

BANGLADESH IN TURMOIL: A NATION ON THE BRINK

HEARING BEFORE THE SUBCOMMITTEE ON ASIA AND THE PACIFIC OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS FIRST SESSION

NOVEMBER 20, 2013

Serial No. 113-85

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/> or
<http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

85-642PDF

WASHINGTON : 2014

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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WEDNESDAY, NOVEMBER 20, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:55 p.m., in room 2172, Rayburn House Office Building, Hon. Steve Chabot (chairman of the subcommittee) presiding.

Mr. CHABOT. The subcommittee will come to order. Good afternoon.

I am Steve Chabot, chair of the subcommittee. I want to apologize for not being able to start on time. We had votes on the floor, so that is the reason we are starting a little bit late. For any inconvenience to anybody, we apologize.

I would like to welcome everyone, my colleagues and our distinguished witnesses to the Subcommittee on Asia and the Pacific hearing this afternoon. Mr. Faleomavaega, our ranking member, unfortunately cannot be with us today, but we are pleased to have Representative Tulsi Gabbard from Hawaii. She will be able to take the position as ranking member here this afternoon. We are also joined by Ms. Meng this afternoon. I ask unanimous consent that she be permitted to sit in with the subcommittee and be recognized to speak after all members of the subcommittee have been recognized.

Without objection, so ordered.

The Bangladesh story has been an impressive one. It is a nation that has worked hard to lift itself from the war-torn ruins left behind by its bloody 1971 war of independence from Pakistan. Over the last 20 years, there has been marked progress, especially on the economic front, as Bangladesh has grown into a crucial link between the dominant economies within the Indo-Pacific economic corridor. Strategically located between Asia's two powerhouses, India and China, and promptly situated within the arc of Islam that extends from the Middle East into the Southeast Asia, Bangladesh plays a key role in maintaining regional stability.

As a moderate, secular nation, Bangladesh has become an important security partner for the United States in the fight against terrorism and Islamic extremism in South Asia, as well as a collaborator on humanitarian assistance, peacekeeping operations, and maritime security.

While there have been some noteworthy economic and social improvements, particularly over the past decade, Bangladesh is still a very poor country with an estimated 153 million people who live in poverty. And, sadly, conditions for many working Bangladeshis remain dangerous and unhealthy. Six months after the tragedy at Rana Plaza, in which 1,127 Bangladeshi workers were killed, changes have been slow to materialize.

Corruption also remains a significant obstacle to Bangladesh's place in the world economy and the government's sluggish efforts to combat it will only serve as a further impediment to its economic growth.

As Bangladesh approaches its national elections, which are likely to take place in early January, the country is in a state of political turmoil. In Bangladesh, "politics as usual," I am afraid, takes on a much harsher meaning than it does in many societies. As the major political parties ramp up their campaigns, operatives utilize strikes, riots, and blockades to destabilize the country and call attention to their grievances.

When I visited Bangladesh about 2 weeks ago, we arrived at the onset of a 3-day general strike—essentially shutting down commerce—called by the opposition Bangladesh National Party, BNP. During our stay, there were numerous reports of violence.

While in Dhaka, I had the opportunity to meet with both the Prime Minister, Sheikh Hasina, of the Awami League, and the opposition leader, former Prime Minister Khaleda Zia, of the BNP. During those meetings, I expressed my view that the national elections should be free and fair, transparent, and without violence. Both leaders were adamant in their positions. Sheikh Hasina insisted that provisions were in place to conduct a fair election. Madam Zia maintained that a fair election could not be held without a caretaker government in place to ensure transparency. As of today, the two sides remain at odds and it is still uncertain whether or not the opposition BNP will boycott the election.

In meetings with the leaders, I stressed the need to curtail the growing violence, which can only bring about further instability—possibly leading to the expansion of extremist groups and creating a vacuum that could create broader security risks for the region.

I also expressed my concerns about Bangladesh's International Crimes Tribunal, which was created by Sheikh Hasina in 2010 to investigate alleged crimes committed during the 1971 war for independence, about 42 years ago. Opposition leaders view the tribunal as a vehicle for the incumbent leadership to punish its enemies and strengthen its hand in the lead up to the elections. Since the tribunal began handing down death sentences in February, numerous outbreaks of violence have occurred.

Critics of the tribunal, many of whom agree that trials should be held and that the guilty should be punished, maintain that international standards are not being applied. When I brought this up with the Foreign Minister, I was told, "We are actually creating new international standards." Based on some of the reports I heard about the conduct of the trials, that response was not very reassuring, particularly in light of concerns expressed by U.S. Ambassador Steven Rapp, who heads the State Department's Office of

Global Criminal Justice and was a former prosecutor of the Sierra Leone and Rwanda trials.

Ambassador Rapp, who has visited Bangladesh three times in an attempt to advise the ICT and the government on international standards, was largely ignored. Among the issues about which he expressed concerns were: Interrogation without cause, lengthy pre-trial detentions, a lack of sufficient protections for witnesses and victims, and allowing prosecutors to call more witnesses than defendants were allowed to call. Hopefully, we can have some discussion about the court this afternoon among many other issues that we will be discussing.

In a nutshell, I would say that Bangladesh has much going for it and much standing in the way of its continuing progress. I look forward to hearing from our excellent panel of witnesses here this afternoon and hope we can address some of the issues in greater detail. I would now like to call out the gentleman from California, the ranking member of the TNT subcommittee, Brad Sherman from California, to make a statement.

Mr. SHERMAN. I regret my wife isn't here; she spent a year working in Bangladesh with BRAC, the then Bangladesh Rural Advancement Committee. I regret I can't spend time here, but I have got to go to our subcommittee to deal with Syria.

I look forward to reading the transcript, and I hope the witnesses will focus on at least two points. One of those is the rights of Hindus in Bangladesh. I am glad to see that the Vested Property Act, which allowed the confiscation of property from a large number of Hindus, I believe has been repealed. But I am concerned that successive administrations have not taken steps to return the land expropriated from Hindus under the law. And I am concerned with the other human rights abuses I hear visited on religious minorities in Bangladesh. And that is why so many of us have cosponsored the bill to establish a separate office in the State Department to deal with religious minorities in the Middle East and South Asia.

Second, I am concerned about Muhammad Yunus and the Grameen Bank, which, of course, won the Nobel Prize for their outstanding work in development. The government has moved toward, in effect, taking it over, pushing Yunus out as managing director. And I hope the witnesses will address that issue. I look forward to reading your comments. Thank you.

Mr. CHABOT. I thank the gentlemen.

I would now like to recognize the acting ranking member today, Ms. Gabbard, for 5 minutes to make an opening statement.

Ms. GABBARD. Thank you very much, Mr. Chairman.

I appreciate your holding this very important hearing today and would like to also thank our witnesses for joining us and everyone who took the time to come to discuss these important issues that we all care very much about.

There is no question, as the name and focus of this hearing suggests, Bangladesh is currently in a state of turmoil. As the country heads toward election early next year, there are many concerns about the stability of the country, which has come to share significant ties with the U.S. on so many fronts, whether it be counterterrorism or trade or the mitigation of natural disasters. As our rela-

tionship continues to grow, part of this growing friendship creates the opportunity for us to have candid conversations whenever there are concerns that arise, which we will have today.

I am particularly concerned over issues, as Mr. Sherman mentioned, regarding religious freedom and specifically over attacks on the minority Hindu community remaining in Bangladesh today. I think it is unfortunate that sometimes perpetrators of crimes against this community go unpunished, and it is up to the Government of Bangladesh to act authoritatively against those who incite and commit violence against anyone and protect the rights of all minorities. I look forward to this subcommittee under the leadership of our chairman as well as another subcommittee for the Foreign Affairs Committee as a whole in taking up this issue in particular.

Additionally, the languishing labor situation in this country is troublesome. Since the Rana Plaza tragedy in April, where over 1,100 garment workers were killed and over 2,500 injured, there was a renewed focus on the labor sector by the government and the private sector. Both do carry a responsibility to ensure that worker rights and safety standards are being met in that country.

Changes seem to be slow in coming. On November 18, the Wall Street Journal reported that Walmart found still more than 15 percent of the factories in its initial round of safety inspections in Bangladesh failed safety audits. The U.S. continues to be concerned about the political deadlock between the two major political parties, in particular around the upcoming elections and the increase in violence that this deadlock creates.

Our Assistant Secretary for South and Central Asia, Nisha Biswal, just returned from Bangladesh and reiterated the U.S.'s position that the opposing parties must come to an agreement over the elections to ensure that there is a prevention of any further violence. We hope that both parties engage directly in a constructive dialogue in order to create this environment for free, fair, and credible elections to occur. I think that this will be a critical measure as we look at the U.S.-Bangladesh relations moving forward.

There are areas where Bangladesh has seen improvement. The economy has grown 6 percent per year over the last 2 decades, despite a range of challenges. The poverty rate has dropped from 40 percent to 31.5 percent over just the last 5 years, lifting millions out of poverty. And it is important for us to take note of these metrics and to see how we can continue to grow in this area.

I think Bangladesh's long-term prospects are strong primarily because of the strength of its human capital. The population is young, hard-working, and the people as a whole are resilient. Overcoming these areas of concern to expand growth is key to ensuring the success of Bangladesh. I look forward to our discussion today to see how we can continue to engage to address some of the human rights concerns, the concerns around religious freedom and persecution, and make sure that all people are protected as this great country grows both economically and past political instability.

Thank you again, Mr. Chairman. I yield back.

Mr. CHABOT. Thank you very much, Madam Chair.

I will now introduce our distinguished panel here this afternoon. I will begin with Dr. Ali Riaz, who is a public policy scholar at the

Woodrow Wilson Center here in Washington. He is currently on a sabbatical leave from Illinois State University, where he is the chair of the Department of Politics and Government. Previously, Dr. Riaz taught at the University of Bangladesh, England, and the University of South Carolina. Additionally, he worked as a broadcast journalist for the BBC World Service in London and has a long list of publications focused on South Asia politics. We welcome you here this afternoon, Doctor.

I would also like to introduce Major General Muniruzzaman, who is currently the president of the Bangladesh Institute of Peace and Security Studies, as well as the current chairman of the Global Military Advisory Counsel on Climate Change. He is a former career military officer who served 37 years active duty and had the distinction of serving as the military secretary to the President of Bangladesh. General Muniruzzaman is a graduate of the Malaysian Armed Forces Staff College, National Defense College, National University of Bangladesh, and the United States Naval War College. He led the Bangladesh country contingent to the U.N. Transitional Authority in Cambodia and led the past election U.N. Mission in Cambodia to monitor the political and security situation in that country. He sits on the Board of Governors of Council for Asian Transnational Threat Research and is a frequent speaker on international security and policy issues.

We thank you, General, for being here to afternoon.

Our final witness is John Sifton, the Asia advocacy director at Human Rights Watch, where he works primarily on South and Southeast Asia. He previously served as the director of One World Research, a public interest research and investigation firm. Prior to that, he spent 6 years as a researcher in the Asia division at Human Rights Watch. Mr. Sifton also worked for the International Rescue Committee on Afghanistan and Pakistan issues and at a refugee advocacy organization in Albania and Kosovo. He holds a law degree from New York University and a bachelor's degree from St. John's College in Annapolis.

We welcome you here as well, Mr. Sifton.

This afternoon, we will be going by what we call the 5-minute rule. Each of you will have 5 minutes. A yellow light will come on when you have 1 minute left. Please try to wrap up by the time the red light comes on. We will give you a little leeway, but we ask that you wrap up as close as possible once the red light comes on.

Mr. CONNOLLY. Mr. Chairman?

Mr. CHABOT. Yes.

Mr. CONNOLLY. Mr. Chairman, I want to thank you for holding this hearing. Unfortunately, I have another commitment. I would ask unanimous consent that my opening statement be entered into the record.

Mr. CHABOT. Without objection.

If you would like to make a brief opening statement, I would allow it.

Mr. CONNOLLY. I am glad we are holding this hearing. I think Bangladesh is a very important nation, obviously, in Southeast Asia and with a lot of challenges but also enormous promise. So I applaud you and the ranking member for exploring those issues

and hopefully working through our bilateral relationship to a more fruitful end.

Mr. CHABOT. Thank you very much. Appreciate it.

Okay. Dr. Riaz, you are recognized for 5 minutes. If you each would hit the button when you are testifying then the mike will start operating. Thank you.

**STATEMENT OF ALI RIAZ, PH.D., PUBLIC POLICY SCHOLAR,
WOODROW WILSON CENTER**

Mr. RIAZ. Thank you, Chairman Chabot, the members of the committee. Thank you for inviting me to discuss the political situation in Bangladesh. I have submitted a written testimony. Please accept that one as my statement, and I will summarize some of the points that I have mentioned in my written statement.

As we all know, Bangladeshi politics is once again at the crossroads. In recent months the situation has taken a violent turn as the opposition organized several general strikes, which led to death and destruction, and has threatened more in the coming days. The human cost of the violence is rising rapidly.

The government, on the other hand, has used excessive force to quell the opposition and resorted to the prosecution of the opposition leaders. The immediate reason for the current political impasse can be traced back to the 15th amendment of the constitution, which removed the caretaker government, which ensured free, fair elections since 1996. The point of contention is whether the election time government should be comprised of political leaders or nonpartisan individuals.

The opposition alliance led by the BNP insists that the government manned by politicians will influence the election result in favor of the incumbent. The fundamental reasons for the introduction of the caretaker government in 1996 were the absence of trust among the political parties and of strong institution that can be trusted to hold an acceptable election. While current incumbent and opposition parties have been in power since 1991, neither has tried to create necessary institution nor has the climate of mistrust changed. Public opinion polls since the removal of the system show an overwhelming support for a neutral caretaker government during the elections.

And the second point is the importance of an inclusive election. The upcoming election is important at both domestic and regional levels with significance for the U.S.-Bangladesh relationship. Since transitioning from military rule in 1991, Bangladesh it had four inclusive election but didn't produce a very significant democratic institution.

One of the key issues is the International Crime Tribunal that you have mentioned. These trials are of those who perpetrated genocide and committed crimes against humanity during the War of Independence in 1971. Trying the war criminal was an election promise of the Awami League. Despite some reservations about the trial process, opinion polls have shown that the majority of Bangladeshi citizens support the work of the ICT. Whether it plays a role upcoming election or not, in my opinion, the trial of those who committed crimes against humanity in 1971 should continue.

