streets, in their homes and at their workplaces. Systematic attacks resulted in a mass migration of Hindus to India and, in particular, to the bordering state of Tripura. The government did little to prosecute or investigate the violence.”⁹ Global Human Rights Defence (GHRD), a human rights organization based in the Netherlands, estimates that approximately 500,000 Hindus sought refuge in India following the election violence.¹⁰

During the five-year rule of the BNP-led coalition, Bangladesh witnessed the increased role of Islam in politics and an explosion of madrasas (Islamic seminaries) teaching the same fundamentalist version of Islam that inspired the Taliban. The massive proliferation of madrasas, estimated at 64,000, was seen as an intentional effort to change “Bangladesh’s culture of religious tolerance.”¹¹ Moreover, activity by Muslim militants and radical organizations, such as Harkat-ul-Jihad-al-Islami (HuJI), a State Department designated Foreign Terrorist Organization (FTO), and Jama’atul Mujahideen Bangladesh (JMB), significantly increased during the BNP regime.¹²

⁶ “Bangladesh: Discrimination and Displacement of Religious Minorities,” (August 8, 2003), Refugees International, <http://www.refugeesinternational.org/content/article/detail/891/>; “Bangladesh: Minorities Increasingly at Risk of Displacement,” (March 28, 2006), Internal Displacement Monitoring Centre, <http://www.internal-displacement.org/>; Saleem Samad, an Ashoka Fellow (USA), is a journalist, press watchdog, and correspondent of Paris--based Reporters Sans Frontières (RSF), Paris, Special Correspondent of Bangladesh Observer and Daily Times (Lahore); S.K. Datta, “The Recent Plight of Minorities in Bangladesh: A Post--election Perspective,” Paper presented by the former Director, Central Bureau of Investigation, India at an international seminar organized by the Centre for Research in Indo--Bangladesh Relations; “Bangladesh: International Religious Freedom Report 2007,” Bureau of Democracy, Human Rights, and Labor, Department of State, <http://www.state.gov/g/drl/rls/irf/2007/90226.htm>.

⁷ Barooah, Kalyan, “9 Lakh Hindus Vanish from Bangladesh,” (August 28, 2013), The Assam Tribune, <http://www.assamtribune.com/scripts/detailsnew.asp?id=aug2913/at05>

⁸ Nazrul Islam, “10,000 incidents of minority repression in Bangladesh since 2001,” (October 12, 2005), NewKerala.com, <http://www.newkerala.com/newsdaily.php?action=fullnews&id=34363>; “Over 10,000 Communal Tortures in Govt’s 4yr,” (October 11, 2007), The Daily Star, <http://www.thedailystar.net/2005/10/11/d51011011310.htm>

⁹ “Bangladesh: Discrimination and Displacement of Religious Minorities,” (August 8, 2003), Refugees International, <http://www.refugeesinternational.org/content/article/detail/891/>.

¹⁰ “Bangladesh Human Rights Report 2008,” Global Human Rights Defence, <http://www.ghrd.org/FilesPage/3343/GHRDReport2008ver5.pdf>.

¹¹ Tannock, C., “Bangladesh’s drift into chaos,” (July 21, 2005), Daily Times, http://www.dailytimes.com.pk/default.asp?page=story_21--7--2005_pg3_5.

¹² Terrorist and Extremist Groups – Bangladesh, South Asia Terrorism Portal, <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/index.html>; “Foreign Terrorist Organizations,” (September 28, 2012), U.S. Department of State, <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

While conditions have generally improved for minorities under the current Awami League (AL) government, non-Muslims continue to be targeted by extremists and have experienced an upsurge in violence in the past few years. The recent mass violence against religious minorities, however, has been perpetrated primarily by members of the BNP, Jamaat, and Jel's student wing, Islami Chhatra Shibir (ICS).

