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Bangladesh: Judges under the attacks of the Jihadis

Table of Contents

1. INTRODUCTION	2
2. JUDGES UNDER THE ATTACK OF THE JIHADIS	3
A. KILLINGS	4
B. DEATH THREATS	4
3. THE JIHADIS	6
A. LEADERSHIP AND POLITICAL SUPPORT	6
B. CADRES: MADRASAS AND ROHINGYYAS	7
<i>i. Madrasas</i>	8
<i>ii. Rohingyaas</i>	9
C. INTERNATIONAL SUPPORT: ISLAMIC CHARITY GROUPS	9
4. LIVING WITH THE JIHADIS: INDISPENSABILITY OF THE JAMAATS	10

1. Introduction

The Bangladesh Judicial Service Association (BJSA) in its extraordinary meeting on 21 November 2005 decided that no judge would work as a vacation judge to another district during the vacations in December 2005 for security reasons. It also decided that unless the government exempts the judges from paying taxes on their private vehicles and firearms, they would stay absent from the courts for an indefinite period and take leave *en masse* from 1 January 2006.¹ The decisions were taken following the killing of two judges by Jamaatul Mujahideen Bangladesh (JMB) in Jhalakathi on 14 November 2005. Between 17 August and 20 November 2005, six other judges and lawyers have been attacked and 13 others received death threats from the Jihadi groups demanding replacement of so-called man-made laws with the Koranic laws. The judiciary in Bangladesh has virtually been paralysed.

In the post Taleban period in Afghanistan, no other country has been affected by the Taleban inspired Jihadi movement more than Bangladesh. There has been an alarming rise of Islamic fundamentalism in the country since then President Zia-Ur Rahman allowed the return of Pakistani collaborator and leader of the Jammāt-I-Islam, Golam Azam in 1978. When Bangladesh National Party formed electoral alliance with Jamaat-e-Islami and Islami Oikya Jote in October 2001 general elections, the return of the Jamaats in the mainstream politics took the full circle. The Islamic fundamentalist groups who were hitherto identified as “Rajakars” or Pakistani collaborators have since become the rulers of the country.

Since the Bangladesh National Party (BNP)-Jamaat-e-Islami and Islami Oikya Jote came to power in 2001, there have been systematic attacks on opposition leaders, progressive intellectuals, NGOs and journalists by the Jihadis. The murderous attack on one of Bangladesh's most liberal writers, Professor Humayun Azad in front of the Bangla Academy in Ramna, Dhaka on 27 February 2004², the bomb attack on British High Commissioner to Bangladesh Anwar Choudhury on 21 May 2004 at Hazrat Shahjalal Shrine in Sylhet³, the bombing of the BRAC office at Porsha upazila of Naogaon district on 15 February 2005⁴ are testimonies to the systematic attacks by the Jihadis. Yet, the attacks on the Hindu minorities following the October 2001 elections, the attack on Sheikh Hasina, leader of the opposition at a rally on 21 August 2004 and the assassination of former Finance Minister AMS Kirbia on 27 January 2005 have been dismissed as political attacks or worst, handiwork of neighbouring countries.

After a series of coordinated blasts of at least 459 time bombs in 63 of total 64 districts across the country on 17 August 2005 that killed 2 persons and injured more than 100, it

¹ . Judges threaten to go on leave en masse, The Daily Star, Dhaka, 22 November 2005

² . Humayun Azad stabbed, fighting for life, The Daily Star, 28 February 2004

³ . The Daily Star, 22 May 2004

⁴ . Ibid

was no longer possible for Bangladesh to brush aside Islamic fundamentalism in the country.⁵

The recent attacks on the judges in Bangladesh are symptoms of the level of penetration made by offshoots of the Taleban. Given the power the fundamentalists share in the present administration, extreme poverty and flourishing Madrasas with direct State support, Bangladesh will never be a secular country that the country's first constitution envisaged. However the conflict between the moderate Muslims and the Jihadis will bleed the country.

2. Judges under the attack of the Jihadis

The primary targets of the August 17th bombing across the country were the courts and the judges. Leaflets of banned Jama'atul Mujahideen Bangladesh (JMB), recovered from the blast sites, called for establishment of Islamic rule in the country. They have threatened the judges with death if they fail to replace secular laws with "Koranic laws".

