



**HINDUS IN SOUTH ASIA
AND THE DIASPORA:**

**A Survey of
Human Rights**

2009



**HINDU
AMERICAN
FOUNDATION**

Hindus in South Asia and the Diaspora:

A Survey of Human Rights

2009



www.HAFsite.org

March 21, 2010

“All human beings are born free and equal in dignity and rights”

(Universal Declaration of Human Rights, 1948, Article 1)

***“Religious persecution may shield itself under
the guise of a mistaken and over-zealous piety”***

(Edmund Burke, February 17, 1788)

**Endorsements of the Hindu American Foundation's 5th Annual Report
"Hindus in South Asia and the Diaspora: A Survey of Human Rights 2008"**

"Where violations prevail, a constant disregard for basic human rights often leaves the oppressed and persecuted to suffer in silence. The Hindu American Foundation's tireless advocacy to promote awareness and action on behalf of Hindu minorities across the globe serves as a leading example for those who value human rights and freedom. This year's comprehensive 'Survey of Human Rights on the Hindus in South Asia and the Diaspora' exemplifies the Foundation's critical role in giving the disenfranchised and abused a voice."

Senator Sherrod Brown (D-OH)

"As a staunch advocate for persecuted religious and ethnic minorities, I commend the Hindu American Foundation for its critical work monitoring, documenting and revealing human rights violations. Our work to combat the abuses detailed in this report is far from over and I will continue working with the Hindu American Foundation to protect basic human rights."

Senator Frank R. Lautenberg (D-NJ)

"I commend the Hindu American Foundation on its 2008 Hindu Human Rights Report. This report importantly documents the plight of persecuted Hindus throughout South Asia. As the Ranking Member of the Subcommittee on Terrorism and co-chair of the House Caucus on India and Indian Americans, I have seen how the growth of radical Islam impacts the well-being of the Hindu population, and the threat to the peace-loving people of these nations. Reports like this are important in documenting these human rights abuses."

Rep. Ed Royce (R-CA)

"As a longtime supporter and admirer of the Indian people and the Indian American community, I am proud to stand with them in the fight for human rights around the world. I commend the Hindu American Foundation on its hard work to champion human rights and to educate others through greater transparency and accountability."

Rep. Joe Wilson (R-SC)

The rights of Hindus in Saudi Arabia and other Gulf countries have been largely underreported or totally ignored by the international community. Thus, this report is essential to shed light on the ill treatment by the Saudi and other Gulf government to hundreds of thousands of Hindus. The time has come to take a strong stand to stop the unacceptable treatment this great faith and culture. The international media and government should pay attention to this important report."

Ali Al-Ahmed, Director, Institute for Gulf Affairs

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The **Hindu American Foundation (HAF)** is an advocacy group providing a progressive voice for over two million Hindu Americans. The Foundation interacts with and educates leaders in public policy, academia, media, and the public at large about Hinduism and global issues concerning Hindus, such as religious liberty, the portrayal of Hinduism, hate speech, hate crimes, and human rights. By promoting the Hindu and American ideals of understanding, tolerance and pluralism, HAF stands strong against hate, discrimination, defamation and terror.

The Hindu American Foundation is not affiliated with any religious or political organizations or entities. HAF seeks to serve Hindu Americans across all *sampradayas* (Hindu religious traditions).

Acknowledgements

This is the sixth of our annual Hindu human rights reports, and we have approached the issue of human rights discrimination against Hindus worldwide from a slightly different perspective than in previous years. Discrimination against groups and communities in nation states is usually presented in the context of some version of state-sponsored, state-abetted or state-countenanced discrimination. While that is still the main focus of this report we also acknowledge that in many instances non-state actors create conditions in a country or region that cannot be controlled despite the best intentions of the state, as it seems in Afghanistan, where now there is merely a handful of Hindu families left to struggle in a hostile, violent, anarchic state.

Also, it is difficult for us to ignore certain situations where race, ethnicity, and religion could be intertwined, and attacks against a particular group because of their ethnicity, for example, also are a partial representation of their religious identity. Thus, the case of Sri Lanka presents to us a major dilemma. Was the LTTE terrorist group, which was defeated by the Sri Lankan national army after 33 years of conflict, a Tamil group or a Hindu group, and was the Sri Lankan response, which some say included war crimes, against Hindus or Tamils or just a terrorist group? What about the 1,447 attacks between January and May 2009 against Indians and Indian students in Australia last year?ⁱ Were they race based, as seems obvious, or were they tainted of religious bigotry too?

