

BANGLADESH

Fundamental rights of women violated with virtual impunity

1. Introduction

Fundamental rights of women, including the rights to life and the security of the person, to equality before the law, to freedom of expression, of association and religion, have over the past months been repeatedly violated by Muslim clerics and Islamist groups in Bangladesh. Amnesty International is concerned that the Government of Bangladesh has failed to take adequate measures to protect such rights, all of which are guaranteed by the Constitution of Bangladesh.

Imams (prayer leaders) in mosques and teachers in Islamic schools, acting either alone or as part of village arbitration councils or salish, have issued sentences of public flogging and in two cases death sentences to women for having violated what the clerics understand as norms of Islamic law. Non-governmental organizations (NGOs) which

set up income generating programmes, education and health care for the rural poor, particularly women, have been targeted by Islamists as such organizations are seen by them to make women deviate from their Islamic life-style. Several of the NGO health centres and schools have been damaged or destroyed and people associated with them have been attacked. Writers and journalists commenting on such incidents have been attacked and have received death threats; newspaper offices have been ransacked and newspapers burned. During mass demonstrations in June and July, which initially agitated for the hanging of feminist writer Taslima Nasrin, Islamist groups expanded their demands to include the execution of all "infidel" or "apostate" writers and journalists, the banning of "un-Islamic" non-governmental organizations and publications, introduction of a blasphemy law carrying the death penalty and declaring the Ahmadiyya a non-Muslim community.

The government, by not condemning such attacks against women, by not investigating such incidents and by not bringing to justice those who issued death threats or carried out attacks on individual women or women's organizations, appears to have condoned such acts. Moreover, in an apparent attempt to placate Islamist groups, the government has brought charges against several writers and journalists who had been denounced by Islamists, alleging they had "outraged religious sentiments" of others.

Amnesty International is concerned about the virtual impunity with which women's rights have been violated by Muslim clerics and Islamist groups in Bangladesh and calls on the Government of Bangladesh to:

- strongly and publicly condemn such acts violating women's fundamental rights;
- investigate every single reported violation of women's rights;
- bring to justice all perpetrators of such violations;
- take adequate measures to ensure the safety of anyone threatened with attack to prevent a recurrence of such violations.

The present paper briefly describes the political context in which violations of fundamental rights of women have occurred. It then provides an update on Amnesty International's earlier report of village salish unlawfully convicting and sentencing women (Bangladesh: Taking the law in their own hands: the village salish, AI Index: ASA 13/12/93); it describes instances of fatwas (religious opinions or decrees) preventing women from voting, attacks on non-governmental organizations engaged in development and empowerment of women and on writers and journalists. It summarizes the Islamists' demands to introduce a blasphemy law and to declare Ahmadis non-Muslim. The last section contains Amnesty International's concern and detailed recommendations to the Government of Bangladesh.

2. The political context of Islamist activities

2.1 From the formative years to the current government

When Pakistan was created in 1947 as a homeland for British India's Muslim population, it consisted of two ethnically, linguistically and culturally distinct wings, separated by 2,000 miles of Indian territory. The Eastern wing, populated by a majority of Bengali Muslims, in 1971 emerged as an independent state, Bangladesh, following several months of liberation struggle against West Pakistan. Bengalis living in East Pakistan had been excluded from the central decision making process and commercial and industrial development had been fostered almost exclusively in West Pakistan; the Bengali language had been suppressed. These widening discrepancies and the sense of deprivation experienced in East Pakistan could not be bridged for long by the majorities in both parts of the country sharing a common religion, Islam; they led to the outbreak of a civil war in 1971, in which India interceded on the side of the Bengali liberation forces and in which thousands of people were killed. National identity of Bengali Muslims during these formative years revolved around two poles and was articulated by different political groupings: The Awami League during the 1960s stressed a secular Bengali nationalism and demanded autonomy for East Pakistan, while Islamic groups emphasized the unity of the umma, the community of believers, and opposed the independence of Bangladesh as a nation-state.

The Constitution of 1972 enunciated the principles of nationalism, socialism, democracy and secularism and guaranteed freedom of religious worship for all citizens. The first government of Bangladesh (1971 to 1975) under the Awami League pursued a

secular policy and banned religious parties like the Jamaat-e Islami, both because the Awami League advocated a separation of politics and religion and on account of the Jamaat-e Islami's alleged support for West Pakistan during the liberation war. Ziaur Rahman, who gained office after a military takeover in 1975, two years later assumed the office of president and founded the Bangladesh Nationalist Party (BNP). He brought about a constitutional amendment in April 1977 whereby the fundamental principles of state policy came to include "absolute trust and faith in the Almighty Allah, nationalism, democracy ...". While no far reaching steps towards Islamisation of state or law were taken under the BNP government, religious parties were again permitted to function. The subsequent government of President Mohammad Ershad (1982 to 1990) of the Jatiya Party [National Party] by the eighth constitutional amendment in 1988 established Islam as the state religion, but at the same time guaranteed that "other religions may be practised in peace and harmony in the republic". Critics of Ershad's Islamization programme argued that it was merely an expedient to give legitimacy to his rule and to obtain financial assistance from Muslim countries. The introduction of Islam as the state religion caused a rift in the 23-party-opposition alliance comprising Awami League, BNP and Jamaat-e Islami which then threatened the survival of the government as its constituent parties disagreed about the role of religion in the state.

In general elections of February 1991, the Bangladesh Nationalist Party (BNP) gained 132 of a total of 294 seats; negotiations with the

Jamaat-e Islami enabled it to appoint 28 BNP deputies to the parliamentary seats reserved for women in parliament; two women's seats went to the Jamaat-e Islami, raising its strength to 20. The BNP was then able to form the government.

2.2. The Jamaat-e Islami

The Jamaat-e Islami (Islamic Society), a tightly organized party of some 6 million associate members, is with 18 seats (plus 2 seats reserved for women) the fourth strongest party in parliament and the only sizeable religious party represented in parliament. (The small Islami Oikhyo Jote [Islamic Unity Front] has one seat in parliament.) It advocates the introduction of Islamic law and the setting up of an Islamic state which according to the Secretary General of the Jamaat-e Islami, Matiur Rahman Nizami, is compatible with democracy and women's rights.

The leader of the Jamaat-e Islami, Golam Azam, now aged 72, has over the last few years been at the centre of a controversy. In June 1994 the Supreme Court finally recognized that he possesses Bangladeshi citizenship. Golam Azam had left then East Pakistan in 1971 for Pakistan. In spite of his citizenship having been cancelled in 1972 for his alleged collaboration with the Pakistani army in 1971, and in spite of the government's refusal to restore his citizenship in 1976, Golam Azam returned to Bangladesh in 1978 on a Pakistani

passport and stayed on. In December 1990, he was declared amir or leader of the Jamaat-e Islami of which he had retained control even during his stay in Pakistan. He was arrested in March 1992 for alleged violation of the Foreigners Act; after a long judicial process, the Supreme Court in June 1994 confirmed a High Court decision of April 1993 restoring his citizenship against which the government had appealed. Golam Azam was released in July 1993.