This was long overdue. Without dealing with the painful past and delivering justice, the nation won't be able to move forward.

What are the future trajectories? We see three options at this point, three possible scenarios. One is a routine election, participated by all parties. However, given the uncompromising positions of the ruling and opposition parties, it is an unlikely scenario at this moment. Accommodation of some of the demands of the opposition, perhaps a cabinet not headed by the incumbent PM is the way out within the current constitutional proviso. Opposition should be ready to make compromises.

Number two, an election boycotted by the opposition. This scenario is close to what happened in February 1996, when the BNP unilaterally ran a sham election. Despite the apparent similarities between 1996 and 2013, the situation on the ground is different this time around. Few allies of the ruling party will join the election. The legitimacy of such an election is an open question. Such elections do not produce a durable Parliament nor bring political stability.

Third option is the deferral of the election. It can be done within the purview of the current constitution or through extra-constitutional steps to be ratified post-facto by the next Parliament. One of the articles of the Bangladesh constitution stipulates that election will be held within 90 days after the dissolution of the Parliament. Therefore, if Parliament is dissolved, the window of time can be used to formulate a solution through mediation between political parties.

Since the caretaker government issue was never placed before the public for approval, one way out could be a referendum on the issue during the extended period. The general election can follow based on the election results of the referendum. This would give all parties a sense of victory. Finally, the role of the international community.

The United States and the international community can take the following steps that I would recommend. Number one, instead of focusing on elections every 5 years, as tension escalates, the United States should emphasize on the quality of democracy. Concrete action steps should be laid out to be followed by the political parties. For adherence to each step, the country should be rewarded with benefits that help the entire population or the most productive sectors of the country. For example, the restoring the GSP, easing the tariff barriers the productive sectors, especially ready-made garments.

Number two. Building institutions for sustainable and quality democracy such as strong election commission should be the key focus of the international community, and commitment for long-term engagements is necessary.

Number three. The United States should make clear statements in regard to the post-election tolerance, including safeguarding the weaker section of the society, particularly religious minorities and the results of those fallout.

Number four, encourage all parties to agree on containing religious extremism.

Number five, international community should neither franchise its responsibilities to regional powers, nor should the regional pow-

ers be excluded from this international effort. In particular, India's valid security concerns must be addressed. An institutional structure should be created to ensure that domestic political environment in Bangladesh does not threaten its neighbor or the regional security.

The present political crisis in Bangladesh can be turned into an opportunity to build a stable, democratic, prosperous country. Economic and social achievements of recent decades show that citizens are capable of taking steps in the right direction. It is time for Bangladeshi political leaders to take the right decisions. That is, to hold an inclusive election, agree on post-election tolerant behavior; rein in extremism; commit to address the issue of war crimes judiciously; and commit to regional peace. And it is time for the international community to help them in this regard. Thank you for this opportunity to testify. I will be happy to answer any questions you may have.

Mr. CHABOT. Thank you very much.

[The prepared statement of Mr. Riaz follows:]

Congressional Testimony

Bangladesh in Turmoil: A Nation on the Brink?

Testimony before the
Subcommittee on Asia and the Pacific
Committee on Foreign Affairs
United States House of Representatives
November 20, 2013

Ali Riaz
Public Policy Scholar
Woodrow Wilson Center
&
Professor
Illinois State University

Chairman Chabot, Ranking Member Faleomavavea and Members of the Committee, thank you for the invitation to discuss the political situation in Bangladesh.

Bangladeshi politics is once again at the crossroads. The constitution requires an election to be held by 24 January 2014, but there is no agreement between the opposition and the ruling parties as to who will oversee the election. The ruling Awami League, members of the coalition, and the Prime Minister Sheikh Hasina insist that there can be no alternative to an interim government of elected parliament members as stipulated in the constitution, and by implication, a government headed by the incumbent PM. The leader of the opposition Khaleda Zia, on the other hand, threatens to boycott the election if her demand that a non-partisan neutral caretaker be installed beforehand is not met. The point of contention is whether the government will comprise political leaders or non-partisan individuals. The Opposition alliance led by the BNP insists that if the government is manned by politicians it will influence the election results in favor of the incumbent. The PM, who previously maintained that the interim government would be formed only with her current coalition partners, offered the opposition parties an opportunity to join an all-party government to oversee the election. Accordingly new members have been inducted in the cabinet. However, the issue of the head of the interim government remained unspecified. The Bangladesh Nationalist Party (BNP)-led coalition rejected the offer. Calls from the US Secretary of State John Kerry, the UN Secretary General Ban Ki Moon, leaders of the European Union (EU) and many others to these leaders to engage in a dialogue have fallen on deaf ears. A 37-minute telephone ‘conversation’ between the two leaders in late October, an audio recording of which was ‘obtained’ by the press, was revealed to be little more than a litany of charges and counter-charges; no agreement was reached on any issue. The situation is reminiscent of 1996 when the position of the parties was reversed; at that time, the AL was demanding a neutral caretaker government while the ruling BNP was maintaining that no provision for such a measure had been made in the constitution. In recent months the situation has taken a violent turn as the opposition organized several general strikes which led to death and destruction and has threatened more in the coming days. The human cost of the violence is rising rapidly. With time about to run out, there is very little prospect of any compromise. That means that an inclusive and timely election in Bangladesh looks increasingly unlikely.

The situation begs a few questions: How did Bangladesh arrive here? Why is this election important? What are the future trajectories? What impacts will the current political impasse have on regional and international political dynamics, particularly on the relationship with the USA? What the USA and the international community can do?

How did the nation arrive here?

The immediate reason for the current political imbroglio can be traced back to the 15th amendment of the constitution. The amendment, which passed in June 2011, removed a system called the caretaker government (CTG) provision that had ensured three fair elections since 1996. The ruling party provided two justifications for its decision to abolish the CTG system. First, the verdict of the Supreme Court that the CTG system is 'unconstitutional', and the second that the immediate past CTG overstayed and pursued a political agenda.

Before examining the justifications provided by the government it is necessary to recall what prompted the founding of the CTG system in the first place and what led to the annulment. Under intense pressure from the opposition led by the Awami League (and its allies the Jatiya Party (JP) and the Jamaat-i-Islami (JI)), violent street agitations between 1994 and early 1996 and a sham election in February 1996, then BNP regime passed the thirteenth amendment of the constitution in haste on 26 March. The amendment inserted proviso for holding the election under an 11-member neutral caretaker government (CTG), as per the demand of the opposition. A parliament, which was elected through an election boycotted by all political parties and legitimacy of which was questionable, carried this out without any input from the opposition parties, civil society, higher courts or constitutional experts.

The CTG system was flawed at various levels. For example, it was vague about the tenure of the interim government; involved the former Chief Justice and by extension opened the door for blatant politicization of the judiciary and therefore essentially blurred the separation between judiciary and executive; and created an opportunity wherein the power of the Prime Minister and the President can be concentrated in one individual. The opposition hailed this as a victory. It brought a temporary end to the bloodshed, but sowed a number of problems. However, the fundamental reasons for introduction of the system were the absence of trust among the political parties, and the absence of strong institutions that can be trusted to hold an acceptable election.

In 2001, the Bangladesh Nationalist Party (BNP), in its second stint in power since 1991, took a step to ensure that it can manipulate the future caretaker government to its advantage. It passed an amendment to the constitution. The fourteenth amendment of the constitution, passed on 16 May 2004, raised the retirement age of Supreme Court Judges by two years with an eye on the next head of the caretaker government. Once again, the ruling party decided to change the constitution without any consultations – either with the opposition party or the members of the civil society. The super majority of the ruling party was abused.

As the BNP's tenure was coming to an end in October 2006, the opposition led by the AL raised their objection to the appointment of the immediate-past Chief Justice of the Supreme Court, K M Hasan, as the head of the CTG, because of his previous involvement with BNP politics. The Opposition threatened to boycott the elections if Justice Hasan was appointed. The ruling party also appointed party loyalists to the Election Commission and civil administration positions crucial to holding the elections. In October 2006, violence spread through the country costing scores of lives. When Justice K M Hasan declined the position, President Iazuddin Ahmed took

on the role, evoking the last option stipulated in Article 58 of the constitution. He, however, skipped a provision that requires him to invite other former Chief Justices to head the caretaker government. The assumption of the CTG chief's office by the President, in addition to his responsibilities, was contrary to the spirit of the constitution, if not to the letter. President Ahmed assembled a 10-member cabinet, called an advisory council under the constitution, with a few neutral personalities but the majority seemed to be BNP sympathizers. Soon it became evident that Ahmed was acting on behalf of the previous regime. The simultaneous resignation of four advisors in early December and their public comments confirmed what was suspected – the strings were being pulled by the former PM and her close aides, who were not willing to create a level playing field. It also came to light that the voter roll was filled with 'ghost voters.'

The opposition withdrew all its candidates and called for a boycott of the election. Against this background the military stepped in to take charge on 11 January 2007, compelled the President to declare a state of emergency and appointed a new cabinet with the former head of the central bank as its chief. The caretaker government of Izzat Ibrahim al-Douri between 29 October 2006 and 11 January 2007, made a mockery of a system which until then, despite its limitations, had served the country well.

The military-backed caretaker government that assumed power on 12 January 2007 under the state of emergency had both legal and moral legitimacy, but had neither a defined tenure nor a clear agenda. The primary responsibility was to create an environment for a free and fair election in which all parties could participate. This required reforming institutions such as the Election Commission (EC), the Anti-Corruption Commission (ACC) and bring changes to the acrimonious political culture. An immediate task was to prepare an error-free voter roll. While some expressed apprehension that a new phase of long military rule had begun, others expected that this would be the opportunity to begin a new era of accountable politics. The government embarked on various tasks – from an anti-corruption drive to exiling two former prime ministers (popularly known as 'minus-two') to a half-hearted effort to establish a 'King's party'. It mistook the warm welcome extended to it by citizens at large as an open mandate for an indefinite period. The actions taken, while many were necessary and well meaning, soon made many suspicious of the regime's intent and provided an opportunity for political activists to mobilize. This led to the decision to arrange an election and hand over power to an elected political regime. The regime's legacy, if any remains, is an error-free voters list with photos enabling an acceptable election; but it is also a reminder that an overreach – an effort to do so many things in a short time that leaves you with few accomplishments, - may create more problems in the long run.

The elections held in late 2008 delivered a four-fifths majority to the AL led alliance and marked the transition from an unelected government to an elected popular government. The BNP experienced its worst electoral performance ever. The hope was that the two-year hiatus, the growing demand for political reform and democratization of political parties, the necessity for continued efforts against corruption and a tolerant democratic culture would be the lessons

learned by the politicians. That it would herald a new era of Bangladeshi politics was the expectation across the society. But the euphoria did not last long. Hope was replaced by despair. The belligerent posturing returned and so did the old practices, the long absences of the opposition party from the parliament is a case in point. It was in this context that the ruling party decided to amend the constitution.

The AL, with its super majority, began the process in July 2010. Although it was apparently due to the annulment of the fifth amendment of the constitution by the court that a parliamentary committee was formed to propose amendments to update the constitution, the committee soon became the vehicle for making drastic changes in the constitution. A fifteen member constitution amendment parliamentary committee was appointed in July 2010, in which the BNP declined to participate. A bill was placed before parliament on 29 June 2011 and passed the next day. With the assent of the President, the bill became law. The 15th amendment of the constitution removed the CTG system and stipulated that the parliamentary election will be held within 90 days prior to the completion of the tenure (or within 90 days of the dissolution of parliament, if the parliament is dissolved before completion of its tenure). Although it is not specifically referenced the cabinet during the pre-election and election-time, the assumption is that the incumbents in cabinet will continue to serve up to the time of the election, and that the parliament will continue to function. Since then the PM stated that there will be no sessions of the parliament in the 90 days prior to the poll, but she later reneged and the parliament continued to perform. The other aspect of the amendment is that it stipulates an election will be held while the current parliament will still remain effective. Which is contrary to the level playing field necessary for ensuring an acceptable election.

Two arguments were made by the ruling party for their decision to abandon the CTG system: a court verdict in May 2011, and the overreach of the CTG during 2007-08. Both deserve examination.

The legal basis of the annulment of the CTG system, as argued by the ruling party, is the verdict of the Supreme Court on 10 May 2011¹. On that day the court issued a summary verdict. The summary stated that "The Constitution (Thirteenth Amendment) Act, 1996 (Act 1 of 1996) is prospectively declared void and ultra vires the Constitution." But it also stated that, "The election to the Tenth and the Eleventh Parliament may be held under the provisions of the above mentioned Thirteenth Amendment." The court also asked the parliament to amend the

¹ The caretaker system was first challenged in 1996 (Writ Petition No. 1729 of 1996) in the High Court Division. The High Court rejected the petition. In January 2000 a Supreme Court lawyer challenged the 13th amendment again in the High Court in a writ petition saying the change distorts the principle that the republic will be governed by an elected government. The High Court rejected the petition in 2004 (57 DLR 171). However, after the petitioner died, another Supreme Court lawyer filed an appeal in June 2005 against the High Court ruling in the Supreme Court. In 2011, the Supreme Court, heard the appeal beginning 1 March. For 10 days opinions and arguments from eight amici curiae, and the counsels for both sides of the appeal were heard before the verdict was reached.

constitution to make sure that former chief justices or any other Supreme Court judges are not chosen as heads of caretaker governments in case the system is kept for another two parliamentary elections. During the hearing the court heard opinions of eight amici curiae (friends of the court) of whom seven supported the continuation of the system. Despite the enormous significance of the verdict and its implication, unfortunately, the court took 14 months to deliver the full text of the verdict – it was signed and delivered on 16 September 2012.

The full text of the verdict revealed that there was no consensus among the justices as to whether the 13th amendment was unconstitutional. Of the seven judges of the apex court, four were in favor of declaring the caretaker provision unconstitutional; two dissented; and one opined that the matter should be left to parliament. But there was unanimity on two issues. Firstly, that the system should be kept for two more elections. Secondly, in their joint observation, the judges concurred with the concerns of the amicus curiae that an election under a party government is a recipe for disaster. The judges observed: "The senior lawyers of the country expressed apprehension that there would be anarchy if the ensuing election is held under party government. And we cannot ignore their view."