Cognizant of these complexities, this report not only presents a detailed account of events and conditions in countries/regions where attacks against Hindus are of primary concern to us -- Pakistan, Bangladesh, Malaysia, Bhutan, Sri Lanka, Jammu and Kashmir, Fiji, and Trinidad and Tobago – but also lists another group of countries/regions where there are significant number of Hindus and which have become hotspots of racial and other forms of discrimination.

We have not included Saudi Arabia in this year's report because nothing has changed in that authoritarian state.

Saudi Arabia continues to be on the U. S. Commission on International Religious Freedom's (USCIRF) list of "countries of particular concern," and just as the USCIRF has expressed frustration at the lack of progress in that country, HAF too bemoans the lack of any kind of religious freedom in Saudi Arabia. USCIRF has stated in its 2009 report that "Despite King Abdullah('s) undertaking some limited reform measures and promoting inter-religious dialogue in international fora over the past year, the Saudi government persists in banning all forms of public religious expression other than that of the government's own interpretation of one school of Sunni Islam and even interferes with private religious practice."ⁱⁱ That this outrageous behavior is countenanced by the nations of the world, including the United States, underscores once again the inconsistencies in responses to human rights abuses.

We have not also included Afghanistan in the main section of the report, but include it under "Hotspots."

One other change in this report is in the formatting of the data on Bangladesh. Instead of the tabular format that we have used in the past, we have reported the incidents of violence and attacks against Hindus in non-tabular narrative form, reported on a monthly basis.

As in the past, numerous grass-roots organizations were involved in collecting data about the violation of human rights of Hindu minorities, and we thank them for sharing the information they have collected. Chief among these organizations are the Human Rights Congress for Bangladesh Minorities (HRCBM) – an organization that has been at the forefront of publicizing the plight of Hindus in Bangladesh; Indo-American Kashmir Forum and the Kashmir Taskforce – which have worked to bring the attention of the

United States government and media to the plight of Kashmiri Hindus; Panun Kashmir – working hard to recover the lost properties and homes of Hindus forced to leave the Kashmir Valley; Hindu Rights Action Force (HINDRAF) – working for the human rights of Hindu minorities in Malaysia; Global Human Rights Defense (GHRD) – seeking to educate European media and government about the status of human rights worldwide; and Asian Centre for Human Rights (ACHR) – which keeps track of human rights abuses in Asia.

We acknowledge the work of global human rights organizations – Amnesty International, Freedom House, Human Rights Watch – in bringing to our attention the denial of human rights around the world. Also, important historical information and contemporary updates were obtained from the U.S. Department of State’s annual reports on religious freedom and human rights, and the USCIRF annual reports. Our thanks to the Hindu Vivek Kendra for the extensive media archives covering Bangladesh, Pakistan, and Sri Lanka that provided us efficient and easy access to media reports and other archival data.

Hindus in South Asia and the Diaspora: A Survey of Human Rights – 2009

EXECUTIVE SUMMARY

The human rights of Hindu citizens are consistently violated in eight countries and one state in India where Hindus constitute a minority: Bangladesh, Bhutan, Fiji, the Indian state of Jammu and Kashmir, Malaysia, Pakistan, Sri Lanka, and Trinidad and Tobago. This report documents the ongoing violations of human rights in these countries.

HINDUS ACROSS THE DIASPORA

- Hindus, with a population of over one billion, constitute the third largest religious group in the world.
- Hinduism is one of the oldest surviving religions and its origins can be traced back to at least the third millennium BCE.
- Hindus are pluralistic in their beliefs and accept the myriad means of worship and prayer available to human beings seeking spiritual enlightenment.
- Hindus in South Asia and many of the twenty million Hindus living outside of India are subject to discrimination, terror, murder and other forms of violence, forced conversions, ethnic cleansing, temple destruction, socio-political ostracization and disenfranchisement. In some countries, fundamentalists from other religions advance a discriminatory and non-inclusive agenda and promote hatred of religious and ethnic minorities in league with politicians and other government officials.

