



HUMAN RIGHTS monitor



Bangladesh-Attacks on members of the Hindu minority

AMNESTY INTERNATIONAL

AMNESTY International has been concerned about the situation of members of the Hindu community in Bangladesh over the past several months. Following the general elections on 1 October which were won by a coalition led by Bangladesh Nationalist Party (BNP) with a large majority, BNP supporters reportedly driven off their land by groups affiliated to the BNP-led coalition who, in some cases, allegedly burnt their homes and raped Hindu women. Several Hindus were reportedly killed. Amnesty International is calling on the Government of Bangladesh to bring to justice perpetrators of these attacks regardless of their position in society or in any political party.

Amnesty International is also calling for the immediate and unconditional release of prisoner of conscience Shahriar Kabir, a journalist who has sought to publicise abuses against Hindus.

Discrimination against Hindus

Hindus in Bangladesh have tended to vote for and support parties such as the Awami League. They have therefore been the target of a political backlash by supporters of parties opposing the Awami League.

As a minority community in Bangladesh sharing a language and religion with the Indian populations of West Bengal, Hindus have been subjected to discriminatory practices or attacks by Muslim groups in Bangladesh. None of the governments in Bangladesh since its independence has taken any decisive steps to protect Hindus in the face of potential threats, including the current attacks.

While both Hindu men and women have been subjected to attacks and intimidation, Hindu women have been also subjected to sexual violence. As a state party to the International Convention on the Elimination of all forms of Discrimination against Women, the Bangladesh Government is required to take steps without delay to eliminate discrimination against all women in Bangladesh. The Committee on the Elimination of Discrimination against Women has identified gender-based violence which includes rape, as a form of discrimination (General Recommendation 19 of 1992).

Attacks against Hindus

The current wave of attacks against the Hindu community in Bangladesh before the general elections of 1 October 2001 when Hindus were reportedly threatened by members of the BNP-led alliance not to vote, since it was perceived their vote would be cast for the Awami League. The backlash after elections was systematic and severe. Reports indicate that the worst affected areas have been in Barisal, Bhola, parts of Pirojpur, Khulna, Satkhira, Gopalganj, Bagerhat, Jessore, Comilla and Narsingdi. Attackers have reportedly entered Hindu homes, beaten members of the family, looted their property and in some cases, raped Hindu women.

* One of the affected villages was Ziodhara. Fear of backlash created a severe atmosphere of tension in the village. Several hundred Hindu villagers left for fear of being attacked and Hindu children would not attend schools.

* In another village, Deutala Bazaar, gangs of young men wielding sharp weapons reportedly went from door to door telling Hindus to "go away". Hundreds of Hindu villagers reportedly left the village.

Bangladeshi Hindu families who crossed into neighbouring West Bengal as a result of attacks on Hindus in Bangladesh gather to receive food from Indian villagers in the borders village of Badalpur, 420 km north of Kolkata [Calcutta] on 8 November 2001 (c) Reuters.

* In the village of Daspara in Mithanala union, Mirersarai Upazila, a gang of about 25 youths reportedly attacked homes of Hindus around midnight on 5 November. One person, Sunil Das Sandhu, 28, was reportedly hacked to death and 16 others were injured, some seriously. They ransacked houses, looted them, dragged family members out of their homes and beat them. Police reportedly arrested 12 persons in connection with this attack, but it is not known if they have been charged.

Hundreds of Hindu families have fled across the border into India because they have been attacked or threatened. They have been trickling into India reportedly either by paying bribes or crossing along the remote unmanned border areas. According to Agence France-Presse of 29 October 2001 they have either ended up in camps or gone to their distant relatives. Hindus interviewed by journalists have said they have been targeted because they were thought to have been supporters of the defeated Awami League.

Some Hindu places of worship have also been attacked, including one in

Chandaikona Bazzar in Royganj area in Sirajganj on 22 October by a group of youths who damaged Hindu statues and looted the place.