These observations and the grounds of the dissenting opinions are important and have serious consequences. But it took 14 months to be completed and made public, and by then the parliament had already annulled the system and the downward spiral of Bangladeshi politics had already begun. We will never know whether the situation would have been different if the full verdict was released earlier but we know for sure that the government neither waited for the full verdict nor did it adhere to all parts of the short verdict.

The second argument that the CTG overreached its mandate is well-founded. Although the CTG did not violate the law by ruling the country for two years, it made policies that were not within the intended purview of a caretaker regime. One can argue that necessity prompted the CTG to overstay, but it remains contentious from the political parties' point of view.

However, the larger question is whether the annulment of the CTG reflects the decision of the parliamentary committee. The proceedings of the committee show that it had unanimously concluded that the CTG system should be maintained and that a strict limit of 90 days be imposed on its tenure. In its 27 meetings between 21 July 2010 and 29 May 2011 the committee gathered opinions from three former chief justices, ten constitutional lawyers/experts, representatives from six political parties (including the AL, which was represented by the PM), eighteen intellectuals, editors of eighteen newspapers and media, and the leadership of the sector commanders forum (an organization of the commanders of the freedom fighters of 1971). Most of them urged the committee to look into the inadequacies of the caretaker system, only a few suggested a complete abolition of the system.

Accordingly, the committee formulated its recommendation on 29 May 2011 regarding Article 58(B) and 58(D). It recommended that no more than 90 days be added to 58 (B) as the tenure

of the CTG. Additionally, it recommended that clause 58(D)(3) be added that forbids the CTG to sign new agreements with any foreign governments. The government will be allowed to renew any existing agreement if its term expires, but the renewal will have to be placed before the parliament for its ratification after a new parliament is elected. A day later the committee met the PM and decided to make a U-turn: Article 58 will be scrapped altogether (For details of the committee proceedings, see Badiul Alam Majumdar, 'Which Constitution? Whose Constitution?' *Prothom Alo*, 28 October 2013, p 8). A bill to that effect, the fifteenth amendment to the constitution, was placed before parliament. In the absence of the opposition, the bill was passed by a 291-1 vote; the lone dissenter was Mohammad Fazlul Azim, the only independent Member of Parliament.

Was the decision made to reflect the popular mood? Available opinion surveys in this regard suggest otherwise. Four opinion surveys since 2011, commissioned by the leading Bangladeshi newspaper Prothom Alo and conducted by the international survey organization Org-Quest Research (with a sample of 5000 Bangladeshis in each cycle), is instructive in this regard. The preference for a caretaker government during the election among the respondents was 73% in 2011, 76% in 2012, 90% in April 2013 and 82% in October 2013. Daily Samakal, another Bangladeshi newspaper, conducted two surveys, in late 2011 and in late 2012. These surveys revealed that 55% and 62% respondents, respectively, contend that a fair election without a caretaker government is not possible. The opinion polls conducted by AC Nielsen for the leading English newspaper in Dhaka, the Daily Star, shows overwhelming support for the CTG: 73.9% in December 2011 and 67% in December 2012. The Daily Star – Asia Foundation Survey in October 2013 shows a 77 % support for the CTG. A report of surveys conducted by US AID, Democracy International and UK Aid show that in July 2013, 59% respondents preferred a CTG during the election while 33% preferred the incumbent government to remain in charge. The report further informs that in April 2013 approval for elections under the present government stood at 32% while under the CTG it was 68%. Drawing on the polls since December 2011, it is evident that popular support for a CTG is significantly high and that the majority of Bangladeshis continue to support the CTG as an election-time government.

Why is this election important?

The upcoming election is important at both domestic and regional levels with significance for the US- Bangladesh relationship.

It's a cliché to say that an election alone is not democracy, democracy requires more than elections. However, elections are important elements of any democracy and in many ways reveal the nature and quality of democracy. In the past decades we have learned that for transitioning to and consolidation of democracy election is a critical test. Samuel Huntington suggested the "Two Turnover Test." He argued that when a nation transitions from an "emergent democracy" to a "stable democracy," it must undergo two democratic and peaceful turnovers to opposition and back. He said that after an emergent democracy's first turnover, the new administration often reverts to authoritarian rule, trampling on democratic institutions

and undermining the rule of law. Therefore the nation must undergo a second turnover. Only after passing the Two Turnover Test can it move to the next stage, a stable democracy. Despite four elections since the downfall of the military ruler, and alteration between the two major parties, the Bangladeshi electoral system has failed to produce a stable democracy, primarily because each regime has tried to manipulate the constitution and electoral process to return to power. Except for one occasion, each election has engendered instability and uncertainty. Incumbents have attempted to change the rules of the game in their favor. Each election came as an opportunity, the perennial optimism of the Bangladeshi citizens that the political parties will get it right this time turned out to be wrong. The alternations in power precluded a complete reversal, but nothing more.

In the clientelist political culture of Bangladesh the state has remained the principal source for dispensation of patronage. The two major political parties in Bangladesh have used and abused resources in the past for personal gain, and in order to maintain the party machines and their hold over the party activists. Notwithstanding the high level of corruption, the state also provides impunity to ruling party activists. Therefore, each election becomes a 'zero-sum' game and all parties fight hard. Additionally, ruling parties use the state machinery for reprisals against the opposition. That makes an election a matter of existential struggle. Corruption and abuse of power make each incumbent a legitimate candidate for prosecution, but often threats of prosecution and courts and laws are used as instruments of harassment. No political party, its leaders and activists are willing to endure this suffering. Therefore, both incumbent and opposition view winning the election as their only safeguard against possible post-poll adverse situation. This can be described as 'cost of defeat'.

The 'cost of defeat' or the perception thereof by the parties and their activists, is greater this time around. In the past five years the society has become more polarized than ever before. The hostility between the AL and the BNP has reached new heights: the telephone conversation between the PM and the leader of the opposition provides some indications. In such a hostile environment, a defeat could expose the vanquished to the wrath of the ruling party. Additionally, in the case of the AL perhaps to the Islamists, and in the case of the BNP, perhaps to those who feel that the party has provided shelter to Islamists. The BNP has remained out of power for seven years and it is afraid that another term out of office will bring about fragmentation. The mal-governance and scale of corruption under the AL has grown and therefore, party leaders are concerned about their fate post-election. The International Crime Tribunal (ICT), established in 2010 to try those who committed crimes against humanity during the war of independence in 1971, has widened the schism within the society. The Jamaat-i-Islami (JI) views the ICT and legal and extralegal actions against its leadership as an existential threat. The violent reactions of the Jamaat-i-Islami (JI) and the rise of the Islamist political organization named the Hefazat-i-Islam (HI) have made the secularists worried that the AL's defeat will enhance their strength and erode the secular basis of the state. The members of the civil society who have sided with one party or the other are concerned that the authoritarian

tendencies that have been institutionalized through various laws will be used against them with vengeance.

Political instability has always affected the security of religious and ethnic minorities. Members of religious minorities in various places were attacked after one of the verdicts of the war crime tribunal in late February. Continued violence against members of the Hindu community for almost a week caused loss of life, and damage to homes and temples. Similar attacks have been reported in recent weeks. If the present stalemate continues and eventually an election without the participation of all takes place, minorities will become the principal target. The Opposition and the ruling party will blame each other. But it will do little to protect the minorities from opportunists and religious zealots.

While the volatile political environment, violence, and breakdown of governing institutions have frequently drawn the attention of the world's media to Bangladesh, we should not lose sight of the fact the country has also produced a development success story. According to the World Bank, "Bangladesh is 1 of only 18 developing countries with an annual growth rate that has never fallen below 2 percent" World Bank, 'The Bangladesh Conundrum,' 2006 <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/EXTANNREP/EXTANNREP2K6/0,,contentMDK:21052781~pagePK:64168445~piPK:64168309~theSitePK:2838572,00.html>).

Economic growth, annually over 6% in the past decade despite the global economic downturn and the reduction in the incidence of poverty from an estimated 70% in 1971 to 31.5% in 2010, the country "has achieved rapid and spectacular improvements in many social development indicators during the last two decades or so" Wahiduddin Mahmud, "Social Development: Pathways, Surprises and Challenges", *Indian Journal of Human Development*, Jan-June, 2(1): 79-92, 2008.) The decline achieved in maternal mortality (from 322 per 100,000 in 2001 to 194 in 2010) (US AID, 11 March 2011, <http://blog.usaid.gov/2011/03/bangladesh-maternal-deaths-decline-by-40-percent-in-less-than-10-years/>), in infant mortality (from 97 per thousand in 1990 to 37 in 2011), children under five years mortality rates (from 139 in 1990 to 46 in 2011), (Unicef, Bangladesh, 2013, http://www.unicef.org/infobycountry/bangladesh_bangladesh_statistics.html) and in increasing equitable access in education (Net Enrolment Rate: 98.7 percent; girls: 99.4 percent, boys: 97.2 percent), are noteworthy. According to the 2013 Human Development Report of the UNDP, between 1980 and 2012, Bangladesh's life expectancy at birth increased 14 years, a notable achievement indeed. The dramatic decline in the Total Fertility Rate, a key component in addressing population growth, is astounding: 6.9 in 1971 to 4.4 in 1991 to 2.2 in 2010. These successes demonstrate the resilience and ingenuity of Bangladeshis. The country has offered the world a model for alleviation of poverty called microcredit. Despite adverse global trade conditions, thanks to Bangladeshi entrepreneurs and 3.6 million workers (of which 2.8 million are women), the Ready Made Garments sector has emerged as the second largest exporter of the world.

Although these socio-economic achievements have been made despite poor governance, further violence and uncertainty will not only hamper progress but impose reversion. This trend

in the world's eighth most populous country, with limited natural resources, will exacerbate the schisms within the society, contribute to economic disparity and may serve as a source of radicalization in the future. To think that the adverse impacts will remain within the boundaries of the country is wishful thinking. This is particularly important because the country has already experienced a variant of Islamist militancy between 2004 and 2007 and a low intensity leftwing radicalism is present. Islamist militant groups such as Harkat-ul Jihad al Islami (HUJI), Jamaat-ul Mujahideen Bangladesh (JMB) has its genesis and ties to external groups. Regional militant groups such as Laskar-e-Tayeba (LeT) have tried and are trying to use Bangladesh as a recruitment center and launching pad for attacks within India. The country is located within an arch of insurgency from Afghanistan to Myanmar with Pakistan and India in between. The insurgency in northeast India and growing Maoist radicalism throughout India is yet to influence Bangladeshi society, but it does not mean that it will remain so forever. Rohingya rebels continue to use the southeastern hills of Bangladesh as bases to continue their operations inside Myanmar. The Myanmar government's complicity in the anti-Muslim pogrom is fueling discontent among Muslims in Myanmar but also among some Bangladeshis. A chaotic and violent political situation in Bangladesh will create a hospitable environment for both domestic and regional extremist groups.

Understandably security concerns are playing a key role in the policies of Bangladesh's neighbors, particularly India. The rise of militancy, the presence of some regional militant groups and the use of Bangladesh as a sanctuary by Indian insurgents in the past has caused Indian policy-makers some concerns. There has been some progress in addressing these issues in recent years. Economic cooperation between two countries has grown; but enormous potential remains untapped. Unfortunately, the Indian government has not reciprocated Bangladeshi goodwill in equal measure; failure to sign the Land Border Deal, sharing of waters of common rivers, and unabated killings on the border by Indian border guards are cases in point. India looms large in Bangladeshi foreign policy and domestic politics; it is best characterized as a 'love-hate' relationship. The relationship is steadily transforming into state-to-state relations. This election provides a critical test for the relationship. While Bangladeshi political parties must show maturity in dealing with the big neighbor, Indian policy makers should be cognizant of the long term implications of their policies. Political instability in Bangladesh will not only jeopardize the future relationship but may reverse some progress. The actions of the Indian state - leading to, during and post-election - are critical for public perception and popular articulation of attitude towards India.

The election also has implications for US-Bangladesh relations. The relationship has flourished in the past decade, as reflected in the two rounds of US-Bangladesh Partnership dialogue, two rounds of Bilateral Defense Dialogue and Military Planning Talks and Bangladesh's agreement to sign TICFA. Bangladesh is a major partner in US global counter-terrorism efforts. A deal to that effect was signed in October this year. But both countries have some reservations about steps taken by the other state; the cancellation of the GSP by the US on the one hand while the Bangladesh government's steps towards the Grameen Bank on the other have created some

strains. With the increasing importance of Asia and the Indian Ocean in the global economy and politics, Bangladesh's importance has grown. Bangladesh has a potential role in helping Myanmar's slow transition to democracy and integration to the global economy. US strategic interests rely on a stable, prosperous and democratic Bangladesh. Absence of democracy or prolonged instability will not only be detrimental to economic interests but also destabilize regional dynamics. With imminent withdrawal from Afghanistan and unpredictable relations with Pakistan, the US cannot afford to lose a partner in South Asia.

War Crime Trials and its impacts

One of the key current issues of Bangladeshi politics is the International Crimes Tribunal (ICT) and its potential impact on the election. The tribunals were established in March 2010 to prosecute those accused of committing war crimes (including collaborating with Pakistan) during Bangladesh's war of independence in 1971. The tribunal was established on the basis of the International Crimes (Tribunals) Act 1973 included in the Bangladesh constitution and as amended in 2009. Trying the war criminals was an election promise of the AL. Since the establishment of the ICT, the JI has alleged that it is politically motivated, and demanded that the tribunal be scrapped. The BNP, until early 2013, maintained an ambivalent position towards the trial saying that it supports trying war criminals but arguing that the current tribunal lacks transparency and the process is not consistent with international standards. The tribunal has also attracted criticisms from outside the country on procedural matters and allegedly not maintaining international standards. Despite some reservations about the trial process, opinion polls have shown that the majority of Bangladeshi citizens support the work of the ICT. The 2013 opinion poll by Prothom Alo revealed that 80% of people are supportive of the process. Thirty-nine percent of respondents to an opinion poll conducted for the Daily Star in late 2012, identified the trial as one of the key successes; in late 2011, respondents identified the trial of war criminals as the top success point of the government with a 29.7 percent rating. Since February 2013, eight current and/or former JI leaders and 2 BNP leaders have been sentenced to death or given long terms of imprisonment. Demand for the death sentence for some of the accused has engendered a grassroots movement on the one hand while the JI has unleashed violence after each verdict on the other. The BNP has shown either a muted reaction or maintained a dubious silence.