PEOPLE'S REPUBLIC OF BANGLADESH

- In 1947, Hindus constituted nearly 30% of Bangladesh’s population. By 1991, 20 million Hindus were “missing” from Bangladesh. Today, Hindus comprise less than 10% of the population.
- Hindus of Bangladesh continue to be victims of ethnic cleansing waged by Islamic fundamentalists that include daily acts of murder, rape, kidnappings, temple destruction and physical intimidation.
- Human rights activists and journalists are continuously harassed and abused in Bangladesh.
- Sixty-seven acts of murder, rape, kidnappings, temple destruction and land grabs targeting Hindus have been recorded in this report for which data is available. The reduction in the number of attacks against Hindus should be noted, with the caveat that reporting agencies on whom we rely have not collated data as in the past.
- Nearly 1.2 million, or 44% of the 2.7 million Hindu households in the country, were affected by the Enemy Property Act 1965 and its post-independence version, the Vested Property Act 1974.
- Bangladesh has given new and extensive powers to their Human Rights Commissionⁱⁱⁱ but a Minorities Commission to monitor the human rights situation and to provide redress to minority grievances is still not on the anvil.

HAF Recommendations:

- 1) The Awami League government, led by Sheikh Hasina, must take substantial and verifiable measures to ensure that attacks on Hindus and their institutions immediately cease and bring to swift justice those political and radical religious elements that have led the assault on Hindus and other minorities.
- 2) Bangladesh must repeal the anti-minority and racist laws, such as the Vested Property Act, and confiscated lands must be restored to the rightful, original owners.
- 3) Bangladesh must set up a Minorities Commission to redress minority grievances and repair systemic and structural deficiencies that have made minorities second class citizens in the country.
- 4) The United States and other donor nations must demand accountability from the Bangladesh Government, and all aid to Bangladesh should be contingent on the improvement of the human rights situation. Alternatively, U.S. and international aid should be allocated for the economic development of the country's minorities.

KINGDOM OF BHUTAN

- Bhutan held its first National Assembly elections in 2008, transitioning to a Democratic Constitutional Monarchy.
- Bhutan presented its first human rights report to the Universal Periodic Report Review Committee of the UN Human Rights Council in Geneva on December 4, 2009. It sought to present itself as a guarantor of human rights. Bhutan's marginalized minorities protested in Geneva.

- Bhutan is a multi-religious, multi-cultural, multi-ethnic and multi-lingual society.
- Bhutan evicted over 100,000 Hindu minority and Nyingmapa Buddhists from southern and eastern Bhutan in the early 1990s.
- More than 100,000 Bhutanese citizens, nearly one sixth of the kingdom's total population of approximately 700,000, have been forced to leave or forcibly evicted from the country by the royal regime on the sole basis of their religio-ethnic identity.
- Over 100,000 Bhutanese refugees are living in refugee camps in Nepal managed by the United Nations High Commission for Refugees (UNHCR), while 20,000 other undocumented refugees are scattered outside the camps in Nepal and in several Indian states without any help or legal status. The United States agreed to accept 60,000 Hindu refugees, with the first group arriving in 2008.

HAF Recommendations:

- 1) Bhutan must take practical and concrete steps to demonstrate its stated commitment to a just resolution of the longstanding refugee crisis.
- 2) Bhutan, Nepal and the UNHCR should adopt a Memorandum of Understanding (MOU) for voluntary repatriation that includes a clear statement of rights and entitlements upon the refugees' return to Bhutan - including full citizenship rights and human rights protections.
- 3) Donors, UN agencies and Bhutan's other partners should insist on measures to eliminate discrimination against the Hindu Lhotshampas and ensure the protection of their fundamental human rights and their rights to participate as full citizens of Bhutan.

REPUBLIC OF THE FIJI ISLANDS

- In Fiji, Hindus constitute approximately 34% of the Christian majority state.
- Fijian Hindus faced hate speech, and Hindu temples were targets of attack until 2008. Such attacks seem to have come to an end in 2009.
- The Methodist Church of Fiji has repeatedly called for the creation of a Christian State.
- It is encouraging that the interim government of Prime Minister Bainamirama has committed itself to the protection of minorities, especially the large Hindu minority.

HAF Recommendations:

- 1) The Fijian government must respect the rights of all citizens, and the inherent political bias against Hindus and ethnic Indians must be eradicated.
- 2) Fiji should repeal the “Truth and Reconciliation” (TRC) Bill and successfully prosecute and punish the criminals of the 2000 coup.
- 3) Fiji must continue to be vigilant in the protection of Hindus from violence and hate speech, and they must put permanent safeguards to protect Hindu temples from attacks.

- 4) The Fijian government must distance itself from Christian fundamentalists promoting hatred against Hindus and Hinduism and avoid Christianization of its institutions.