Following a petition filed by a Bangladeshi legal aid organization, Ain-o-Salish Kendra, the High Court ordered the government on 26 November to explain why it has not done more to protect the country's Hindu religious minority. The court gave the government one month to respond.

Allegations of rape

Human rights organizations in Bangladesh believe over 100 women may have been subjected to rape. Reports persistently allege that the perpetrators have been mainly members of the BNP or its coalition partner Jamaat-Islami. Rape victims are frequently reluctant to disclose their ordeal. What follows is a sample of the available information.

* A college student was reportedly raped in front of her mother at her home in Azimnagar, Bhanga, Faridpur. The attackers reportedly entered her



Puja under police protection

home on 6 October at about 9 pm, ransacked the house, looted valuables and raped the student before leaving the house.

* A school girl was reportedly gang-raped in Delua, Ullapara, Sirajganj on 8 October. Attackers entered her home, ill-treated members of her family, took her outside the house and raped her.

Two Hindu teenage girls cover their faces after they were raped allegedly by supporters of the new government in Barisal district, 13 October 2001 (c) Associated Press.

* Two Hindu women were reportedly raped in front of their husbands on 11 October in Khanzapur Upazila in Gourmadi, Barisal. The attackers reportedly came at night, knocked at the door, and told the family that they should leave the area because they had voted for the Awami League. They then reportedly tied up the husbands and raped the women.

* Two Hindu women were reportedly raped in their home in Bashkandi, Chorfashon, Bhola on 6 October. Male members of the family had already gone into hiding for fear of being attacked. The attackers entered their home and raped the girl and her mother.

A number of Hindu girls were reportedly abducted. It is not known whether or not they have returned to their families. A gang of armed men reportedly abducted three Hindu girls at the village of Nohata in Shreepur in Magura district on 11 October 2001. The men reportedly entered their home at midnight and took the girls away. Another girls were reportedly abducted from her home at Razachor, Sadar, Barisal after the attackers were not paid a large sum of money which they had demanded for leaving the family alone. They also molested the girl's mother and her aunt. There are fears that all of

these girls may have been subjected to rape.

National and international reactions to the attacks

Soon after the elections, the Bangladeshi press covered atrocities against the Hindu communities widely, raising awareness in Bangladesh about their situation and urging the authorities to take action. The move was reinforced by Bangladeshi human rights organizations some of whom sent investigative teams to the affected areas and held public meetings in protest against the attacks.

On 15 October, Amnesty International issued an Urgent Action expressing concern at reports that Hindus and other religious minorities have been attacked since the general election, allegedly by supporters of the BNP-led coalition. Members of Amnesty International throughout the world wrote to the authorities in Bangladesh urging them to take immediate action to stop any attacks on religious minorities and to provide the victims of these attacks with adequate and durable protection. They wrote to the Prime Minister Begum Khaleda Zia asking her to set up an impartial and independent commission of enquiry to investigate the alleged attacks, identify the attackers and bring those responsible to justice. Amnesty International members also wrote to the Inspector General of Police urging him to ensure that his officers take appropriate action on complaints against the alleged attackers.

Government reaction to concerns about the attacks was initially one of denial. Amnesty International was particularly disturbed by reports in the Bangladesh media in mid-October quoting Bangladesh Home Minister, Altaf Hossain Chowdhury, as saying the news of the attacks on members of the Hindu minority in Bangladesh were "baseless, exaggerated and politically motivated". He said during a visit to Barisal that he had not found any evidence of such reports. However, on 26 October, he reportedly admitted that atrocities had taken place but provided no information about the scale of the problem.

On 9 November, Agence France-Presse reported that the Bangladesh Government had set up a committee headed by the principal secretary to Prime Minister Khaleda Zia to investigate alleged atrocities committed against members of the Hindu community and their reported exodus to India. The committee does not appear to be independent of the government, as the Home Minister reportedly has a supervisory role. The committee was to submit a report within a week but there has been no further news about the progress of this committee.