In March 1992, a People's Court or Gano Adalat, constituted by the Ghatak Dalal Nirmul Jatiya Samannaya Committee [Committee for the Elimination of the Killers and Collaborators of 1971, short: Nirmul Committee], consisting of writers, academics, cultural activists and students, accused Golam Azam of complicity with Pakistan in committing war crimes in 1971 when thousands of Bengali intellectuals and freedom fighters were killed. It urged the government to try Golam Azam for these alleged crimes, a demand supported by several opposition groups. The 24 participants of the Gano Adalat were subsequently charged with sedition; they are all free on bail but the charges are still pending. In 1993, activities of the Nirmul Committee such as demonstrations and public speeches were repeatedly interrupted by the authorities. Police on several occasions apparently resorted to undue use of force to disrupt its rallies and processions. At least one criminal charge is pending against Golam Azam for alleged murder in 1971: The owner of the daily Ajker Kagoj in 1993 filed a criminal complaint in the Jessore Magistrate's Court against Golam Azam and five others, alleging that his brother had been killed on orders of Golam Azam on 20 April 1971 (Morning

Sun, 11 December 1993). It is not at present known if any investigation of the complaint has begun.

2.3 The political climate in 1994

The opposition parties, including the Awami League, the Jatiya Party and the Jamaat-e Islami have boycotted parliament since late February 1994, in protest initially against remarks by Minister for Information, Nazmul Huda, in parliament and then against alleged rigging of a by-election by the BNP. They are united in demanding elections ahead of the scheduled date of March 1996, under a neutral caretaker government as they claim that elections under the present government would not be fair. Prime Minister Khaleda Zia has rejected the opposition demand for a constitutional amendment providing for a caretaker government to oversee elections and has instead announced a strengthening of the Election Commission. Agitation of the opposition front demanding this constitutional amendment continued to be reported in August and September 1994; a special envoy of the Secretary General of the Commonwealth is to mediate between government and opposition in October.

The absence of any condemnation of attacks by Muslim clerics and Islamist groups on women by both the government and the main opposition party, the Awami League, is seen by many observers in Bangladesh as part of an effort by both sides to retain or win the

support of the Jamaat-e Islami in the present power struggle. Dr Kamal Hussain, former foreign minister under the Awami League government and eminent lawyer, was reported as characterizing the current situation as one in which "both the BNP and the Awami League have joined hands with the anti-liberation forces for the sake of power" (*The Daily Star*, 28 June 1994). Dr Hussain was referring to the governing BNP's search for an alliance with the Jamaat-e Islami to stay in power and the Awami League's effort to do the same to capture power.

Other religious groupings in Bangladesh include the Bangladesh Muslim League, which is an offshoot of the original Muslim League which advocated the creation of Pakistan; the Islamic Democratic League, formed in 1976 and incorporating several Islamic splinter groups; the National United Front founded in 1991 as a alliance of 23 nationalist and Islamic parties; the orthodox Islamic System (Nizam-i Islam) founded in 1953; the Zaker Party, founded in 1989; and the Islamic Unity Front (Islami Oikhyo Jote). None except the last mentioned of these religious groups are represented in parliament; like other political parties in Bangladesh they have undergone a process of fragmentation and realignment, frequently occasioned by internal debates over support for the party in power. Most of these groups have taken an active part in the current campaign to introduce a blasphemy law into the Bangladesh Penal Code, to declare the Ahmadis a non-Muslim community and to impose exemplary punishment on "infidels" and "apostates".

The census of 1981 classified 86.6% of the population as Muslim, 12.1% as Hindus and the remainder as Christians, Buddhists and adherents of tribal religions. Most Muslims in Bangladesh are Sunni and follow the Hanafi school of jurisprudence. Islam in Bangladesh "developed a strongly syncretic character, with Sufis [Islamic mystics] employing the idiom of Hindu mythology to produce a distinctive local culture in which saint veneration figures prominently" (Islam and Islamic groups: A Worldwide Reference Guide, 1991, p.25). There is a small Ahmadiyya community of some 3,000 members. Freedom of religion for all citizens is guaranteed in article 41 of the Constitution; it explicitly includes the rights to profess, practice and propagate one's religion.

3. Attacks on women by Muslim clerics and Islamist groups

3.a Salish verdicts against village women

Over the last three years, local village arbitration councils or salish have without legal authority tried, convicted and sentenced several people to public flogging or to death, and some of these sentences have been carried out. The village salish is an institution which goes back to traditional forms of dispute resolution through mediation; it is not part of the judicial system which was given its present form during the colonial period. It has no legal standing but persists as a body resembling a council of elders seeking compromise solutions in local

disputes, for instance over property, family or inheritance matters. There are no uniform terms of reference for the salish and there is no legislation governing it. Salish are apparently set up as and when the need for arbitration arises and their decisions are reportedly accepted by all the disputants. They have clearly no legal authority to try criminal cases. To take part in a criminal trial by salish violates national law. The Government of Bangladesh has a duty to supervise such bodies and to ensure that they do not take the law into their own hands.

The defendants before salish have almost always been women. Human rights groups and women activists have pointed out that women who do not fully conform to socially accepted behaviour patterns are most likely to be tried and sentenced by a salish. Several young women have been sentenced to public lashing and other cruel, inhuman and degrading forms of punishment and at least two women are known to have died as a consequence of the treatment they were subjected to following a salish judgment. In the salish, local clerics play the leading role; their participation also explains why salish apply a form of shari'a, Islamic law, in contravention of the civil law enshrined in the Bangladesh Penal Code which is in force in Bangladesh. The understanding of the alleged offenses involved, the evidential requirements and the punishments imposed by the salish appear to reflect an Islamic approach.

Only one case in which a salish unlawfully sentenced a woman to death has, to Amnesty International's knowledge, led to a conviction

of those responsible for the offence: Nurjahan, a 21 year-old woman of Chatakchara village in Sylhet district was sentenced by a village salish in January 1993 to be publicly stoned 101 times. She reportedly died a few hours after she was partially buried in the ground and pelted with stones by villagers. Her parents reportedly later said that Nurjahan had not died as a result of the injuries sustained during the stoning but that she had survived and had committed suicide later out of a sense of shame. Some observers believe that Nurjahan's parents may have been put under pressure to make this statement so that the possible charge against those responsible for her death would only be abetment to suicide and not murder. The penalty for abetment is considerably less than that for murder.

