

# CGS PEACE REPORT

*an initiative of BPO*

CGS  
CENTRE FOR  
GENOCIDE  
STUDIES  
UNIVERSITY OF DHAKA



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September- October 2017



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**Crime and Violence in  
Bangladesh:  
An analysis from BPO  
Platform**

**Global Legal  
Instruments  
against Mass Atrocities**

**National Legal  
Apparatus  
against Violence**

**Understanding  
Violent Extremism:  
The Case of Satkhira**

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**BPO- Bangladesh Peace Observatory**



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## Table of Contents

From the Editor's Desk.....	1
Crime and Violence in Bangladesh: An analysis from BPO Platform .....	3
Part A: Violence Update (August – September, 2017) .....	4
Part B: Violent Trends from 2014 to 2017 .....	7
Violence: Few Definitional Clarifications .....	8
National Legal Apparatus against Violence.....	11
Bangladesh's Solidarity on Global Legal Instruments against Violence.....	11
Internal Dynamics of Legal Instruments of Violence.....	15
Global Legal Instruments against Mass Atrocities.....	22
The United Nation's Legal Instruments Addressing Violent Extremism .....	25
The Legal Stance of Other SAARC Countries against Violent Extremism: Regional Examples .....	27
International Dynamics for Preventing Violent Extremism .....	31
Understanding Violent Extremism: The Case of Satkhira.....	33
Annex .....	38

## Tables

Table 1: Bangladesh and International Treaties on Violence.....	12
Table 2: Fragile States Index 2017.....	14

## Figures

Figure 1: A bi-monthly comparison of major violent incidents in Bangladesh (June- July/August-September) based on BPO platform.....	6
Figure 2: Number of Violent Incidents across Bangladesh [2014- 16; Source: BPO] .....	7
Figure 3: Johan Galtung's Violence Category .....	10
Figure 4: Rule of Law Index 2016 .....	13
Figure 5: Violent Extremism - 2014-16 (Source: BPO) .....	33

## From the Editor's Desk

Law, rules, or legality can be both pleasant and unpleasant. Indeed, time and space can make a difference to the introduction and application of law. During the nationalist movement, Mahatma Gandhi, while being critical of electoral democracy, could not help saying that “In matters of conscience, the law of the majority has no place.”<sup>1</sup> He probably would have said the same thing after the British had left the Indian sub-continent, but many would have disputed Gandhi as the Parliament of independent India, for instance, has now been given the power to create laws primarily on the basis of majority rule. It is not surprising, therefore, to see that many end up disputing when a legislative assembly deliberates and creates a law, even when it is done with an overwhelming two-third majority, particularly when the law is deemed to be devoid of justice. Such an outcome must have led Amartya Sen to point out that two different concepts of justice are found in early South Asian jurisprudence – *niti* and *nyaya*. The former relates to “organizational propriety as well as behavioural correctness,” while the latter is “concerned with what emerges and how, and in particular the lives that people are actually able to lead.”<sup>2</sup> Both rules and societal acceptance or the manner in which the ‘rules’ have been *realized in the society* are equally important when rendering justice.

Indeed, this is why the application of positivist law, that is, the law ‘posited’ by man for man, cannot be overstretched, mainly because they are rooted not in moral, natural or universal law but on the legality accepted by the society, albeit on account of majoritarianism. When it comes to violence, if the perpetrators, be it state or non-state, were to be brought to trial and punished for crimes against humanity then the positivist law must create space for the moral or universal law. But this is a challenge, which not only the Genocide Convention of 1948 encountered but also the Rome Statute of the International Criminal Court of 1998 or, for that matter, the principle of Responsibility to Protect of 2005, faced over the years. Humanizing the humans is seldom an easy task!

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<sup>1</sup> John Barker, *The Anthropology of Morality in Melanesia and Beyond* (Aldershot: Ashgate Publishers, 2007), p. 193.

<sup>2</sup> Amartya Sen, *The Idea of Justice* (London: Allen Lane, 2009), p. xv.

In South Asia, including Bangladesh, there is an added dimension to the limits of positivist (written) law and the rendering of justice. This relates to South Asia, like the Arab world, being part of oral civilization. This is in marked contrast to the West and the Chinese, which are embodiments of textual civilizations. The transformation from oral to textual has never been a priority of the state, whether colonial or post-colonial, for reasons ranging from class to callousness. The application of contemporary law, however, requires a minimum amount of literacy, which over one-fourth of Bangladesh population still lacks, not to mention of the quality of education, which is equally in a dismal state. Unable to read and not knowing the law itself becomes a factor in the coercive policing of the public in Bangladesh.

Finally, there is now the issue of 'post-truth,' which has further complicated the application of law and justice. As one critic pointed out, "Clarity is the cornerstone of democracy. Confusion is the tool of the autocrat."<sup>3</sup> Indeed, in the age of 'post-truth,' many leaders have come to appreciate confusion over clarity, often by distorting evidences or transforming fictions into facts. This not only erodes the power of legal instruments but also makes many lose hope on the latter. But then, 'giving up' is no option! A passion for evidence and clarity of mind are all the more vital now for justice to take roots in the society.

**Imtiaz Ahmed**  
Director, CGS

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<sup>3</sup> James Ball, *Post-Truth: How Bullshit Conquered the World* (London: Biteback Publishing, 2017), p. 277.

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## Crime and Violence in Bangladesh: An analysis from BPO Platform

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Bangladesh has enjoyed remarkable economic progress in last two decades. Since 2000, the country has achieved an average economic growth of 6 percent per year.<sup>4</sup> However, a rise in different forms of violence has stymied the potential of additional economic growth in the country. According to the Global Study on Homicide, published by the United Nations Office on Drugs and Crime (UNODC), Bangladesh has the highest rate of violence in South Asia, and also more than the global average (8.5 homicides per 100,000 population in Bangladesh, measured by data from public health sources alone).<sup>5</sup>

*The World Health Organization defines violence as the following: “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, or deprivation”.*

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<sup>4</sup> Asian Development Bank (2017), Accessed: 10 October 2017, available at: <https://www.adb.org/countries/bangladesh/economy>  
<sup>5</sup> UNODC (2013), Global Study on Homicide 2013, Accessed: 10 October 2017, available at: [https://www.unodc.org/documents/gsh/pdfs/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf)

The actual level of violence in Bangladesh is likely to be higher than the UNODC estimate, given the range of political, interpersonal violence, intimate partner, sexual, religious and communal violence in the country.<sup>6</sup> While lesser criminal activities including financial scams, vehicle thefts, and petty drug crimes comprise of the majority of criminal activities in Dhaka and other major cities in Bangladesh,<sup>7</sup> homicides, sexual assaults, robberies, and residential break-ins occur far too regularly.<sup>8</sup>

Between January 2014 and September 2017, the Bangladesh Peace Observatory (BPO) recorded more than 8,000 incidents of violence across the country. The following sub-sections will provide further analysis of these incidents.

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<sup>6</sup> Khondker (2017), Bangladesh and the Banality of Violence: Civility, Culture, and Crime, Accessed: 12 October 2017, available at: [https://link.springer.com/chapter/10.1057/978-1-137-50750-1\\_15/fulltext.html](https://link.springer.com/chapter/10.1057/978-1-137-50750-1_15/fulltext.html)

<sup>7</sup> OSAC (2017), Bangladesh 2017 Crime & Safety Report, Accessed: 12 October 2017, available at: <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=21165>

<sup>8</sup> Ibid.

## Part A: Violence Update (August – September, 2017)

Based on the data collected, the BPO platform recorded a total of 160 incidents across the country from August to September, 2017.

In **August 2017**, 93 incidents were reported. Physical assaults were the most common form of violence, with 41 incidents. The BPO codes physical assaults as one-sided violence by an individual or small group against other individuals or small groups. These include stabbings and shootings. More than 30 people, both men and women, were killed as a result of these assaults. A Total of 35 people were arrested in alleged connection with these incidents. The motives of the perpetrators varied, and included personal or domestic violence. The most significant incidents took place in Dhaka, Barisal, Mymensingh and Khulna.

Sexual assault was frequently reported in August, with 18 incidents reported by media across the country. Three victims died due to injuries sustained. 18 people were arrested by law enforcement agencies in connection with these cases.

10 gunfight incidents took place, mostly in Dhaka city. In these incidents, eight people died, while 10 were arrested. Gunfights with casualties mostly involved the Bangladesh Police in some capacity,

and sometimes the Rapid Action Battalion (RAB) and organized criminal groups.

At least four large-scale clashes took place in August, resulting in three deaths and 150 injuries. 15 people were arrested in connection with these events.

In **September 2017**, 67 violent incidents were recorded. Of these, 35 assault incidents were reported from all over the country. In these physical assaults, 24 people were killed, 26 were injured and 35 were arrested.

As in August, in September 18 sexual assaults including rape, attempted rape, and sexual harassment were recorded. 19 women were the victims of reported sexual violence, leading to 25 arrests so far by law enforcement agencies.

6 large clashes involving groups were recorded, a majority of these involving political parties. In these incidents 3 people were killed, 107 were injured and 24 were arrested. The prevalence of this violence was higher in Dhaka, Mymensingh, Chittagong, Satkhira, Chuadanga, Sylhet, Jessore and Jamalpur districts than in other districts in the country.

From June to July, a total of at least 213 incidents took place across the country.

Most incidents were observed in 16 districts: Sirajganj, Patuakhali, Thakurgaon, Chandpur, Kushtia, Sylhet, Chittagong, Mymensingh, Gopalganj, Dainajpur, Munshiganj, Pabna, Jhenaidah, Brahmanbaria, Khulna, and Dhaka.

At least 79 physical assaults were observed in June-July. In August and September months together, BPO recorded a slightly lower number of physical assaults which is 76 in incident counts. The number of deaths were 64 in June-July. While in August and September, it was 54. Number of injury sustained in these assaults were 30 and 26 in June-July and August-September respectively.

In June and July months, nine crossfire incidents took place. While August-September, the cross fire incidents were downed to zero. Interestingly, all the four newspapers reported the armed clashes between the law enforcers and the criminals (or suspected criminals) as gunfights. At least 12 gunfight incidents took place in August and September compared to 14 in June and July.

A dramatic increase in sexual assaults were observed in August and September than June and July. In June and July, the number of rape, attempted rape and sexual harassments were 10 in total. While in August and September, BPO recorded a 41% rise in such incidents

totaling 36. In June and July, at least nine women were injured in these incidents, and police were able to arrest at least five people associated with the incidents. In August and September, at least 18 women and girls sustained injuries due to sexual assault and at least three female died in these incidents. Police arrested 43 people in connection with rape, attempted rape and sexual abuse in these months.