To date, a number of BNP members have reportedly been arrested in connection with the attacks on Hindus. For example, on 15 October, the Daily Star reported the arrest of Abdur Rouf, President of the BNP unit at Purba Delua village, Ullapara thana, Sirajganj. He had reportedly led some 16 BNP activists who had attacked Anil Shill, beating him as well as his wife Basanta Rani and their two daughters Purnima and Gita Rani in an attempt to secure land belonging to the family. Initially, the police had refused to register a case against the attackers.

Reports in the Bangladeshi press continue to point to the problems faced by members of the Hindu minority, particularly in rural areas. One such report indicates that some 30 Hindu families in Reeshipara village of Boraigram Upazila in Natore have allegedly been threatened by armed men identifying themselves as members of the BNP to either provide them with 300,000 Taka (\$5,317) before the end of Ramadan or leave the village and settle in another place.

Killing of Gopal Krishna Muhuri

The killing of a prominent member of the Hindu community appears to be connected to the current wave of attacks on Hindus. On 16 November, Gopal Krishna Muhuri, Principal of Nazirhat College in Chittagong was shot dead at his home. Four gunmen posing as members of the police detective branch came to his house, called him to come to the door and fired two shots at his head which killed him instantly. The circumstances surrounding his killing point to the strong possibility that he was targeted because of his identity as a prominent Hindu with a successful career in the educational establishment of Chittagong city. He had banned political activity in the college, a move popular with ordinary students but opposed by armed students' groups affiliated to the political parties who fight for the control of halls of residence at educational institutions. At the same time, a two-year extension of his tenure reportedly created mounting disquiet among the majority Muslim staff of the college. Police reportedly arrested at least two teachers and colleagues of Gopal Krishna Muhuri on 17 November in connection with his murder. They were allegedly linked to Jamaat-e-

RIGHTS corner

Persecution of Hindu Minorities in Bangladesh A critical review

HUMAN RIGHTS FEATURES

IN the weeks following the 1 October general elections, Bangladesh witnessed an outburst of systematic attacks on the minority Hindu community across the country, in addition to attacks on activists of the freshly ousted Awami League. By 8 October 2001, at least 30 people had been killed and more than 1,000 others injured. Their houses were torched, ransacked and in many cases seized, women were raped, and temples were desecrated. The Hindu-dominated areas in Barisal, Bhola, Pirojpur, Satkhira, Jessore, Khulna, Kushtia, Jhenidah, Bagerhat, Feni, Tangail, Noakhali, Natore, Bogra, Sirajganj, Munshiganj, Narayanganj, Narsingdi, Brahmanbaria, Gazipur and Chittagong were the worst hit. Many Hindu families have reportedly fled their homes and sought refuge in areas considered 'safe'. The *Bangladesh Observer* reported that at least 10,000 people of the minority community from Barisal district ran away from their homes following attacks by activists of the fundamentalist Jamaat-i-Islami party and took shelter in neighbouring Gopalganj district, the electorate of the former Prime Minister Sheikh Hasina. Many others fled to the Indian State of Tripura and West Bengal.

In one incident on 4 October 2001 at Panchaboti in Narayanganj district, activists of the newly-elected Bangladesh National Party attacked the house of schoolteacher Dilip Mondol. They assaulted Mondol's ailing 60 year old father and his four month old daughter; they attacked and tried to strip the teacher's two sisters and mother when they came to the father's defence.

The new Government took a lame duck approach to the violence. The Government's sensitivity to any scrutiny of its treatment of minorities is indicated by the recent detention of Shariar Kabir, an independent documentary filmmaker, under the Special Powers Act, 1974. Kabir, who was returning from Calcutta after investigating the condition of Bangladeshi refugees in India, was detained for being "in possession of documents which can endanger the stability of the country." Kabir told the BBC that his group, the South Asian Coalition Against Fundamentalism, had collected evidence from the victims who had fled the country, and would publish its findings soon. Despite a demonstration in Dhaka to demand Kabir's release as well as appeals from rights groups, the journalist is still in detention under the SPA law that provides for detention for up to 90 days.