On 22 February 1994, a district magistrate's court in Moulvibazar sentenced the village headman, the imam of the village mosque and seven other village elders who had participated in the salish to seven years' rigorous imprisonment and a fine. An appeal against the conviction was filed by the nine men and is at present pending in the District and Sessions Court in Moulvibazar.

In another case documented by Amnesty International, the trial led to an acquittal. On 5 May 1993, another young woman also named Nurjahan was burned at the stake after a salish had found her guilty of adultery. On 22 June 1994, the District and Sessions Court judge in Faridpur reportedly acquitted all the accused for want of

evidence. The women's organization Mahila Parishad (Women's Council for Women) has reportedly taken steps to file an appeal.

In its publication in October 1993 (Bangladesh: Taking the law in their own hands: the village salish, AI Index: ASA 13/12/93), Amnesty International said that if the Government of Bangladesh had acted swiftly and decisively after the first salish verdicts were reported, further extralegal punishments and killings of women could have been prevented. Amnesty International must now reiterate its call. In the absence of decisive governmental action, a single trial leading to a conviction by a lower court cannot stop a trend of human rights violations. Several further unlawful verdicts by salish or fatwas issued by local imams or teachers in religious schools have been reported.

On 9 January 1994, in Sultanpur village, Farhadnagar union, Feni district, Roqaiya was convicted and sentenced by a salish for having had an extra-marital relationship and giving birth to a child. She was then partly stripped, covered with black paint or tar, garlanded with shoes and paraded through the village streets. It appears that a criminal complaint was made but details are not at present known to Amnesty International. A few days later, on 18 January 1994, a fatwa was reportedly issued by the imam of a mosque in Balchura village, under police station Begumganj, Noakhali district. According to the fatwa, a young unmarried woman named Dulali was to be caned 101 times in public for allegedly having had an extra-marital relationship with a local married man. A women's

rights group reportedly intervened and prevailed upon the Assistant Superintendent of Police to prevent the sentence from being carried out and upon the man to provide compensation to her. No charges were brought against the imam and Dulali is reported to have left the village and to have sought shelter elsewhere.

A salish presided over by Maulana Fazlul Haq, on 11 May 1994 sentenced a 13 year-old girl, Sapnaha, to public whipping after she had been raped by a villager, Shafiq, in Dhamsa village, Kasba thana, Brahmanbaria district in August or September 1993, and had become pregnant. The alleged rapist was acquitted by the salish, as the four adult male Muslim witnesses of good repute required under Islamic law to establish rape were not available. Sapnaha was questioned by the salish for two hours, pronounced guilty of illicit sexual intercourse for which her pregnancy was sufficient proof and sentenced to be publicly flogged 101 times. The cleric ruled that the punishment be carried out 40 days after delivery. Sapnaha gave birth at the beginning of June, consequently the day for her punishment was to be 12 July 1994. A group of women's rights activists, the Bangladesh Mahila Parishad, protested against the implementation of the fatwa against Sapnaha and gave her safe haven in one of its rehabilitation centres. An investigation directed to be undertaken by the Inspector General of Police has reportedly not begun.

The Coordinating Council of Human Rights in Bangladesh (CCHRB) reported that on 11 June Anjali Karmakar, an 18 year-old

Hindu girl, was found guilty by a salish of violating social norms of the village by "chatting with a man" and as punishment was expelled from her village under Bagha Sadar thana in Rajshahi district. Her father, a goldsmith, was sentenced to do humiliating push-ups in public while holding his ears for having failed to control his "shameless daughter". Upon intervention by the school authorities, Anjali Karmakar was permitted to return home till the completion of her exams. The CCHRB reported that police had been aware of the incident but had not taken any action as no complaint had been filed (The Daily Star, 15 August 1994). The Banglabazar Patrika of 4 August 1994 reported that Rezia Khatun, a 22-year old woman in Bara Chaimati village in Kishoreganj district, was made to drink her own urine after being found guilty of adultery by a salish. On 16 September, Shahida was publicly caned 100 times after giving birth to a child following an extra-marital relationship in Jamgora village, in Savar near Dhaka. A complaint was reportedly filed against the participants of the salish which had convicted and sentenced Shahida, all of whom were then absconding (Ajker Kagoj, 30 September). On 8 October, a 13 year-old girl, Julekha, was reportedly publicly flogged 101 times by the local cleric, Maulana Habibullah, in a village in Satkhira district after he found her guilty of an extra-marital relationship. She was taken unconscious to the hospital in Satkhira. No further details are at present known.

3.b Preventing women from participating in elections

Imams of mosques and religious teachers have reportedly sometimes prevented women from exercising their right to vote. For instance in Feni and Noakhali districts, women did not dare cast their vote in union council elections in March 1994, following fatwas by local clerics directing women to stay indoors, observe purdah or seclusion in women's quarters and refrain from un-Islamic activities like voting (CCHRB, Focal Point, 2 August 1994; Dainik Bangla, 10 May; Janakantha, 17 May 1994). With support from a women's rights group, a woman voter of Mohamaya Union Council under Chhagolnayar thana in Feni district filed a petition in the High Court charging that 6,430 out of a total of 14,253 eligible women voters had been intimidated by the fatwa and as a consequence had not exercised their franchise. The High Court in June directed the Union Chairman to show cause why the election should not be declared void (Daily Star, 20 July 1994). It is not at present known to Amnesty International how the Union Chairman responded.

3.c Attacks against non-governmental organizations training women

Beginning in the second half of 1993 and increasingly in 1994, Islamist groups have attacked non-governmental organizations (NGOs) engaged in women's development activities, in particular the provision of income generating projects, education and health services. They have damaged or destroyed some of their property and have harassed, attacked and in some cases injured people employed by or

receiving services from or otherwise associated with NGOs. An editorial in The Daily Star of 10 July opened by saying: "Non-Governmental organizations are under attack in Bangladesh. Militant Islamic fundamentalist forces have launched these attacks, which have gone beyond a campaign of propaganda and vilification to physical assault on NGO workers. Women NGO staff are the special target. Schools set up by NGOs as well as their offices are being burned down ...". The Bangladesh Rural Advancement Committee (BRAC), an internationally acclaimed agency supported by foreign and private Bangladeshi donors, and the Grameen Bank (which is not strictly an NGO as the government holds some of its shares) have been the principal targets of Islamists' attack, but smaller NGOs including Friends in Village Development Bangladesh (FIVDB), Proshika, Gono Shahajjo Shongstha and Nijera Kori have also been harassed and attacked in Bogra, Sirajganj, Rangpur, Nilphamari, Sylhet and Cox's Bazar districts.