II. Growth of Islamic Radicalism and Islamist Groups

Once celebrated for its religious tolerance, Bangladesh has now become a battleground of ideas between an increasingly vocal and powerful collection of Islamist groups, and the vast majority of Bangladeshi citizens who still cherish the ideals of secularism and democracy. While numerically smaller, the Islamists, who espouse a narrow sectarian agenda and seek to create a theocratic state with limited rights for minorities and women, are rapidly gaining ground.

In April 2013, for instance, a relatively new group known as Hefazat-e-Islam emerged and attained national prominence when it mobilized hundreds of thousands of protesters in the capital, Dhaka, to call for the prosecution and execution of "atheist bloggers" whose writings allegedly insulted Islam and the Prophet Mohammed.¹³

Subsequently, Hefazat held a demonstration in May with over 500,000 followers to demand the imposition of a 13-point Islamist agenda. The charter included "banning women from the work force by ending 'free mixing' of the sexes, a harsh new blasphemy law similar to Pakistan's, the declaration of the beleaguered Ahmadi sect as non-Muslim, and...an end to 'candle lighting in the name of personal freedom and free speech.'"¹⁴ Moreover, Hefazat's agenda demanded the removal of sculptures, "special protection" for Islam, and the reinstatement of references to Allah in the constitution.¹⁵

Bangladeshi analysts assert that Hefazat has a support base of millions of Bangladeshis, and its strength lies in its control over the majority of the country's madrasas (Islamic schools).¹⁶

Other Islamist groups, such as Jamaat-e-Islami, have a longer history of radicalism and violence dating back to the country's inception in 1971. Jamaat, which also seeks to openly create a theocratic state in Bangladesh, is the largest and most prominent Islamist group in the country. Jel is closely aligned with the BNP and is a region wide organization with branches throughout South Asia and extensive links to the Islamist militant network. It has been the ideological center and recruiting base for several terrorist groups in Bangladesh and the rest of the sub-continent as well. Jel also reportedly receives funding and support from Pakistan's Inter-Services Intelligence (ISI) spy agency and from countries in the Middle East, including Saudi Arabia.¹⁷ As noted above, Jamaat members have systematically orchestrated and engaged in attacks

¹³ "Bangladesh: Muslim Group Demands Execution of 'Atheist' Bloggers," (April 7, 2013) IBN Live, <http://ibnlive.in.com/news/bangladesh-muslim-group-demands-execution-of-atheist-bloggers/383738-2.html>

¹⁴ Dhume, Sadanand, "Bangladesh on the Brink," (May 9, 2013), The Wall Street Journal, <http://online.wsj.com/news/articles/SB100014241278873237446045784725232260433>.

¹⁵ Grahame, Lucas, "Bangladeshi Islamists are Gaining Ground," (September 5, 2013), DW, <http://www.dw.de/bangladeshi-islamists-are-gaining-ground/a-16798966>

¹⁶ Bouissou, Julien, "Bangladesh's Radical Muslims Uniting Behind Hefazat-e-Islam," (July 30, 2013), The Guardian, <http://www.theguardian.com/world/2013/jul/30/bangladesh-hefazat-e-islam-shah-ahmad-shafi?INTCMP=SRCH>

¹⁷ Bertil Lintner, "Bangladesh Extremist Islamist Consolidation," South Asia Terrorism Portal, <http://www.satp.org/satporgtp/publication/faultlines/volume14/Article1.htm>; Roy, Swadesh, "Broken Goddess and the War Crime Verdict of Bangladesh," Sri Lanka Guardian, (March 13, 2013), <http://www.srilankaguardian.org/2013/03/broken--goddess--and--war--crime--verdict--of.html>.

on non-Muslims and liberal Bengalis from 1971 to the present.

In August, a Bangladesh High Court decision placed a partial ban on Jel, declaring that its registration with the electoral commission was illegal. The High Court's verdict came after a leading Sufi Muslim group filed public interest litigation against Jel in 2009, alleging that the Islamist party's charter violated the constitution. Following the announcement, Jel supporters engaged in violent protests in areas surrounding the capital of Dhaka. The ban renders the party ineligible to participate in national elections, but falls short of imposing a complete prohibition on the organization's political activities. It is unlikely that the ban will have a significant impact on the organization's power or influence.