August and September observed a 250% increase in abduction and hostage incidents. So far, two deaths were recorded by the BPO platform.

Most of the violent incidents were recorded in Dhaka, Barisal, Khulna, Mymensingh, Chittagong, Satkhira, Chuadanga, Sylhet, Jessore and Jamalpur in August and September.

**Figure 1: A bi-monthly comparison of major violent incidents in Bangladesh (June-July/August-September) based on BPO platform**



## Part B: Violent Trends from 2014 to 2017

In **2014**, 1,581 violent incidents were recorded. Around 1,159 violent clashes took place and a majority of them involved political parties. In these incidents, 323 people were killed and 9,745 people were injured.

The prevalence of such violent incidents was higher in Dhaka division compared to other divisions in the country, with 354 incidents noted in the capital. The highest death and injury incidents occurred in Chittagong and Dhaka divisions respectively.

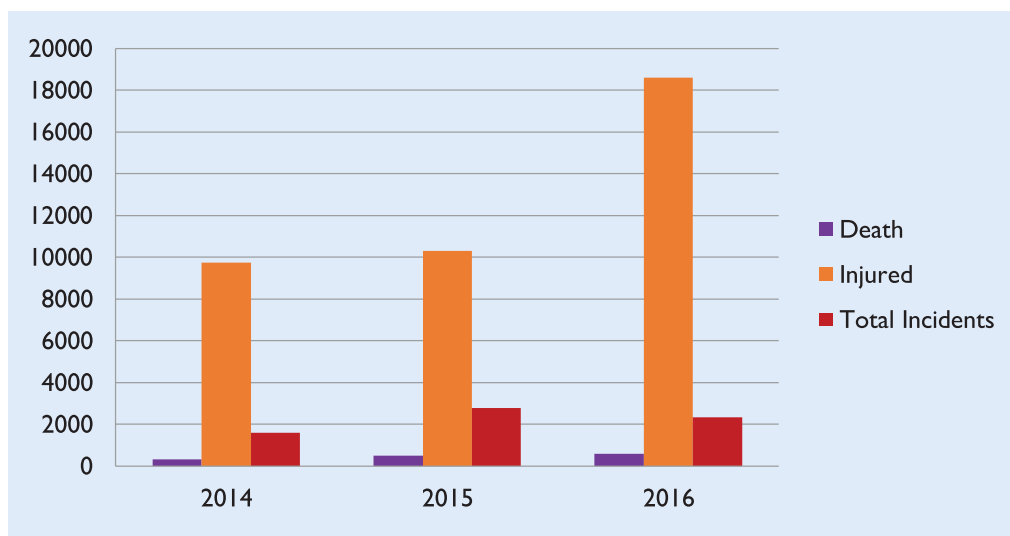
In **2015**, the BPO platform recorded a total of 2,769 violent incidents across the

country. In these incidents, 488 people were killed and 10,303 people were injured.

In the same year, the highest number of incidents, as well as rates of death and injury was observed in Chittagong division. The highest level of property damage was recorded in Barisal division.

In **2016**, a total of 2,332 violent incidents were recorded by the BPO platform, in which 583 people were killed and 18,601 people were injured. Across Bangladesh the highest number of incidents and the highest death count were recorded in Dhaka division.

**Figure 2: Number of Violent Incidents across Bangladesh [2014-16; Source: BPO]**



## Violence: Few Definitional Clarifications

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To properly comprehend violence, it is important to visit global definitions.

**Genocide:** According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide:

*“genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.”<sup>9</sup>

This definition thus covers not only the physical element of genocide but also mental element where an intention is included.

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<sup>9</sup> UN (2017). United Nations Office on Genocide Prevention and the Responsibility to protect. Accessed: 23 August 2017. Available at: <http://www.un.org/en/genocideprevention/genocid e.html>

**Crimes against Humanity:** Article 7 of the 1998 Rome Statute of the International Criminal Court defines a crime against humanity as:

*“any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*

- a. Murder;
- b. Extermination;
- c. Enslavement;
- d. Deportation or forcible transfer of population;
- e. Imprisonment or other severe deprivation of physical liberty;
- f. Torture;
- g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence;
- h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender;
- i. Enforced disappearance of persons;
- j. The crime of apartheid;
- k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury...”<sup>10</sup>

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<sup>10</sup> Ibid.

**Ethnic Cleansing:** Although there is no specific international definition of ethnic cleansing, a United Nations commission during the Yugoslavia crisis defined it as the following:

*“A purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas....rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area.”<sup>11</sup>*

**Mass Murder/Massacre:** There is no legally binding definition of mass murder or massacre issued by the UN. However, according to political scientist Dr. Rudolph Joseph Rummel:

*“although usage varies, [mass murders and massacres] usually mean the intentional and indiscriminate murder of a large number of people by government agents, such as the shooting down of unarmed demonstrators by police or soldiers lobbing grenades into-prison cells before retreating under pressure from enemy troops. They can also include the random executions of civilians, working prisoners to death, and the blanket firebombing of cities.”<sup>12</sup>*

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<sup>11</sup> Ibid.

Rummel furthered the idea and coined the term “Democide”, which is “murder of any person or people by a government, including genocide, politicide (the murder of any person or people by a government because of their politics or for political purposes), including mass murder.”<sup>13</sup>

### **Theory of Violence:**

Often referred to as the “Father of Peace Studies,” Norwegian theorist Johan Galtung (1969) states that,

*“A good typology of violence should: 1) conceptualize violence in a way which brings under the concept of violence phenomena that have something very important in common, yet are sufficiently disparate, and 2) sub-divide violence along a dimension that is theoretically important”<sup>14</sup>*

According to Galtung (1990),

*“confluence of malleable factors merge at particular cultural/historical moments to shape the conditions for the promotion of violence (and, by inference, peace) to function as normative.”<sup>15</sup>*

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<sup>12</sup>Rummel, R.J. (1994). *Death by Government*. Transaction Publishers, New Brunswick, New Jersey, USA. Accessed 25 August 2017, Available at:

<https://www.hawaii.edu/powerkills/DBG.CHAP2.HTM>

<sup>13</sup> Ibid.

<sup>14</sup> Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3), 167-191.

<sup>15</sup> Galtung, J. (1990, August). Cultural Violence. *Journal of Peace Research*, 27(3), 291-305.

Figure 3: Johan Galtung's Violence Category<sup>16</sup>

<b>Direct Violence</b>	<p><i>“Direct Violence represents behaviors that serve to threaten life itself and/or to diminish one’s capacity to meet basic human needs. Examples include killing, maiming, bullying, sexual assault, and emotional manipulation.”</i></p>
<b>Structural Violence</b>	<p><i>“Structural Violence represents the systematic ways in which some groups are hindered from equal access to opportunities, goods, and services that enable the fulfillment of basic human needs. These can be formal as in legal structures that enforce marginalization (such as Apartheid in South Africa) or they could be culturally functional but without legal mandate (such as limited access to education or health care for marginalized groups).”</i></p>
<b>Cultural Violence</b>	<p><i>“Cultural Violence represents the existence of prevailing or prominent social norms that make direct and structural violence seem “natural” or “right” or at least acceptable. For example, the belief that Africans are primitive and intellectually inferior to Caucasians gave sanction to the African slave trade. Galtung’s understanding of cultural violence helps explain how prominent beliefs can become so embedded in a given culture that they function as absolute and inevitable and are reproduced uncritically across generations.”</i></p>

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<sup>16</sup> Ibid.

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## National Legal Apparatus against Violence

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Bangladesh is very vocal in its stance against any kind of violence. This section covers institutional steps designed to reduce and redress violence in the country.

### Bangladesh's Solidarity on Global Legal Instruments against Violence

Bangladesh is signatory to a number of international conventions and treaties designed to help counter different types of violence. However, in a few cases Bangladesh also has reservations due to possible contradictions with Bangladesh civil law or internal socio-political dynamics. Table 1 shows Bangladesh's status in ratifying international treaties relating to violence.

Comparatively, Bangladesh has room to improve. According to the Rule of Law Index (2016), Bangladesh lies almost at the bottom of the global ranking (103<sup>rd</sup> out of 113 globally, 23<sup>rd</sup> out of 28 lower-middle income countries, and 4<sup>th</sup> out of 6 countries in South Asia) with an overall score of 0.41. Notably, of all the indicators, Bangladesh places last among all South Asian countries in terms of its constraints on Government Powers. Similarly Table 2 shows that the Fragile States Index places Bangladesh 39<sup>th</sup> out of 178 countries, with a score of 89 (European countries like Finland, Norway, Switzerland, Denmark and Sweden, by contrast, score between 18.7-22.1).

Where Bangladesh scores a 9.3 on Fractionalized Elites<sup>17</sup>, European countries range between 1.1 to 1.8 points. Bangladesh also scores relatively badly on assessments of State Legitimacy when compared globally (7.8 compared to top 0.8), Group Grievance (8.7 compared to top 1.5) and Public Service (8.1 compared to top 1.0). As such, Bangladesh is one of the lower-lying countries, with unsatisfactory score (see figure 4). South Asian countries like Bhutan, India and Sri Lanka score relatively higher than Bangladesh, though how far the claims of such indexes match the socio-political realities in Bangladesh require further examination.

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<sup>17</sup> The Fractionalized Elites indicator considers the fragmentation of state institutions along ethnic, class, clan, racial or religious lines, as well as and brinkmanship and gridlock between ruling elites.