Islamist groups claim that development NGOs by their activities alienate women from their "proper" social roles and Islamic life-style, that NGOs are "anti-Islamic, anti-people and anti-state" and should therefore be banned (Dhaka Courier, 17 June 1994).

The Coordinating Council of Human Rights in Bangladesh (CCHRB), which coordinates the work of 39 member human rights groups suggested that economic considerations may partly motivate clerics to issue fatwas against NGOs, as traditional religious schools are losing students to the non-formal education programmes of NGOs like BRAC. Similarly money lenders in villages, who together with the

clergy and others are members of the local elites, are losing business to NGOs like the Grameen Bank which provide low interest loans. The CCHRB charged that as a result of fundamentalists' activities, "women and children are deprived of their fundamental right to take part in education and development" (CCHRB, Fatwas, new obstacles to development, May 1994, p.1). The Managing Director of the Grameen Bank said that earlier, "opposition to NGO activities remained localized but now the attacks are being instigated at a national level and that is what concerns us" (The Daily Star, 27 July 1994).

Between January and March 1994, over 110 BRAC schools, but also some educational institutions of other NGOs, were reportedly set on fire; some of their teachers were attacked and teaching material was destroyed. A Bangladeshi human rights organization reported that in January 1994, the parents of some 700,000 children attending schools run by BRAC, 70% of whom are girls, were asked by imams and religious teachers throughout Bangladesh to withdraw their children from school or to face a fatwa entailing social boycott. School attendance dropped for some weeks, but recovered. In Sylhet and Rajshahi, several BRAC schools closed down in June 1994 after fatwas had been issued (Janakantha, 24 June and Bhorer Kagoj, 2 June 1994).

The CCHRB reported that following the publication of a leaflet written by an imam, Maulana Ibrahim, in November 1993 and its reprint in the daily Inquilab on 14 November 1993, widespread

attacks on NGOs in Bogra district began. The leaflet stated that NGOs seek to destroy the Islamic way of life, to convert people to Christianity and to compel women to act in an un-Islamic way. Following the distribution of the leaflet and public addresses by Maulana Ibrahim, in February 1994, 25 schools run by BRAC were set on fire in Bogra district alone. Families sending women and children to BRAC schools were declared social outcasts and told that their dead would be denied an Islamic funeral. Men were directed by sermons in local mosques to divorce their wives if they worked with NGOs.

Mulberry plantations set up under a BRAC scheme to provide a source of income for women were cut down by Islamist groups, mainly in Barisal and Chandpur districts in late 1993. In January 1994, over 6,000 mulberry trees grown by women in food for work programmes were cut down in Kishorganj district following a fatwa against the NGO (Bhorer Kagoj, 25 April 1994). The weekly Dhaka Courier of 8 April reported the case of Naziban Bibi, a young woman in a village under Kahalu police station in Bogra district, who for the last one and a half years had tended trees in a mulberry plantation set up by an NGO. Her income had fed her family, but when the local clergy imposed a social boycott on women employed by NGOs, Naziban Bibi's husband divorced her on those grounds and married another woman.

Women who had benefited from medical treatment provided by NGO facilities have also been targeted. In Bandaikhara village, under

Kahalu thana, Bogra district, some 26 patients were stopped by fatwas in February 1994 from continuing their treatment for tuberculosis provided by BRAC as that NGO was allegedly seeking to convert them to Christianity. Following several deaths due to lack of medical attention, the District Commissioner called a public meeting in which clerics reportedly admitted they had been wrong. An inquiry into the incident was set up by the government (Sangbad, 27 March 1994) but Amnesty International has not so far been able to obtain its report. Around 100 pregnant women were prevented in February and March 1994 from continuing their treatment in a BRAC medical centre as they were allegedly being converted to Christianity (Janakantha, 20 March 1994). On 30 June 1994, at Atgram village, Habiganj thana, Sylhet district, the offices and health clinic of Friends in Village Development Bangladesh (FIVBD) were set on fire by Islamists; on the same day the Bangladesh Women's Health Coalition (BWHC) clinic in Zakiganj, Sylhet district, was burned down by a mob led by the sons of the local pir or holy man; the adjoining NGO, Friends in Village Development of Bangladesh (FIVDB) was reportedly damaged as well. In the attack on the BWHC clinic, the mob reportedly attempted to lock in and burn alive the clinic's medical officer but a participant relented and let him out. Charges were reportedly filed by BWHC and FIVDB against 25 men under the Suppression of Terrorist Activities Act but the 10 men arrested on 1 July were all released the following day, according to some observers following intervention by the Prime Minister's office (Human Rights

Watch/Asia, 29 July 1994). The police investigation did not appear to be progressing.

In several reported cases, fatwas issued by clerics against women associated with development NGOs have led to their being deserted by their husbands, being socially ostracised or physically punished. In February and March 1994, three imams in Bogra reportedly issued fatwas against 60 families who were to be socially isolated in the villages because of their contacts with BRAC and 10 men were directed to divorce their wives who worked for NGOs (Sangbad and Janakantha, 20 March 1994). The daily Sangbad on 21 March 1994 reported that at Friday prayers in Bogra district, imams announced that women who did not observe full purdah or seclusion would have their heads forcibly shaved and people attending NGO schools and medical centres would be beaten. In March 1994, an imam issued a fatwa that Farida Begum and her husband Halaluddin were to be beaten 101 times because of Farida's work with BRAC; the same punishment was imposed by the same imam on Rasheda Begum for having taken a loan from the Grameen Bank (Janakantha, 28 March 1994). Munir Hussain, who protested against the fatwa given by a cleric in Mehdiganj, Rangpur district, was beaten on orders of the cleric. He had to leave his village and his wife was warned not to take legal action (Sangbad, 1 June 1994).

The NGOs in the majority of cases maintain a low profile after being attacked but in some instances they have filed complaints. To AI's information no criminal prosecution of those responsible for

attacks on NGOs has begun; in one case a District Commissioner asked the local imam to apologize for having instigated the burning of 25 BRAC schools in Bogra district. A women's organization, the Bangladesh Mahila Parishad, submitted memoranda to the government to impose a ban on clerics issuing fatwas against organizations training women and decried its reluctance to stop them. On 20 April, some 2,000 women marched through Dhaka protesting against the Islamists' call to ban NGOs.

