

Bangladesh

The Ahmadiyya Community – their rights must be protected

1. Introduction

Members of the “Ahmadiyya Muslim Jamaat”, a religious community which considers itself a sect of Islam, has been the target of a campaign of hate speech organized by a number of Islamist groups in the country in recent months.¹

These groups have mobilised crowds to chant anti-Ahmadiyya slogans, have sought confiscation of Ahmadi mosques, and have demanded that the government declare the sect non-Muslim. Members of the Ahmadiyya community in Bangladesh, about 100,000 in number, have been living in fear of attack, looting and killing since around October 2003 when the Anti-Ahmadi agitations began.

The agitators have been involved in “excommunication” and illegal house arrest of Ahmadis, the killing of an Ahmadi Imam (preacher), beating of Ahmadis, and marches to occupy Ahmadi mosques.

While the Government of Bangladesh has acted to prevent the crowds from entering Ahmadi mosques, it has taken no action against the perpetrators of the hate campaign. Fundamental rights of the Ahmadis have been further violated by a government ban on their publications.

Amnesty International is urging the Government of Bangladesh to ensure the safety and security of the Ahmadiyya community; uphold its members’ right to practice their religion without fear of persecution; lift the ban on their publications; and ensure that those responsible for attacks against Ahmadis are brought to justice.

2. “Excommunication” and illegal house arrest of Ahmadi villagers

On 21 October 2003, an estimated 100 people including women and children belonging to 17 Ahmadi families in the village of **Uttar Bhabanipur** in Kushtia District were declared “excommunicated” by a local Islamist leader opposed to the Ahmadis. Under his edict, Ahmadis were forbidden from buying or selling goods in their village, from harvesting their crop, from talking to each other in the presence of other villagers, and from sending their children to school. They were effectively held under illegal house arrest with anti-Ahmadi

¹ While the reason for the recent rise in anti-Ahmadi agitations is not immediately identifiable, the targeting of the Ahmadiyya community is believed to be a tactical measure by Islamist groups to force the government to yield to their political demand for the introduction of more stringent Islamic law in the country. The groups are hoping to obtain mass support through these agitations from the poor and disenfranchised sections of society whom they feel they could influence by appealing to their religious beliefs.

Islamist activists enforcing the edict. Their plight ended after about 25 days when the Home Ministry intervened following intense lobbying of the ministry by leaders of the Ahmadiyya community. However, no one has been brought to justice for these illegal acts.

3. Killing of an Ahmadi preacher

Shah Alam, the Imam of a local Ahmadi mosque in the village of **Raghanathpur Bak** in Jessore District was beaten to death on 31 October 2003. He was killed in front of his family by a crowd of some 90 men led by a local Islamist leader. They attacked him because he did not yield to their demand to recant his Ahmadiyya faith. During this attack, two other members of the community were severely beaten and injured. A First Information Report – FIR, which is required for a criminal investigation to begin – was accepted by the local police on the same day, but reportedly only after the intervention from the Home Ministry. In the FIR, Shah Alam’s family have named 16 people as being directly involved in the beating and murder of Shah Alam. No one, however, has been arrested even though there is no obvious doubt about the identity of the assailants. No charges have been brought against anyone for this murder. At the same time, the brother of one of the assailants reportedly filed a case on 16 November 2003 against members of the Ahmadiyya community in the village, accusing them of taking non-Ahmadis hostage even though there has been no evidence of any such activity by the Ahmadis.

In the general elections of 1 October 2001, Bangladesh Nationalist Party, headed by Begum Khaleda Zia, won 191 out of 300 seats in parliament. It formed a coalition with three smaller parties which gave it a combined two third majority in Parliament. These parties are: Jamaat-e-Islami, Bangladesh which propagates transition to the rule of Islamic law and which won 17 seats in Parliament; Islami Oikya Jote (an alliance of seven radical Islamist groups) which also advocates transition to the rule of Islamic law and which won 2 seats in parliament; and Jatiya Party (NF), not a religious party, which won 4 seats in Parliament.