Jel's student wing, Islami Chhatra Shibir, similarly enjoys the patronage of the ISI and Saudi Arabia and has also been intimately involved in planning and participating in political and religious violence. Its members have been implicated in several of the recent incidents of violence against minorities, and in recent protests, its members were arrested for planting small bombs.¹⁸ Earlier this year, five ICS members admitted murdering an atheist blogger, Ahmed Rajib Haider, for his allegedly blasphemous speech.¹⁹

Following Haider's murder, the government acceded to the demands of ICS and other Islamists by blocking at least one dozen websites and arresting several bloggers for hurting the sentiments of Muslims. ICS, one of the largest Islamist student organizations in South Asia, strives to establish a Taliban style regime in Bangladesh and has close ties with extremist groups throughout the region.²⁰

Despite their relatively smaller numbers, these Islamist organizations exert disproportionate influence over the country's political, social, legal, and religious affairs. In addition, they are becoming increasingly aggressive and violent in pursuing their goals and pose an imminent threat to religious minorities and the country's secular democracy.

III. Escalation of Anti-Minority Violence and Religious Intolerance

In recent years, Bangladesh has witnessed a dramatic escalation in anti-minority violence and a growing climate of religious intolerance. While there has been an overall reduction in the number of incidents of violence against minorities since the Awami League (AL) was elected in 2008, the past two years in particular have seen a sharp rise in religiously motivated violence targeting non-Muslims. Although AL officials have been directly involved in attacks on Hindus and other non-Muslims, much of the violence has been instigated and carried out by officials or supporters of the BNP, Jel, and ICS.²¹

At the end of October, for example, Jamaat-Shibir and BNP members attacked, looted, and set on fire at least 18 Hindu-owned shops in Shafinagar village in Lalmonirhat, while Muslim owned shops were left untouched.²² Moreover, earlier this month, armed members of the BNP attacked at least 40 homes in

¹⁸ Bangladesh Terrorist Outfits: Islami Chhatra Shibir, SATP, <http://www.satp.org/satporqtp/countries/bangladesh/terroristoutfits/ics.htm>.

¹⁹ Ahmed Rajib Haider - Committee to Protect Journalists, (February 15, 2013), <http://www.cpj.org/killed/2013/ahmed-rajib-haider-1.php>

²⁰ *Id.*

²¹ Khalid, Saif, "Bangladesh Minorities Bear Brunt of Violence," (March 20, 2013), Al Jazeera, <http://www.aljazeera.com/indepth/features/2013/03/201332472510585942.html>. "Assessment for Hindus in Bangladesh," (December 31, 2000), Center for International Development and Conflict Management, <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupid=7710>.

²² Roy, Dilip S., "Hindus Targeted, Only," (October 29, 2013), The Daily Star, <http://www.thedailystar.net/beta2/news/hindus-targeted-only/>

Satpatki Majhipara in the northern district of Lalmonirhat Sadar, after Hindu villagers refused to pay an extortion fee to BNP operatives. The incident resulted in several injuries and the displacement of women and children from 125 families.²³ And in a separate incident in November, between 25 and 30 Hindu owned homes and a temple were attacked by an angry mob of Jamaat and the BNP supporters in the city of Pabna after a Hindu boy was falsely accused of defaming the Prophet Mohammed on Facebook.²⁴ The attack was reminiscent of a mass attack on Buddhist villages in southern Bangladesh last year after a picture of a burnt Koran was posted on the Facebook profile of a local Buddhist. The Asian Centre for Human Rights (ACHR) asserts that 22 Buddhist temples and two Hindu temples were attacked by religious zealots in that bout of violence.²⁵

Similarly, after Bangladesh's International Crimes Tribunal (ICT), commissioned to investigate war crimes from the 1971 War of Independence, began announcing verdicts in late January, supporters of the BNP, Jamaat, and ICS engaged in large-scale violence and rioting. The violence plagued Bangladesh for several weeks, resulting in more than 100 deaths and hundreds of injuries. Following convictions by the Tribunals, Jamaat and Shibir activists reportedly also set off small bombs in the capital city of Dhaka, aimed at causing panic amongst ordinary Bangladeshi citizens.