The two main political parties have not condemned the attacks on NGOs and the government has not taken any effective measures to halt the attacks on development NGOs, to protect women working or training there or to bring those responsible for attacks to justice. Minister for Women's Affairs, Sarwari Rahman, was quoted as saying that the issuing of fatwas against NGOs was "not a serious problem at all and has been kept under control" (India Today, 30 June 1994). On 26 July, Finance Minister Saifur Rahman, however, reportedly acknowledged the problem and assured a group of NGO representatives that "the law enforcing agencies should take prompt action against the attackers" (The Daily Star, 27 July 1994). On the following day, the Director General of the NGO Affairs Bureau (which operates within the Prime Minister's Secretariat), M.A. Mannan, publicly declared that his office closely supervises and evaluates the work of NGOs in the country and has no evidence of "any NGO engaged in anti-religious activities anywhere in the country" contrary to allegations of Islamists. Permission for the over 800 NGOs currently

active in Bangladesh, he said, was accorded after clearance by concerned ministries, including the Ministry for Home Affairs and the Ministry for Religious Affairs. The NGOs' actual performance is also monitored at the local level by local government bodies and the district administration, he said (The Daily Star, 27 July 1994).

Amnesty International is concerned that women associated with NGOs have been harassed and physically assaulted, while those who have carried out and encouraged these abuses have enjoyed virtual impunity. Amnesty International takes no position on conflicts between NGOs and religious groups but the organization opposes abuses committed by religious and other groups against people associated with NGOs.

3.d Attacks against writers and journalists

Over the last few months, Islamist groups have sought to intimidate journalists, writers, publishers and printers who have taken a liberal approach and were therefore seen by them to have adopted an "un-Islamic" style of reporting. Newspapers offices have been ransacked, newspapers and books burned, journalists injured, hawkers of newspapers considered objectionable attacked. Death threats have been issued against writers and cash awards announced for anyone killing them. Islamist groups have demanded the closure of the newspapers Janakantha, Ajker Kagoj, Banglar Bani, Bhorer Kagoj and Sangbad for their alleged un-Islamic reporting. Newspapers affiliated

to Muslim groups or parties, the Inquilab, Sangram, and Millat have freely publicized the calls of such groups to use violence and offers of rewards for the killings of murtad or apostates.

Attacks on newspapers and persons connected with them as writers, journalists, printers, publishers, even hawkers, have most often occurred after Friday prayers, when Islamists organize the faithful assembled in the mosques and lead them to violent attacks on persons and institutions portrayed as "un-Islamic".

On 20 May, the office of Janakantha in Bogra was set on fire by Islamists claiming the paper had published "un-Islamic" writings; a few days later, on 3 June, the Dhaka offices of Janakantha and Banglar Bani were ransacked by members of several Islamist groups who reportedly injured some 15 people including a press photographer. Hawkers selling these papers were attacked and several thousand copies of the newspapers were seized and burned.

On 8 June, complaints under section 295A of the Bangladesh Penal Code were brought by the government against four editors of the daily Janakantha, alleging that the journalists had by their work "maliciously and deliberately hurt the religious sentiments of the people". The offending article, published on 12 May, which had also set off the attacks on 3 June, had attempted to show how village imams falsely translate and thereby misinterpret Koranic verses in order to wilfully mislead illiterate villagers. On the same day two of the editors,

executive editor Borhanudin Ahmed and advisory editor Toab Khan, were arrested from their place of work. Their bail applications were rejected. The assistant editor Shamsuddin Ahmed and editor Atiqul Khan Masood, against whom arrest warrants were issued as well, went into hiding. On 18 June the Chief Metropolitan Magistrate in Dhaka ordered Shamsuddin Ahmed to be arrested. However, bail was eventually granted to all the journalists and they were released on different dates in late June and early July. At the time of writing, their charges were pending and preliminary hearings have begun.

Other writers and journalists who were attacked by Islamists include Ahmed Sharif, a former professor of literature of Dhaka University (Deutsche Presse Agentur, 3 August 1994). After repeated threats by such groups, four bombs were thrown into his residence in Dhaka on 16 June 1994. A cleric from Gopalganj reportedly filed a private complaint against him for allegedly insulting Islam. Ahmed Sharif commented on the incidents: "All these happenings [attacks on writers and journalists] are occurring ... with the protection of the government. The present government in its own intention of clinging to power was giving indulgence to the Moulavis [clerics]" (Dhaka Courier, 24 June 1994). The Dhaka Union of Journalists (DUJ) said that over the last three years at least 24 attacks had been made on leading dailies, but none of those responsible had been brought to justice.

On 20 June bombs were thrown at the house in Dhaka of Shafiq Rahman, editor of the Bengali weekly Jai Jai Din, which had

frequently published Taslima Nasrin's articles. Two private complaints had reportedly earlier been brought against him in Sylhet and Rangpur in connection with an article published in November 1993. It was alleged that he had by his writing committed an offence under section 153A (causing enmity between communities), section 292 (obscenity) and 295A. A petition to quash proceedings was reportedly filed by Shafiq Rahman in the High Court.

The best known case of writers and journalists singled out for attacks by Islamists is no doubt Taslima Nasrin, a former doctor and feminist writer in her early thirties whose writings focus on exploitation of women and gender inequality.

In September 1993, a little known Islamist group based in Sylhet, the Council of Soldiers of Islam, in a public meeting accused Taslima Nasrin of having offended religious sentiments of Muslims by her writings contained in her book "Lajja" [Shame]. The book, published in February 1993, describes the fate of a Hindu family in Bangladesh who were attacked by a Muslim mob in the riots that occurred in late 1992 in a backlash after the destruction of the Ayodhya mosque in North India on 6 December 1992 by Hindu extremists. Over 1,200 people, mostly Moslems, were shot dead by police or killed in violence between Hindus and Muslims in India following the destruction of the Ayodhya mosque. Taslima Nasrin's book was banned in July 1993; in a press note issued in October 1993, the government justified the ban by saying the book "contained

substance prejudicial to the State which might create misunderstanding and mistrust among different communities living in exemplary harmony in the country". The Council of Soldiers of Islam offered a cash award of 50,000 Taka to anyone who would kill Taslima Nasrin. Following Taslima Nasrin's petition to obtain protection, police protection was ordered to be provided to her on 6 October; but, by her own account, Taslima Nasrin obtained police guards outside her home only nine days later. The group in Sylhet, according to the government press note of October 1993, denied having issued any such death threat.

On 9 May 1994, The Statesman, an English-language newspaper published in Calcutta, quoted Taslima Nasrin as having said that the Koran should be thoroughly revised. She clarified in a letter to the newspaper on 11 May and to the parliament of Bangladesh on 7 June that she had advocated a revision of shari'a or Islamic law, not the Koran; most Bangladeshi newspapers printed this correction. Nevertheless several Islamist groups called for her death and the head of the radical Islamist group Khelafat Majlis, Maulana Habibur Rahman, in Sylhet announced a cash award for anyone killing her. He later denied having made this offer but police reportedly issued an arrest warrant without, however, apparently making any effort to arrest him. In late July 1994, Maulana Habibur Rahman led a two-day strike in Sylhet and a protest march to Dhaka to demand Taslima Nasrin's death but was not apprehended. A Reuter report of 28 July quoted a journalist in Sylhet as questioning why police was

not arresting the Maulana in connection with his earlier alleged offence and the arrest warrant.

