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Eighth Session of the Forum on Minority Issues on

"Minorities in the Criminal Justice System"

24 to 25 novembre 2015 Geneva, Switzerland

Presented by, Amarendra Roy, President of Bangladesh Hindu Buddhist & Christians

Unity Council Europe And Director Human Rights Congress for Bangladesh Minorities EU.

(HRCBM An NGO in Special Consultative Status with the United

Nations). Item : Exercise of policy power

Honourable Chair and distinguished guests:

Although the minorities of Bangladesh are constitutionally guaranteed to have equal protection under law, unequal treatment of the religious & ethnic minorities in the criminal justice system has been the norm, regardless of which political party may have been in power. Soon after Bangladesh was born as a secular democratic state in 1971, the minorities have been subjected to a state sponsored campaign of blatant discriminations of all sorts including denial of access to the justice system, brutal persecution, and barbaric atrocities which have included desecration and burning down of their places of worship, looting and burning down of their dwelling houses and businesses, land grabbing, eviction, torture, abduction followed by rape, forced conversion to Islam, and grisly murder of their intellectuals, educators, social workers and priests. The evidence that this is true is overwhelming, and the sad fact is that the minorities have come to accept that they would have to live there as long as they can survive in their ancestral homeland. The reason I say 'as long as they can survive' is that recently Special Rapporteur on freedom of religion Mr, Bielefeldt himself mentioned in his statement made in Dhaka that, I quote "The Hindu population came down to 8 percent of the total population from 23 percent in 1971", when Bangladesh was born as a secular democratic state. These millions of minorities have fled the country in the face of atrocities and denial of justice.

Criminal justice system in Bangladesh:

Since the perpetrators of crime against the minorities which is by definition crime against humanity, were never prosecuted and tried, they, acting with complete impunity, intensified the campaign to the level of religious & ethnic cleansing during 2001 and 2006, when a coalition government of the Islamic nationalists (BNP) and the Islamic extremists (Jamaate-Islami and its allies) ruled the country.

The first step to access in the criminal justice system, of course, is the commanding officer of the local police station, who has to allow the minorities press charges against the perpetrators, but if a Hindu, Buddhist or a

Christian victim approaches him or her they are not only turned away, but often told to leave the country and go to India.

Honourable Chair, What happens to the minorities of country when its Criminal Justice system denies them access to it? The perpetrators get a loud and clear signal that the minorities are an expendable commodity, in other words gets a license to persecute, torture, rape and murder them thus forcing them to leave the country en masse

Since 2008 we have had the so called secular democratic forces in power. Hoping these claimants of secular democrats would probably bring the perpetrators of crimes against the minorities to justice, Bangladesh *Hindu Buddhist & Christian Unity* Council urged the government to establish a judicial commission to investigate the cases of atrocities against the minorities between 2001 and 2006. The government did establish a commission, known as the Judge Sahabuddin Commission. Various human rights organizations such as AM O *Shalish* Kendra, Ghatak Daial *Nirmul* Committee, *Nari* Progoti Sangho and *Bangladesh Hindu Buddhist & Christian Unity* Council submitted documentations substantiating 15,000 (fifteen thousand cases) cases of minority persecution and atrocities. The commission investigated 5,000 out of them and submitted a report to the government recommending that the perpetrators be tried, but the ruling government which claims to be secular has so far tried none of them. Bangladesh Hindu, *Buddhist* and *Christian Unity* Council has since approached two Home Ministers Ms Sahara Khatun and Dr. Mahiuddin Khan Alamgir, but both of them failed to prosecute any of the criminals. Consequently, the minorities have been subjected to pogrom after pogrom and it continues as I speak before you. In recent times, free thinkers like Dr. Avijit Roy and publishers of progressive books have been ruthlessly murdered. But the government has done very little to bring the perpetrators to justice.

Minorities in the Criminal Justice System in Bangladesh:

If the government of Bangladesh cared about the minority's access to the criminal justice system, it would have established a culture of having the police forces to cooperate with the victim petitioner, but they have not. In public they claim that everybody has equal access to justice according to the constitution, but in reality the vulnerable sections of the community, have consistently been denied this right. Legal empowerment of the minorities involves developing a culture of cooperation among the law enforcement agencies, minority civil rights organizations, human rights organizations, the courts and various other branches of the government. Based on the history of Bangladesh and our direct experience as sufferers, we believe that only the international community, particularly the United Nations can get the Bangladesh government establish that culture. 'Bangladesh needs the United Nations for employment of its armed forces in the peace keeping missions, so I have no doubt in my mind that it will listen to the UN too.

Honourable Chair, in order for the minorities to have equal access to the criminal justice system of the country, the government of Bangladesh must fully respect the following provisions of its own constitution:

Right to equality before law (Article - 27)

– Right to protection of law (Article - 31)

Right to protection in respect of trial and punishment (Article - 35)

– Protection of right to life and personal liberty (Article - 32)

Right to freedom of religion (Article - 41)

- Right to safeguards as to arrest and detention (Article - 33)

Right to protection of home and correspondence (Article - 43)

In addition it must also take the following by using its absolute majority in the parliament:

Pass a Hate Crime Law and declare crimes committed against the religious & ethnic minorities as being hate crimes and then prosecute the criminals and punish them under that law in a special tribunal created specifically for the purpose.

Only when the government of Bangladesh takes these measures can it expect to enter the list of civilized democratic nations.

Thank you for patiently listening to my presentation.