The ruling party insists that a victory of the BNP (and the JI as a coalition partner) will be an end to the trial process; and that they will free the convicted. There hasn't been any clear statement from the BNP in regard to the future of the tribunal. While the issue will remain present during the election, the likelihood of this being a determining factor is slim. Given the popular support and emotional attachment to the issue, apart from the JI, no party will be able to take a public stance against the tribunal. But in the event of an election participated in by all parties, the issue will be a focus of the ruling AL and its allies as their distinguishing feature. Whether it plays a role in election or not, the trial of those who perpetrated crimes against humanity in

1971 should continue. This was long overdue. Without dealing with this painful past and delivering justice, the nation won't be able to move forward.

Future Trajectories and the way out

At the time of writing the statement there are three possible scenarios in regard to the election.

1. A routine election participated in by all parties. However, given the uncompromising positions of the ruling and opposition parties, it is an unlikely scenario. Accommodation of some of the demands of the opposition, for example a cabinet not headed by the incumbent PM during the election, may be a way out within the current constitutional proviso.
2. An election boycotted by the opposition. This scenario is akin to February 1996, when the BNP unilaterally arranged a sham election. Despite apparent similarities between 1996 and 2013, the situation on the ground is different this time around; few allies of the ruling party will join the election. Besides, the issue of ICT was not present in 1996 or 2006. The legitimacy of such an election is an open question. Elections held without the participation of the opposition, in 1986 and 1988 under the military rule of General Ershad and in February 1996 under the Khaleda Zia regime, had neither produced a durable parliament nor brought political stability. Such elections have previously engendered violence; the intensity has grown since. In recent months hundreds of people have been killed, as on the one hand the opposition has resorted to violent tactics to create a climate of fear and the government has used excessive force to quell the opposition and resorted to the persecution of opposition leaders, on the other.
3. The deferral of the election. It can be done either within the purview of the current constitution or through extra-constitutional steps to be ratified post-facto by the next parliament. Article 123 (3) (b) stipulates that the elections will be held within 90 days after the dissolution of the parliament. Therefore if the parliament is dissolved the window of time can be used to formulate a solution through mediation between the political parties.

The third scenario, although it appears to be a suspension of democratic process, has a significant benefit and may provide an opportunity to scale down the current hostility between the government and the opposition. Three constitutional amendments – one created the system with loopholes (13th amendment), the other made it open to petty party interests (14th amendment) and the third abolished it altogether (15th Amendment); but none was ever placed before the citizens for their approval, no political parties ever included the issue in their electoral manifestos. Thus one way out could be a referendum on the issue of caretaker government during the extended period that the constitution will allow after the dissolution of parliament. A general election can follow based on the results of the referendum. This will give all parties a sense of victory and a way out of the current impasse. This will require post-facto

legitimation through changes in the constitution; but perhaps there is no better use of the 'doctrine of necessity' than in this instance.

What Can the United States and the International Community Do?

While Bangladeshi political leaders must act responsibly to avoid a political meltdown and the impending chaos, the international community should not idly sit by. As I have discussed, the upcoming election and the present political crisis has implications beyond the borders of Bangladesh, therefore it is clearly in the interests of the international community to act. The exemplary progress made by the Bangladeshis has demonstrations effect all over the developing world. Reversal of these will stifle progress elsewhere. Continued instability may create spaces for non-state actors with regional agenda. The international community should act in unison so that it is not perceived to be an aggressive posture of a single country. The US should take a leading role in bringing the international community together in earnest to prevent further escalation of the volatile situation.

I recommend that the United States and the International community take the following steps:

- 1 Instead of focusing on elections every five years as tension escalates, the US should emphasize on the quality of democracy. Concrete action steps should be laid out to be followed by the political parties. For adherence to each step the country should be rewarded with benefits that help the entire population or the most productive sectors of the country, for example restoring the GSP, easing tariff barriers for Bangladeshi products.
- 2 Building institutions for sustainable and quality democracy such as a strong Election Commission should be the key focus of the international community and commitment for long term engagements is necessary.
- 3 The United States should make clear statements in regard to the post-election tolerance, including safeguarding the weaker sections of society, e.g., religious minorities, and the results of fall-out.
- 4 Encourage all parties to agree on containing religious extremism.
- 5 The international community should neither franchise its responsibilities to regional powers, nor should the regional powers be excluded from this international effort. In particular India's valid security concerns must be addressed. Institutional structures should be created to ensure that domestic political environment in Bangladesh does not threaten its neighbor or the regional security.

Conclusion

The present political crisis in Bangladesh can be turned into an opportunity to build a stable democratic prosperous country. Economic and social achievements of recent decades show that the citizens are capable of taking steps in the right direction. It is time for the Bangladeshi political leaders to take the right decisions – to hold an inclusive election, agree on post-election tolerant behavior, rein in extremism, commit to address the issues of war crimes

judiciously, and commit to regional peace, and it is time for the international community to help them in this regard.

Mr. CHABOT. General, you are recognized for 5 minutes.

**STATEMENT OF MAJ. GENERAL A.M.N. MUNIRUZZAMAN,
PRESIDENT, BANGLADESH INSTITUTE OF PEACE AND SECURITY STUDIES**

General MUNIRUZZAMAN. Mr. Chairman, and honorable member, thank you again for inviting us to testify before this committee. What I would like to start by saying that I shall cover some of the salient points of the recent testimony that I have given and address the main issues of the questions that are posed to me.

It is important to say that a combination of multiple forces of political violence, weak governance, corruption, poverty, and rising Islamic militancy is very rapidly haunting the very core of the Bangladeshi state and turning it into a fragile state. The lack of political trust between the two political parties and particularly between the two leaders of the parties has meant that democratic process in the country is dysfunctional. The current state of political impasse comes with a very resolution that was passed and the amendment that was passed in the Parliament of the 15th amendment, which people perceive was done by the government with ulterior motives. The result of protests by the opposition and its allies, including the Jammata-e-Islami, has brought widespread violence on the street and has resulted in over 200 deaths in the last few months and injured many more.

Experience of Bangladesh's history of elections shows that incumbent government has the capacity and the means to manipulate and rig election. Therefore, a wide majority of the people want a neutral caretaker government to hold elections. And that is only way out of the current political impasse in the country. The country has had weak governance for many years and the state of law and order was poor and crime was on the rise. There were political force disappearances over the last few years; industrial labor standards were very appalling, resulting in Rana Plaza incidents with impunity. We also saw the squeezing of the space of civil society, and the role of civil society has been curbed over the last few years. And the freedom of press and expression is under threat, as journalists are in jail for expressing their opinions. TV channels and newspapers have been closed. And the culture of winner-take-all approach has made the government's position very rigid.

There is also widespread corruption in the country, and the prevalent crony capitalism persists. It is also important to say that the property reduction that has taken place over the last few years has also been hit by the government stance against the Grameen Bank and politically against Professor Yunus.

I would like to say that there is the riding tendency of Islamic militarism in Bangladesh, and that is going to hit at the very core of the Bangladesh's stand as a secular and a moderate state. The reasons for this rise is due to a multiple forces of internal impacts and external impacts. But the part that I would like to very much emphasize here before this committee is that the current state of political intolerance by the government toward its opposition and the current state of the political violence that persists in the country, if this continues, the country will soon enter a phase of instability. And any instability in Bangladesh will create the ground for

militant parties and organizations to thrive and expand their scope of operation within the country.

We also see that any militant operations in Bangladesh will have impacts on the regional security particularly because of the 19th—2014 withdrawal of the U.S. Forces from Afghanistan, where the security of the region will become very fragile. I would also like to say that in this state of fragility, the relationship between the United States and Bangladesh needs to be observed very carefully.

A question was also posed, what needs to happen for a stable, secure, and accountable government in Bangladesh? What I would like to say that we first need a change of political culture. We need important government organizations to be reformed, including the judiciary, which has to be free and accountable. We need enforcement to make election commission, anti-corruption commission, and other bodies more functional. There has to be a definite role of the civil society in expanding the space and making the government accountable. The system of impunity by government and its cronies has to stop so that the rule of law can be established. And we need a free and a robust media, and media should not be hampered by the government. We also need political forces on issues of state, and we need national policies, not personal and private policies. We need an educated population to enforce that the governments are held accountable.

A very interesting question was also posed to me saying that in this current of state of the impasse and the political violence that persists in the country, will it raise the army coming into play in a military coup? My answer to this question, the military does not have a role in solving political problems in a democratic country. And having seen the experience of 2007, I also feel that the military does not also have the appetite for that. But the fact remains that the military remains the only credible and acceptable institution in the country. In spite of the politicalization of all state institutions by the current government, the military has remained apolitical, and therefore, the military should play the role that is in the best interests of the country, but I presume that if the violence persists, the military at a time may be sucked into the process. But that is not something that you should welcome. I once again say that thank you for the hearing. And I would hope that our international friends and partners continue to engage Bangladesh so that Bangladesh doesn't slip into a state of violence and become, say, fragile to a failed state. Thank you.

Mr. CHABOT. Thank you, General.

[The prepared statement of General Munruzzaman follows:]

Cover Sheet

Name:	Major General A N M Muniruzzaman (Retd).
Title and Organisation:	President, Bangladesh Institute of Peace and Security Studies (BIPSS)
Name of the Committee:	House Committee on Foreign Affairs
Date and Title of the Hearing:	November 20, 2013; 'Bangladesh in Turmoil: A Nation on the Brink'?

**ANSWERS TO THE QUESTIONS OF U.S HOUSE SUB COMMITTEE ON ASIA AND PACIFIC BY MAJOR
GENERAL A N M MUNRUZZAMAN NDC, PSC (RETD) , PRESIDENT, BANGLADESH INSTITUTE OF PEACE
AND SECURITY STUDIES (BIPSS)**

-How is the confluence of political violence, weak governance, corruption, poverty and Islamic militancy threatening impacting Bangladesh and its future relationship with the U.S ?

Political violence, weak governance, corruption, poverty and Islamic militancy have been vividly present in the socio-political domain of Bangladesh in recent times. The country is passing a difficult time fraught together with multiple issues.

Political Violence

The level of political violence was very high in the past year for three main reasons: opposition called protests against the dissolution of the election time Care Taker Government (CTG); Jammāt-e-Islami (JI) opposition to the verdicts of the war crime trial, including its call for a fair trial; and orthodox Islamist protests against perceived apostles, atheist and defamers of Islam. The latest cycle of strikes and violence is due to a clamor for the restoration of CTG.

The main parties, the Awami League (AL), Bangladesh Nationalist Party (BNP), and the Islamist Jamaat-e-Islami (JI) have their organization sprouted in every locality of Bangladesh, and the nature of political clashes result in widespread violence and destruction. There were clashes in most cities, towns and even in many villages. The BNP and JI seem to have converged in their protest against the government in demand of a fair election, and that makes the potential for violence much more than what it would have been otherwise.

A serious lack of trust persists between the two major parties and their leaders in Bangladesh. The present crisis originates in the unilateral abolition of CTG system by the incumbent government through the 15th amendment. CTG was an established and well-accepted system in the political crisis-prone Bangladesh. The ruling party has offered their explanation for why they scrapped CTG system, referencing the overstay of last CTG and the Supreme Court dictate. This rationale for the dissolution of CTG through overwhelming parliamentary majority by the government doesn't appear to be a strong and convincing one, and was not accepted by the large majority in the country.

Experience and history in Bangladesh show that the incumbent government in Bangladesh has the record and capacity to manipulate elections. In the absence of a strong Election Commission, a fair election can only be conducted by a neutral non-party government.

The government's heavy handed and repressive handling of opposition political activities has also resulted in reactionary political violence.

In reaction to verdicts of the War Crimes Tribunal, at least 150 people including some security force members have been killed in clashes between January 2013 and October 2013, after the court began

handing down death sentences on accused JI leaders. JIs organizational power to conduct violent protest as well as government's disproportionate use of force was instrumental in such heavy causality. The Hefazat incident in the heart of Dhaka saw 15 deaths as per government sources. The figure is 68 according to the human rights group *Odhikari*.

From January to November 2013, an estimated 120 people died in clashes with police by the protesters and between rival political parties. In one recent strike, 20 people died and 30 people suffered severe burns. Around 265 people were injured across the country due to unremitting strikes on that single occasion. The violence was carried out by both the major parties and the JI. Buses, cars and other transports were also vandalized during strikes. Recent strikes and violence have adversely affected Bangladesh's economy to a great degree. The strikes, violence and turbulence of the past several months have thwarted growth, driven away both domestic and international investment. The situation has created greater risk for existing economic activities and undermined prospects for success. Export and import trade faces setbacks, production and supplies get disrupted, and future investment becomes uncertain in this political culture of 'strike'. Small business enterprises are the worst victims of the 'strike' programs.

Weak Governance

Most neutral economists and political analysts have rated the performance of the government as average to poor in most sectors, and moderately good in some sectors. With high expectation in the people's mind due to lofty pre-election promises by the ruling party, an average performance automatically evokes anti-incumbency sentiment, which exists in Bangladesh right now.

Some notable progress was made in few sectors like power generation, urban communication, junior education, public health and agriculture etc. In most other sectors the performance was average to poor.

State of law and order was poor; crime rates have been on the rise; crime prevention and justice system were pathetically slow despite the handful of high profile cases. Forced disappearances linked to political rivalry were high. Even an influential and well-known opposition leader who was a member of parliament in the last house, Mr. M Ilyas Ali, disappeared a couple of years back and was never found again.

Industrial and labor safety has been in a horrible and appalling state, and no checks or balances have worked. Hundreds of people died in accidents like the ones in Rana Plaza and Tajrin Garments.

Space for civil society has also been reduced due to the incumbent government's deliberate lack of attention to this segment of society.

Free expression by public and media has taken a blow. A journalist couple was murdered little more than a year back. It is believed that they had been investigating a top-level governmental nexus of cronyism, and that the perpetrators are known and linked to the government/ruling party. No progress was made in the subsequent police investigation.

Some TV channels like Channel One, Diganta TV and newspapers like AmarDesh and ShirshoKhabor have been suspended from operating for many months now. For Channel One it has been few years already.

The legal basis for their suspension was not clear. A popular editor was put behind the bars for many months now and the charges against him aren't very clear.

The political approach of the government has established the wrong principle that 'winner takes all' which is a root cause of current strikes. Respect for the government, which commands the support of a sizable proportion of the citizenry, is very low. Political space for opposition activities has increasingly been reduced and hardly any atmosphere has been maintained for good democratic practices.