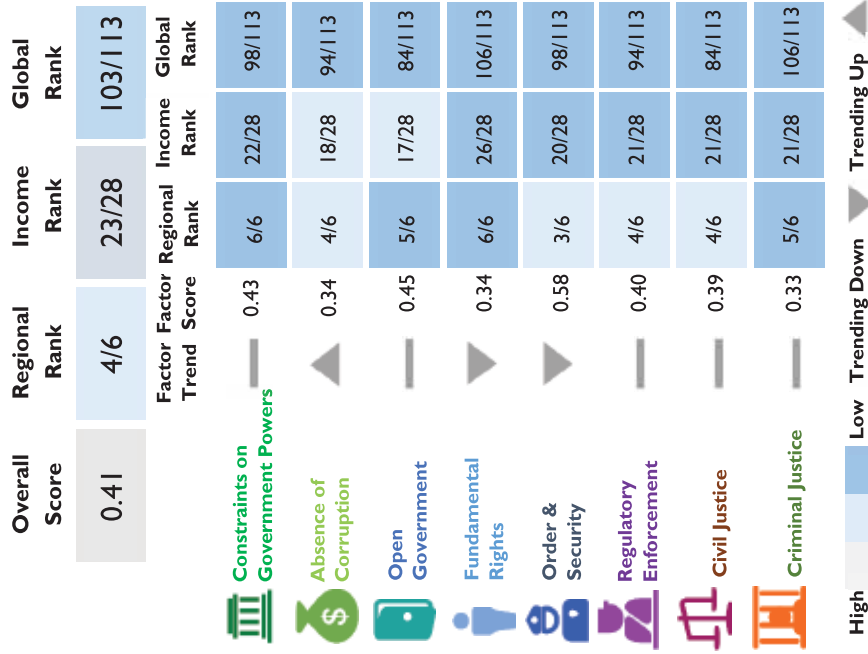
**Table I: Bangladesh and International Treaties on Violence<sup>18,19</sup>**

International treaties against violence	Ratification/ Accession(a)/ Succession(d)	Declaration/ Reservations
Convention on the Prevention and Punishment of the Crime of Genocide -1948	5 October 1998 (a)	Declaration- Article IX: For the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all parties to the dispute will be required in each case.
Geneva Conventions-1949	4 April 1972 (d)	
International Convention on the Elimination of All Forms of Racial Discrimination-1966	11 June 1979 (a)	
Convention on the Elimination of All Forms of Discrimination against Women-1979 (CEDAW)	6 November 1984 (a)	Reservation- Articles 11 (principle of non-discrimination and elimination of discrimination against women) and 16 (1)(c) (elimination of discrimination against women in all matters relating to marriage and family relations, in particular the same rights and responsibilities during marriage and its dissolution)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment-1984 (CAT)	5 October 1998 (a)	Reservation- Article-14 Para 1 (right to fair and adequate compensation to the victim of torture)
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict - 2000 (OP-CRC-AC)	6 September 2000	Declaration- Article 3 (2)- minimum age for the recruitment of armed forces
Rome Statute of the International Criminal Court- 1998	22 March 2010	
Convention prohibiting Chemical Weapons-1993	25 April 1997	

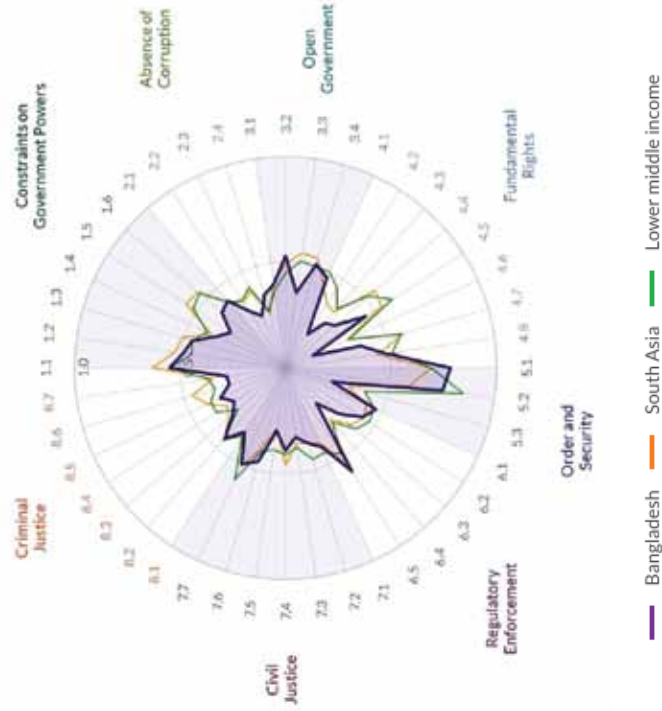
<sup>18</sup> United Nations Treaty Collection (2017). Depository of Treaties. Accessed: 29 August 2017. available at: <https://treaties.un.org/>

<sup>19</sup> ICRC (2017). Treaties, States Parties and Commentaries. Accessed: 29 August 2017. available at: [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=BD](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=BD)

Figure 4: Rule of Law Index 2016



# BANGLADESH



Source: <http://data.worldjusticeproject.org/#/groups/BGD>

Table 2: FRAGILE STATES INDEX 2017<sup>20</sup>

Country	Rank	Total Score	Security Apparatus	Factorialized Elites	Group Grievance	Economy	Economic Inequality	Human Flight and Brain Drain	State Legitimacy	Public Services	Human Rights	Demographic Pressures	Refugees and IDPs	External Intervention
Afghanistan	9th	107.3	10.0	8.6	8.4	8.3	7.5	8.2	9.1	9.9	8.5	9.3	9.8	9.7
Pakistan	17th	98.9	9.1	8.9	10.0	6.9	6.5	7.2	8.1	7.7	8.0	8.4	8.7	9.4
Nepal	33rd	91.0	6.5	8.8	9.4	7.5	6.7	6.5	7.4	7.2	7.7	8.6	7.8	6.9
Bangladesh	39th	89.1	7.6	9.3	8.7	5.8	6.7	7.8	7.8	8.1	7.4	7.5	6.6	5.8
Sri Lanka	47th	86.6	7.4	8.8	9.0	5.4	7.1	7.7	6.9	5.1	8.3	6.2	8.4	6.3
India	72nd	77.9	7.4	7.3	8.3	5.1	7.0	6.1	4.7	7.4	6.0	7.9	5.3	5.4
Bhutan	83rd	76.0	4.5	7.5	7.9	4.7	6.1	7.2	4.3	6.1	6.6	6.1	7.0	8.0
Maldives	86th	74.4	6.4	8.0	4.8	5.9	3.6	6.2	8.5	5.6	8.2	6.0	4.7	6.5
Switzerland	176th	21.1	1.1	1.0	3.6	2.3	2.2	2.1	1.0	1.0	1.8	1.5	2.5	1.0
Norway	177th	20.5	2.0	1.1	3.6	2.2	1.5	1.6	0.8	1.0	1.1	1.5	2.8	1.3
Finland	178th	18.7	1.7	1.1	1.8	3.5	1.0	2.3	0.9	1.0	1.0	1.1	2.3	1.0

<sup>20</sup> The Fund for Peace (2017). Fragile States Index 2017. Accessed: 12 September 2017. Available at: <http://fundforpeace.org/fsi/data/>

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## Internal Dynamics of Legal Instruments of Violence

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**A conversation with Dr. Md. Mizanur Rahman,  
Professor, Department of Law, University of Dhaka &  
former Chairman, National Human Rights Commission  
Bangladesh (2010-2016)**

### **Does Bangladesh bear the core values of international human rights law, especially in the case of violence prevention?**

Absence of a transparent and accountable judicial system leads to the absence of the rule of law in a country. When rule of law is non-existent, other factors come to play. These factors take upper hand in the society rather than the legal provisions and legal systems. Eventually, these non-legal and extra-legal factors take primacy and clearly start to undermine the judicial system and its various enactments and statutes targeted towards elimination of violence in a society.

If the said facts above are taken into consideration, Bangladesh is not in a position to be proud of. Apparently, there is no restriction or limitation of freedom of speech and expression in the country. But in reality, we observe that there is a very strong tendency of self-censorship even in the media itself. This self-censorship is the result of the diminution of democratic practices in the society. On the other hand, a type of authoritarian attitude grows in the society and any dissenting views are not taken in good grace. Moreover, dissenting

views are not fought with views but rather are fought with brute physical force. When these things happen in a society, a tendency of self-constraint, self-restraint, and self-limitation is also seen in the world of media and journalism. Many social scientists and other scholars think that Bangladesh is now experiencing such a situation, and there are justifiable reasons behind that belief as well. Violence cannot be fought with only law. At the same time, we are not getting the whole picture of violence including why and how it is happening and who are the perpetrators and what factors leading them to do so. Because of weak rule of law, the access of common people to the justice is severely restricted and constrained.

When people cannot access to justice or the justice mechanism, they become totally frustrated. Thus, they lose all kind of confidence and trust on the existing system. Therefore, people think that even an attempt to access justice mechanism is a futile exercise, waste of money, time and energy. Rather they think that they should accept everything as *fait accompli*. They think that it is their fate and it is their destiny; there is no other way but to accept it in this country. This makes them

believe that they have to adjust with their fate. This is how people become fatalist in the society. They start to rely on the machination of supernatural force excessively. At the same time, their own passion and spirit to do something to eliminate violence eventually decays. Dreams become nightmares. In such a situation, legal system does not play good.

Because of absence of the rule of law, a strong sense of impunity works in Law enforcing agencies. With this sense of impunity, they become more of a sources of concern rather than being places where people have confidence and trust on.

The chain of command has almost collapsed within the law enforcing agencies. Subordinates are no longer subordinates and superiors are as if no more superiors. Even a subordinate, given the right kind of time and connections and political influence can play a more influential role than their superior officer. In this situation, superior officer loses control and their command carries no meaning. Subordinates start to feel that they are closer to the centre of power than their superiors. Therefore, there is no reason why they should be subordinated and subsequently refuses to follow order. This brings chaos in the discipline and hierarchy of force. So what can we expect from them? In the end, common people suffer.

### **So in this situation, what is to be expected from the judicial system?**

The subordinate judiciary was never independent. It was always controlled by the executive. Even after the *Masdar Hossain decision* where the judiciary was supposed to be independent.<sup>21</sup> But until or unless you control your own affairs, have the mechanism and capacity to make and implement your own decisions, you can never be independent. Still the Ministry of Law owns this mechanism even after the *Masder Hossain case*. Bureaucracy is not willing to lose its control or sacrifice their influential authority over judiciary. The judicial secretariat which was supposed to be the administrative backup for the Supreme Court was never established. Yes, our supreme judiciary is comparatively independent. Unfortunately, however, almost all the judges are appointed through political considerations. These appointed judges feel that they have an obligation towards the person whoever appointed or alleviated him/her. Out of this obligation, they refrain from exercising their mind independently. Now, those who feel that they should refrain from exercising their independent mind and goes into self-enchainment, how can you possibly change them? Therefore, there is no point blaming the executive for all the downsides of our

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<sup>21</sup> Secretary, Ministry of Finance v Masdar Hossain (1999) 52 DLR (AD) 82 is a case of the Appellate Division of the Supreme Court of Bangladesh. The case concerned the separation of powers in Bangladesh. It is popularly known as the Masdar Hossain case.

judiciary system. Only if supreme judiciary wanted, it could have functioned freely and independently. In my opinion, our judiciary is captive of 'money, politics or self-ego'. The situation of the judiciary leaves ample room for improvement. If the Chief Justice bows down to political will or whim of the executive, one can naturally question the integrity of the people forming the judiciary. Sometimes, it appears that the judiciary is more prone to satisfying the political interests of the rulers than ensuring 'justice'. Thus, justice itself becomes the casualty.