Since the August 17th bombing, the judges have come under serious attacks from the Jihadis. Between 17 August and 20 November 2005, four persons including two senior assistant judges Sohel Ahmed of Sadar Upazila Court and judge Jagannath Parey of Nalchhiti Upazila Court were killed in the direct attacks on the judges; six other judges and lawyers - Joint Assistant Judge Abu Sufian, Laxmipur⁶, First Sub-Judge Dipen Dewan, Chandpur⁷, Advocate Kazi Mozammel Hossain, Chandpur⁸, Second Joint District Session Judge Dilzer Hossain, Chittagong⁹, Metropolitan Magistrate MM Akram Hossain, Chittagong¹⁰ and Sylhet divisional speedy trial tribunal judge, Biplob Goswami¹¹ were attacked; and 10 judges including Abdus Samad, judge of the Khulna divisional speedy trial tribunal¹², First Joint District Judge Shamsul Islam, Chittagong¹³, Senior Assistant Judge Kazi Abdul Hannan, Chittagong¹⁴, Judge Mafizul Islam of the Money Loan Court, Pabna¹⁵, District and sessions judge in Gopalganj¹⁶, Iktedar Ahmed, a judge in southeastern Cox's Bazar district¹⁷ Judge Kuddus Zaman in Barisal district¹⁸

5. 459 blasts in 63 districts in 30 minutes, The Daily Star, 18 August 2005

6. Militants strike again on courts, The Daily Star, 4 October 2005

7. Ibid

8. Ibid

9. Ibid

10. Ibid

11. Sylhet judge escapes bomb attack, New Age, 19 October 2005

12. Khulna judge threatened with death, New Age, 16 June 2005

13. Ctg judges get bomb threats over phone- Anonymous caller asks them to follow Islamic 'sharia', The Daily Star, 6 October 2005

14. Ibid

15. JS secretariat security officer detained for 'militant link'- JMB, Janajuddha give death threat to Pabna judge, The Daily Star, 8 October 2005

16. Bomb-like object, threat note sent to Gopalganj judge, The Daily Star, 17 October 2005

17. <http://www.expressindia.com/fullstory.php?newsid=57391>

18. Ibid

Abu Sufian, Joint District Judge of Laxmipur¹⁹, senior Assistant Judge of Jhalakathi MA Awal²⁰ and Senior Assistant Judge Umme Kulsum of Chittagong²¹ received death threats.

a. Killings

On 14 November 2005, two senior assistant judges - Sohel Ahmed (35) of Sadar Upazila Court and Jagannath Parey (38) of Nalchhiti Upazila Court were killed in a bomb attack as they were traveling to office in southern district of Jhalakati. Four persons were also injured including the suspected bomber identified as Mamun. Police reportedly seized a bomb and hand-written leaflets of the Jamaatul Mujahedin from his possession. The leaflet read, "Ban manmade laws and establish Qur'anic laws".²²

On 18 October 2005, Biplob Goswami, speedy trial tribunal judge of the Sylhet division came under bomb attack at his residence at Kumarpara in Sylhet. He luckily escaped unhurt as the assailant missed his target. The assailant identified as Akter Hossain was caught by the local people.²³

On 3 October 2005, suspected militants of Jama'atul Mujahideen Bangladesh (JMB) carried out serial bomb attacks in courtrooms in three districts of Chandpur, Laxmipur and Chittagong district, killing two persons and injuring 38 others, including a district judge and a policeman. Second Joint District Session Judge Dilzer Hossain in Chittagong narrowly escaped death only because the bomb hurled at him did not explode. Hand-written leaflets of the Jama'atul Mujahideen Bangladesh (JMB) recovered from the Chandpur blast site called for establishing Islamic rule in the country.²⁴

b. Death threats

Judges across the country have received death threats.