Again, rather than prosecuting those who had issued death threats against Taslima Nasrin, the government, with sanction from the Ministry of Home Affairs, on 4 June 1994 brought a charge against Taslima Nasrin, alleging that in the interview given to The Statesman she had committed an offence under section 295A of the Bangladesh Penal Code of 1860 which says: "Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh, by words, either spoken or written, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment ... for a term which may extend to two years, or with fine, or with both."

When a warrant of arrest was issued by the Chief Metropolitan Magistrate in Dhaka against her on the same day, Taslima Nasrin went into hiding. Agitation organized by the Jamaat-e Islami and other Islamist organizations continued throughout June and July, with demonstrators shouting almost daily in the streets of Dhaka: "Hang her, hang her!" On 10 June, Maulana Nazrul Islam at a public meeting in Khulna offered a further cash award for anyone killing Taslima Nasrin. Three days later, Taslima Nasrin's brother filed a complaint against Maulana Nazrul Islam for criminal intimidation under section 506 of the Bangladesh Penal Code. The Khulna

magistrate ordered a police inquiry, but according to reports in the Bangladesh press, police said two days later that it could not proceed with the inquiry as they had not received the order from the court (*Sangbad*, 16 June 1994). Taslima Nasrin's family were repeatedly harassed during this period, and her father's house and professional chamber in Dhaka were attacked several times. Police took no action to bring the attackers to book; they provided protection after the house of Taslima Nasrin's father was attacked three times on a single day, on 10 June 1994, and posted guards around her house on the days when Islamist groups had announced they would hold demonstrations.

A second complaint was reportedly brought against Taslima Nasrin in Chhatak in Sylhet district in late July by a cleric, apparently without first obtaining the requisite government sanction. He alleged that in a collection of essays, published in 1992, Taslima Nasrin had insulted Islam. Publisher and printer were also charged. According to some reports a related warrant for Taslima Nasrin's arrest was issued but an official of the district government later denied this.

Under heavy police guard, Taslima Nasrin presented herself to the High Court division of the Supreme Court in Dhaka on 3 August 1994, where a division bench granted her bail. The High Court allowed her prayer to present herself to the Chief Metropolitan Magistrate through her lawyers and dispensed with her personal attendance. The Attorney General gave her verbal assurance that she would be given protection whenever necessary. Two days later, the warrant for her arrest was withdrawn. On 9 August, Taslima Nasrin

arrived in Stockholm where she was given police protection. Sweden's Muslim Council, representing about 70,000 Muslims living in Sweden, accused Taslima Nasrin of making money out of insulting Islam; while its spokesman declared that his organization would not agitate against the writer, he also said that it had no control over individuals' actions and could not protect her from these.

Hearings of Taslima Nasrin's case in which she is represented by her lawyers have meanwhile begun in Dhaka; further hearings are due in October 1994.

During the weeks in June and July which Taslima Nasrin spent in hiding, demonstrations took place in all the major cities of Bangladesh; during these Islamists frequently clashed with secular groupings which had formed to resist the upsurge of religious militancy.

For instance, on 30 June during country-wide strikes called by Islamist groups pressing for the death of "infidels" and "apostates" and by secularists protesting against rising fundamentalism, over 200 people were injured and one person was killed.

On 26 July, gun battles flared up in Chittagong between the All-Party Students Union (APSU), an anti-fundamentalist alliance of students affiliated to both the ruling and opposition parties on one hand, and the Jamaat-e Islami's youth organization, the Islami

Chhatra Shibir on the other, when Golam Azam addressed a rally of his party on Laldighi Maidan in Chittagong. Six students died and some 200 demonstrators were injured while police reportedly stood by without protecting peaceful participants of the rally. Later, however, some 28 or 30 students were arrested on charges not yet known to Amnesty International. On the following day when APSU students took out processions in Chittagong to mourn their dead, several demonstrators were injured by police. Journalists who covered the incident were beaten by police, and their notebooks and cameras were damaged or destroyed. Police several days later reportedly apologized for having injured the journalists but no investigation was apparently initiated and no police officer was brought to justice.

On 29 July, during the "siege" of Dhaka organized by the newly-formed United Action Council (Shommilito Shongram Porishod) which comprises 13 Islamist groups but not the Jamaat-e Islami, thousands of Islamist demonstrators, variously estimated at between 100,000 and 200,000 people, demanded again that Taslima Nasrin be killed. In clashes between anti-fundamentalist students and police at least 20 people, including some police officers, were injured. On 30 July during a half-day strike called by the Awami League and a simultaneous dawn to dusk strike of the Dhaka University Anti-Communal Students' Society, clashes were reported from Chittagong and Dhaka resulting in one death and some 200 injured. On the same day, some 8,000 Islamist demonstrators reportedly set fire to a health clinic in Sylhet district and several BRAC schools.

After Taslima Nasrin's departure from Dhaka, demonstration of Islamist groups continued but on a vastly reduced scale; participants severely criticized the government for permitting her to leave the country. They demanded that she should be brought back and made to stand trial. Matiur Rahman Nizami, Secretary General of the Jamaat-e Islami said that "granting of bail and paving the way for her departure are all part of a set-game of the government to befool the religious-minded people of Bangladesh. I ask the government to immediately bring her home and punish her for committing an unforgivable crime against Islam and its followers" (Reuter, 12 August 1994). A spokesman of the United Action Council stated, "if anyone had thought we shall go off the streets and rest after the murtad [apostate] Nasrin fled away, he is living in a fool's paradise" (Reuter, 12 August 1994). The daily Sangram alleged that Sweden was sheltering Taslima Nasrin only because of its "hatred against Islam" and that it would be held responsible for any anti-Islamic activities of the writer. Protest rallies by Islamist groups continued to be reported from Bangladesh; on 30 August some 10,000 Muslim protesters of the United Action Council, defying a ban on rallies near the parliament building, marched to parliament and called for Taslima Nasrin's death and the adoption of a blasphemy law.

4. Other demands of Islamists

4.a Demands for the introduction of a blasphemy law

A spokesperson of the Jamaat-e Islami said that his party had tabled the Penal Code (Amendment) Bill, 1992 relating to the offence of blasphemy in July 1992 on the grounds that it would stop people from expressing disrespect of "the Holy Prophet Mohammad and the Holy Koran". The bill was reportedly reviewed by the Ministries of Law and Religious Affairs and could be presented to parliament soon. The Penal Code (Amendment) Act 1994 seeks to make "defiling the Holy Koran" and "defiling the sacred name of the Prophet" criminal offenses, which would be punishable with a maximum sentence of life imprisonment and the death sentence respectively. On 22 June 1994, Maulana Aatur Rahman Khan of the BNP tabled a notice in parliament calling for a special law which would provide for severe punishment for the offence of defiling Islam and the Koran. Maulana Obaidul Huq of the Islami Oikhyo Jote similarly called for the enactment of a blasphemy law.