Hindu villages, in particular, were systematically attacked with more than 47 temples destroyed and approximately 700 - 1500 homes vandalized or burned to the ground (estimates vary). In the aftermath of the violence, Amnesty International noted that: "The Hindu community in Bangladesh is at extreme risk...It is shocking that they appear to be targeted simply for their religion. The authorities must ensure that they receive the protection they need."

These latest attacks are not unique, but rather part of a larger historical pattern of violence against religious minorities and secular Bangladeshis by Jel and its affiliates. The following incidents from 2012, for instance, demonstrate a series of large-scale attacks on religious minorities by BNP, Jamaat, or ICS operatives:²⁶

- In August, a Hindu village in Dinajpur District was attacked by thousands of Islamists who vandalized and destroyed 50 homes, injured 57 people, and sexually assaulted at least one woman. Local authorities publicly blamed Hindus for hindering the construction of a mosque in the Hindu majority area, resulting in the widespread violence.
- Attacks were reported on the Hindu community in Sathkira at the end of March and beginning of

²³ Roy, Dilip S., "Refusal Leads to Attack on Hindus," (November 5, 2013), The Daily Star, <http://www.thedailystar.net/beta2/news/refusal-leads-to-attack-on-hindus/>

²⁴ Kabir, Ahmed Humayun, "Hindus Attacked in Pabna(November 3, 2013), The Daily Star, <http://www.thedailystar.net/beta2/news/hindus-attacked-in-pabna/>.

²⁵ "Muslims Attack Buddhist, Hindu Temples," (September 30, 2012), UPI, http://www.upi.com/Top_News/World--News/2012/09/30/Muslims--attack--Buddhist--Hindu--temples/UPI--98301349010670/; Karmakar, Rahul, "24 Buddhist, Hindu Temples Burnt in Bangladesh: Rights Body," (October 1, 2012), Hindustan Times, <http://www.hindustantimes.com/India--news/Guwahati/24--Buddhist--Hindu--temples--burnt--in--Bangladesh--rights-body/Article1--938261.aspx>.

²⁶ "HC Summons SP, OC Over Torching Temples in Ctg" February 26, 2012, New Age Bangladesh, http://newagebd.com/newspaper1/archive_details.php?date=2012--02--26&nid=51668; "800 Sued for Hathazari Incidents," The New Nation, <http://thenewnationbd.com/newsdetails.aspx?newsid=30876>; Bangladesh Quarterly Report, January -- March 2012, Global Human Rights Defence, <http://www.ghrd.org/>; Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) February Email Newsletter; "Bangladesh Report 2012," GHRD, http://ghrd.org/FilesPage/4158/bangladesh_report_2012.pdf; BDMW Email Report (August 13, 2012); "Bangladesh Report 2012," GHRD, http://ghrd.org/FilesPage/4158/bangladesh_report_2012.pdf

April. Specifically, Muslim fundamentalists attacked, vandalized, and burned down dozens of Hindu homes in Sakhira district. Islamist activists from the Jel party instigated the violence after rumors spread that a school play allegedly portrayed the Prophet Mohammed in a negative manner.

- On February 9 and 10, several thousand Muslims attacked, vandalized, and burned down at least 13 Hindu temples and dozens of houses and shops in the Nandirhat-Hathazari areas of Chittagong. The attacks were initially fueled by Muslim anger at a Hindu religious devotional procession and false rumors that Hindus destroyed a mosque (a Muslim man was later arrested after admitting to breaking the wall of the mosque). Muslim clerics subsequently inflamed their congregants to attack Hindus, leading to widespread violence.