INDIAN STATE OF JAMMU AND KASHMIR

- The Maharaja of Kashmir legally ceded his kingdom to India in 1947 when Pakistan invaded Kashmir in order to conquer the kingdom. Pakistan occupies about 35% of the region, India governs approximately half, and China occupies the remainder of the region, including a portion ceded to it by Pakistan.
- India and Pakistan have fought major wars over Kashmir.
- Since the mid to late 1980s, Islamist terrorists, supported and trained by Pakistan, have targeted Kashmir and are guilty of the large-scale ethnic cleansing of Hindus from India's Kashmir valley.
- 300,000 Kashmiri Hindus are refugees in their own country, sheltered in temporary camps in Jammu and other parts of India.
- 2009 did not see any significant resolution to the plight of Hindu refugees from Kashmir. The few attempts to redress the situation by the Central Government seem desultory in nature and Kashmiri Pandits continue to live in abject conditions in "refugee camps".

HAF Recommendations:

- Kashmiri Hindus must be allowed to return to their homes, have their property restored to them, and receive protection from the Indian government and the Kashmir state government.
- Pakistan must permanently end its sponsorship of terror via direct military aid to terror groups, sponsorship of terror camps in Pakistan and covert support to terrorists by its Inter-Services Intelligence spy service.

MALAYSIA

- Malaysia is a self-declared Islamic Republic, and Islam is the official religion of the country despite Malaysia being a multi-ethnic and multi-religious country in which Hindus, Christians and Buddhists are significant minorities. Minorities struggle to maintain and practice their religions.
- The right to religious freedom has been progressively eroding in recent years. Ethnic Malays are required to be Muslims, as they are born into Islam and do not have the freedom to convert.
- The Hindu population faces increased discrimination and intimidation, including the destruction of their temples and places of worship. The government continues to treat pre-independence era Hindu temples differently than mosques from the same era, and gives preference to mosques in the allocation of public funds and lands.
- Hindu activists and leaders have been systematically persecuted by government officials and public dissent has been brutally repressed through the use of draconian internal security laws.

- There have been several recent cases forcing Hindus and other minorities to deal with the Islamic Sharia courts, where they face severe disadvantages.

HAF Recommendations:

- 1) Religious freedom should be allowed and encouraged for ethnic Malays and the minority religious populations in the country.
- 2) Religious minorities should not be forced to deal with the country's Islamic Sharia courts.
- 3) The United States, United Nations, the international community, and human rights groups should pressure the Malaysian government to protect Hindu temples from desecration and destruction. Hindu places of worship that existed prior to independence should be designated as temple property and title to the land should be handed to the respective temple trustees/committees as has been done for pre-independence era mosques.
- 4) The Malaysian Government should be urged to not discriminate in the allocation of public funds and land for places of worship between Muslim and minority religious groups.
- 5) The Internal Security Act (ISA) must be repealed.

ISLAMIC REPUBLIC OF PAKISTAN

- In 1947, Hindus were approximately 25% of the population of Pakistan. Now, Hindus constitute less than 1.6% of the population.

- Pakistan officially and routinely discriminates against non-Muslims through a variety of discriminatory laws, such as blasphemy laws.
- On March 24, 2005, Pakistan restored the discriminatory practice of mandating the inclusion of religious identity of individuals in all new passports.
- School textbooks continue to promote Islam and hatred and intolerance towards non-Muslims, including Hindus.
- Islamists continue to extend their influence throughout the Federally Administered Tribal Areas (FATA), and other parts of the North West Frontier Province (NWFP)
- Recurring reports point to an alarming trend of Hindu girls being kidnapped, raped, held in *madrassas* (Islamic seminaries) and forcibly converted to Islam.
- Poor Hindus continue to be subjected to inhumane conditions through the bonded labor system.

HAF Recommendations:

- 1) Pakistan should remove all blasphemy laws. Those imprisoned under blasphemy laws should get their day in court within a period of two weeks. Long imprisonments without court appraisal constitute human rights abuse.
- 2) Pakistan should reverse the 2005 decision mandating religious identification in passports.

- 3) Pakistan should set up a Human Rights Commission and a National Minorities Commission to monitor the human rights condition and to enable minorities to enjoy the rights provided to the majority population.
- 4) Pakistan should reform its education system in order to remove inaccuracies about other religions and promote tolerance and pluralism.
- 5) The United States should demand that Pakistan stop supporting and financing all Islamic militant groups operating in the subcontinent. The United States must end all military assistance to Pakistan.
- 6) The United States should continue dialogue with Pakistan on the issues of human rights and religious freedom and dispatch a fact-finding committee organized by the United States Commission on International Religious Freedom (USCIRF) to Pakistan.