Anti-Ahmadi groups such as Khatme Nabuwat, are seeking to obtain the support of the two Islamic parties in the ruling four-party coalition to influence the government to declare the Ahmadis non-Muslim .

4. Street agitations against Ahmadis

The largest of the anti-Ahmadiyya agitations in the past six months took place on 21 November 2003. Moulana Moahmud Hossain Mumtazi, the leader of an Islamist group called Khatme Nabuwat, reportedly led thousands of young men on a march attempting to occupy an Ahmadi mosque in **Tejgaon** area of Dhaka. This event was followed by another big march on 5 December on the same mosque. During these events, the marchers were armed with sticks and bricks and were shouting hate slogans against Ahmadis. The group carried out similar anti-Ahmadiyya agitations every Friday of the week for several months, persisting in their demands for the Ahmadis to be declared non-Muslim.

The police took action to prevent the crowds from entering Ahmadi mosques. However, it took no action against the agitators who chanted anti-Ahmadi hate slogans, threatened to attack Ahmadis, and created an atmosphere of fear and intimidation for them.

5. The banning of Ahmadiyya publications

In a press release issued on 8 January 2004, the government announced that the publications of the Ahmadiyya community, including the Koran and any translations or interpretations of it, would be banned from the following day. No further information was made available and no government communication explaining this announcement was sent to members of the Ahmadiyya community. The government press release said the ban had been imposed “in view of objectionable materials in such publications that hurt or might hurt the sentiments of the majority Muslim population”.

The ban highlighted the possibility that the government had yielded to pressure from anti-Ahmadi Islamist groups. According to reports in Bangladeshi newspapers, it had been imposed at the instigation of Islami Oikya Jote, a political party and junior partner in the coalition government (see box).

The ban openly defies international human rights safeguards guaranteeing freedom of religion. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) to which Bangladesh is a state party states:

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

In its General Comment on this article,, the Human Rights Committee (HRC) specifies that the freedom to manifest religion or belief “*extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.*” The HRC further states that “*the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.*”²

Similarly, according to the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right to freedom

² Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993).
Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 35 (1994), para. 4.

of thought, conscience, religion or belief includes the freedom “[T]o write, issue and disseminate relevant publications in these areas.”³

The right to freedom of expression is another fundamental human right and is provided for in Article 19 of the ICCPR:

“1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.”

There appears no basis for imposing the ban even under the Bangladeshi law. Fundamental rights including freedom of religion are guaranteed under Part 3 of the Constitution of Bangladesh. This is significant because the Constitution prohibits any laws inconsistent with the provisions of Part 3. Article 41.1 in Part 3 of the Constitution provides that:

“(a) every citizen has the right to profess, practise or propagate any religion;

(b) every religious community or denomination has the right to establish, maintain and manage its religious institutions;

In Part 3, the Constitution also prohibits discrimination on grounds of religion:

“28. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth”.

The Constitution similarly guarantees freedom of expression. Article 39 of the Constitution provides that:

“(1) Freedom of thought and conscience is guaranteed.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign

³ UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by General Assembly resolution 36/55 of 25 November 1981, para. 6(d).

states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence-

(a) the right of every citizen of freedom of speech and expression; and

(b) freedom of the press, are guaranteed”

While provisions for both these rights are subject to restrictions, the government’s explanation for the ban, namely that the publications “hurt or might hurt the sentiments of the majority Muslim population of Bangladesh,” cannot be accepted as reasonable grounds for restricting these rights. Members of religious majorities may often wish minorities to join the dominant religion, and feel hurt if they do not. This may be so especially in the case of sects of the same religion or separate religions relying on the same sources. However, accepting such wishes or feelings by majorities as legitimate reasons to limit minorities’ religious freedom would legitimise widespread oppression of minorities. In its General Comment on Article 18, the HRC stated that it “*views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.*”⁴

The ban has therefore been imposed in defiance of safeguards for freedom of religion and expression in both the Constitution of Bangladesh and intentional human rights law. It is also openly discriminatory: it has prevented members of the community from issuing publications or press releases to defend themselves in the face of hate speeches and accusations levelled against them by anti-Ahmadi Islamist groups.