On 5 October 2005, three judges in Chittagong received threats of bomb attack from anonymous callers asking them to discharge their duties as per Islamic 'Sharia'. The judges who received threats are First Joint District Judge Shamsul Islam, Senior Assistant Judge Kazi Abdul Hannan and Judge Umme Kulsum.²⁵

¹⁹. <http://www.independent-bangladesh.com/news/oct/26/26102005ts.htm>

²⁰. JMB threatens to blow up Ctg railway station, Jhalakathi judge gets death threat, The Daily Star, 21 November 2005

²¹. Ibid

²². Bombers kill two judges in Jhalakati, New Age, 15 November 2005

²³. Sylhet judge escapes bomb attack, New Age, 19 October 2005

²⁴. Militants strike again on courts, The Daily Star, 4 October 2005

²⁵. Ctg judges get bomb threats over phone- Anonymous caller asks them to follow Islamic 'sharia', The Daily Star, 6 October 2005

On 5 October 2005, a militant organization, Islami Ain Bastabayon Parishad, sent leaflets by post to Dhaka Bar Association asking it to cooperate in establishing Islamic rule in the country or face dire consequences.²⁶

On 7 October 2005, banned Jama'atul Mujahideen Bangladesh (JMB) and Janajuddha jointly threatened to kill Judge Mafizul Islam of the Money Loan Court, Pabna. Judge Mafizul Islam reportedly admitted having received a hand-written letter in which the banned outfits threatened to kill him and his family members and to blow up the court by suicide squads.²⁷

On 16 October 2005, police recovered a bomb-like object and a note from the district and session's judge's residence in Gopalganj, threatening to take action against the judge if he did not conduct court proceedings as per Islamic law.²⁸

On 25 October 2005, Iktedar Ahmed, a judge in southeastern Cox's Bazar district, reportedly received an anonymous telephone call threatening to kill him. "You have ignored the call for practising the law of Allah. So, be prepared to die," Ahmed quoted the caller as saying.²⁹

On 26 October 2005, the wife of Judge Kuddus Zaman in Barisal district said she had received a letter from a group which called itself Manabadhikar Rakkha-O-Uddhar (Human Rights Restoration and Preservation) threatening to kill her husband.³⁰

On 16 November 2005, the JMB threatened two judges – Ahsan Tarek, a senior assistant judge and Enayet Kabir, an assistant judge, in Rajshahi through letters. The letters said, 'If you do not leave Rajshahi within the next two weeks, you will be blown away'.³¹

On 16 November 2005, the JMB sent a 'warning letter' to Sub Judge-1 of Money Loan Court, Pabna Sharif Mostafa Karim, threatening to blow him to bits if he does not conduct his court proceedings according to Shariah in Pabna. The handwritten letter jointly sent by JMB and outlawed Purba Banglar Communist Party's (PBCB) Janajuddha faction termed the judges as "Islam's enemy" and bowed that "you and your court will be blown up with a remote control bomb."³²

On 20 November 2005, senior Assistant Judge of Jhalakathi, MA Awal, received a letter of death threat, accusing him of 'committing acts of injustice and indulging in wrongful activities'. Mr Awal had narrowly escaped death in the car bomb blast on 14 November

²⁶. Ibid

²⁷. JS secretariat security officer detained for 'militant link'– JMB, Janajuddha give death threat to Pabna judge, The Daily Star, 8 October 2005

²⁸. Bomb-like object, threat note sent to Gopalganj judge, The Daily Star, 17 October 2005

²⁹. <http://www.expressindia.com/fullstory.php?newsid=57391>

³⁰. Ibid

³¹. JMB threats to judges continue, New Age, 17 November 2005

³². JMB vows to keep on attacking judiciary, The Daily Star, 17 November 2005

2005 which left two of his colleagues Sohail Ahmed and Jagannath Pandey dead and three others injured.³³

On 20 November 2005, a man identifying himself as a JMB cadre asked Senior Assistant Judge Umme Kulsum of Chittagong to conduct trials under Islamic laws, failing which the caller warned of stern action against the judge.³⁴

3. The Jihadis

The key Jihadi groups are Harkat-ul-Jihad-al-Islami (HuJI), Jagrata Muslim Janata Bangladesh (JMJB) and Jama'atul Mujahideen Bangladesh (JMB). However, the links of these groups with the over ground Islamic fundamentalist organizations, Jamaat-e-Islami and Islami Oikya Jote, have been an open secret.

a. Leadership and political support

Investigations in the August 17th bombings have revealed the role of the Jammats beyond any reasonable doubt. A number of arrested members of the Jihadi groups reportedly confessed to having close ties with Jamaat-e-Islami Bangladesh.³⁵ However, the government is unlikely to take action against its allies, more so given the forthcoming general elections is slated for January 2007.