Religious minorities continue to be attacked on a daily basis and remain in critical danger, especially with upcoming elections scheduled to be held by January 25, 2014.

IV. Significance of the International Crimes Tribunals

Nearly 40 years after the horrific events of the 1971 War noted above, the Government of Bangladesh established the International Crimes Tribunal (ICT) in 2010 to investigate war crimes committed during the conflict. A second Tribunal, ICT-2 (the original ICT and ICT-2 will hereinafter be collectively referred to as the “Tribunals” or the “ICT”) was set up in 2012 to expedite the process. The ICT was authorized through an amendment to the International Crimes (Tribunals) Act, originally enacted in 1973 by Bangladesh to “provide for the detention, prosecution and punishment of persons responsible for genocide, crimes against humanity, war crimes, and crimes committed in the territory of Bangladesh, in violation of customary international law, particularly between the period of 25th March to 16th December 1971.”

Despite the existence of the 1973 Act, large numbers of Islamist collaborators were granted amnesties following the conclusion of the war, while 195 members of the Pakistani military initially charged with war crimes, were granted immunity by a 1974 agreement signed by Bangladesh, Pakistan, and India.²⁷ Until the establishment of the ICT in 2010, successive Bangladeshi governments failed to both provide justice to the victims and hold the perpetrators responsible for their actions.

The current trials have focused on the prosecution of Bangladeshi collaborators, particularly those that played leading roles in paramilitary militias established by the Pakistani army during the war, such as the Al-Badr and Al-Shams brigades. These two brigades were comprised primarily of Islamists affiliated with Jamaat or its student wing, the ICS (then known as the Islami Chhatra Sangha), who opposed Bangladesh’s independence from Pakistan. As a result, those indicted or convicted by the Tribunals for crimes against humanity (there have been nine convictions thus far with eight pending trials and three ongoing investigations) are now senior leaders of Jel or the BNP, which, as mentioned previously, enjoy a close relationship.²⁸

For instance, Delawar Hossain Sayedee, the Deputy Chief of Jel, was convicted for his involvement in mass killings, rape, arson, and other atrocities during the war. He reportedly led the Al-Badr brigade in abducting and raping three Hindu sisters over a three day period, forcibly converting at least 100 Hindus to Islam,

²⁷ Ramachandran, Sudha, “Flawed Justice in Bangladesh,” (October 31, 2013), The Diplomat, <http://thediplomat.com/2013/10/flawed-justice-in-bangladesh/2/>

²⁸ “Bangladesh’s War Crimes Tribunal Isn’t About Justice,” *Opinio Juris*, (November 18, 2013), <http://opiniojuris.org/2013/11/18/guest-post-williams-mansoor-bangladeshs-war-crimes-tribunal-isnt-justice/>

burning down 25 houses in a Hindu village, and murdering two civilians.²⁹

Similarly, Abdul Alim, a former minister and lawmaker from the BNP was found guilty of committing war crimes by the Tribunal. Amongst several charges, Alim was convicted of ordering an all out attack on Hindu dominated villages on April 26, 1971, where 370 innocent civilians were massacred in a single day. He is also accused of involvement in several other atrocities on minority civilians during the 1971 War and involved in killing or ordering the deaths of approximately 600 civilians.³⁰

In addition, Salahuddin Quader Chowdhury, also a leader of the BNP, was convicted of aiding and ordering the killing of at least 200 people and was involved in the massacre of approximately 70 Hindu civilians in the village of Unsotturpara on April 14, 1971.³¹

Particularly shocking is the presence in the United States of convicted war criminal and former member of the “high command” of the Al-Badr brigade, Ashrafuzzaman Khan. Khan, who is a U.S. citizen and current resident of Queens, New York, refused to return to Bangladesh to face trial and was tried and convicted in absentia for his involvement in the murder of eighteen intellectuals.³²

Evaluating Criticisms of the Tribunals

Although some have criticized the Tribunals as politically motivated or failing to meet international standards of due process, others have hailed the trials as providing long overdue justice to the victims of genocide. Moreover, in the absence of a tribunal established by the international community, these trials have created a mechanism to ensure that war criminals guilty of committing mass human rights violations are held accountable for their actions.