Meanwhile, on 27 November 2001 the High Court, in response to a petition filed by a rights organisation, ordered the Government to investigate the incidents and submit a report by 15 January 2002. It issued notice to the government as to why it was not tackling those responsible for attacking

minorities. Earlier, on 24 November, the Court had ordered the Government to explain why it had not taken steps to stop post-election attacks and harassment of minorities.

The attacks on Hindu minorities drew the attention of the Indian Government led by the Bharatiya Janata Party. Another right-wing ally of the BJP, the Vishwa Hindu Parishad, sought New Delhi's intervention. The Indian Prime Minister's Principal Secretary and National Security Advisor Mr Brajesh Mishra subsequently visited Dhaka reportedly to convey India's con-

cern over the attacks on minorities, in addition to parleying on security issues generally. The issue was also raised in the Indian Parliament.

Attacks on Hindus in Bangladesh are not a new phenomenon. The community has suffered discrimination and harassment since the 1947 Partition of India. In 1965, following the Indo-Pakistan war, the then Pakistan Government introduced the Enemy Property (Custody and Registration) Order II of 1965. The Defence of Pakistan Rules identified the minority Hindus in then East Pakistan as enemies and dispossessed them of their properties.

After independence from Pakistan, the President of Bangladesh, Sheikh Mujibur Rahman in his Order No. 29 of 1972 changed the nomenclature from Enemy Properties Act (EPA) to 'Vested Property Act' (VPA). The repression of minorities however did not end this, in spite of the fact that Bangladesh's liberation war was an antithesis of the 1947 Partition that took place on religious lines. Linguistic and cultural similarities also

do not seem to have induced efforts to ensure equal treatment of the country's Hindu minority. Rather Clause 2 of the Order stated, "Nothing contained in this Order shall be called in question in any court." In fact, one of the reasons for Sheikh Mujibur Rahman's continuation of the VPA was the forcible takeover of Hindu-owned lands by Awami League leaders during the Pakistani regime, and opposition to the repeal of the EPA.

The consequences of the continuation of the VPA have been devastating. The Association for Land Reform and Development (ALRD), a Dhaka-based NGO, estimates that a total of 10,48,390 Hindu households have been affected by the Vested Properties Act, and estimates that 1.05 million acres of land have been dispossessed. About 30 percent of the Hindu households (including those that are categorised as missing households) or 10 out of every 34 Hindu households are the victims of the VPA/EPA. These estimates, although based on various plausible assumptions, should be considered as sufficiently indicative of the gravity of the situation.

The Hindu minority suffers under Governments of both the Awami League and the Bangladesh National Party. The Ain O Salish Kendra (ASK), a Bangladeshi NGO, in its report 'Power, Safety and the Minorities: A Brief Report' states, "In 1999, about 29 cases of forceful occupation of land and property of the Hindu community have been reported in different newspapers..."

In the Sunamgonj district out of 21,000 acres of vested property land 16,000 acres have been illegally occupied; likewise in the Mymensingh district out of 29,722 acres of vested property land, 28,000 acres of land and 300 houses (vested property) have been occupied by one influential person...

It matters little if the party is in power or in opposition. In 1995, 72 per cent of all vested property was acquired by members of (the) Bangladesh National Party (BNP); and in 1998, 44 per cent was acquired by the Awami League and 32 per cent by the BNP."