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

- Sri Lanka is a multi-ethnic, multi-religious nation that has been plagued by years of ethnic conflict. The violent conflict between the Sinhala-majority Sri Lankan government and the Tamil groups is the result of a combination of religious, ethnic and linguistic factors. Tensions between the Sinhalese majority and Tamil separatists in northern Sri Lanka erupted into war in 1983. The civil war came to an end in May 2009.
- Not all Tamils are Hindus and the LTTE, the primary Tamil-terrorist outfit, is not a Hindu organization.
- The prolonged conflict was detrimental to all Sri Lankans, especially the large Hindu minority population, which experienced an undue share of violence and

displacement.

- The plight of innocent civilians continued to deteriorate as fighting between government forces and the Tamil Tigers intensified and came to a bitter end in 2009. Both were sides are guilty of severe human rights violations.

HAF Recommendations:

- 1) HAF expresses grave concern that the Hindu institutions and Tamil culture in Sri Lanka were severely threatened over the past few decades, and this threat was exacerbated by the civil war. The government should hasten to protect Hindu institutions from harm.
- 2) The government must quickly release the remaining Tamil civilians still held in refugee camps, and provide all support in the rehabilitation and resettlement of the displaced Tamil population.
- 3) President Rajapaksa, re-elected to a five year term in January 2010, should set up a war crimes tribunal, allow international journalists freedom to report from Sri Lanka, and begin serious talks with Tamil leaders and other minority groups to work out an equitable political and social dispensation in the country.

REPUBLIC OF TRINIDAD AND TOBAGO

- The country is a multi-ethnic, multi-religious island nation with mostly Hindu Indo-Trinidadians and Afro-Trinidadians accounting for most of the population. Roman Catholics and Hindus make up the largest religious groups.

- The racial and religious animosity between Afro-Caribbean and Indo-Caribbeans has been exacerbated over the years. Hindus are frequently subjected to discrimination, hate speech and acts of violence.
- Indo-Trinidadians have been systematically denied government benefits and employment in public sector jobs. Hindu institutions and festivals are subject to acts of violence and are denied equal access to public funds.

HAF Recommendations:

- 1) The United States should encourage the current Trinidad government to abide by the country's Constitution and guarantee safety and security to Hindus and Indo-Trinidadians.
- 2) The Trinidadian government should practice parity and equality in government response to and support of various ethnic and religious groups and recognize Hindus and Indians as equal partners in the rule and governance of the nation.
- 3) Trinidad must do more to protect Hindus from violence, hate speech as well as racial and religious stereotyping. Furthermore the government must safeguard Hindu temples from attacks.
- 4) The Trinidadian government must distance itself from Christian fundamentalists promoting hatred against Hindus and Hinduism and avoid Christianization of its institutions.

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Introduction

The Government of India estimated in 2004 that the Indian Diaspora was nearly 20 million people strong.^{iv} However, of the nearly one billion Hindus in the world today, some reports put the Hindu population living outside India at 55-60 million.^v These two numbers are not incompatible because not all Hindus are part of the Indian Diaspora: for example, the population of Nepal is about 29 million, of whom 80% are Hindus. Similarly, the Hindu citizens of Bangladesh and Pakistan are not considered part of the Indian Diaspora.

Followers of Hindu traditions constitute the third largest religious group in the world, after Christians (about 2.1 billion) and Muslims (1.4 billion). The majority of Hindus live in the Indian sub-continent. They number nearly 827 million people, and constitute 80.5% of the population of India.^{vi} However, the Hindu Diaspora reaches beyond the Indian subcontinent to Europe, Africa, Southeast Asia, the Pacific Islands, and North America where they comprise substantial minorities. In Fiji and some Caribbean nations, Hindus make up a significant portion of the population, with representation at the highest levels of government.

In Africa, Hindus make up a very small 0.213%, with the majority of them residing in South Africa, Kenya, and Uganda. In Asia, the overwhelming majority of Hindus (99.266%) reside in South Asia (India, Bangladesh, Nepal, Sri Lanka, Pakistan, and Bhutan), with some identifiable presence in Southeast Asia (Malaysia, Singapore, Myanmar, and Indonesia). In Europe (0.214%), the majority of Hindus live in the United Kingdom, with some sizeable populations in the Netherlands and Germany. In the Americas (North, South, Central, and the Caribbean) Hindus total 0.263%, with the sizeable populations in the U.S., Canada, and the Caribbean nation of Trinidad and Tobago. In Oceania, Hindus make up 0.044% of the total, with Fiji having the largest

percentage of them. The top 25 countries of residence for Hindus in ranking order are: India, Nepal, Bangladesh, Indonesia, Sri Lanka, Pakistan, Malaysia, the United States, the United Arab Emirates, the United Kingdom, Mauritius, South Africa, Kenya, Tanzania, Canada, Kuwait, Fiji, Singapore, Trinidad and Tobago, Myanmar, Guyana, Saudi Arabia, Yemen, Afghanistan, and Zimbabwe.^{vii}