Let's take violence against women for consideration. There is universal appeal and support as this is an actual, legitimate and humane cause. But, so far what we have done to prevent such heinous acts in Bangladesh? For instance, against rape? Look at the case of *Rain-tree*, *Rupa* case, or *Tanu* case. These things are repeatedly happening. Have we done anything to mitigate the sufferings of the victim? The victim pays the price not only during the crime but also during their subsequent quest for justice. They gradually lose hope. Eventually, they abandon the hope of a dignified life in future. Our system is responsible in the creation of such dismay. Almost in all cases, rapists have an influential economic background and eventually survives the punishments. When these things happen repeatedly, we must realize how weak the whole system is. Laws are of no use as it does not protect when you need protection.

Now, if we consider Violent Extremism (VE), yes Bangladesh is under threat. The threat is real due to its geopolitical and strategic location. Many consider Bangladesh a breeding ground of extremism. Extremism did not get much support in the country. Therefore, if the government takes action to combat extremism, everyone supports as nobody wants to see Bangladesh as a hub of VE. But again, although I am not entirely sure, there are allegations that few of the anti-terrorist raids were fabricated and dramatized by the law enforcement agencies themselves. The raids were shown in such way so that they (Law Enforcement Agencies) can extract benefit from the ruling elites. These things happen when you have no accountability or checks and balance in the rule of law or chain of command. Unfortunately, our society has become something to accommodate these dramas.

### **To prevent child rights violations, what Bangladesh has done so far?**

We say about child rights, but we do not mean it because we do not practice it. Do we really see child in this country? Do we see the poor? Do we see the marginalized in this country? Do we see the *Dalits*<sup>22</sup> and the transgender of the country? They are completely outside of the purview of the policymakers. This invisibility leads to the absence of their rights and interests in the

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<sup>22</sup> According to Banglapedia, dalits are a group of people marginalized to the extreme by partly religious sanctions and partly by social and economic deprivations.

policymaking. We talk about legislation on child abuse and we talk about compulsory education, but we do not see that in practice. If we had it, there would have been no dropouts in the primary education system. If all children are at school, then nobody would have dared to abuse them and forced them to involve in child labor. Although, it has been made compulsory and free (tuition and books) but how far other factors like additional costs, meal and family support in exchange for stopping child labor have been ensured? To educate a generation, the arrangement of alternative income is necessary, and the government must shoulder that burden. That is how Cuba attained 100% literacy despite being one of the poor countries.

In Bangladesh, there is a high level of disparity between the urban and rural education systems. The society is extremely hierarchical, and I must use the term 'caste based' and 'racist'. Our system applies equal measuring rods to the unequals. This is how inequality perpetuates in a so-called egalitarian society. Discrimination is the root of all kinds of human rights violation. Violence occurs when you cannot ventilate your ideas and when you cannot ventilate your opinion. According to Martin Luther King, *'violence is the expression of the unheard.'*

**While incorporating International Law into Domestic Law, Bangladesh expresses reservation based on legal,**

**social and religious issues- how do you see that?**

Whenever an international treaty is signed or ratified, the vetting is done by the Ministry of Law. The truth is, there is no expert of International Law! So there is nobody to tell about the compatibility of any international treaty with our law. Still, they are vetting and the government is considering it. Bureaucratic pride often overpowers years of legal expertise of practitioners. Government also appeases with bureaucracy. So even in the domestic legislation, rights-based approach is totally absent. Justice is the right of the people, not some charity of the policymakers. According to Article 7 of the Constitution, all powers in the Republic belong to the people.

**What are the legal shields of protecting minorities in the country?**

Prophet Muhammad (PBUH) has told that *'the diversity in the Muslim community is the manifestation of the magnanimity of Allah'*. But, when we hate each other based on this diversity, the clash is inevitable. This is not something the Prophet meant. Have you seen the new movie –*'Victoria and Abdul'*? There is a beautiful quote of Rumi there which is something like the whole love is only in the almighty, and we all are only small pieces of love. If we take the fractions of the society in the whole picture, there is no hatred but love for each other. That is what brings humans together.

Over the years, the numbers of Hindu and other minorities are decreasing. Four years ago in a seminar at the TSC, I said that if things go on like this, there will be no Hindu in Bangladesh by next 20 years. I received condemnation from many then, but still I believe it. We have fought for restitution of enemy properties. Allegedly, the property of certain top political leadership was too grabbed under the guise of enemy property (vested with the state). These are the push factors that drive people away. A study by Professor Abul Barakat reveals that since 1947 there has always been a constant outward migration of Hindus. The rate was low during 1972-74 but never interrupted, and government change has no serious impact. State has not taken any attempt to stop this migration. We have a very weak structure to protect the minority. While in India, PM Modi has declared providing citizenship to Hindus who migrated to India. That becomes an attractive pull factor. Now the question is that, do we treat our ethnic and religious minorities same as the Muslim majorities? For instance, never they are given commanding position in the military. There is evidently an unwritten discrimination. On the basis of the experience as the Chair of NHRC, all I can say that among the minorities, young women are at the highest risk. A deep sense of alienation of the minority communities compels them to emigrate from the motherland.

### **Among all these lackluster and pessimistic observation, what keeps you hopeful?**

The common people, the general folk of this country, they are secular, non-communal brotherly, loving, peaceful and does not judge people by religion. You can see the truth of this statement in every village and suburbs of Bangladesh. They are hopeful of this country. They are honest people who love their land and country. This is what Bangabandhu Sheikh Mujibur Rahman realized long time ago. Back on 26 March 1975 at the racecourse maidan, he said that the farmers and laborers of our country are not corrupted. I also feel the same. These people are not those who build a second home in Malaysia or Canada. They invest and live on the resources of Bangladesh. According to him it is the elite class who transfers the wealth abroad. On the other hand, foreign earning of Bangladesh strongly relies on remittance. The Bangladeshi expatriates work day and night abroad for sending money to their home. But when they return to their motherland, they are ill-treated at the airport by the concerned authority. On the contrary, corrupted people and smugglers are most often treated well at the airport. Thus, the poor always pays more. And, the middle class is always dragged into a continuous struggle. Consequently, they either climbed up the ladder of the social hierarchy or are thrown in to the abyss of 'poor' class.

**And finally, in case of Rohingya persecution, what are the legal dynamics? How can we make Myanmar accountable?**

Let me tell you one thing. There is no scope of illusion in Law. Law appears as protector of all, but it actually protects the interest of the powerful. Twist here is that, the law sets equal standards for the unequals. This is how inequality perpetuates. International law is the same here which protects politically, economical or militarily powerful. In the case of Rohingyas, they are displaced persons who deserve protection under international law. Bangladesh has done a wonderful job by accommodating the Rohingyas. Our Honorable Prime Minister has elevated the pride of our nation through her statement in the interview with Reuters. She said, *“Bangladesh is not a rich country ... however, if we can feed 160 million people, another 500 or 700,000 people, we can do it.”*

Honorable PM continued that Bangladesh is already doing it and the international community must come forward to fulfill their responsibility. She reacted elegantly to the coldness of US President Donald Trump on Rohingya issue by saying that *“what I can expect from them (USA), and especially from the president. He already declared what is in his mind ... so why I should ask?”*

But, we must keep in mind that Rohingyas are not going to return anytime soon. Aung San Suu Kyi is ready to sacrifice her Nobel

Prize but not political power. She must appease with the Army to stay in power, and the Army is against Rohingyas due to economic interest. They are going to establish a special economic zone in Rakhaine state where interest of China and India lies. Russia is also keen to have a share. Moreover, USA is not willing to go against these countries and kept its mouth shut. Therefore, solution to the problem is unlikely and difficult. Ultimately due to the pressure of the UN, Myanmar might take some initiative as a showoff of taking back few hundreds of Rohingyas, at best few thousands. While about a million Rohingya is already in Bangladesh. Moreover, it is impossible to keep them in the limited area of the camps. They will move out for better opportunities.

The American Declaration of Independence begins with the words- ‘all men are created equal, that they are endowed by their Creator with certain unalienable Rights, among these are Life, Liberty and the pursuit of Happiness’. The value of pursuit of Happiness is the driving force of every human being. Rohingyas are no exception. They will pursue happiness despite their enormous limitations.

The recommendations of the Annan Commission have gained worldwide support. If the UN wants to implement it, if it has the political will, the recommendations may be implemented, even by way of resorting to force if needed. We have seen that in case of former Soviet Union, former Yugoslavia, Iraq and Bosnia.

But the political equation matter here the most, what at this moment I do not find much favorable.

The bigger issue here is not their return but the genocide, in whichever way you define that, is taking place. Genocide is a heinous international crime which cannot be tolerated. But, whether it will be prosecuted or not, only time can tell. Fundamental changes in Myanmar and international balance of power will pave the way to the answer of this question. The only consolation we have is that as Genocide is an international crime, there is no time limit. But there is a risk of evidence destruction as already Myanmar is burning down everything and putting fresh soil. I believed since my early days as a law faculty

that the 1971 perpetrators of international crimes will be punished in Bangladesh today or tomorrow whether they are alive or dead. But the trial is necessary to keep record on history of such atrocity for the sake of truth. I am so proud and fortunate that in my lifetime I got to see 1971 war criminals prosecuted and punished. I hope in this generation's lifetime the Rohingya genocide will also be prosecuted. Unless the past offenses and crimes are prosecuted, Myanmar as a nation can never find redemption, and their consciousness will haunt them.