Although the War Crimes Trials was a priority agenda in the AL election platform, the procedure and conduct of it has remained questionable. Some domestic and international observers have expressed their reservations about the standards of the trial.

There is a divisive streak in the political approach of the incumbent government instead of much needed reconciliatory one. The Bangladeshi Foreign Minister has recently circulated a communiqué to different foreign missions in Bangladesh mentioning that Bangladesh exists in two forms - one liberal and secular, and the other being orthodox Islamist and militant.

Vital constitutional bodies like the Judiciary were also allegedly being politicized. Other important constitutional bodies accused of being politicized are Public Service Commission (PSC), Election Commission (EC), Anti-Corruption Commission (ACC), etc. Many crucial state organs like administration, military, police, etc. had also been hugely politicized. This engineered decay of institutions has reduced the state's capacity to act properly, and makes it worse in a crisis situation.

Corruption

The incumbent AL promised for a hard and real time action against all forms of corruption in their election manifesto, but the government has failed to deliver on this. Widespread corruption prevails mostly through cronyism and political favor. Evidence has emerged that senior government figures or party associates were involved in high-profile scams like market share engineering; the Padma bridge conspiracy for corruption; Hallmark Group's and Bismillah Group's corruption with alleged quid pro quo with senior government figures; Destiny multi-level marketing scam; etc.

In the investigation by the Royal Canadian Mounted Police (RCMP), conspiracy of corruption was found in the acts of the concerned Canadian firm and senior Bangladeshi governmental figures. A senior government official, under investigation of his involvement in this scam, is already in Bangladeshi jail. The Canadian investigation also pointed finger towards possible involvement of the Bangladeshi Prime Minister's family members in this.

Proper and honest procedures do not seem to have been followed in awarding governmental contracts. People and firms affiliated with the ruling party seem to have received most of the deals. For example a disproportionate bulk of power generation contracts have gone to Summit Power Company of the current Civil Aviation and Tourism Minister, Farukh Khan, who is believed to be an inner-circle person in the exclusive top brass of the ruling party and its leader.

Since the inception of this government, the student wing of the ruling party had been involved extensively in forcible grabbing of governmental tenders at lower levels, extortion, intimidation, land grabbing and many other crimes.

The Anti-Corruption Commission (ACC) Act was amended so that permission of the government has to be sought for investigating and trying governmental officials. This seems to be aimed at creating a

situation to allow for collaborative corruption by the politicians and the bureaucracy. This amendment renders the ACC to be a toothless body.

Politicization of state organs and institutions are an area of major non-monetary corruption. There is a sense in Bangladesh that no organs were spared from politicization beginning with the judiciary, police, military, public administration up to autonomous bodies like never before. Retaining state power at any cost is suspected as the purpose.

Poverty

Despite a reasonably consistent high growth rate above 6%, the government failed to create any mechanism to foster a faster trickle-down effect of this prosperity to the massively underdeveloped class of the extremely poor. Economic progress was confined to a certain affluent section and the associated middle-class.

Activities of NGOs and donor agencies have been instrumental in some poverty alleviation at rural grassroots level. However, the government targeted the largest and most reputable microfinance institution, the Nobel Peace Prize winning Grameen Bank and its main architect Dr. Yunus, the co-winner of that honor. Evidently, the prime reason of such targeting and harassment was jealousy of his fame and curbing his political potential through this unethical trick.

Unnecessary political turmoil and faulty economic strategy has gravely damaged the scope of faster growth and resulting poverty alleviation.

According to the HDR 2013 and UNDP, Bangladesh's HDI value for 2012 is 0.515, which puts the country in the low human development category as usual. No significant improvement has been made in this ranking over last few years despite Bangladesh being dubbed as one of 'Next 11' by Goldman Sachs few years back.

Islamic Militancy

Although the government had operational control over the terrorism situation in Bangladesh, it failed to wipe Islamist militant elements completely out from society. This is evidenced by the recent emergence of Islamist splinter terrorist groups like Ansarullah Bangla Team, BEM, Tamir-ud-Deen, etc.

Government handling of Shahbag- (so called) Atheist/ Defamers of Islam-Hefazat affair was inept and has resulted in some commotion amongst the orthodox Islamist segment of the society. This is perilous and may result in sporadic militancy.

Threat to Impact Bangladesh

All these together are already threatening to destabilize Bangladesh to a heightened scale.

Increased instability in Bangladesh means a hampering of the commercial functions, investment, trade, services and, above all, massive disturbances in normal life and subsistence activities of millions of poor and middle-class of this overpopulated nation of 160 million. Death, injury and destruction follow in big numbers in such situations in Bangladesh.

A destabilized Muslim majority nation is a breeding ground of fundamentalism, militancy and even terrorism. Bangladesh is no different.

In a worst-case scenario, some spillover effect can't be ruled out to neighboring provinces of bordering nations.

Future Relations with the US

The U.S has been consistent on certain foreign policy issues like democracy, human rights, counterterrorism, development of the underdeveloped nations, etc. Same is the case with Bangladesh.

A destabilized Bangladesh may not be ideal for useful partnership from the US in terms of aid, development partnership, security and intelligence cooperation, trade, commerce, etc. Any absence of real democracy would contradict the principles followed by the U.S and thus may create a relationship gap between Bangladesh and U.S. On the other hand, Bangladesh government's inability to handle the majority sentiment may push the U.S to maintain a distance, as the US traditionally prefers to see a balanced and stability focused approach.

-How are the extremist groups expanding their influence and popularity? What implications does this have for Bangladesh's future and spread of terrorism throughout the region?

Bangladesh has been confronted with a serious challenge from terrorism and violent extremism for over a decade. Despite efforts by successive governments to curb the operational abilities and strategic reach of these groups, the threat remains significant. There has also been a lack of strategic countermeasures against these groups. In order to understand the expanding influence and popularity of these groups, it is important to look beyond their ideological pull factor. Akin to terrorist and extremist organizations worldwide, groups such as Harkatul Jihad Al Islami – Bangladesh [HUJI-B] and Jama'at ul-Mujahideen Bangladesh [JMB] promote their ideology in order to attract followers and bolster their ranks. However, they also exploit the socio-economic issues plaguing Bangladesh. Such groups are increasingly talking about the governance deficit and lack of service delivery. In the aftermath of cyclone Sidr that hit Bangladesh in 2007, many extremist groups expeditiously rushed to the affected areas to provide relief. In certain places, they tried to exploit the grievances of the local populace due to the poor service delivery of the local administration.

The strategic intent of these groups is to create a state and society that will be purely theocratic in nature. Our research on JMB and HUJI-B literature has highlighted that they identify the entire state and society as *taghoot*. Loosely translated it means that the entire state and society is corrupt, which according to their ideological belief requires a transformation through the creation of an Islamist state. These groups continue to highlight is the lack of service delivery by the judicial system. Hence, in their target selection judges and symbols of the judicial system such as court houses have always featured prominently. We also need to look at the increasing activity of these groups in the backdrop of the acrimonious political climate that pervades Bangladesh. As the overall political system appears increasingly dysfunctional and creates a sense of disillusionment, groups such as JMB will flourish. It will be erroneous to underestimate the operational capability and strategic acumen of these outfits. They were able to carry out a large number of attacks from the period 1996 to 2007, including major incidents such as the serial bomb blasts in 2005 during which 463 explosions occurred in 63 of 64 districts across the country. Despite the fact that sustained operational measures have resulted in degradation of

extremist groups overall capability, a study of foiled plots will show that they are still active and continue to pose a threat.

In the recent past some major trends have been noticed which also merit attention. Historically the Qaumi Madrasas (which are not regulated by the government) have been the breeding ground for militancy and terrorism. Over the last couple of years, the center of gravity has noticeably shifted to the private universities and other tertiary institutions attended by urban youth. Therefore, the threat of urban radicalization is a new phenomenon in Bangladesh, one that has serious ramifications. Groups such as HizbutTahrir Bangladesh (banned since 2009) mainly operate in the urban space and target a demographic that has not been associated with terrorism. It is important to note that, HizbutTahrir has been quite active despite its ban.

Bangladesh in many ways is quite unique in the sense that the ethno-linguistic identity cohabits harmoniously with the religious identity of its citizens. Maintaining that balance is pivotal towards ensuring Bangladesh's moderate character. Unfortunately, some steps taken by the present government towards enforcing 'aggressive secularization' of the Bangladeshi polity has resulted in creating an imbalance. Such events will also result in reducing the space for the liberal polity and provide a boost to ultra-orthodox elements within society. The rise of Hefazat-e-Islam is a case in point. A group which was unknown even a year ago has now emerged as a major actor within the Islamist political space. Hefazat's rise to its current position is directly attributable to the inept handling of the Shahbagh movement and some other un-pragmatic policies taken by the government.

In order to analyze the national and regional impact of terrorism and extremism in Bangladesh the following aspects need to be considered:

- a. An increase in the level of extremism across society could potentially result in the erosion of the moderate and secular principles of the Bangladeshi state.
- b. Islam in Bangladesh, which is based on a *Sufi* tradition, has borrowed extensively from the overall society and various cultural values. The type of religious practice espoused by the extremist organizations is therefore at odds with the overall nature of the society. Thus, rising extremism has serious societal ramifications.
- c. Bangladesh could be divided into two major fragments exacerbating the divisiveness that already exists in the Bangladeshi state.
- d. As the NATO-led ISAF forces withdraw from Afghanistan, Bangladesh and the wider region are in a particularly vulnerable situation. Unless terrorism and extremism are checked in Bangladesh, it could spill over into other countries in the region, especially India and Myanmar.
- e. A trilateral convergence of terrorist groups in India, Pakistan and Bangladesh could emerge post 2014. The major Islamist groups in these three countries trace their origins back to the Afghan Jihad or the war against Soviet forces in Afghanistan. Their historical association is manifested in the operational linkages between Lashkar-e-Tayeba (LeT) and groups in Bangladesh.
- f. These groups are fundamentally opposed to the enhancement of relations between the United States and Bangladesh. Hizbut Tahrir in Bangladesh for instance has been vociferous in its opposition for stronger military ties between the two countries. These groups also have the ability to reach out to the masses through their strategic communication techniques and could potentially increase sentiments

against the United States, which is generally quite low. Sowing seeds of suspicion in the minds of the people will set back the process of enhancement of ties between the United States and Bangladesh.

g. The writ of the state needs to be maintained at all costs. Unless these groups are controlled and countered, they could seek refuge in remote corners of the country and a repeat of the situation that prevailed in Swat and the Federally Administered Tribal Areas of Pakistan (before the military operation) could be witnessed in Bangladesh. Due to Bangladesh's geographic contiguity with five states of India, it will pose a direct threat to India's security as well.

Therefore, there is an urgent need to move away from an operational outlook on counterterrorism and towards a non-kinetic approach. A whole of government and a whole of society approach towards counterterrorism along with an overhaul of the national CT architecture are absolutely critical. There is also a need to take counterterrorism above and beyond the political fray and fashion a bipartisan approach towards this issue. Inability to effectively curb on terrorist and extremist activity in Bangladesh could be cataclysmic not only for Bangladesh but for the wider region especially for India and Myanmar. As the NATO led ISAF forces withdraw from Afghanistan in 2014, the region is in a highly vulnerable situation and Bangladesh could be confronted with a renewed challenge from terrorism.

-What are the ramifications of growing level of intra-communal and sectarian violence against the minority Hindu community in Bangladesh ?

The recent violence against the minority Hindus, although isolated in nature, reveals that their persecution hasn't stopped, despite the Awami League government's perceived pro-minority stance. Although some good numbers from minority communities can be seen in some important governmental positions at various levels, the general persecution and discrimination against Hindus at the grassroots level in the society didn't change significantly towards any good. On many occasions, some ruling secular AL party members were also seen usurping minority properties alongside opposition linked or independent communal criminals and Islamist extremists. The establishment is less active in prevention in the latter cases.

The recent riots based on false propaganda against the minorities, both Hindus and Buddhist, are also tying down a significant amount of security forces who otherwise could have been employed in their normal duties or counterterrorism roles. The incident of Ramu where Islamist thugs of all parties, including the AL, attacked and destroyed Buddhist temples and properties, basing their attack on just a rumor. This demonstrates the delicacy and charged up environment in society at present.

In some cases there are accusations that the ruling party is deliberately conducting some communal attacks in disguise on the minorities to defame the opposition. In one occasion a proven arsonist of Hindu property was found to be a ruling party activist, and was seen recently with the state minister for home affairs in an open event. The police have not arrested him.

The violence and resulting suffering or migration of Hindus, although normally confined to few sporadic incidents, is damaging Bangladesh's reputation as a tolerant and moderate Muslim majority country.

-What needs to happen in Bangladesh to ensure that a stable, secure and accountable government develops?

Bangladesh lacks miserably in healthy political culture. Bangladeshi politicians have not developed fair and just rules of the game. Politics in Bangladesh is fraught with unprecedented personal animosity and trapped in the cycle of vengeance. Grabbing power and retaining it by any means appears to be the purpose of the major political parties in Bangladesh.

Development of right political culture and a functional system of power transfer, through a fair and credible election, is imperative. There is also a need to have a clear divorce from past animosity so as to push reform and confidence building measures forward.

Constitutional bodies and important state/governmental organs must be reformed and reorganized with objectivity, and right spirit of propriety has to be injected into those bodies. Indispensable institutions like Judiciary are in a sorry state and measures must be taken to bring back public confidence on those.

Space for freedom and activities of civil society must be expanded so as to allow checks and balances in the system.

Political reforms are required to take place to put Bangladeshi democracy in line with international standards and conventions. Interparty democracy must be a criterion to be in politics in Bangladesh, which will have the chance of ensuring accountability and rational political behavior free of personal disposition and subjectivity.

Political focus should be recast on public welfare, economic growth, services etc mainstream issues, instead of secondary issues and issues of personal interest.

Initiative for all these mentioned 'to do's may come either from Bangladeshi politicians, which is less likely at this point of time, or from civil society, international community and donors working together to push reforms into the system and get the politician aboard quickly or gradually, as practicable.

-Is communal and political violence increasing the risk of an army coup to ensure elections occur?

All stakeholders, domestic or international, in relation to Bangladesh, should put their best effort to make the politicians reach a negotiated political settlement and conduct a fair election under a neutral government.