When pressure in 1994 increased to introduce a blasphemy law, Attorney General Aminul Haq declared before a law seminar on 29 July 1994 that Article 295A of the Bangladesh Penal Code was sufficient to deal with the offence and said he opposed the introduction of the "black law" suggested by the Islamists. He held that the proposed blasphemy law contradicted "fundamental principles of human rights and Islam" and added that those pressing for the act did not "believe in democracy, but in theocracy" (Agence France Presse and Reuter, 29 July 1994). Other participants at the law seminar pointed out that under section 295A of the Bangladesh Penal Code,

government sanction must be sought before prosecution is initiated. Under the proposed new law, this would not be required so that any private person could initiate prosecution on the mere allegation of blasphemy. Observers feared that it might encourage individuals to seek to settle personal and political disputes by bringing malicious charges of blasphemy.

Islamist groups meanwhile have threatened to take the law into their own hands if a blasphemy law carrying the death penalty for those found guilty of the offence is not passed by parliament. Maulana Mohiuddin Khan, of the United Action Council, said: "If this law is not enacted [by parliament], the faithful will put the infidels on trial in all mosques" (*Agence France Presse* of 23 July 1994 citing a report in the daily *Meillat* of the same date). In protest some 100 professors of Dhaka University on 29 July during a rally called for amending the constitution of Bangladesh to ban religious interference in politics. Several organizations including the United Cultural Front (Shonmilito Sangskritik Jote), a progressive writers association and different student groups have opposed the introduction of the blasphemy law.

4.b. Demands to declare the Ahmadis in Bangladesh non-Muslim

During the Islamists' agitation against women and NGOs working for and with women, the demand to declare the Ahmadiyya community non-Muslim was raised increasingly frequently. The Ahmadiyya

movement was founded in the late nineteenth century by Mirza Ghulam Ahmed, who is regarded as a prophet by Ahmadis. Ahmadis consider themselves to be Muslims but they are regarded by some orthodox Muslims as heretical because they call the founder of the movement al-Masih [the Messiah]: this is taken to imply that Mohammad is not the final "seal of the prophets" as orthodox Islam holds, i.e. the prophet who carried the final message from God to humanity. According to Ahmadis their faith does not involve a denial of Prophet Mohammad's status because Mirza Ghulam Ahmed did not claim to bring a new revelation that could add to, replace or supersede the Koran. Mirza Ghulam Ahmed considered himself a madhi, a reappearance of the Prophet Mohammad and thought it his task to revive Islam. As a result of these doctrinal differences, Ahmadis have been subjected to discrimination and persecution in some Islamic countries. In Pakistan Ahmadis were declared non-Muslim in 1974 with further laws passed in 1984 which made it a criminal offence for Ahmadis to call themselves Muslims, to employ Muslim nomenclature and appellations and to use Muslim practices of worship. Since then, Ahmadis continue to be charged and convicted to prison terms in Pakistan for the peaceful exercise of their religious beliefs.

Mosques of Ahmadis, who in Bangladesh number some few thousand, were reportedly attacked several times in the past few years. For instance at Bakhshi Bazaar in Dhaka the Ahmadi mosque was attacked in October 1992 and several Ahmadis were injured, allegedly by members of the Jamaat-e Islami and its student organization, the Islami Chhatra Shibir. Demands to declare Ahmadis

non-Muslim and to remove them from offices in the administration were made by the International Almi-Majlis-e-Tahaffuz-e-Khatm-e-Nabuwat in November 1991; in December 1993 it again presented these demands to the public and to parliament. In March 1994, several thousand Islamists demonstrated in Dhaka to demand that Ahmadis be declared non-Muslim. In the same month, Information Minister Nazmul Huda declared that the government of Bangladesh was bound to ensure communal harmony as it was its "constitutional obligation". During Islamist rallies security around Ahmadi mosques and properties was improved but those responsible for earlier attacks have, to Amnesty International's knowledge, not been brought to justice. Amnesty International has been informed of a recent unreported High Court judgment rejecting a writ petition in which the petitioner had sought direction from the court to declare the Ahmadis non-Muslim. Details are not at present known.

6. Amnesty International's concerns and recommendations

Amnesty International is concerned that the Government of Bangladesh has failed to condemn death threats and criminal acts by Muslim clerics and Islamist groups directed against individual women, organizations assisting and empowering women and journalists and writers addressing women's issues; and to investigate such incidents and to bring those responsible to justice. Individual imams, Islamist

groups and religious parties have over the last few years, and particularly during the first half of 1994, violated several fundamental rights and freedoms of women, including the right to equality before the law, to the protection of the law, to freedom of expression, association and religion - all of which are guaranteed by the Constitution of Bangladesh.

Amnesty International believes that the Government of Bangladesh has not taken adequate measures to safeguard the rights of women who have clearly been targeted by Muslim clerics and Islamist groups, whether by fatwas of individual imams and religious teachers, by salish or by groups of Islamists attacking NGOs. Women's rights are guaranteed in the constitution of Bangladesh: Article 27 lays down: "All citizens are equal before the law and are entitled to equal protection of law"; Article 28(1) clearly prohibits "discrimination against any citizen on grounds only of religion, race, caste, sex or place of birth" while Article 28(2) specifies: "Women shall have equal rights with men in all spheres of the State and of public life". The Fundamental Principles of State Policy of the constitution in Article 10 expresses obligations towards women that the state pledges to carry out: "Steps shall be taken to ensure participation of women in all spheres of national life." Bangladesh, moreover, in 1984 acceded to the Convention on the Elimination of All Forms of Discrimination against Women, which the United Nations General Assembly adopted in December 1979, and which lays down clear obligations to state parties to the Convention to protect and advance the rights of women. Amnesty International urges the Government of Bangladesh

to take adequate measures to end human rights violations and abuses directed against women, NGOs and their supporters such as those described in this report. The following are Amnesty International's specific recommendations to the Bangladesh authorities.