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## Global Legal Instruments against Mass Atrocities

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Modern civilization is arguably the result of innumerable wars and conflicts. It would be difficult to find a single day in human history which passed without some sort of clash or dispute. However, humanity can learn from these mistakes. The terrors of WWI and WWII led to the creation of human rights instruments critical to preventing genocide, war crimes and crimes against humanity. Measures to prevent such atrocities are far less costly than attempting to stop violence or instability once they have already begun, or in dealing with the aftermath. Though at times controversial, these measures, as found in international human rights and humanitarian law, constitute legal obligations based on moral responsibility to protect lives.<sup>23</sup>

States have a moral, if not a legal obligation to prevent violent crimes. For instance, the Convention on the Prevention and Punishment of the Crime of Genocide (Article I) states that regardless of ratification, all states must prevent any attempts to commit any crime of genocide.<sup>24</sup> Also, Article I of the

Geneva Conventions<sup>25</sup> stress preventing violations that endanger human life or their way of living. Similarly, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment specifies in Article 2 that state parties “*shall take effective legislative, administrative, judicial or other measures to prevent acts of torture*”.<sup>26</sup> The Nuremberg Trials is considered as the precursor to hold perpetrators of mass atrocity to account.

In the 1990s, the United Nations Security Council (UNSC) established international tribunals in Rwanda and the former Yugoslavia to bring perpetrators to justice. These coincided with the demand for a universal permanent court devoted to dealing with such crimes, leading ultimately to the formation of the International Criminal Court (ICC). In 2002, the ICC introduced the groundbreaking formal mechanism for victims of international crimes and non-governmental organizations to provide information to the Court.<sup>27</sup>

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<sup>25</sup> The Geneva Conventions are composed of four treaties, and three additional protocols establishing standards of international law for humanitarian treatment in war.

<sup>26</sup> *Ibid.*

<sup>27</sup> US Holocaust Memorial Museum (2017). Justice and Accountability, Accessed: 28 September, 2017. available at: <https://goo.gl/BRGNBA>

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<sup>23</sup> UN (2017). ‘Framework of Analysis for Atrocity Crimes: A Tool for Prevention’, Accessed: 4 October, 2017. available at: <https://goo.gl/RGYBBy>

<sup>24</sup> *Ibid*

## CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

- ✓ The convention was adopted in 1948
- ✓ It came into force on 12 January 1951;
- ✓ 143 countries have ratified the convention;
- ✓ The crimes that can be punished under the convention: Genocide; Conspiracy to commit genocide; Direct and public incitement to commit genocide; Attempt to commit genocide; Complicity in genocide.

## INTERNATIONAL CRIMINAL COURT (ICC)

- ✓ It began functioning on 1 July 2002, the date that the Rome Statute entered into force;
- ✓ 124 member countries;
- ✓ The ICC has the jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, and war crimes;
- ✓ Guaranteeing lasting respect for and the enforcement of international justice.

## INTERNATIONAL HUMAN RIGHTS LAW

- ✓ The Convention Relating to the Status of Refugees (CSR);
- ✓ Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- ✓ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- ✓ United Nations Convention Against Torture (CAT),
- ✓ Convention on the Rights of the Child (CRC) and so forth.

## RESPONSIBILITY TO PROTECT (R2P)

- ✓ Established by the 2005 World Summit to prevent genocide, war crimes, ethnic cleansing and crimes against humanity;
- ✓ All UN member countries endorsed the commitment;
- ✓ Three dimensions-
  - a) Responsibility to prevent,
  - b) Responsibility to react
  - c) Responsibility to rebuild.

The International Commission on Intervention and State Sovereignty (ICISS) introduced the concept of Responsibility to Protect (R2P) in 2005, derived from the idea of 'sovereignty as responsibility'. R2P reaffirms the primary responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. It emphasizes the responsibility of the international community to help states to build capacity to protect their populations and assist states under stress before crisis and conflicts break out.

result of the uncertain legality of the use of force to respond to these crimes. Strict interpretations of state sovereignty, and the United Nation's monopoly on authorizing force significantly limit the legal ability to prevent mass atrocities all over the world.

*“When states manifestly fail in their responsibility to protect populations from atrocity crimes, the international community has also declared that it is prepared to take collective action, in a “timely and decisive manner”, to protect populations from these crimes, using all available tools, and bearing in mind the principles of the United Nations Charter and international law.”<sup>28</sup>*

Here, R2P constitutes three dimensions- a) responsibility to prevent, b) responsibility to react, c) Responsibility to rebuild.

Mass atrocities continue today in places like Syria, Yemen and Myanmar partly as a

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<sup>28</sup> UN (2017). 'Framework of Analysis for Atrocity Crimes: A Tool for Prevention', Accessed: 4 October, 2017, available at: <https://goo.gl/RGYBBy>

## The United Nation's Legal Instruments Addressing Violent Extremism

The United Nations has long been vocal in opposing violent extremism. According to former Secretary-General of the United Nations Ban Ki-Moon:

*“violent extremism is an affront to the purposes and principles of the United Nations. It undermines peace and security, human rights, and sustainable development. No country or region is immune from its impacts.”*<sup>29</sup>

The UN identifies issues including a lack of socioeconomic opportunities, marginalization and discrimination, poor governance, violations of human rights and the rule of law, prolonged and unresolved conflicts, and radicalization in prison as potential drivers of violent extremism. In such circumstances, the UN Secretary General has urged countries to adopt plans of action to prevent violence extremism by setting global, regional and national policy frameworks.

Since 1963, the international community has worked on establishing legal instruments addressing extremism. To date, 19 international legal instruments have been agreed to prevent violent

extremist acts under the auspices of the United Nations and the International Atomic Energy Agency (IAEA) (see table in annex).<sup>30</sup>

The UN Security Council (UNSC) has also adopted a number of Resolutions focused on countering violent extremism. Notably, UNSC Resolution 731 (1992), 748 (1992) and 883 (1993) held Libya responsible for assisting vigilantes who destroyed Pan Am Flight 103 over Lockerbie and UTA Flight 772 over Chad and Niger.

Resolution 1189 (1998), 1269 (1999) and 1368 (2001) were all related to the topic, and after the events of 9/11, the UNSC also adopted Resolution 1373 addressing violent extremism directly. Bangladesh was a member at this meeting, and voted in favor.<sup>31</sup> The resolution addressed means of restricting terrorist financing, and means of promoting intelligence sharing. The UNSC Counter-Terrorism Committee (CTC) was established to

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<sup>29</sup> Report of the Secretary-General (2015). Plan of Action to Prevent Violent Extremism, , Page 1

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<sup>30</sup> United Nations Office of Counter Terrorism (2017). Accessed: 27 August 2017, available at: <http://www.un.org/en/counterterrorism/legal-instruments.shtml>

<sup>31</sup> United Nations Security Council (2001). Accessed: 1 September 2017, available at: <https://undocs.org/S/PV.4385>

monitor member states' compliance.<sup>32</sup> Later resolutions including 1390, 1456, 1535 (which restructured the Counter Terrorism Committee), 1566, and 1624 were also adopted. The most recent development took place in 2014 through Resolution 2178, where the UNSC recognized the need for violence prevention: "*violent extremism, which can be conducive to terrorism [requires collective efforts], including prevention of radicalization, recruitment and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters*". The United Nations General Assembly (UNGA) has also adopted The United Nations Global Counter-Terrorism Strategy by its resolution 60/288, explicitly addressing prevention and foreseeing balanced implementation across these four pillars:<sup>33</sup>

- i) Tackling conditions conducive to terrorism;
- ii) Preventing and combating terrorism;
- iii) Building country's capacity to combat terrorism and to strengthen the role of the UN system in that regard;

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<sup>32</sup> International Institute of Humanitarian Law (2017). Terrorism and International Law: Challenges and Responses, Accessed: 26 September, 2017, available at: <http://www.iihl.org/wp-content/uploads/2015/12/Terrorism-and-IHL.pdf>

<sup>33</sup> Plan of Action to Prevent Violent Extremism, Report of the Secretary-General, 2015, Page 2-3

- iv) Ensuring respect for human rights for all and the rule of law while encountering terrorism.

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## The Legal Stance of Other SAARC Countries against Violent Extremism: Regional Examples

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Unfortunately, political and economic cooperation among SAARC members on violent extremism has been slower than other regional organizations. However,

SAARC country members have independently aimed to improve their legal procedures. Key examples are given below:



As a response to the danger posed by the spread of violent extremism and its harmful effect on peace, cooperation, friendship and good neighborly relations, sovereignty and territorial integrity of states<sup>34</sup>, SAARC members agreed to the SAARC Regional Convention on Suppression of Terrorism signed in Kathmandu on the 4th November, 1987. Later, an Additional Protocol to the Convention was enacted on 2004 which came into force on 1st December 2006. Uneven implementation, however, remains a matter of concern.



**Afghanistan** already had Law on Crimes against Internal and External Security of the Democratic Republic of Afghanistan back in 1987. In 2004, The Law on the Campaign against Financing Terrorism (Terrorism Finance Law) was adopted. This is pursuant to Article 7 of the Constitution, which asserts that “The state shall prevent all kinds of terrorist activities”. By criminalizing terrorist financing, the government can prosecute not only those directly involved in violent extremism, but also those who facilitate it. These individuals are considered accomplices in organizing, directing, or motivating others to commit such activities. Later, Afghanistan enacted a Law to Combat against Terrorist Offences in 2008. It is believed that this legislation brings the country in line with 13 international conventions on terrorism.<sup>35</sup> This law was made with assistance from the United Nations Office on Drugs and Crime (UNODC) and considered as a major step towards in opposing those who have committed, attempted or plan to commit extremist acts.<sup>36</sup>

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<sup>34</sup> SAARC Regional Convention on Suppression of Terrorism. Accessed on 26 September, 2017, available at: <https://goo.gl/5tRVFF>

<sup>35</sup> The UN, 2008. Afghanistan: UN agency welcomes new law on combating terrorism, available at: <https://goo.gl/L6mVy2>. Accessed on 26 September, 2017

<sup>36</sup> An Introduction to the Law of Afghanistan, 3rd Ed. Afghanistan Legal Education Project (ALEP) at Stanford Law School, Page 206-20. Accessed on 26 September, 2017, available at: <https://goo.gl/oqYpyV>.



**Bhutan** supports regional and global initiatives against violent extremism, having ratified 8 out of 19 international legal instruments against violent extremism.<sup>37</sup> Most notably, Bhutan introduced an Information Communications and Media Bill in 2016, which repealed the Bhutan Information Communication Media Act 2006, and sections 476 and 477 of the Penal Code of Bhutan, 2004.<sup>38</sup> Its article 476 criminalizes cyber-extremism, while a forthcoming Anti-Money-Laundering and Countering of Financing of Terrorism Bill is under discussion.<sup>39</sup> This bill aims to establish a financial intelligence department, domestic designation committee, and national coordination committee to manage confiscation, money laundering and terrorist financing risks.