However, an uncompromising belligerent state and increased political violence may suck the military into the crisis. If the military is asked to act against any popular uprising by the incumbent government, it may arise a heightened public expectation for rescue from the crisis by the military, and could evoke a coup.

In either case, there is likely to be a military backed interim civilian government to hold fair election and transfer power to the elected. Any prolonged stay of such government beyond 6 to 8 months would be harmful for Bangladesh.

Mr. CHABOT. Mr. Sifton, you are recognized for 5 minutes.

**STATEMENT OF MR. JOHN SIFTON, ASIA ADVOCACY
DIRECTOR, HUMAN RIGHTS WATCH**

Mr. SIFTON. Thank you for inviting me to testify today at this very well-timed hearing. The other witnesses have already discussed Bangladesh's dire political situation and the risks it presents.

I would like to focus on the specific human rights issues that the current political impasse has brought to bear and describe in more detail exactly how they will be affected by the events of the hour.

So let me first discuss the key human rights issues in play in this current political impasse. The parameters of the standoff are well documented. The ruling party, the Awami League, has refused the BNP's demands for a caretaker government. As a result, and as the other witnesses have already said, there is a very real possibility that the BNP and most of its political allies will boycott the election, and thus the subsequent Parliament and the government that those elections would create.

So let's discuss what that will lead to. With that instability will come political volatility. In boycotting before and after the elections, the BNP and its allies will presumably hold protests, cartels, shutting down transit, and economic activity in key urban areas. And in response, state security forces will use force of varying types; some of it responsive, some of it proactive. And perhaps none of this would be too worrisome in the abstract were it not for the fact that cartels and security forces' responses to them are almost always accompanied by violence. Mob attacks by the political factions and excessive use of force by state actors. And some of the worst violence so far this year occurred between gangs of rival party activists, both from the Awami League, BNP, and Jamaat, none of whose leaders, it should be noted today, have done much to restrain their supporters during that violence.

Many people are likely to be injured in the future political violence that would accompany a boycott and likely a large number of people will be killed. Many people will also be detained. And I want to emphasize that this political violence is illegal violence. Every government is entitled, even obligated, to use police powers to maintain order, even the use of force, so long as it is proportional and not excessive.

The problem is that in Bangladesh, security forces usually don't exercise force in a measured and proportional way. Human Rights Watch has documented Bangladeshi security forces using excessive force in responding to street protests for years, but including major violence this year, for instance, the violence in early May that killed approximately 50 people. By our estimates, security forces have killed almost a 150 people and injured as least 2,000 since February of this year. And while large numbers of protesters have been arrested, the Bangladeshi authorities haven't held anybody accountable among the security forces for excessive force.

So this political instability is going to make matters worse. And if the best predictor of future behavior is past behavior, we have very serious causes for concern.

But the violence is not the only concern. Heightened political volatility in coming weeks and months is going to lead to other kinds of abuses of civil and political rights. Crackdowns on freedom of speech, harassment of journalists' activities, civil society groups. This is already underway. The committee is aware, of course, that a key human rights group in Bangladesh, Odhikar, had several members jailed this year. One remains in custody. The harassment of Odhikar continues. I went to Odhikar's offices last week in Dhaka during a passing visit to Bangladesh, and there were two men on each corner of the street who, from looks and manner, I took to be plainclothes police officers. Their overt surveillance was, frankly, pathetic and thuggish. If nothing else comes of this hearing, we can at least call on Bangladesh's Government to end this shameful harassment of civil society groups.

The committee is also aware that overbroad and vague laws, such as the Information Communication Technology Act, are being used to target groups simply for acts of free speech. This act has been used not only against Odhikar but against journalists and against bloggers in recent months. The breakdown of the political order in Bangladesh is also going to have knockoff effects on other human rights issues beyond the political realm. There are many other human rights issues in Bangladesh, as the committee is aware. Women's rights issues, which Human Rights Watch has reported on; the labor rights issues that are the issue of the day; and international justice issues connected to the tribunal.

Human Rights Watch has supported and continues to support efforts to hold perpetrators responsible for the terrible crimes of the 1971 conflict. But as the chairman has made clear already, that tribunal has been marred by deficiencies which have undermined the integrity of its processes. And since this process includes the death penalty, there is good reason for human rights groups, such as ours, to be quite concerned.

So all of these important human rights issues will be impacted by the possible breakdown of political order in Bangladesh. The consequences are clear.

So what can be done to address all of this? Well, the United States and other governments have already stated their concerns from Secretary of State Kerry writing to Sheikh Hasina and the leaders of the opposition to your visit 2 week ago to secretary—Assistant Secretary Nisha Biswal's visit just this past weekend. The message has been delivered. But it will help for Congress to further reinforce that message and back up those concerns with warnings about the consequences to Bangladesh if this political crisis spins out of control. Everything Bangladesh wants and needs today, tariff reductions, goodwill in Europe to maintain low tariffs there, continued use of Bangladesh military forces from U.N. Peacekeeping, which is a key source of revenues of the military, involvement in regional security and strategic frameworks, all of this will be put at risk if Bangladesh suffers a political implosion. And, on some level, Bangladesh's leaders already know this, but it always helps to remind them.

And I hope that this committee hearing does that today. Thank you for allowing me to testify today.

[The prepared statement of Mr. Sifton follows:]

**Committee on Foreign Affairs
Subcommittee on Asia and the Pacific**

**Hearing of November 20, 2013
Bangladesh in Turmoil: A Nation on the Brink?**

**Testimony of John Sifton
Asia Advocacy Director
Human Rights Watch**

Thank you for inviting me to testify today at this well-timed hearing. Human rights issues are a central topic of any proper discussion of Bangladesh's current situation, and Human Rights Watch appreciates the opportunity to highlight key areas of concern.

Other witnesses have discussed Bangladesh's dire political situation and the risks it presents. I would like to focus on the human rights implications of the current political impasse, and describe in more detail what human rights issues will be affected or impacted by events in the next few months. I will also discuss a few key human rights issues—not as high profile but still important—that are likely to be ignored or upstaged by political events in the near future.

Let me turn first to the political situation, and lay out what Human Rights Watch believes are the key human rights issues in play. The parameters of the standoff are well known: Bangladesh's ruling party, the Awami League, has refused the opposition party BNP's demands for a caretaker government to administer elections next year. As a result, there is a very real possibility that the BNP, and most of its political allies, will boycott the elections and thus the subsequent parliament and government those elections create.

With this instability will come political volatility. In boycotting before and after the elections, the BNP and its allies will presumably hold protests—hartals in the Bangladesh vernacular—shutting down transit and economic activity in key urban areas. In response, state security forces will use force of varying types, some of it responsive to events, some of its pro-active.

Perhaps none of this would be too worrisome in the abstract, were it not for the fact that hartals and security forces' responses to them are in almost all cases accompanied by violence: mob attacks by political factions, and excessive use of force by state actors. Some of the worst violence so far this year occurred between gangs of rival party activists from the Awami League, BNP and Jamaat—none of whose leaders, it should be noted, have done much to restrain their supporters. Many people are likely to be injured in future political violence, and likely a large number of people will be killed. Many people will also be detained.

I want to emphasize that much of the potential violence I am discussing here would be violence in violation of law. Every government is entitled, even obligated, to exercise police powers to maintain order—even the use of force, so long as it is proportional and not excessive. The problem is that in Bangladesh, security forces don't usually exercise force in a measured and proportional way. On the contrary, as Human Rights Watch has repeatedly documented,

Bangladesh security forces have a long track record of using excessive force against protestors, even targeting them intentionally—as well as arresting and abusing detainees. To put in simple terms, they shoot people, sometimes intentionally, and often with extreme recklessness.

Human Rights Watch documented this year that Bangladeshi security forces frequently used excessive force in responding to street protests, including major violence between Islamist protestors and security forces in early May that killed approximately 50 people. By our estimates, security forces have killed almost 150 protestors and injured at least 2,000 since February 2013. And while large numbers of protestors have been arrested at various points this year, the Bangladeshi authorities have made no meaningful efforts to hold members of the government's own security forces accountable for the frequent exercises of excessive force.

Current political instability will likely make matters worse. If the best predictor of future behavior is past behavior, Bangladeshi security forces' record is serious cause for concern. The ruling Awami League knows the record itself quite well: when it was in opposition, their members suffered the same abuse, and Human Rights Watch was there to document it.

Violence is not the only concern. Heightened political volatility in coming weeks and months is also likely to lead to other kinds of abuses of civil and political rights. Not only are opposition political leaders likely to be detained and abused, there is also a high likelihood of crackdowns on freedom of speech—harassment of journalists' activity and civil society groups in particular.

The committee is aware of course that officials from a key human rights group in Bangladesh, Odhikar, were jailed this year—one remains in custody. The government has used overbroad or vague laws, such as the Information Communication Technology Act, to target groups simply for acts of free speech. In the government's view, it seems to be a crime to publicize facts or opinions that the government does not want to have publicized. The ICT Act, amended with new provisions in August of this year, now poses a serious threat to the exercise of the right to freedom of speech in Bangladesh. The law has been used to charge not only the two Odhikar officials, but also Mahmudur Rahman, editor of the Amar Desh newspaper, and four bloggers who have been accused on the vague charge of defaming Islam. The Bangladesh government also closed two television stations, Diganta TV, and Islamic TV, while they were broadcasting images of the police operations against Islamist protestors in central Dhaka in May 2013.

A breakdown in the political order of Bangladesh is also likely to have knock-off effects on other important human rights issues. There are many other human rights issues at stake in Bangladesh.

Women's rights issues, for instance—the scourge of domestic violence and the need for important reforms to family law. Human Rights Watch recently documented, for instance, how lack of regulation and proper laws on marriages and divorces is a key contributor to violence against women, and called for key legal reforms.

Labor rights. Worker safety has been much in the spotlight in the aftermath of the Rana Plaza factory collapse and Tazreen factory fire, and small improvements have been observed in the ability of workers to organize. But key institutional changes still need to occur. The right to form unions, for instance, cannot be founded simply on new corporate sensitivities and the goodwill of

factory owners and corporate buyers. The government must institutionalize labor protections, and guarantee effective enforcement of labor laws, which means recreating government institutions that oversee labor issues and making rights enforceable. Workers need to be able to call upon state institutions to protect their rights when those rights are being violated.

International justice. Human Rights Watch has supported and continues to support efforts to hold perpetrators responsible for the terrible crimes of the 1971 conflict that led to Bangladesh's independence. The tribunal that has been created to hear those cases, however, has been marred by serious deficiencies which have undermined the integrity of its process and the soundness of the tribunal's judgments—which have included, in eight cases, the death penalty. The tribunal's judgments have profound impact on Bangladesh's political scene, which is why observers have offered their constructive criticisms of the process—criticisms which have not been accepted.

All of these important human rights issues will be impacted by the possible breakdown in the political order in Bangladesh. Important legal reforms needed to safeguard women's rights will be imperiled by entrenched political crisis. Labor rights concerns will suffer as continued protests further hurt production levels and lead to a contraction in labor needs, which in turn will weaken the capacity of workers' rights groups. The tribunal too will suffer as its decisions are increasingly seen as politicized, and cynicism dulls good faith efforts to fix its deficiencies.

The consequences are clear. So what can be done to avert the worst outcomes?

The United States and other governments have stated their concerns. Secretary of State Kerry raised all of these issues in a letter to Sheikh Hasina and the leader of the opposition, Khaleda Zia, earlier this year. Ambassador Dan Mozena has been vocal—as have you, Mr. Chairman, in your recent visit. Assistant Secretary of State Nisha Bilwas reinforced the message during her visit this past weekend.

It will help, however, for Congress to further reinforce the message, and back up the concerns with warnings about the consequences for Bangladesh if its political crisis spins out of control.

Everything Bangladesh's government wants and needs today—tariff reductions in the Generalized System of Preferences, good will in Europe to maintain low tariffs there, continued use of Bangladesh military forces for U.N. peacekeeping (a key source of revenue and national pride), involvement in regional security and strategic frameworks—all of this will be put at risk if Bangladesh suffers a political implosion. On some level, leaders in Bangladesh already know this—but it certainly helps to remind them.

Thank you allowing me to testify today.

Mr. CHABOT. Thank you very much, Mr. Sifton.

Now members of the panel will have 5 minutes to ask questions of the witnesses. I will begin.

It is too soon to say exactly how the elections will unfold in January. As history has shown, virtually anything is possible under Bangladeshi politics. However, we know that opposition leader Khaleda Zia met with Bangladesh's Sheikh Hasina 2 days ago, I believe, in which apparently some encouraging words came out—maybe a step forward. But at the same time, they split without an agreement, and Khaleda Zia still demands that Prime Minister Hasina step down from office and the caretaker government be put in place to oversee the national elections.

Mr. Sifton, you already gave your analysis of what might happen. I would be interested to hear what Dr. Riaz and General Muniruzzaman think is the most likely scenario in your opinions to play out here? If you had to, what do you think is the most likely?

Mr. RIAZ. I mean, lately the meeting between opposition leader and the President, the President has a very limited constitutional power. In that case, how much he would be able to intervene in this kind of situation is not very clear. Previous situations in the history tell that it is not. But he has moral power. There is no doubt in my mind that the President does carry some moral power if he wants to, a very limited constitutional one.

And going forward, in terms of these three scenarios that are mentioned, I am not very much optimistic about an inclusive election at this point, unless something dramatic happens, and that is why I was suggesting that at least some form of accommodation of the opposition's demand, including at least a cabinet not headed by the incumbent PM, prime minister, would be an option or deferral of the election, but the likely scenario is a non-inclusive election that Bangladesh is going to experience. I wish I am wrong, but as of today, that is what it looks like.

Mr. CHABOT. Thank you. General?

General MUNIRUZZAMAN. Thank you, Chairman.

My first scenario is that Prime Minister Hasina will try and push toward a one-party election with disastrous consequences for country because if she does that, then the country will move in the path of instability because the post-election violence is going to be even higher than the preelection violence.

The second option that I see is that if she finds it absolutely difficult to push toward the one-party election, which is her first desire, then she will probably ask the President to declare a state of emergency, by which she can stall the elections, buy more time for herself and perhaps think that she can bid up on the opposition and civil society to soften the stun and then come back to elections maybe after a year or a year and a half.

The third option that I see is that the level of violence goes so high that the military reluctantly is sucked into the process to restore some bit of stability in the country and provide security to citizens. But that is the third option that I see.