While Hindus comprise the majority in India and Nepal, Hindus constitute an important minority in a number of countries around the world. These communities, especially in Pakistan and Bangladesh, have experienced a tumultuous history, and at various times, their human rights have been violated with impunity by the majority communities. Such human rights violations have persisted for many generations — with or without the connivance of the ruling governments — but have rarely attracted the sustained attention of human rights agencies. We have, over the past five years, brought these human rights violations to regular scrutiny. ***This sixth annual report covers human rights conditions in eight nations and regions across the world during 2009: Bangladesh, Bhutan, Fiji, the Indian state Jammu and Kashmir, Malaysia, Pakistan, Sri Lanka, and Trinidad and Tobago.***

As a “spiritual community” of related religious and cultural practices (the major religious groups within Hinduism are Vaishnava, Smartha, Shaiva and Shakta), Hindus do not adhere to a single Scripture, owe allegiance to a single religious institution or authority, follow one religious leader nor adhere to one set of worship, practices and ritual. Though Buddhists, Jains, and Sikhs constitute distinct religious traditions themselves, they are included as a part of the broader Hindu family. This report excludes their particular concerns, though the fate of Buddhists in Tibet since 1950 is a matter of tragic historical significance that has been the subject of investigation by various international agencies.

While the issue of human rights is of global significance, this report focuses on ongoing human rights violations in the nations/regions listed above. This report does not investigate other human rights violations within India, such as religious conflict, abuse of women, or caste discrimination. The Hindu American Foundation (HAF) believes in the importance of addressing those problems but they are beyond the scope of this report, which focuses on countries and regions where Hindus are a minority.

The Foundation's first report, published in 2005^{viii}, provided a brief summary of the history of the South Asian region. The departure of the British colonialists in 1947 left India divided into a Muslim majority Pakistan (made up of two regions – West and East Pakistan) and a Hindu majority India. India embraced secularism, proclaiming the State neutral between religions, but allowed minorities to retain their own sectarian practices in areas like personal law. India established the largest and longest sustained democracy in the region. Pakistan labeled itself the Islamic Republic of Pakistan with the adoption of a Constitution based on Islamic jurisprudence^{ix}. It curtailed the political rights of minorities, and Hindus, who constituted approximately 20-25% of the population in West Pakistan^x and 30% in East Pakistan. Hindus were the predominant victims under the Islamic dispensation as well. Over the sixty years of independence, the Hindu population has dwindled to less than 2% in Pakistan (former West Pakistan), and to about 9% in Bangladesh (former East Pakistan). East Pakistan seceded from West Pakistan with Indian military assistance in 1971 following the genocide committed by the armed forces of Pakistan against its own citizens. The new country was named Bangladesh. In turn, rapid Islamization of the Bangladesh polity over the last decade has led to a substantial rise in attacks against minority groups -- the largest minority constituency being Hindu.

The Indian State of Jammu and Kashmir is the focus of territorial claims by Pakistan, which has encouraged and abetted terrorism,^{xi} successfully expelling the entire Hindu population of several hundred thousand from the Kashmir Valley through a campaign of

murder, rape and kidnappings. Pakistani military posturing and an alleged threat of nuclear warfare have diverted attention from the reality of atrocities against Hindus in Kashmir since 1989. Successive Indian governments have paid scant attention to the fate of the Hindu minority of Kashmir because they have concluded that attempting to address their legitimate concerns might constitute an avoidable distraction for the political resolution of the dispute over Kashmir. The media in India and abroad have taken the cue from this fateful governmental silence over the human rights violations of Kashmiri Hindus by largely ignoring them. World human rights organizations have also been muted in their response to the tragedy that has befallen Kashmiri Hindus.