**India's** sensitivity to violent extremism has led to a number of laws. These laws often face criticism as they are sometimes criticized for violating fundamental rights guaranteed by Part III of the Constitution.<sup>40</sup> However, India's internal politics and its history of violence keep policymakers actively engaged in anti-extremism activities, including:

- Armed Forces (Special Powers) Act, 1958 (AFSPA): Under this act, armed forces personnel were given broad powers to ensure "maintenance of peace and security" in what are termed "disturbed areas". A notable example of this act in practice was in Jammu and Kashmir in 1990, which gave security personnel legal immunity.<sup>41</sup>
- National Security Act, 1980: The act has faced several criticisms, including the scope of the government's powers to detain citizens and to maintain public order based on suspicion (as a pre-emptive measure even in peacetime).<sup>42</sup>

<sup>37</sup> United Nations Office on Drugs and Crime (2015). Bhutan: Countering use of the internet for terrorist activities – an emerging concern. Accessed on 26 September, 2017. available at: <https://goo.gl/jjNNa6>

<sup>38</sup> Bhutan Information Communications and Media Bill (2016), Page 1. Accessed on 26 September, 2017. available at: <http://www.nab.gov.bt/assets/uploads/docs/bills/2016/FinalBICMABill2016Eng.pdf>.

<sup>39</sup> Anti-Money Laundering Bill in Parliament – The Bhutanese (2017). Accessed on 26 September, 2017. available at: <http://thebhutanese.bt/anti-money-laundering-bill-in-parliament/>

<sup>40</sup> Bhupendra Acharya (2010). Anti-terrorism laws in India: Distinguishing Myth & Reality. Accessed on 26 September, 2017. available at: <http://www.legalservicesindia.com/article/article/anti-terrorism-laws-in-india-382-1.html>

<sup>41</sup> Counter-terrorism and the law in India (2015). Accessed on 26 September, 2017. available at: <https://blog.ipleaders.in/counterinsurgency-and-the-law-in-india/>

<sup>42</sup> People's Union for Civil Liberties and Democratic Rights (PUCLDR) Bulletin (1981). NSA, A Weapon of Repression, Accessed 17 September 2017. available at: <http://www.pucl.org/from-archives/may81/nsa.htm>

- Prevention of Terrorism Act, 2002 (POTA): This act replaced Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) and Prevention of Terrorism Ordinance, 2001 (POTO). However in, 2004 this act was repealed in a backlash over alleged political targeting and other misuse.



**Maldives** is a member of the Asia/Pacific Group on Money Laundering, a Financial Action Task Force-style regional body. The Prevention of Money Laundering and Financing of Terrorism Act (PMLFT), 2014, repealed the Antiterrorism Act of 1990. The Maldivian government implements relevant UN Security Council Resolutions, and monitors and regulates alternative remittance services, despite the fact that they lie outside the AML/CFT framework.<sup>43</sup> A Prevention of Terrorism Act, 2015, faced criticism for breaching the Maldives' international legal obligation to respect the right to fair trial under article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives acceded in 2006.<sup>44</sup> For example, the law allows authorities to install cameras in the homes of people they suspect of being Islamic State sympathizers and arrest them if they try to join militants overseas.<sup>45</sup>



**Nepal** already had an act in 1988 to provide for extradition of an accused or offender, known as Extradition Act, 2045. The Terrorist and Disruptive Activities (Control and Punishment) Act, 2002 (TADA), was Nepal's reaction to the events of 11 September 2001, and was used to further the country's conflict with the Communist Party of Nepal (CPN-Maoists). TADA included disruptive activities within the broad definition of terrorist acts.<sup>46</sup> Eventually on the 8th meeting of the Home Ministers of the member countries of SAARC, Minister for Home Affairs Janardan Sharma informed that Nepal was legislating seven key laws to fight terrorism.<sup>47</sup>

<sup>43</sup> United States Department of State (2016). *Country Reports on Terrorism 2015 – Maldives*. Accessed: 17 September 2017. available at: <http://www.refworld.org/docid/57518da423.html>,

<sup>44</sup> Maldives Independent (2017). Maldives government abuses anti-terror law to silence public officials. Accessed 17 September 2017. available at: <http://maldivesindependent.com/feature-comment/maldives-government-abuses-anti-terror-law-to-silence-public-officials-123069>

<sup>45</sup> The Guardian (2015). Maldives opposition critical of 'draconian' anti-Islamic State law. Accessed: 17 September 2017. available at: <https://www.theguardian.com/world/2015/oct/29/maldives-opposition-critical-of-draconian-anti-terror-law>

<sup>46</sup> Nepal's TADA - Tool of terror (2004), Accessed: 17 September 2017. available at: <https://www.countercurrents.org/hr-hrf210104.htm>

<sup>47</sup> The Himalayan Times (2017). Nepal to make seven anti-terrorism laws. Accessed 17 September 2017. available at:



**Pakistan** violent extremism legislation has often been contested. For example, the Suppression of Terrorist Activities Ordinance (1975) was the first of its kind in Pakistan. In 2001 it was completely repealed after it was removed from North West Frontier Province (NWFP) and Baluchistan. Most of the parts of the 1997 Anti-Terrorism Act were declared unconstitutional by the Supreme Court. Later, a 1998 Anti-Terrorism (Amendment) Ordinance was issued by Nawaz Sharif's government to respond to most of the Supreme Court's objections.<sup>48</sup> Similarly, the Pakistan Armed Forces Ordinance of 1998 also faced opposition and the Supreme Court declared the ordinance unconstitutional, without legal authority, and with no legal effect. This ordinance was also repealed in 1999.<sup>49</sup> Apart from the federal laws, Pakistan also has its provincial laws that cover violent extremism. For example, the Punjab Strategic Coordination Act (2014) aims to establish an institutional mechanism to counter terrorism, and formulate security and counter-terrorism policy.<sup>50</sup> The (Punjab) Police Order (2002) aims to identify and arrange research in the areas of terrorism through National Police Management Board,<sup>51</sup> and most importantly the Punjab Civilian Victims of Terrorism (Relief And Rehabilitation) Act (2016). This act aims to provide an institutionalized response to redress the hardships faced by civilian victims and their families owing to an act of terrorism.<sup>52</sup>



**Sri Lanka's** the Prevention of Terrorism Act (PTA) of 1978 led to a number of controversies, where abuse of the act was reported with the aim of targeting Tamil rebels.<sup>53</sup> This condition continued until the present day, where the revised PTA permits violation of the human rights of those unconnected with extremism, as claimed by the Tamil National Alliance (TNA).<sup>54</sup> Moreover, the Sri Lankan cabinet's approval of the new Counter Terrorism Act (CTA) on May 2017 has raised tensions as would still permit many abuses.<sup>55</sup> The international community, including the UN, European Union, Human Rights Watch and Amnesty International, have expressed concern about human rights violations permitted by the PTA and CTA.

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<https://thehimalayantimes.com/nepal/nepal-make-seven-anti-terrorism-laws/>

<sup>48</sup> Charles H. Kennedy in Satu P. Limaye, Mohan Malik & Robert G. Wirsing (1997), at edited Religious Radicalism and Security in South Asia, 1997–2002, , Page- 392, Accessed 17 September 2017. available at: <https://goo.gl/uFlaBD>

<sup>49</sup> Ibid.

<sup>50</sup> The Punjab Strategic Coordination Act (2014). Accessed 17 September 2017. available at: <http://www.punjablaws.gov.pk/laws/2579.html>

<sup>51</sup> The Police Order (2002). Accessed 17 September 2017. available at: <http://www.punjablaws.gov.pk/laws/2185a.html>

<sup>52</sup> The Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2016, available at: <http://punjablaws.gov.pk/laws//2477.html>, Accessed 17 September 2017

<sup>53</sup> Solomon Arulanandam, David (1983), An Eyewitness Account of the Welikade Prison Massacre. Accessed 17 September 2017. available at: [http://sangam.org/2012/04/Eyewitness\\_Welikade\\_Massacre.php?uid=4690](http://sangam.org/2012/04/Eyewitness_Welikade_Massacre.php?uid=4690)

<sup>54</sup> PK Balachandran (2017). Draft Sri Lankan anti-terror law 'goes beyond' international definition of terrorism. Accessed 17 September 2017. available at: [www.bdnews24.com/neighbours/2017/05/06/draft-sri-lankan-anti-terror-law-goes-beyond-international-definition-ofterrorism](http://www.bdnews24.com/neighbours/2017/05/06/draft-sri-lankan-anti-terror-law-goes-beyond-international-definition-ofterrorism)

<sup>55</sup> Sri Lanka: Anti-Terror Bill Revives Concerns of Abuse (2017). Accessed: 17 September 2017. available at: <https://www.hrw.org/news/2017/05/18/sri-lanka-anti-terror-bill-revives-concerns-abuse>

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## International Dynamics for Preventing Violent Extremism

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Some critics argue that violent extremism flourishes in a country where the political and administrative authorities are not well-equipped and strong enough to prevent it. However, a 2016 report of the United Nations Development Programme (UNDP) on “Preventing Violent Extremism” addresses that prevention of violent extremism, in the form of terrorism, should not merely be a national concern because it is influenced by local, national, regional, and even international factors altogether.<sup>56</sup> Hence, violent extremism has become a global challenge *en bloc* in the present time.

On one hand, the violent extremist groups aim at diminishing the structures and mechanisms of social welfare, national security, criminal justice etc. of a nation to compel its concerned authorities to execute their demands. On the other hand, they used to impose “all or nothing” logic to gratify their demands and show their unwillingness to invoke any peaceful method.<sup>57</sup> Thus, along with creating partnership among various countries as well as involving the youths and women, enacting and implementing

national, regional, and international laws are inevitable to prevent violent extremism.