But in total, the current government's stand in trying to solve the problem doesn't seem to be apparent because prime minister in the last couple of days in forming the so-called interim government

has shown that she does not really care about what sort of accommodation is needed to solve the problem.

Thank you.

Mr. CHABOT. Thank you.

Mr. Sifton, having heard the two comments there, what do you think the U.S. and the world's response ought to be either in advance of the election or afterwards, depending on which option occurs?

Mr. SIFTON. Well, in the coming weeks and months, just because the leadership of the Awami League so far has not heeded the warnings that so many people have given doesn't mean the message shouldn't continue to be delivered. I think, at some point, Sheikh Hasina will have to come to terms with the reality that if she forces through a one-party government, that it will only lead to unended, open-ended protests, which will put at stake everything that Bangladesh wants and needs right now. She may not realize it today, but she eventually will have to realize it. The question is, will it be too late by the time she realizes it?

So, in any case, I think the message just needs to be brought again and again and again. She does not have within her own cabinet and government enough people telling her what to do.

Mr. CHABOT. Thank you. My time is expired.

The gentlelady from Hawaii is recognized for 5 minutes.

Ms. GABBARD. Thank you, Mr. Chairman.

Kind of the general thread that has been common through each of your testimonies has been your pessimism at a fair election and an open election as well as your agreement that if this does not occur that the post-election violence is likely to occur.

I am wondering if you can tell me a little bit about that post election violence. Who is the target? Based on the scenarios that you are talking about, what constituencies are targeted in that scenario?

Mr. RIAZ. The violence that is anticipated is mostly the post-election violence. If you look back, in 2001 and previous elections it was largely the religious minorities, ethnic minorities; they become a target of all these attacks that we have seen previously. In case of an election, if it is a non-inclusive election or unilateral election, however we identify it, definitely it would be the opposition activist political activists who would become target.

But even before we reach to that kind of a situation, post-election situation, the election itself would be very violent if this is a non-inclusive election because the opposition will tend not only call for a boycott, they might try to resist and hence the violence will spread. And I am afraid the violence might not stay within the boundaries of Bangladesh border. That is the most worrying part, and given the history of Bangladesh, of Islamist militancy, with left wing radicalism present, all these things are recipe for disaster. At this point, those are the ones that need to be taken into account as well.

General MUNIRUZZAMAN. This time, the political violence in the post-election period is not only going to be resisting the government by the opposition, it will be a question of existence of the opposition forces within the country. There has been statements given out by members of the current government that this is the last election

between what they call pro forces and anti forces. So it is not going to be a political process of protest, but it is going to be a fight for existence of forces which are not included within the government.

I also see that the level of protests can go so violent that there would be widespread loss of life and property within the country. And this has ramifications of spillover beyond the borders of Bangladesh, and Bangladesh, which is so closely bordering with Indian state and the level of violence that exists in the fenced border between India and Pakistan, where India and Bangladesh, where Indian border guards regularly kill Bangladeshi citizens, it is likely that the spillover impacts would have a tremendous amount of negative impact on the Indian state and the Indian side.

I also see impacts on minorities, both religious minorities and ethnic minorities. So, therefore, it is going to become extremely fragile and volatile in the post-election period.

Ms. GABBARD. Thank you.

Mr. Sifton, if in your answer you could also include your thoughts or your assessments of how the India-Bangladesh relationship is currently, especially as we are moving into this period.

Mr. SIFTON. Well, first, about the election being unfair, it is not even necessary that the election be unfair for there to be protests. Suffice it to say, if the election is run by a government which is not bipartisan, multipartisan, it will be perceived to have been unfair, and that is all that really counts. There will be protests even if the election was run fully fairly and freely. So it is really about the perceptions.

Second, about the violence that would occur, who would be targeted? I think it is important to understand that a lot of the violence during hartals is not directed. It can be—innocent people can be caught up in it. During hartals, many victims are ordinary civilians who are just going about their business trying to get around from point A to point B. It depends on what time of day it is. There are a lot of factors there. But it really is important to understand it is not necessarily violence directed at particular forces but rather widespread chaos where loss of life will be high.

It is also important to recognize that it is not just political forces who have been targeted. The security forces themselves get targeted, and although they have a long track record of abuse, they are also killed in this violence, ordinary police officers are killed.

As far as the India-Bangladesh relationship goes, it is a very complex one. And I think it is full of, there are a lot of misperceptions about what India wants. It is very difficult to know exactly what India wants. But the important thing is for India to play a constructive role here and not back a winner or decide things like, but to insist that a process be run that mitigates and lessens the likelihood of widespread chaos and violence. That is the most important thing, not to pick a winner but to mitigate and lessen the likelihood of massive violence and human rights abuse.

Ms. GABBARD. Thank you.

Mr. CHABOT. Thank you very much. The gentlelady's time is expired.

The gentleman from Georgia, Mr. Collins, is recognized for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman.

I appreciate it. I have been moving in and out of meetings today as you well know. A couple of questions for any of you to answer and preferably all, Bangladesh has had a growing extremist movement pushing toward Islamic policies to be implemented. In that process, how likely is it that we would see civil strife between secular and religious groups to the extent that we have seen in some Middle Eastern, Egypt, other places where there is a growing problem? In your opinion, is that a growing problem? If so, and it was just mentioned in your testimony just a second ago about religious minorities. I would like to get your ideas, all three of your ideas on that.

Mr. RIAZ. The conflict between the secularists and the Islamist forces, particularly in the past years, we have seen the rise of Islamist forces in Bangladesh; perhaps for a decade we have seen that.

However, I would not say that it has reached to a point that there would be a conflict as we have seen in case of the Middle East. It is my understanding, and my understanding based on my research and others that there would be a growing tension, and that tension is already present in the case of Bangladesh. But all other political uncertainty may contribute to this kind of situation. And that is a worrying part of it.

By itself, this is not going to transform into a conflict between the Islamists and the secularists. But if there is continued uncertainty, violence and political situations, instability within the political situation that might contribute to that kind of a conflict in future. But in short term, I don't see that becoming a major element, though it would remain, constantly it will remain, as a reminder of Bangladeshis, I would say the issue of identity is there; of course, political ideological differences are there. And over a period it has grown. It might continue.

Mr. COLLINS. Okay.

Mr. RIAZ. Thank you.

General MUNIRUZZAMAN. Thank you, sir.

What I would like to say, what I said in the beginning, I emphasize again, any state of instability within the country by running a one-party election that the government plans now will have created a space for nonstate actors and extremist forces to thrive. And we already see some early signs of that in the form that there has been resurgence of small, splinter terrorist organizations which are surfacing in the last couple of months were completely not present in the scene before.

We also see that there has been impact of the return of migrant workers in the country who bring a different kind of ideology of Islam back to Bangladesh which is based on the principles of Sufi Islam, and there is a silent clash of the Sufi Islam and Wahhabi brand of Islam that comes back with the migrant workers.

We have also seen the impacts, without solid proof, of some Middle Eastern NGO money coming into Bangladesh and having its impact. We see that there has been a marginalization of people at the grass root and nondelivery of services by the state to its own citizens and people, so, therefore, the space has been created by that kind of a state of what I call the Hamas impact, where the

state does not exist; the nonstate actors exist. Therefore, that kind of a situation is also bringing the specter of Islamic forces coming into the play and creating more space for themselves. But I don't really see the kind of play that we are seeing in the Middle East or in the Arab Spring coming to Bangladesh any time soon. But I see that there will be a resurgent forces of Islamic elements coming into the fore if the government persists with the one-party election and destabilizes the country.

Mr. SIFTON. I think it is a question of what it means to thrive. There is thriving and then there is thriving. It would be a mistake to fear a situation in which established political forces are so weakened that they cease to exist, and there is a vacuum which can only be filled by radical Islamist groups which suddenly come on the scene. That is not going to happen. The two established political entities, whatever happens, are going to remain on the scene for some time. What will happen, this thriving that the other witnesses are talking about, doesn't necessarily mean thriving politically, but the bigger fear is that there are radical groups which would ally themselves with the established political orders. The established political groups would ally themselves with radical groups in order to gain political strength.

Mr. COLLINS. But could we also be, in your testimony, could you be giving more of a Western thought of what thriving politically is and what may be thriving as they are mentioning in the destabilization and in an environment that is, we think of thriving—

Mr. SIFTON. They are not going to win elections.

Mr. COLLINS. Right. But they don't have to—

Mr. SIFTON. To be dangerous.

Mr. COLLINS. So I think sometimes when we look at this, that is the sphere of us looking at it from American policy eyes that we look at it in terms of our, what we believe through the elections process they are talking about, it is interesting to hear the dichotomy here of the two answers there is a problem from our perception and the perception on the ground. So, Mr. Chairman, I think that is something that, if my time is over, I think that is something that I think has infiltrated this region for a long time and is understanding the ground work on definitional issues and things that we can work on, you know, from American perspective and a foreign policy perspective and also from the indigenous perspective as well. So I appreciate your having this hearing, and I thank you very much.

Mr. CHABOT. I thank the gentleman for his comments.

The gentleman's time is expired.

The gentelady from New York, Ms. Meng, is recognized for 5 minutes.

Ms. MENG. Thank you, Mr. Chairman.

Thank you, Madam Ranking Member.

As we all know, Bangladesh is an important partner for the United States both as a strategic geographical ally and as a nation that yearns for the political and cultural tolerance, values that here in America we work tirelessly to promote abroad.

My first question concerns accidents in manufacturing sites, like Rana Plaza and Tajrin Garments, reflecting a system of workers' protection and labor standards that require improvement. Mr.

Sifton has outlined the need for government institutionalized labor reform, like the formation of unions in his written testimony.

How can the United States facilitate the explicit writing and passage of such reform and what are some other avenues through which we can incentivize real and quantitative labor reform?

Mr. SIFTON. So what is going on right now with the GSP road map to return Bangladesh to getting GSP is the best leverage to get the legal reforms and the institutional reforms that Bangladesh's Department of Labor to the labor law itself. The fact of the matter is the federations on the ground and the other institutions, labor rights organizations on the ground, know fully well exactly what is wrong with Bangladesh's labor law and what needs to be fixed.

They have written memos on it with recommendations. It is just a question of getting those political changes made to the law and getting the department of labor in Bangladesh to make institutional changes to make those labor law provisions, you know, real, so that workers are actually protected.

But all of that will be put at risk if there is a political crisis in Bangladesh and that is why this is such a serious moment in the political realm.

General MUNIRUZZAMAN. Bangladeshi labor standards have a lot of questions to be answered. On this, I suggest that our international friends and partners, particularly the United States and the bigger markets where Bangladeshi goods go, particularly the ready-made garments, there has to be also positive kind of engagement both on a public and private sector involvement with our industry in Bangladesh. So I am calling for the U.S. Government to engage Bangladesh and its industry. I am also calling for the U.S. private sector, the retailers, the big Walmarts of the world, to come forward and engage Bangladesh effectively and positively.

So there has to be a bipartisanship kind of effort in trying to look at the problem and solving the problem. The labor standards are in a very sorry state. We need labor law reforms. We need the federations to come and play effective roles. But the existing laws that exist in the country are also very laxly implemented. So we need better governance by the government to implement the existing laws so the existing laws also are not bypassed by the people and the industry, and we don't want to see the kind of crony capitalism where industrialists close to the government in power can do things and go about doing things with impunity. Thank you.

Mr. RIAZ. It is largely a matter of shared responsibility. What happened in Bangladesh, the ready-made garment sector, for example, is a result of private entrepreneurship, and it has benefitted from this lax administrative and labor laws. But it is time to utilize those, implement those. And more importantly, it cannot be done only from within the country. Given that it is largely for the export sector, there has to be some commitment from outside, and here I see the role of international community, particularly the United States and the European Union, given the European Union is the largest market of ready-made garments, there should be political engagement. Penalizing is not going to help at this moment. More positive engagement is necessary, not only at the government level but at the civil society level and also with those who own the in-

dustry, the entrepreneurs that make contributions and the laborers, basically who have built this industry from absolutely nothing.

Ms. MENG. Thank you so much.

I yield back.

Mr. CHABOT. The gentlelady yields back.

We will begin a second round now. I will recognize myself for 5 minutes.

I would now like to focus at least my attention on Bangladesh's international criminal tribunal.

Mr. Sifton, if I could start with you, what actions might the U.S. Government take at this point to urge the Government of Bangladesh to bring the tribunal into compliance with international standards, assuming that they are not yet, given the Bangladeshi Government's unwillingness thus far to implement the recommendations of U.S. Ambassador for Global Criminal Justice, Stephen Rapp, which were offered at the request of the Bangladeshi Government about a year and a half ago? What would your comment be on that?

Mr. SIFTON. Well, again, as with a lot of other issues, the patient isn't taking the medication, so it is very tough to know exactly what to do in that context.

Ambassador Rapp has made some very good recommendations. I feel that Human Rights Watch has made some very good recommendations. But they haven't been taken to heart. There is no leverage as there is with the Cambodian tribunal with funding because there is no international funding for the tribunal so there is very little left to do except continue insisting on it.

But the one key thing that really drives home the reality is the depoliticization. It is one thing to talk about the shortcomings, procedural shortcomings of the tribunal. It is another to talk about the execution of defendants, the death penalty, in a political context. And I think there is a place where the European Union, which is opposed to the death penalty, and the U.S., which has a more nuanced view, can get together and say, whether you support the death penalty or not, carrying out death sentences, executions, in a political context either in the lead up or the immediate aftermath of an election is a bad recipe for the perception that there is real justice going on. And that is a warning that the EU and the United States can make together. Even India could say that.

Mr. CHABOT. Thank you.

Let me ask any of the witnesses who would like to comment on this, there have been reports about several disappearances of witnesses for the defense, one of whom turned up apparently without explanation in an Indian jail. There are reports about the forced resignation of the supreme court justice over allegations of inappropriate conversations outside the courtroom with prosecutors, allegations about the defense being limited in one case to about three witnesses, and then the prosecution having far more witnesses than that.

Are there any comments on those? Are they true as far as we know? What concerns relative to fairness and international standards do they raise? Especially, as was indicated, when we were dealing with potential death sentences here. I would be happy to hear from any of the witnesses that might want to comment.

Mr. SIFTON. One just quick factual point is that the supreme court justice in question who resigned did not deny the allegations that he had improperly communicated with prosecutors. These were conversations that were intercepted by some means and given transcripts to the Economist magazine, which published them, and in resigning, he never denied the substance of those. So those allegations are out there. They haven't been rebutted, and they are very, very serious, but I just wanted to factually state this.