6. The latest development regarding the ban

In early March 2004, it came to the attention of members of the Ahmadiyya community that the government had issued an official circular to central, divisional and district officers naming some 20 Ahmadi publications to be banned. It was indicated in the circular that it had been sent to the government official press for publication in the official gazette. As of mid-April 2004, it had not been published in the official gazette but instruction has reportedly been sent to the police to remove these Ahmadi publications from circulation. The police are not known to have implemented these instructions save in a few instances.

Amnesty International has obtained an unofficial translation of this circular. It names a number of Ahmadi publications including the Koran and its commentary, stating that they have “defamed Islam, social and political harmony”, and that their “publication, distribution, sale and preservation” are banned.

This action by the government has further aggravated the plight of the Ahmadiyya community. There are reports that local Islamist leaders in rural areas have been putting

⁴ [Human Rights Committee, General Comment 22](#) (see footnote above)

pressure on the local administration to allow them to enter Ahmadi homes and remove the banned publications.

Poor governance, corruption and nepotism have severely undermined the rule of law including safeguards in the Constitution to protect fundamental rights in Bangladesh. The ruling parties have routinely ignored human rights abuses by their own supporters or supporters of parties in alliance with them, allowing them impunity for such acts. A poorly trained and corrupt police force and a severely overloaded judicial system deprives the underprivileged and minority communities of access to justice. The failure of the government and the opposition to engage in a dialogue to reduce political tension in the country and strengthen the democratic process has further undermined the ability of institutions of the state to uphold the rule of law including safeguards against human rights violations. Consequently, a climate of impunity for acts of human rights violations in the country has prevailed.

Violations have included torture, deaths in custody, arbitrary detention of government opponents and others, excessive use of force leading at times to extrajudicial executions, the death penalty, attacks against members of minority groups, and acts of violence against women. Minority communities have often been the victims.

For more information on these human rights violations please refer to Amnesty International documents on: <http://web.amnesty.org/library/eng-bgd/index>

7. Amnesty international's recommendations

Amnesty International urges the Government of Bangladesh to rescind immediately the ban imposed on Ahmadi publications. The organisation further calls upon the government to declare publicly:

- Its full support for the right to freedom of religion in the country;
- That it would not yield to the demands of the Islamist groups which are discriminatory in nature and in violation of the rights of members of the Ahmadiyya community to practice their religion in an atmosphere free from fear, intimidation and persecution;
- That no acts of intimidation and violence against members of the Ahmadiyya community would be tolerated, and that all perpetrators of such acts will be brought to justice;

In addition, Amnesty International urges the Government of Bangladesh to institute an independent and impartial investigation by a competent authority into past attacks against the members of the Ahmadiyya community and the violation of their fundamental rights. In this regard:

- The inquiry should seek to identify the killers of Shah Alam, the Imam of a local Ahmadi mosque in the village of Raghanathpur Bak in Jessore District on 31 October 2003, and the beating of other Ahmadis at the time; it should make recommendations for the prosecution of those suspected of being responsible.
- The inquiry should seek to identify those involved in the “excommunication” and illegal house arrest, for about 25 days, of 17 Ahmadi families in the village of Uttar Bhabanipur in Kushtia District in October 2003; it should make recommendations for the prosecution of those suspected of being responsible.
- The inquiry should seek to identify local Islamist leaders and others who have engaged in chanting anti-Ahmadi hate slogans, and have marched to occupy Ahmadi mosques since October 2003; it should make recommendations for the prosecution of those suspected of being responsible.
- The inquiry should seek to establish if any police personnel has acted in connivance with those attacking the Ahmadis, and make recommendations for the prosecution of those suspected of such connivance.

All the inquiry’s investigations and all subsequent judicial or other procedures must be carried out in accordance with relevant international standards.

Amnesty International urges the Government of Bangladesh to fully implement the recommendations of the investigation as soon as they become available.

What you can do: Please write to the Government of Bangladesh urging them to implement Amnesty International’s recommendations as listed above.

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