In 1970, the whole world took position against international violent extremism for the first time by passing the *UN General Assembly Resolution 2625*.<sup>58</sup> Later on, a “SAARC Summit” was held in Dhaka from 7 to 8 December 1985 when the entire regional community identified terrorism as one of the barriers to ensure security and stability of the SAARC countries.<sup>59</sup> Thereby, the SAARC countries decided to cooperate other countries to counter terrorism by making the *Bangalore Declaration* on 17 November 1986.<sup>60</sup> Subsequently, the *SAARC Regional Convention 1987* accepted the said *UN General Assembly Resolution*

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<sup>58</sup> The UN Document, Resolution adopted by the General Assembly on a Report from the Sixth Committee (A/8082), Twenty-fifth session, 24 October 1970. Accessed: 29 September 2017. available at: <http://www.un-documents.net/a25r2625.htm>

<sup>59</sup> The Dhaka Declaration of the Heads of State or Government of the Member States of South Asian Association for Regional Cooperation, 7-8 December 1985. Accessed: 28 September 2017. available at: <http://saarc-sec.org/saarc-summit/7/>

<sup>60</sup> The Bangalore Declaration of the Heads of State or Government of the Member Countries of the South Asian Association for Regional Cooperation (17 November 1986). Accessed 29 September 2017. available at: <http://www.saarc-sec.org/userfiles/02-Bangalore-2ndSummit1986.pdf>.

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<sup>56</sup> The UNDP Report (2016), Preventing Violent Extremism, 14-16 March 2016 (Oslo, Norway) P. 8

<sup>57</sup> Ibid, p.9.

2625 of 1970 for combating terrorism in the SAARC countries.<sup>61</sup>

On 9 December 1995, the *UN General Assembly Resolution 54/109* was declared with the purpose of preventing terrorism financing.<sup>62</sup> Afterwards, the UN General Assembly adopted the *International Convention for the Suppression of Terrorist Bombings, 1997*, the *Convention for the Suppression of the Financing of Terrorism, 1999* and the *International Convention on the Suppression of Acts of Nuclear Terrorism, 2005* to prevent violent extremism through dynamic broader international manners. It should be mentioned that the *UN Security Council Resolution 1973* took a firm stance against terrorism in the SAARC countries.<sup>63</sup> This particular *Resolution* was introduced in the *SAARC Regional Convention* on 6 January 2004.<sup>64</sup>

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<sup>61</sup> The SAARC *Regional Convention on Suppression of Terrorism and its Additional Protocol*, 4 November 1987. Accessed 30 September 2017. available at: [http://saarc-sec.org/areaofcooperation/detail.php?activity\\_id=21](http://saarc-sec.org/areaofcooperation/detail.php?activity_id=21)

<sup>62</sup> The UN Document, *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations in Resolution 54/109, 9 December 1999. Accessed: 28 September 2017. available at: <http://www.un.org/law/cod/finterr.htm>.

<sup>63</sup> The UN Document, Resolution 1973 Adopted by the Security Council at its 6498th meeting, 17 March 2011. Accessed: 30 September 2017. available at: <http://www.un.org/en/sc/documents/resolutions/2011.shtml>.

<sup>64</sup> The Islamabad Declaration, Twelfth SAARC Summit, 4-6 January 2004. Accessed 1 October 2017. available at: <http://www.saarc-sec.org/userfiles/Summit%20Declarations/12%20-%20Islamabad%20-12th%20SAARC%20Summit,%204->

In Bangladesh, the *Anti-Terrorism Act 2009* was enacted which defines terrorism as a “specific offence” and confirmed “death penalty” as the highest punishment for this offence.<sup>65</sup> In 2010, Bangladesh government has adopted the *National Anti-terrorism Education Policy* to be implemented in the *Madrassa* education system. Later on, Bangladesh government embraced the *National Anti-terrorism Strategy* and signed the *Palermo Convention against Transnational Organized Crime 2000* with the said purpose.<sup>66</sup> Besides, the Rapid Action Battalion (RAB), Special Weapons and Tactics (SWAT), and Counter Terrorism and Transnational Crime Unit (CTTCU) have been formed to prevent the offence of terrorism in Bangladesh. The biggest challenge for the 21<sup>st</sup> century is to prevent terrorism which is regarded as a form of violent extremism. It is not possible to prevent it only by an individual, or an organization, or by the State alone. Such type of violent extremism cannot be eradicated through only imposing criminal punishment to the perpetrators or by implementing international laws. Most importantly, extensive scheme and joint effort of the people, organizations and every country is indispensable.

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[6%20January%202004.pdf](#)

<sup>65</sup> For details please see Section 6 of the *Anti-Terrorism Act 2009*.

<sup>66</sup> The *United Nations Convention against Transnational Organized Crime and the Protocols 2000*. Accessed 1 October 2017. available at: <http://www.unodc.org/unodc/treaties/CTOC/>.

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## Understanding Violent Extremism: The Case of Satkhira

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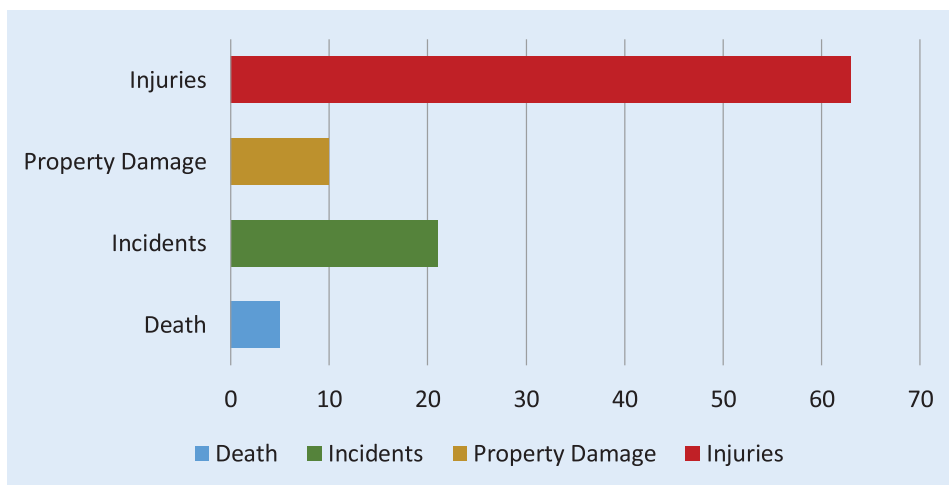
Satkhira is the most south-western district of Bangladesh bordering India. The district also shares borders with Jessore district in the north and Khulna district in the east. Satkhira was selected as a study area in this micro-narrative series because the south-western part of Bangladesh has historically been a stronghold of leftist extremism in the country. In this region, religious extremist sentiment emerged as a reaction to leftist forces dominant there. The Jagrata Muslim Janata Bangladesh (JMJB) led by Siddique-ul Islam, alias Bangla Bhai, is an instance of such religious-based extremist groups that challenged leftist elements in the area. Moreover, as the district shares a border with India, drugs and human trafficking

have been noted concerns. The district also has a considerable Hindu population.

For about 5-6 years, the social fabric of the area has changed. It has become more intolerant towards minorities, as evidenced through high-profile instances of electoral and communal violence, allegations of war crimes, and divisive propaganda. As such, Satkhira is considered one of the most violent districts in Bangladesh.

According to the BPO print media review, in the year 2014-2016 there were 21 incidents of non-secular (religio-centric) violent extremism in the area. In these incidents, 5 people died and 63 people were injured.

**Figure 5: Violent Extremism 2014-16 (Source: BPO)**



Case	General Observations	Findings
<ul style="list-style-type: none"> <li>• <b>Name: Sabina Yasmin (Victim of 2013-2014 violence)</b></li> <li>• Age: 45</li> <li>• Profession: Housewife</li> <li>• Location: Gopinathpur, Jugibari, Kalaroa, Shatkhira district</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of transportations</li> <li>• Reluctance to speak in general</li> <li>• Partisan views prevailed among some of the narrators</li> <li>• Majority of the people are not well informed about global happenings</li> </ul>	<ul style="list-style-type: none"> <li>• Most people are not bothered</li> <li>• One Ngo worker acknowledge that violent extremism existed in Satkhira</li> </ul>

This case has been selected from Satkhira, which was exposed to violence and extremist activities following the hanging of an alleged war criminal of 1971. The night one of the alleged war criminal- 'Kader Molla' was hanged, Sabina's house was vandalized and burnt down to ashes. According to Sabina, "The night Kader Molla was hanged, it all started. First, the supporters of Molla vandalized a sweet shop in the main road to vent their anger. Then, they surrounded our house and started the mayhem. It was my husband who first noticed, and he woke me up and insisted that I should flee. We somehow managed to escape using the pond side and went to a nearby Hindu locality."

The first name of Sabina's husband's was Sheikh. This led the supporters of Molla to believe that they are somehow related to leaders of the ruling Awami League (AL). According to Sabina "they (the vigilantes) shouted 'burn the Sheikh's house first'". She continued, "I had my son in the house. They were many in numbers. They broke the lock of the house. They tore the pillows, bed sheets, and vandalized the furniture and all of my belongings. They killed another person when they could not find my husband. That old man was hiding in a graveyard. They dragged him out from the grave yard and killed him. There was sound of fire and bomb. Most of the time we stayed covered. If they would have found us, they would have chopped us into pieces...There were hundreds and thousands of people coming...The man was hiding in the graveyard, 10-15 people went after him. His house was also vandalized...We used to sleep in nearby houses. They used large wood logs to block the road. Thana is 1-1.5 miles from here in Kalaroa. No police came out. 4-6 people were killed. They also killed the principal of City College who was an Awami League supporter. Still people around us are Jamaat, they view us as different....It took five to seven months for things to become normal. But anything can happen."