Following the 17th August bombing, the police blamed the Jamaatul Mujahideen. However, Minister of Industries and Jamaat-e-Islami leader Maulana Matiur Rahman Nizami put the blame on India's RAW and Israel's MOSAD. However, former Islamic Foundation Director, Moulana Fariduddin Masud, detained for suspected links to the August 17 blasts reportedly pointed out Nizami's involvement in the countrywide explosions. Yet, no action has been taken against Nizami. Investigative agencies have also reportedly found that a Jamaat-e-Islami Member of Parliament (MP) used his 'good relations' with a family having both Jamaat and Sarbahara (a militant outfit) links to involve an outlawed party in the August 17 chain-bombings.³⁶ On 26 September 2005, BNP's International Affairs Secretary Syed Najibul Bashar Maizbhandari resigned from the party, protesting the government's 'failure to act' against Jamaat-e-Islami.³⁷

A total of 152 cases were lodged in connection with the 459 bomb blasts of August 17 among which the charge sheets have so far been submitted in 33 cases. About 400 suspects have been arrested in connection with these attacks and many of these detainees have identified themselves as JMB cadres and reportedly confessed to their involvement

³³. JMB threatens to blow up Ctg railway station, Jhalakathi judge gets death threat, The Daily Star, 21 November 2005

³⁴. Ibid

³⁵. Jamaat link to militants becomes evident, The Daily Star, 22 September 2005

³⁶. Jamaat MP brokered Sarbahara involvement: intel agency, New Age, 22 September 2005

³⁷. Maizbhandari quits BNP as govt fails to act against Jamaat, The Daily Star, 27 September 2005

in the near-simultaneous bomb blasts.³⁸ Despite announcing a bounty for the arrest of Mohammad Abdur Rahman and Bangla Bhai,³⁹ alleged kingpins of the bombing - JMB chief Abdur Rahman, responsible for the entire operation, his younger brother Aatur Rahman Sunny, who was in charge of Dhaka, Abdul Awal alias Ashique of greater Rajshahi, Jagrata Muslim Janata Bangladesh (JMJB) operations commander Siddiqui Islam alias Bangla Bhai of greater Chittagong, Hafez Mahmud of greater Khulna region, Salahuddin of greater Sylhet, Shaikh Tariq of the Rangpur-Dinajpur region have evaded arrest.⁴⁰ On 18 November 2005, JMB chief's son-in-law Abdul Awal was arrested in Thakurgaon.⁴¹

While innocent people are killed every day in the name of “crossfire” by the Rapid Action Battalion (RAB), the administration has failed to arrest dreaded Bangla Bhai. There is no political will to arrest the culprits and prosecute them, if arrested. “In most cases, law enforcers framed charges against them in such a way that they could easily get bail, while in some cases police let them go after the arrests in exchange of money,” said an official of an intelligence agency.⁴²

The Jihadis have infiltrated the administration. There have been reports of the military and police personnel training the Jihadis. Bangla Bhai was once arrested on 17 August 2002 in Bagerhat, but was released a couple of months later. He was again arrested at Joypurhat later, but was released soon.⁴³

On 16 February 2005, the Additional Superintendent of Police of Khulna, Mofazzel Hossain, was arrested for allegedly harbouring an outlawed party operative.⁴⁴

On 3 October 2005, police arrested Abu Taleb alias Babul Ansari, assistant security officer of the parliament secretariat, in Dhaka for his alleged links with the Jamaatul Mujahideen Bangladesh.⁴⁵ According to officials of the Joint Interrogation Cell, Babul Ansari confessed that he is a leader of Allah’s Dal, an Islamist militant outfit, and has disclosed the names of 20 leaders of Allah’s Dal.⁴⁶

b. Cadres: Madrasas and Rohinggyas

Majority of the cadres are drawn from the Madrasas and Islamic Chatra Shibir, the student wing of the Jamaat-e-Islami in Bangladesh.