HAF's consequent reports reaffirmed the ongoing human rights abuses in the three regions covered in the first report and also included the status of Hindus in Afghanistan and Fiji.^{xii} This sixth annual report, much larger in scope, will once again demonstrate that Hindu citizens in South Asia and across the Diaspora are targeted victims of grievous violations of universally recognized human rights. The absence of this issue from the global dialogue on human rights and the manifest absence of substantive documentation of human rights abuse against Hindus by prominent media sources and non-governmental organizations dedicated to human rights issues continue to prompt our investigations and reports. We provide context to our findings by examining the legal frameworks of individual countries and the UN Human Rights Declaration and various relevant conventions (see Appendix A).

People's Republic of Bangladesh



© CIA World Factbook

Area: 144,000 sq km

Population: 156,050,883 (July 2009 est.)

Religions: Muslim 88%, Hindu 10%, other 2% (2007)

Ethnic groups: Bengali 98%, other 2% (includes tribal groups, non-Bengali Muslims) (1998)

Languages: Bangla (official, also known as Bengali), English

Location: Southern Asia, bordering the Bay of Bengal, between Burma and India^{xiii}

Introduction

After the seven years of majoritarian Islamist rule by the Bangladesh Nationalist Party (BNP), and the two years of political turmoil following the imposition of Emergency Rule in 2008, the Awami League swept back into power in the general election held on December 29, 2008 in a landslide victory. The League successfully captured or controlled 230 of the 299 parliamentary seats.^{xiv} Although there were some reports of violence against minorities, the elections, which brought Sheikh Hasina and the Awami

League back to power, were widely considered free and fair by international and domestic human rights organizations.^{xv}

Sheikh Hasina was sworn into office as Prime Minister on January 06, 2009.^{xvi} Hailed as a victory for secular forces, and a defeat for the pro-Islamist BNP led by Khaleda Zia, the victory of Sheikh Hasina and her party was expected to bring about a change in the fate of minorities. This led the USCIRF to remove Bangladesh from its list of “Countries of Particular Concern” in May 2009, despite the lack of concrete evidence of major changes in the country – whether in the number of incidents of violence against minorities, the abolition of the Vested Property Act (VPA), or the publication of a list containing details (name, address, amount of land and other assets dispossessed by type and year of dispossession, and current status) of those affected by Enemy Property Act (EPA/VPA), as sought by HAF and other human rights organizations. Moreover, the Indian government awarded Prime Minister Hasina with the Indira Gandhi Prize for Peace, Disarmament and Development.^{xvii} In a grim reminder of the Islamist forces at play in Bangladesh, the Hasina government faced a challenge within two months of taking office when members of the Bangladesh Rifles held army officers hostage and left 74 dead by the end when negotiations broke down.^{xviii}

Prime Minister Hasina included two Hindus out of 24 appointed as Cabinet Ministers, and one Hindu as Minister of State among the 14. The Cabinet Ministers were Dilip Barua, heading the industries portfolio, and Ramesh Chandra Sen as Water Resources Minister. The Minister of State in the Cabinet was Dipankar Talukdar, heading the Chittagong Hill Tract Affairs portfolio.^{xix} In the 2008 elections only 14 minority candidates were elected to the parliament. These included the following*:

1. Thakurgaon 1: Ramesh Chandra Sen of the Awami League (177,101) who defeated Mirza Fakhrul Islam Alamgir of the BNP (120,411).

2. Dinajpur 1: Manaranjan Sheel Gopal of the Awami League (143,097) who defeated Mohammad Hanif of the Bangladesh Jamaat-e-Islami (107,168).
3. Naogaon 1: Sadhan Chandra Majumder of the Awami League (177,251) who defeated Md Salek Chowdhury of the BNP (111,089).
4. Jessore 4: Ranjit Kumar Roy of the Awami League (102,958) who defeated TS Ayub of the BNP (97,520)
5. Magura 2: Biren Sikder of the Awami League (115,275) who defeated Nitai Roy Chowdhury of the BNP (109,808).
6. Khulna 1: Nani Gopal Mandol of the Awami League (120,801) who defeated Amir Ejaj Khan of the BNP (68,420).
7. Khulna 5: Narayan Chandra Chanda of the Awami League (144,600) who defeated Mia Ghulam Parwar of the Bangladesh Jamaat-e-Islami (105,312).
8. Barguna 1: Dharendra Chandra Debnath of the Awami League (131,933) who defeated Delwar Hossain contesting the polls as an independent candidate (80,467).
9. Mymensingh 1: Pramod Mankin of the Awami League (142,981) who defeated Afzal H Khan of the BNP (91,345).
10. Munshiganj 1: Sukumar Ranjan Ghosh of the Awami League (144,159) who defeated Shah Moazzem Hossain of the BNP (99,233).
11. Sunamganj 2: Suranjit Sengupta of the Awami League (95,593) who defeated Md Nasir Chowdhury of the BNP (77,889).
12. Khagrachari: Jyotindra Lal Tripura of the Awami League (122,750) who defeated Samiran Dewan of the BNP (63,048).
13. Rangamati: Dipankar Talukder of the Awami League (114,965) who defeated Maitri Chakma of the BNP (56,492).
14. Bandarban: Bir Bahadur of the Awami League (78,124) who defeated Saching Pru Jerry of the BNP.