*“These incidents of vandalism mainly took place centering the verdicts of capital punishment given to some of the Jamaat leaders. Especially, following the verdict of Delwar Hossain Sayeedi, his supporters burnt down some shops of Awami League supporters in Jugi Bari. Also at the night of Abdul Quader Molla’s hanging, miscreants killed the president of ward Awami League.” “One day during that chaotic period, a pro-Jamaat woman activist joined the procession. She was standing beside a tree and her fellow male activists were chopping down that tree with a saw. As they were not using any safe measures, that tree fell on that woman directly and that woman died instantly. But that incident did not stop their violence.”*

**- Anonymous  
Business, Jugi Bari**

*“The verdict of Delwar Hossain Sayeedi was given on that day. I was working in the office on that day. The incident took place in front of the circuit house road. This was a planned procession by Jamaat. After starting from Kadamtala, the procession headed to Zila intersection. When the procession reached to Zila intersection, police started firing tear-shells. The procession did not disarray and tear shell didn’t work. So police started firing rubber bullets. In response, the supporters of Jamaat-e-Islam were throwing pieces of bricks and glasses etc. Our eyes were affected by those tear shell and we were not being able to see anything due to buring our eyes.”*

**- Moniruzzaman  
NGO, Satkhira Sadar**

*“It was about a young boy named Tuhin. He was an activist of Bangladesh Islami Chatra Shibir and he was also a blind supporter of Delwar Hossain Sayeedi. On 28th February 2013, he also joined the procession which was called as a protest against the verdict of Sayeedi. When the procession reached to the circuit house intersection road, Tuhin was in front line. Police created an obstruction to the procession. But Tuhin did not stop. He continued to come forward towards the police. Police fired bullet and Tuhin received shot in his waist. The bullet pierced him from one side to another and he died. Later his grave was also vandalized by police and supporters of Awami league.”*

**- Anonymous  
Doctor, Satkhira Sadar**

*“It started 6 months before your uncle (indicating her husband) died. I did not understand why they killed him. He fought during our liberation war. Even though, he was a freedom fighter but he did not take the certificate...For six months, the hartal (strikes) continued. During this period I insisted him not to go to the Awami League office. They keep calling him. One afternoon, he went to Muralikaha for cultivation purpose. The same day supporters of hartal were burning down houses. Also, they set fire on stack of jute-sticks and to the windows of a three storied building. My husband went into hiding in a graveyard. But, he was not able save his own life.”*

**- Shamsunnahar  
House Wife, Jugibari**

*“The procession of Jamat people went towards the Circuit House. Then police put barricade there. It happened at 3.38 p.m. in this market. My daughter and son-in-law lived in another end of the market. My five years old child also lived with them. Son-in-law’s motorbike was outside the house. They burnt it. There was mess in the house. They entered into the house by breaking down the boundary wall. When they threw tear gas those three came out as they could not tolerate the gas. My son-in-law came down to the yard. They beat him to death using GI pipe, hockey stick, bamboo sticks, and bricks of the wall at the spot. My husband went there and he was injured badly as well. For 13 days he was in Sadar Hospital.”*

**- Tahamina  
House Wife, Nalkura**

*At first the problem started in town. The supporters of Jammata called for a procession...They damaged the culvert, chopped down trees and blocked the roads using the tree logs. Police fired on them and they also attacked police. The police action led to cutting a leg of one of the supporters of Jammata in Khanpur. Some years ago a supporter of Jammata was killed. Here supporters of Jammata make other people understand that they are religious. The judgment of war criminal is conspiracy. It happened in Kakdanga. Many people died but Jammata people honored them as martyr and did not fulfill the final funeral. But police came and took away their dead body from the mass grave.*

**- Afrot  
Vanpuller, Satkhira Sadar**

*“Now a days students do not want to study. They are getting big position in politics. They beat my uncle for a trivial matter relating to land. Muslims attacked on us because we are minority. But there were many influential persons and friends among the Muslims who cooperated with us. In Babulia, there was an incident of temple attack. One Brahman was killed by the miscreants. That incident occurred after fazar prayer when nobody woke up. That is why miscreants could not be identified.”*

**- Lakkhan  
Student, Purano Satkhira**

*“A leader of Shibir named Aminul was killed in Satkhira. He was from Krishnonagar union. Police attacked him while he was in a party meeting. The union is backward in many ways. There is no good mode of transportation and no direct contact with the rest of Shatkhira. Now, people consider it as a place of violence. During the clash, shops were vandalized and people could not come outside out of fear. Students did not go to school.”*

**- Khairul  
Village Police, Kaliganj**

*“My father-in-law and mother-in-law were in the house. At least 200-300 people came to the yard and they shouted to my father-in-law to come out of the house. When he did not come out they started vandalizing everything. My father-in-law fled towards the graveyard. He tried to hide in the grave. Quader Molla was hanged at 10:10 pm and at 10:20 pm they dragged him out of the grave and killed him brutally. They hacked him in head, in the eyes and middle of mouth. He was 56 years old. He had Jaundice....He would have died naturally. He was so aged. Then why they killed him in such a way?”*

**- Tania  
Housewife, Kalaroa**

## Annex

### International Rules and Regulations Related to Violence

CIVIL AVIATION		
Year	Convention/ Protocol	Key Feature
1963	Convention on Offences and Certain Other Acts Committed On Board Aircraft	<ul style="list-style-type: none"> <li>• Authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and</li> <li>• Requires contracting States to take custody of offenders and to return control of the aircraft to the lawful commander.</li> </ul>
1970	Convention for the Suppression of Unlawful Seizure of Aircraft	<ul style="list-style-type: none"> <li>• Makes it an offence for any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so;</li> <li>• Requires parties to the convention to make hijackings punishable by "severe penalties"; and</li> <li>• Requires parties to assist each other in connection with criminal proceedings brought under the Convention.</li> </ul>
1971	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation	<ul style="list-style-type: none"> <li>• Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts</li> </ul>
1988	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of	<ul style="list-style-type: none"> <li>• Extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving international civil aviation.</li> </ul>

	Civil Aviation	
2010	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	<ul style="list-style-type: none"> <li>• Criminalizes the act of using civil aircraft as a weapon to cause death, injury or damage;</li> <li>• Criminalizes the act of using civil aircraft to discharge biological, chemical and nuclear (BCN) weapons or similar substances to cause death, injury or damage, or the act of using such substances to attack civil aircraft;</li> <li>• Criminalizes the act of unlawful transport of BCN weapons or certain related material;</li> <li>• A cyber-attack on air navigation facilities constitutes an offence;</li> <li>• A threat to commit an offence may be an offence by itself, if the threat is credible.</li> <li>• Conspiracy to commit an offence, or its equivalence, is punishable.</li> </ul>
2010	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft	<ul style="list-style-type: none"> <li>• Supplements the Convention for the Suppression of Unlawful Seizure of Aircraft by expanding its scope to cover different forms of aircraft hijackings, including through modern technological means.</li> </ul>
2014	Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft	<ul style="list-style-type: none"> <li>• Supplements the Convention on Offences and Certain Other Acts Committed On Board Aircraft by expanding its scope to cover different forms of aircraft hijackings, including through modern technological means.</li> </ul>

## PROTECTION OF INTERNATIONAL STAFF

1973	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons	<ul style="list-style-type: none"> <li>• Requires parties to criminalize and make punishable "by appropriate penalties which take into account their grave nature" the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice".</li> </ul>
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## TAKING OF HOSTAGES

1979	International Convention against the Taking of Hostages	<ul style="list-style-type: none"> <li>• Provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention".</li> </ul>
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## NUCLEAR MATERIAL

1980	Convention on the Physical Protection of Nuclear Material	<ul style="list-style-type: none"> <li>• Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.</li> </ul>
2005	Amendments to the Convention on the Physical Protection of Nuclear Material	<ul style="list-style-type: none"> <li>• Makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and</li> <li>• Provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.</li> </ul>

## MARITIME NAVIGATION

1988	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	<ul style="list-style-type: none"> <li>• Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.</li> </ul>
2005	Protocol to the Convention for the Suppression of Unlawful Acts against the	<ul style="list-style-type: none"> <li>• Criminalizes the use of a ship as a device to further an act of terrorism;</li> <li>• Criminalizes the transport on board a ship various</li> </ul>

	Safety of Maritime Navigation	<p>materials knowing that they are intended to be used to cause, or in a threat to cause, death or serious injury or damage to further an act of terrorism;</p> <ul style="list-style-type: none"> <li>• Criminalizes the transporting on board a ship of persons who have committed an act of terrorism; and</li> <li>• Introduces procedures for governing the boarding of a ship believed to have committed an offence under the Convention.</li> </ul>
1988	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf	<ul style="list-style-type: none"> <li>• Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.</li> <li>•</li> </ul>
2005	Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf	<ul style="list-style-type: none"> <li>• Adapts the changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.</li> </ul>
<b>EXPLOSIVE MATERIALS</b>		
1991	Convention on the Marking of Plastic Explosives for the Purpose of Detection	<ul style="list-style-type: none"> <li>• Designed to control and limit the use of unmarked and undetectable plastic explosives</li> <li>• Parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty.</li> </ul>
<b>TERRORIST BOMBINGS</b>		
1997	International Convention for the Suppression of Terrorist Bombings	<ul style="list-style-type: none"> <li>• Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.</li> </ul>

## FINANCING OF TERRORISM

1999	International Convention for the Suppression of the Financing of Terrorism	<ul style="list-style-type: none"><li>• Requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;</li><li>• Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and</li><li>• Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate</li></ul>
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## NUCLEAR TERRORISM

2005	International Convention for the Suppression of Acts of Nuclear Terrorism	<ul style="list-style-type: none"><li>• Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors;</li><li>• Covers threats and attempts to commit such crimes or to participate in them, as an accomplice;</li><li>• Stipulates that offenders shall be either extradited or prosecuted;</li><li>• Encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and</li><li>• Deals with both crisis situations (assisting States to solve the situation) and post-crisis situations (rendering nuclear material safe through the International Atomic Energy Agency (IAEA).</li></ul>
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## GLOSSARY

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**Atrocity:**

Extremely cruel, violent, or shocking act.

**Civil Law:**

Part of the legal system that relates to personal matters, such as marriage and property, rather than crime.

**Communal Violence:**

It includes conflicts, riots and other forms of violence between communities of different religious faith or ethnic origins perpetrated across communal lines where parties feel solidarity for their respective group membership.

**Customary****International Law:**

International law that results from a general and consistent practice of states that they follow from a sense of legal obligation as opposed to obligations arising from formal written international treaties.

**Ethnic Violence:**

Violence motivated by ethnic hatred and ethnic conflict.

**Interpersonal**

**Violence:** Physical, sexual, emotional, economic or psychological actions or threats of action that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing or threatening.

**Intimate Partner**

**Violence:** Behavior within intimate relationship causing physical, psychological or sexual harm to those in the relationship, including acts of physical aggression, sexual coercion, psychological abuse and controlling behaviors.

**Penal Code:**

The system of legal punishment of a country.

**Preemptive Measure:**

Taken as a measure against something

possible, anticipated, or feared

**Propaganda:**

Ideas or statements that are often false or exaggerated and that are spread in order to help a cause, a political leader, a government, etc.

**Resolution:**

Formal expression of opinion or intention made, usually after voting, by a formal organization, a legislature, a club, or other group.

**Repeal:**

Revoking or annulling a law or congressional act.

**Sexual Violence:**

Any unwanted, non-consensual sexual contact against any individual by another using manipulation, pressure, tricks, coercion or physical force. It can be verbal, visual, or anything that forces a person to join in unwanted sexual contact or attention.

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