Because of such atrocities, hundreds of thousands of Hindus have fled from Bangladesh and have taken shelter in neighbouring States of India. According to ALRD, "the implementation of Enemy Property Act/Vested Property Act has accelerated the process of mass outmigration of Hindu population from mid 1960s onward. The estimated size of such outmigration (missing Hindu population) during 1964-1991 was 5.3 million, or 538 persons each day since 1964, with as high as 703 persons per day during 1964-1971. If the above estimates are close to reality, then it would not be an exaggeration to conclude that the Enemy/Vested Property Act acted as an effective tool for the extermination of Hindu minorities..."

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Impaired face of humanity

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LAW watch



Intellectual property and human rights

The Committee on Economic, Social and Cultural on 27 November 2000, held a day of general discussion on article 15.1(c) of the International Covenant on Economic, Social and Cultural Rights, the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author, which formed a basis for the Committee's drafting of the statement. The Committee also plans to prepare a general comment on the subject.

After adopting five out of the 17 paragraphs this morning, the Committee Experts continued to debate their draft this afternoon. Paragraph six of the draft text was accepted after an extensive debate and a series of amendments on the concept of individual human rights and intellectual property rights. According to the text, human rights are fundamental as they derive from human persons and intellectual property rights are instrumental, derived from intellectual property systems, in that they are a means by which States seek to provide incentives for inventiveness and creativity, which society might benefit from. Human rights are dedicated to assuring satisfactory standards of human welfare and well-being, while intellectual property regimes, although traditionally providing protection to individual authors and creators, are increasingly focused on protecting business and corporate interests and investments.

On the issue of accountability, the Committee says in the statement, "rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window-dressing". While the State holds the primary duty to respect, protect and fulfil human rights, other actors, including non-State actors and international organizations, carry obligations that should be subject to scrutiny. Accordingly, the adequate protection of human rights needs accessible, transparent and effective mechanisms of accountability to ensure that rights are respected, and where they are not, that redress is accorded to victims. A human rights approach to intellectual property protection requires that all actors are accountable for their obligations under human rights law, specially with regard to the adoption, interpretation and implementation of intellectual property systems.

In dealing with equality and non-discrimination, the statement says that human rights are based on the equality of all persons and their equal standing before the law. For that reason, human rights instruments place great emphasis on protections against discrimination. Articles 2(2) and 3 of the Covenant mandate that States parties undertake to guarantee that the rights enunciated in the Covenant can be exercised without discrimination of any kind and to ensure the equal rights of men and women to the enjoyment of all the rights set forth in the Covenant.

A paragraph in the statement is also devoted to the most disadvantaged and vulnerable while designing intellectual property protection. It says that States should ensure adequate protection for the human rights of the disadvantaged and vulnerable individuals and groups, such as indigenous peoples. A human rights-based approach focuses particularly on the needs of the most disadvantaged and vulnerable individuals and communities.

In connection with self-determination, the statement says that article 1(2) of the Covenant states that "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation." The statement says that in negotiating and in adhering to international treaties on intellectual property, States should consider how that will affect their sovereignty over their resources and ultimately their capacity to protect the rights under the Covenant.

The statement says article 15 of the Covenant identifies a need to balance the protection of both public and private interests in knowledge. On one hand, article 15.1(a) recognizes the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its application. On the other hand, article 15.1(c) recognizes the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she was the author. In adopting and reviewing intellectual property systems, States should bear in mind the need to strike a balance between the concurrent Covenant provisions so that private interests are not unduly advantaged and the public interests in widely accessing new knowledge are given due consideration.

The Committee in the statement says that international human rights law include the right of everyone to participate in significant decision-making processes that affect them; and it supports the active and informative participation of all those affected by intellectual property rights and a frank discussion in the design of intellectual property systems that includes all sectors of society.

The Committee observes in the statement that countries enjoy differing levels of development, resulting in different technological needs. While some countries might focus on the protection of technology, other countries might focus more on facilitating access. It is essential that forms of intellectual property protection facilitate and promote development cooperation, technology transfer and scientific and cultural collaboration. The statement considers of fundamental importance the integration of international human rights norms into the shaping and interpretation of intellectual property law.