³⁸. Blast probes stuck in rut as JMB top brass ducks arrest, The Daily Star, 16 November 2005

³⁹. Bounty announced for Abdur Rahman, Bangla Bhai arrest, New Age, 12 September 2005

⁴⁰. Blast probes stuck in rut as JMB top brass ducks arrest, The Daily Star, 16 November 2005

⁴¹ . <http://www.thedailystar.net/2005/11/20/d5112001022.htm>

⁴². Militants grow stronger as govt goes ‘soft’, New Age, 22 August 2005

⁴³ . Inside the Militant Groups-4: They go free too easily, The Daily Star, 24 August 2005

⁴⁴. Additional SP of Khulna arrested, The Daily Star, 17 February 2005

⁴⁵. JS secretariat security officer detained for ‘militant link’, The Daily Star, 8 October 2005

⁴⁶. Allah’s Dal man names leaders, New Age, 12 October 2005

i. Madrasas

There are presently an estimated 64,000 madrasas in Bangladesh.⁴⁷ The state support to madrasas, which are increasingly being held responsible for fomenting extremism across the world, has increased exponentially during the current BNP-Jamaat rule. It is not only Saudi funds. The government of Bangladesh has been using assistance for education from UN agencies, western donors and other multilateral financial institutions to fund the madrasas. According to Bangladesh Economic Review, from 2001 to 2005, the number of madrasas increased by 22.22 per cent in comparison to the 9.74 per cent growth of the general educational institutions. Teachers in the general schools and colleges increased by 12.27 per cent against 16.52 per cent in the madrasas during the same period. The number of students in general educational institutions rose by 8.64 per cent while the madrasas saw 10.12 per cent rise. These figures relate to about 9,000 government-registered madrasas. There are about 15,000 Qawmi madrasas under the Bangladesh Qawmi Madrasa Education Board which are totally out of government control and have their own curriculum.⁴⁸ There are thousands of other madrasas which are not registered under any organisation.

Madrasas have been consistently used as training centres by the Jihadis.

On 24 August 2005, Barakatullah Al Morshed, a madrasa teacher in Bagerhat, was arrested. He reportedly confessed his link with the outlawed Jamaat'ul Mujahideen Bangladesh (JMB) and involvement in the bombings.⁴⁹

On 18 September 2005, Masud bin Ishaque, a member of the JMB, arrested in Khulna for suspected links to the August 17th serial blasts, reportedly confessed before the chief metropolitan magistrate in Khulna to having trained the Islamist militants in firearms and bombs in the mosques in Khulna under the supervision of Islamic terrorist leaders including Siddiquil Islam alias Bangla Bhai.⁵⁰

On 25 September 2005, an arrested JMB militant Faisal Ahmed told a Dhaka court that the capital's Kakrail Mosque had been used to train bombers involved in the August 27 serial blasts. According to Faisal Ahmed, he and three other Jama'atul Mujahideen Bangladesh (JMB) operatives, who were assigned to detonate a bomb at Rajarbagh Police Lines, stayed at the mosque for four days leading up to the serial blasts and took training necessary to operate a time bomb.⁵¹

⁴⁷ . <http://muktadhara.net/page80.html>

⁴⁸ . <http://www.tribuneindia.com/2005/20050903/edit.htm#4>

⁴⁹ . Madrasa teacher confesses link to August 17 bombings, The Financial Express. 5 September 2005

⁵⁰ . Khulna mosques used as militants' training camp – Says suspect; JMB carried out attacks on cinemas in 2002, The Daily Star, 19 September 2005

⁵¹ . Kakrail Mosque was used to train Aug 17 bombers, JMB cadre says in confessional statement, The Daily Star, 26 September 2005

ii. Rohingyaas

The Rohingyas, the Muslim migrants from Arakan State of Myanmar who sought refuge in Bangladesh have been a target of the Islamic fundamentalist groups. In 1991 and 1992, about 250,000 Rohingya refugees sought refuge in Bangladesh. About 20,000 remain in the camps maintained by the United Nations High Commission for Refugees (UNHCR) in southeast of Cox's Bazaar. An estimated 100,000 Rohingyas live outside the UNHCR's camps⁵² and majority of them have settled down on the lands forcibly taken away from indigenous Jumma peoples of the Chittagong Hill Tracts.