6.1 End illegal sanctions against women by salish

Salish are not part of the judicial system, yet in every case cited, the salish has acted entirely outside its authority in trying, convicting and sentencing women and encouraging villagers to carry out illegal acts like public caning or stoning. Moreover, the defendants in all the cases cited were apparently tried, convicted and sentenced under what the participants of the salish believed to constitute Islamic law in contravention of the civil law enshrined in the Bangladesh Penal Code. To try women by a village salish or to impose a punitive fatwa violates the defendants' fundamental rights guaranteed by the Constitution of Bangladesh. Article 32 says: "No person shall be deprived of life or personal liberty save in accordance with law." Article 31 lays down: "To enjoy the protection of law, and to be treated in accordance with law, and only in accordance with law, is the unalienable right of every person for the time being in Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law." Articles 33 and 35 lay down safeguards regarding arrest, detention and fair trial and the prohibition of torture and other cruel or degrading treatment, all

of which are violated by illegal trials of salish. Trial, conviction and punishment by an illegally constituted court like a salish also violate a number of human rights enshrined in international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR).

Amnesty International again calls on the Government of Bangladesh to ensure that local bodies do not assume functions for which they have no legal authority. It urges the government to promptly and thoroughly investigate all the reports of illegal trials by salish by an impartial and independent inquiry commission. The findings of such an inquiry should be made public promptly. Further, village administrators must be clearly instructed that a transgression of their functions will not be permitted under any circumstances.

6.2 Condemn attacks on NGOs and bring perpetrators to justice

Amnesty International is also concerned about attacks of Islamist groups on people associated with NGOs that provide training, income generating projects, legal aid, health care and cheap loans to women and about the apparent lack of a clear government response condemning such acts and bringing those responsible for them to justice. Amnesty International is also concerned that the government does not appear to have taken adequate measures to ensure the safety of those attacked or threatened with attack by Islamists, be they individual women whose conduct is considered "un-Islamic" or groups

and organizations so charged. Such attacks violate women's right to association as their membership in these groups is the cause of their being attacked or harassed; to freedom of expression as they are persecuted for advocating a code of conduct different from the traditionally assumed one; and to freedom of religion as they are threatened with dire consequences if they should convert to another religion. All these rights are guaranteed by the Constitution of Bangladesh, in articles 38, 39 and 41 respectively.

Amnesty calls upon the Government of Bangladesh to clearly condemn such acts of violence against people associated with NGOs, to investigate every single such incident that is reported and to bring those responsible to justice. The government on 28 June issued a note that "issuing of threats against the life of the people and announcement of reward for the killers are a punishable offence ... The government expresses the hope that all concerned would refrain from making such illegal announcement and show respect for the law, otherwise the government will be compelled to take legal action against them". To date Amnesty International does not know of anyone having been prosecuted for threatening to attack, for attacking or for offering cash awards for killings.

6.3 Condemn attacks and threats against journalists and bring those responsible to justice

Attacks on writers and journalists are also of concern to Amnesty International. The organization calls on the government to bring to justice whoever issues death threats against writers and journalists or attacks them because of their work. The government has a duty to provide adequate safety for such people whose work, in the exercise of their right to freedom of expression, may expose them to the aggression of violent individuals or groups. Amnesty International also urges the government to drop the charges pending against Taslima Nasrin, Borhanudin Ahmed, Toab Khan, Shamsuddin Ahmed and Atiqul Khan Masood as they were brought solely for their exercising their right to freedom of expression. Conversely the government should warn newspapers close to Islamist groups not to publish calls to use violence against women and journalists.

After Amnesty International had repeatedly raised its concern regarding the safety of those against whom death threats had been issued or charges under section 295A been brought, the government in late June replied by saying that Taslima Nasrin, "a writer who recently achieved notoriety by her irresponsible and blasphemous pronouncements" would now have to "prove her innocence before a court of law". Amnesty International then expressed its fears that this attitude denied Taslima Nasrin the right to be presumed innocent and may prejudice her case. The government also said in its communication that since a relative of the writer had brought a

private complaint against the cleric offering a cash award for her death, it needed not undertake anything further: "On the same issue more than one case is not necessary. Now it is for the court to establish the alleged death threat against her." Amnesty International believes that, irrespective of anyone bringing a private complaint, the government is under the obligation to investigate threats by anyone to take the law into their own hands and to ensure the safety of anyone under threat of arbitrary and unlawful execution. On 16 July the Home Secretary, Azimuddin Ahmed reportedly said that Amnesty International's allegations that the government appeared to endorse the Islamists' threats against some journalists by bringing charges against them, "are completely baseless and the accusations are made without proper inquiry" (*Dawn*, Karachi, 17 July 1994).

6.4 Provide safeguards against abuse of contemplated blasphemy law

On the basis of its observation of the abuse of the blasphemy law in Pakistan (see *Pakistan: Use and abuse of the blasphemy laws*, AI Index ASA 33/08/94) Amnesty International also appeals to the government and parliamentarians in Bangladesh to provide adequate safeguards against the possibility of abuse of the law for political, personal or religious ends, should such a law be introduced. The government should publicly reaffirm its commitment to the fundamental rights enshrined in the constitution and commit itself

not to pass any law which may be used to curb the right to freedom of expression or of religion.

Amnesty International calls upon the government and parliamentarians, if they pass a law making blasphemy a criminal offence, not to introduce the death penalty as a punishment for blasphemy. Amnesty International unconditionally opposes the death penalty. The death penalty violates the right to life and the prohibition of cruel, inhuman and degrading punishment. In Amnesty International's view, the death penalty is inherently unjust and arbitrary.

In countries that have not abolished the death penalty, such as Bangladesh, international standards require that the strictest possible procedural and substantive safeguards be applied. These minimum safeguards and restrictions are set down in a number of documents, including the United Nations Economic and Social Council "Safeguards guaranteeing protection of the rights of all those facing the death penalty" which was adopted by the UN Economic and Social Council in 1984 (ECOSOC resolution 1984/50) and approved by the UN General Assembly the same year. Safeguard 1 requires that "capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences." The provision of the death penalty, as a punishment for an offence of a religious nature is clearly incompatible with ECOSOC safeguard 1. Introducing the offence of blasphemy with the death penalty as punishment would also

run counter to the spirit of the UN General Assembly Resolution 32/61 of December 1977 which calls for "progressively restricting the number of offenses for which the death penalty may be imposed with a view to the desirability of abolishing this punishment".

6.5 Protect the fundamental rights of Ahmadis

Amnesty International takes no position on the question whether Ahmadis should be considered Muslim or not; on the basis of its observation of the persecution of the Ahmadiyya minority community in Pakistan, where members of the community have been prevented from exercising their right to freedom of religion or have been criminally prosecuted if they practice, preach nor propagate their belief, Amnesty International fears that Ahmadis in Bangladesh may be exposed to similar violations of their rights if they were to be declared non-Muslim. The Constitution of Bangladesh explicitly guarantees the freedom of religion to all citizens and to declare Ahmadis non-Muslim may lead to a violation of the Ahmadis' right to freedom of religion.