Mr. CHABOT. So they are not necessarily just allegations that this happened, at least in that case? I guess the witnesses either were allowed three witnesses and the other side allowed more or they weren't; these are facts that can be determined independently, I am assuming.

Would any of the other witnesses like to comment on this?

General MUNIRUZZAMAN. Although there is widespread acceptance of the trial in Bangladesh by the Bangladesh citizens, but many Bangladeshis are not comfortable with the kind of standards that we have maintained in the trial because to bring closure to a case of historical proportion, we have to have standards at the highest order of international standards of legal practices.

The questions that you, Mr. Chairman, point out were allegations which were not clarified by the government, so, therefore, there is a wide perception that perhaps those happened. And if those are true, then even many citizens would become very uncomfortable when such sentences are going up to the level of death sentences passed against the people who are convicted.

I think we, not only as citizens, but as international friends who observe the trials, we should continue to engage Bangladesh Government in trying to encourage them to have high moral standards of international legal standards in the courts and the practices.

Mr. CHABOT. Thank you very much.

Doctor, did you want to comment?

Mr. RIAZ. I will briefly state that two things are here: Procedural, some of them procedural problems that we have seen. Of course, that needs to be recognized and therefore international engagement with international crime tribunals need to be continued. However, at the same time, we need to put this in the historical context of Bangladesh that over the past 42 years. These trials are also a matter of closure of the Bangladeshis of the past.

This needs to in some way, a nation was a victim in 1971, and I personally don't consider it as a victim of one individual who was killed. The issue of what crime is largely related to the nation, and that is why it needs to be put into this historical context and understand why this was necessary, and why there is a widespread support.

So, procedural questions notwithstanding, it should not be separated from the issue of justice for the victim, and here I see victim the whole nation as a victim rather than individuals.

Mr. CHABOT. Thank you very much.

My time is expired. I now recognize the chairman of the Foreign Affairs Committee, Ed Royce, the gentleman from California.

Chairman ROYCE. Well, thank you, Mr. Chairman.

I would like to get down to the bottom line in terms of what has happened in Bangladesh and what I think is the underlying reason. I don't think it is dissimilar to what I have seen in Pakistan.

In Pakistan, you have the Deobandi schools, and out of these particular 600 that we are most concerned about are graduated young men who believe in a jihadi philosophy. Now they are able, because of their use of tactics of terror, to then move against a domestic population that maybe does not share their same views, and they usually target their wrath against, well, in Pakistan, it was Hindus and Christians and others.

In Bangladesh today, if we go back to 1947 and we know a lot of this happened at the outset, but you have a total of 49 million Hindus missing from the rolls. Many of them of course went to India, but recently, we have a situation where you have got 1,500 Hindu homes, 50 Hindu temples burned to the ground, and it is not just Hindus. It is also Christians. It is also atheists. It is also animists. It is those who do not take the most fundamentalist viewpoint.

Now that is not most people in Bangladesh. It is a small percentage of the population. But it is that population that has been radicalized and has not been given an education, a wider, broader education. Indeed, the books that they study in are not even in the Bengal language. They are not even in the Bangladeshi tongue. They are studying something that they don't even understand. They don't know Arabic. So, when they graduate, they don't know anything except what they have been brainwashed to believe, which is that it is their mission to go out and try to force conversions. And they do that by oftentimes by kidnapping girls or kidnapping women. They do that also by sowing terror.

And we have a situation also where local police sometimes blame the Hindu population, despite what I have just described to you, all of that destruction, when that last came, up a mob of thousands descended on the capital, as you know, thousands of radicals, demanding a change in the constitution, demanding that basically their views supersede the views of the wider community. But some police said, well, you know, we have a situation where the Hindus created some of the violence because they originally interfered with the construction of a mosque.

Now, unless the state in Bangladesh is ready to come forward and close these particular Deobandi schools, the ones that have been identified as the most radical, the ones that are telling their charges, their graduates, to go out and commit this kind of violence, Pakistan, like Bangladesh, are going down roads here where the consequences will eventually engulf the state itself. You can see what is happening over in Pakistan when you don't confront it, and many, many times we have raised this with officials inside Pakistan because we have seen the results.

It is the same schools, right? It is the same movement. It is the same tactics. The results are going to be the same. You have a continued, effective removal of people who do not adhere to the views of the radicals.

So just a quick response if you will, and do you think my judgment is correct here? Is this the wider, deeper problem?

Mr. RIAZ. The schools that you are referring to, Congressman, are the Deobandi schools. There is a large number of them, of course. This issue has been addressed in some ways but not necessarily as robustly as it should be. There should be reform of education sector, and more importantly, these are the schools, the madrases, which are producing youth who are not exactly being able to participate in the economic activity. So there needs to be a reform.

But at this point, I will say this is small numbers, and whether Bangladesh should travel the path that Pakistan has already traveled depends on the political will and overall political circumstances as well. And that is where I see this instability in Bangladesh is contributing to this kind of situation.

Chairman ROYCE. Well, you are down to a Hindu population that is now at 8.5 percent, and on an ongoing basis, we see the plight of minority populations. So the government is not doing enough to protect them. And part of that protection is to do something about these schools.

Mr. RIAZ. I completely agree with you, Congressman. There have been structural issues. The Bangladeshi population, if you look into as I have done, from 1951 it has been, you know, the dwindling population, which I call the missing millions. And the state has never done what they should be doing. Irrespective of the political party in power, the Bangladeshi state has failed to protect this minority, not only the Hindus; as we have seen this situation, in the Buddhist population lately in Ramu that is what we have seen. This is an absolutely terrible situation that we are witnessing.

Unless the state steps up and protects this one and that is why when Congresswoman asked about the issue of the post election violence, these are the most vulnerable populations that we see. And they become the first target of this kind of situation. So, not only in the context of the election, overall, these are the issues that need to be addressed. And we need, you know I would urge the international community to work closely with not only the Bangladesh Government but the civil society to make sure that these things are not repeated. We have seen it enough. And at some point, Bangladeshis and its partners and wellwishers need to stand up and say enough is enough. And this is the time we should say enough is enough.

Chairman ROYCE. Thank you, Doctor.

I appreciate it.

Mr. CHABOT. The gentleman's time has expired.

The gentlelady from Hawaii is recognized for 5 minutes.

Ms. GABBARD. Thank you very much.

I appreciate our full committee chairman's remarks of really taking the long view on this and looking at the root cause of some of these problems we have seeing the symptoms of and think it has to be included in the conversation.

I wanted to pick up a little bit further on the issue of the tribunals. Despite the obvious flaws with the tribunals, clearly, this is an issue of bringing about justice 40 years later that is absolutely necessary for these heinous acts of violence against humanity.

A little bit of a two-part question. It is my understanding that there was violence against Hindus and other minorities after recent

rulings by the crime tribunal convicting some of these prominent leaders who were complicit in the 1971 attacks.

If you could talk to me about how the government responded to these attacks in any way, if they did, and what more could be done to reduce them further? As well as what other forms of justice can be brought about for the families of the over 3 million victims of the massacres during that 1971 liberation movement?

You can start, Dr. Riaz.

Mr. RIAZ. Thank you.

In regard to the violence that we have seen post the verdict throughout the whole country, and there has not been any effective measures from the government, and unfortunately, the government not only failed to protect them; subsequently, the government has not provided any support to them. The lip service is all that we have seen, same we have seen from the opposition party.

So, at this point, it is not only we cannot simply wait and see what the government is going to do. It is more important that the civil society and particularly those NGOs who are active the rural areas, they need to work very closely in somehow preventing those kinds of things. Instead of waiting until the next thing happens, it needs to be preemptive rather than post-event some sort of support.

So that is an issue that, going forward, one of the reforms of election and post-election situations are there. It is not only about today. It is not about tomorrow. There has to be some kind of an arrangement and it is an international support that Bangladesh needs, and civil society needs to be included in this.

As for the international crime tribunal, as I have mentioned, and as, Congressman you have mentioned, that it is about the justice, and the heinous crime that has been perpetrated 42 years ago, the nation became a victim and there has to be justice. And this cannot be simply seen as a procedural matter one trial at a time. I think it is a matter of historical proportion, and that is why when we are talking about this 3 million people who have been killed, millions have been suffered, all things need to be taken into account. And there needs to be a closure, and that is what this trial is all about. That is how I see it. That is my opinion, although I have reservations about the trial process.

Ms. GABBARD. Thank you.

General MUNIRUZZAMAN. In the violence that took place against minorities, not only Hindus by particularly also against Buddhists in the Ramu temple area, the government completely failed to protect minority rights and their property and their lives. But I would also like to mention here that minority casualties and violence did not only take place by Islamic elements in Bangladesh. It was a result of the very confrontation nature of politics between the two parties. So, therefore, a lot of violence was perpetrated by both the parties. In the case in Santhia, there were press reports evidence that the violence against the Hindus in the Pabna district recently was carried out by members close to the government's ruling party and the press evidences came out where the Bangladesh Human Rights Commission had charged the government to say that the perpetrators must be brought to justice.

So there is a kind of a proxy war that is going on between the two political elements or the two preliminary coalitions and parties, and somehow, the minorities happen to be in the middle, and they become the victims.

I would urge that the Government of Bangladesh take a solid stand in protection of minorities who are very much a part of Bangladesh.

Mr. SIFTON. I would only add to those excellent remarks by both witnesses that the issue really boils down to the politicization of the process. It has become politicized, and that has hurt it. It has hurt it as a vehicle for justice, as a vehicle for truth, as a vehicle for healing, everything, because it has been politicized, that has been impacted.

The fact that the government is allergic to any kind of criticism whether it comes from Human Rights Watch or in publications by the Economist or by Stephen Rapp, it is in some cases an indicator of that.

On the issue of violence against minorities, it is a serious problem. And I think Mr. Royce is right to bring it up, you are all right to focus on this. The government has an obligation to stop violence against minorities, whether it is committed by political parties or by more radical elements.

The only thing I would observe, though, is that there is a distinction here between Pakistan. In Pakistan, you have a government security forces, parts of which are supporting radical elements within the government.

Thankfully, we do not yet have any evidence of that sort of thing going on here, where the apparatus of state security services is actually fomenting radical groups for their own proxy reasons. If that were to occur, then you we really have a very dangerous situation. But thankfully, it has not yet.

Mr. CHABOT. Thank you.

The gentlelady's time is expired.

I would like to thank our panel this afternoon for their testimony. I think it was excellent. I want to particularly thank the General for flying all the way from Bangladesh to be present at this hearing.

Members will have 5 days to supplement their remarks or submit questions. If there is no further business to come before the subcommittee, we are adjourned. Thank you.

[Whereupon, at 4:11 p.m., the subcommittee was adjourned.]

A P P E N D I X



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SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Asia and the Pacific
Steve Chabot (R-OH), Chairman

November 20, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Asia and the Pacific in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Wednesday, November 20, 2013

TIME: 2:00 p.m.

SUBJECT: Bangladesh in Turmoil: A Nation on the Brink?

WITNESSES: Ali Riaz, Ph.D.
Public Policy Scholar
Woodrow Wilson Center

Maj. General A.M.N. Muniruzzaman
President
Bangladesh Institute of Peace and Security Studies

Mr. John Sifton
Asia Advocacy Director
Human Rights Watch

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5921 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Asia & the Pacific HEARING

Day Wednesday Date 11/20/13 Room 2172

Starting Time 2:53 p.m. Ending Time 4:11 p.m.

Recesses (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Steve Chabot (R-OH)

Check all of the following that apply:

Open Session
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Stenographic Record

TITLE OF HEARING:

Bangladesh in Turmoil: A Nation on the Brink?

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Tulsi Gabbard (D-HI), Rep. Brad Sherman (D-CA), Rep. Gerald Connolly (D-VA), Rep. Doug Collins (R-GA)

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Chairman Ed Royce (R-CA), Rep. Grace Meng (D-NY)

HEARING WITNESSES: Same as meeting notice attached? Yes No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Rep. Gerald Connolly's (D-VA) statement for the record;

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 4:11pm


Subcommittee Staff Director

Statement for the Record

Submitted by The Honorable Gerald E. Connolly

By virtue of its geographic location and willingness to engage with the world, Bangladesh has the potential to be a prominent partner in Asia. Earlier this year, the Bangladesh-U.S. Partnership Dialogue aimed to improve the bilateral relationship via governance programs, economic trade, security cooperation, and regional integration. The United States has also committed foreign assistance through health programs, environmentally sustainable initiatives, and nutritional programs. Moreover, the country has displayed its willingness to play a role in multilateral institutions as one of the top contributors of troops to international peacekeeping operations. That said there are growing calls for Bangladesh to address a multitude of internal human rights issues.

Earlier this month, Human Rights Watch (HRW) called on Bangladeshi authorities to immediately stop legal proceedings against two prominent activists associated with a leading human rights group called Odhikar. According to HRW, the two leaders are accused of falsely reporting human rights abuses by government security forces during mass demonstrations in May. However, reports indicate that the Bangladeshi authorities did use excessive force in many cases during the protests, as outlined in an August HRW report entitled “Blood on the Streets: The Use of Excessive Force During Bangladesh Protests.” Even more troubling are reports that Bangladeshi security forces have intimidated family members of protestors—including some who were killed—from speaking out about what happened to their family members.

The garment factory collapse in April which killed over 1,100 Bangladeshis again highlighted the need for labor rights in Bangladesh. According to some of the survivors, workers had seen physical cracks in the structure of the factory and shared concerns with factory managers. Those workers were given a choice—continue to work or leave. In a country where about 80% of the population lives on less than \$2 a day, there was no real choice. There are other issues as well, such as Dhaka’s refusal to grant entry to Burmese refugees. Specifically, members of the Rohingya ethnic group were denied entry in 2012 and 2013, despite the violence against the ethnic group in Burma (an issue which this subcommittee examined not too long ago).

These issues can and must be addressed through concerted actions by Bangladesh to improve the situation of everyday citizens. Given that the country only gained independence from Pakistan in 1971 and is situated in a dynamic region, I look forward to hearing from our witnesses about how the U.S. can continue to assist Bangladesh in addressing these ongoing challenges.

[NOTE: Material submitted by the Hindu American Foundation (HAF) is not reprinted here but is available in subcommittee records.]