The Rohingyas formed the fertile ground for recruitment by the Jihadis. Among the more than 60 videotapes that the American cable television network CNN obtained from al-Qaeda's archives in Afghanistan in August 2002, one marked "Burma" (Myanmar) purports to show Muslim "allies" training in that country. While the group shown i.e. the Rohingya Solidarity Organization (RSO), was founded by Rohingya Muslims from Myanmar's Rakhine State and claims to be fighting for autonomy or independence for its people, the tape was, in fact, shot in Ukia para in the Cox' bazaar areas, bordering Chittagong Hill Tracts of Bangladesh. Many of those trained were members of the Islami Chhatra Shibir, the student outfit of the Jamaats.⁵³

Following the 17th August bombing, a large number of the Rohingyas have been arrested.

c. International support: Islamic charity groups

The investigative agencies reportedly detected a "deep-rooted" relation of some leaders of Jamaat-e-Islami and Islami Oikya Jote, and their other affiliated organizations with Islamist NGOs.⁵⁴ But like most activities by the Jamaats, it has been an open secret.

The net profit of Jamati investment per annum is 5000 million Bangladeshi Taka or about 10% of the annual budget of Bangladesh government.⁵⁵ A large chunk of its funds also come from the Islamic charitable agencies.

The security agencies have reportedly identified 10 Islamist NGOs that are channeling funds to various Islamist extremist outfits in Bangladesh. These NGOs are Revival of the Islamic Heritage Society, Rabita Al Alam Al Islami, Society of Social Reforms, Qatar Charitable Society, Al Muntada Al Islami, Islamic Relief Agency, Al Forkan Foundation, International Relief Organisation, Kuwait Joint Relief Committee and the Muslim Aid Bangladesh.

⁵² . Bangladesh: Breeding ground for Muslim terror, By Bertil Lintner, Asia Times, 21 September 2005

⁵³ . Bangladesh: Breeding ground for Muslim terror, By Bertil Lintner, Asia Times, 21 September 2005

⁵⁴ . Intel wings find 10 Islamist NGOs funding militancy, New Age, 8 September 2005

⁵⁵ . <http://muktadhara.net/page80.html>

Police reportedly revealed that a significant portion of the fund that the Islamic organizations in Bangladesh received every year from foreign Islamic bodies was being used for the cause of Jihad in Bangladesh in the name of various religious activities like construction of mosques, madrassas, orphanage centres and training of imams. There are no statistics of the funds arriving in Bangladesh but sources in the NGO Bureau estimated that the amount ranges from Tk 400 crore to Tk 500 crore per year. Investigators say the money is used to enlarge and strengthen the Jamaatul Mujahideen, Al Hikma and Alhe Hadith Andolon, by recruiting youths and motivating and training them to fight for turning Bangladesh into an Islamic state.⁵⁶

4. Living with the Jihadis: Indispensability of the Jamaats

The Jammat-e-Islami and other fundamentalist groups remain indispensable in Bangladeshi electoral politics. During the last parliamentary elections in 2001, BNP received 40.97 per cent of the votes against 40.13 per cent received by the Awami League. The BNP's landslide victory was ensured because of the alliance with the fundamentalists.

Because of the indispensability of the Jamaats, the response of the BNP-led government of Bangladesh has been to address growing international criticisms rather than confronting the fundamentalists. In order to satisfy the donors on 23 February 2005 government banned Islamic outfits Jagrata Muslim Janata, Bangladesh (JMJB) and Jama'atul Mujahideen Bangladesh (JMB). But no further action was taken until the serial blasts on 17th August 2005.

Not surprisingly, the fear of the judges despite the government taking some visible security measures is palpable. The fear primarily arises because of the lack of faith in the government and security forces to take action against the fundamentalists. Unless the government of Bangladesh takes action against the Jamaats, it is unlikely that terrorism in Bangladesh could be rooted out. Action against the Jamaats is unlikely given their indispensability in Bangladeshi politics. The general elections are only about a year away.

Judges in Bangladesh have no other option but to live under the shadow of the Jihadis because of the alliance between the BNP and the Jamaats.

International community must remain vigilant on further erosion of independence of judiciary in Bangladesh and the failure of the government to take appropriate actions against the Jihadis.

⁵⁶. Foreign funds being used for Jihad cause: police, New Age, 6 September 2005