Critics who attack the Tribunals on the basis of political bias overlook the historical context of Jamaat-e-Islami (and Islami Chhatra Shibir) and the paramilitary militias that engaged in widespread killings, arbitrary detentions, torture, and rape during the war. It is a well-known fact that Islamist groups, such as Jamaat, opposed Bangladesh’s independence and largely populated the ranks of the pro-Pakistani Al-Badr and Al-Shams militias. And given Jamaat’s long-standing ties with the BNP, it is not surprising that those tried by the Tribunals are primarily Jamaat or BNP leaders. On the other hand, while Bengali freedom fighters aligned with the Awami League were involved in violence, according to most historical accounts their actions do not rise to the level of genocide or crimes against humanity.

Beyond accusations of political bias, some international organizations and human rights groups have criticized the trials based on their moral opposition to the death penalty per se. While the moral validity of

²⁹ War Crimes Verdict: Sayedee to be Hanged,” (February 28, 2012), BanglaNews24, <http://www.banglanews24.com/English/detailsnews.php?nssl=58574193f4605774f69b12726a95db8a&nttl=2802201364913>; Das, Tapos Kanti, “Sayedee to Die for War Crimes,” (March 1, 2013), NewAgeBD, <http://www.newagebd.com/detail.php?date=2013-03-01&nid=41530#.UVkx25MRbzw>.

³⁰ “War Crimes Tribunal Hands Down Life Term to Opposition Leader,” (October 9, 2013), Gulf News, <http://gulfnnews.com/news/world/india/war-crimes-tribunal-hands-down-life-term-to-opposition-leader-1.1241117>

³¹ “Bangladesh MP to Hang for Genocide Against Hindus,” (October 2, 2013), Hindustan Times, <http://www.hindustantimes.com/world-news/bangladesh-mp-to-hang-for-genocide-against-hindus/article1-1129917.aspx>

³² Bangladesh Convicts UK Muslim Leader, US Citizen of War Crimes,” (November 3, 2013), The Times of India, http://articles.timesofindia.indiatimes.com/2013-11-03/south-asia/43628267_1_the-international-crimes-tribunal-war-crimes-death-penalty

the death penalty can be debated, this is not a legitimate justification to undermine the Tribunals in and of itself.

To be sure, the Tribunals do contain due process flaws and are far from perfect. However, even the International Criminal Court has been attacked for its lack of due process and procedural safeguards.

Ironically, the same organizations and international bodies who neglected their responsibility to provide transitional justice for the people of Bangladesh following the war, are now vociferous critics of the Tribunals. In the post-war period, for instance, the international community failed to make serious efforts to advocate for the creation of an international tribunal to prosecute those involved in committing genocide and crimes against humanity. The United Nations (UN), the ICJ, and leading human rights organizations, in particular, were conspicuously silent on the creation of an international commission to investigate the events of the war.³³

Furthermore, international criticisms of the Tribunals are resented by many ordinary Bangladeshis, who view them as long overdue and necessary for their nation to move forward and heal the wounds of the past.³⁴ In fact the Tribunals are widely popular in Bangladesh and have given rise to the Shahbag movement, or peaceful gatherings of thousands of Bangladeshis in Dhaka's Shahbag Square in support of the war crimes trials.³⁵

Indeed, many Bangladeshi believe that flawed justice is better than no justice, and recognize the challenges in holding trials more than 40 years after the war. Moreover, they understand that this opportunity is unlikely to come again and are eager to attain closure on the events of the war.

Conversely, according to American Enterprise Institute Scholar, Sadanand Dhume, the trials have elicited a "violent Islamist backlash" amongst those who feel threatened by a "secular vision of Bangladesh unified by language, culture and history, instead of divided by faith."³⁶

Specifically, as detailed above, BNP, Jamaat, and Shibir supporters have engaged in violent riots in response to verdicts in the trials and have consistently attempted to undermine and disrupt the proceedings. In addition, BNP and Jamaat leaders have lobbied internationally to undermine the credibility of the Tribunals. For instance, indicted war criminal and high-ranking functionary of Jel, Mir Quasem Ali, reportedly hired the U.S. based lobbying firm, Cassidy and Associates, to lobby Congressmen and the Administration against the Tribunals. Ali reportedly paid Cassidy \$180,000, and his brother, Mir Masum Ali, who is a U.S. citizen, paid the firm \$140,000 in 2012 and \$210,000 in 2011. Mir Quasem Ali was also investigated by the Bangladeshi government for allegedly using "money laundering and other illegal activities" to pay Cassidy for their services.³⁷

³³Akram, Tanweer, "A Critical Evaluation of the International Commission of Jurists' Report on the Bangladesh Genocide," (April 14, 2007), Social Studies Research Network, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=981254.

³⁴ Ramachandran, Sudha, "Flawed Justice in Bangladesh," (October 31, 2013), The Diplomat, <http://thediplomat.com/2013/10/flawed-justice-in-bangladesh/2/>

³⁵ Dhume, Sadanand, "Bangladesh on the Brink," (May 9, 2013), The Wall Street Journal, <http://online.wsj.com/news/articles/SB100014241278873237446045784725232260433>.

³⁶ *Id.*

³⁷ Lobbying Spending, Open Secrets, <http://www.opensecrets.org/lobby/clientsum.php?id=F9808&year=2012>; Pecquet, Julian, "Bangladesh Probes U.S. Lobby Firm's Work on Behalf of Alleged War Criminal," (August, 27, 2012), The Hill,

V. Conclusion and Recommendations

Bangladesh's internal security and stability are essential to U.S. economic and strategic interests in South Asia. These objectives, however, are undermined by repeated attacks on religious minorities, expanding religious intolerance, and the growing destabilization caused by Islamic extremist groups, such as Jamaat-e-Islami, Islami Chhatra Shibir, and Hefazat-e-Islam. Such organizations not only pose a significant danger to Bangladeshi citizens, but also jeopardize U.S. foreign policy goals in the region, given their close connections to pan-Islamist militant groups. With Islamist groups rapidly gaining ground in Bangladesh, it is vital that the U.S. support secular and democratic institutions in the country.

Furthermore, HAF respectfully submits the following recommendations:

- The U.S. State Department should work constructively with the current Government of Bangladesh to ensure that attacks on Hindus and their institutions cease, rehabilitate past victims of violence, and bring to swift justice those political and radical religious elements that have led the assault on Hindus and other minorities.
- Based on their long-standing involvement in violence against religious minorities, the U.S. should strongly encourage the Government of Bangladesh to declare Jamaat-e-Islami and Islami Chhatra Shibir illegal organizations and impose complete bans on their activities.
- The U.S. should preemptively ban any members and elected officials from Jamaat-e-Islami from entering the U.S. if they have been involved in any incidents of large-scale anti-minority violence.
- Despite its flaws, the United States should support the International Crimes Tribunal as a means of achieving justice for the victims of genocide and crimes against humanity. It should further uphold the process to ensure accountability for the perpetrators and send a message that war criminals cannot act with impunity.
- The U.S. should repatriate Ashrafuzzaman Khan, the convicted war criminal residing in the U.S., to Bangladesh to serve out his sentence.
- Finally, the U.S. should work in conjunction with international institutions and human rights groups to monitor the upcoming elections to ensure that they are fair and democratic and that minorities are not targeted by extremist groups.

<http://thehill.com/blogs/global-affairs/human-rights/245789-bangladesh-probes-us-lobby-firms-work-on-be-half-of-alleged-war-criminal#ixzz2OsmSmzR6>