(*Note: #12, 13, 14 are Buddhist from Chittagong Hills. #9 is Garo Christian. These 14 represent 4.7% of seats in the Parliament, where 48 seats could have been filled by minority candidates. Of the 45 seats reserved for women only one was allocated to a Hindu -- Sadhana Haldar -- widow of Sudhanshu Haldar, a former MP and Awami League leader. The new government has appointed three minority members as ambassadors to smaller, less important nations.^{xx)}

History/Background

Bangladesh was created in 1971 from the eastern wing of Pakistan. Its predominantly Bengali population won independence from Pakistan after the India-Pakistan War of 1971. The conflict was preceded by the massacre of an estimated two million East Pakistani citizens and the ethnic cleansing of 10 million ethnic Bengalis (mainly Hindus) who fled to India. In the summary of his report on the events dated November 1, 1971, U.S. Senator Edward Kennedy (D - Massachusetts) wrote:

Field reports to the U.S. Government, countless eye-witness journalistic accounts, reports of International agencies such as World Bank and additional information available to the subcommittee document the reign of terror which grips East Bengal (East Pakistan). Hardest hit have been members of the Hindu community who have been robbed of their lands and shops, systematically slaughtered, and in some places, painted with yellow patches marked 'H'. All of this has been officially sanctioned, ordered and implemented under martial law from Islamabad.^{xxi}

Furthermore, according to then American Consul-General and senior US diplomat in Dhaka, Archer Blood, the Pakistani military was engaged in the, "mass killing of unarmed civilians, the systematic elimination of the intelligentsia and the annihilation of the Hindu population."^{xxii} Quite remarkably, this genocide has been largely erased from public memory and the perpetrators have escaped unpunished, though identified in an

official report. Recently, however, Amnesty International's Secretary General Irene Khan has called on Bangladesh to create a "truth commission" to investigate the war crimes committed during the 1971 war.^{xxiii}

After independence, Bangladesh initially adopted a constitution with its basic structure ensuring "Nationalism, Secularism, Socialism and Democracy." In April 23, 1977, however, Bangladesh renounced its commitment to secularism by amending the Constitution to reflect a greater role for Islam in the national body politic. A new clause was appended to the Constitution, which affirmed, "The state shall endeavor to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity." Furthermore, on June 9, 1988, the Constitution was amended again, making Islam the state religion and prescribing that the principle of absolute trust and faith in Allah would be the basis of all action.^{xxiv} These actions began a steady and gradual move towards Islamization, resulting in the increased discrimination and persecution of minorities, particularly Hindus.^{xxv}

The process of Islamization rapidly expanded in 2001 with the election of the Bangladesh Nationalist Party (BNP), led by Khaleda Zia, and its Islamist allies. Following the elections, the BNP coalition and its supporters unleashed a large-scale campaign of violence targeting the Hindu community that lasted more than 150 days. During that period there were reportedly more than 10,000 cases of human rights abuses committed against minorities.^{xxvi} According to Refugees International, "Scores of Hindu women and girls were raped. In some cases, they were gang raped in front of their male relatives. Hindus were also assaulted on the streets, in their homes and at their workplaces. Systematic attacks resulted in a mass migration of Hindus to India and, in particular, to the bordering state of Tripura. The government did little to prosecute or investigate the violence."^{xxvii} Global Human Rights Defence estimates that approximately 500,000 Hindus sought refuge in India following the election violence.^{xxviii} A Bangladesh high court in May 2009 ordered the government to institute a commission

to inquire into this violence, and the Hasina government very recently did create a three-member commission to inquire into the attacks against minorities after the 2001 election victory of the BNP-led coalition.^{xxix}

During the five-year rule of the BNP-led coalition, Bangladesh witnessed the increased role of Islam in politics, and an explosion of *madrasas* (Islamic seminaries) teaching the same fundamentalist version of Islam that inspired the Taliban.

The massive proliferation of *madrasas*, estimated at 64,000, was seen as an intentional effort to change “Bangladesh’s culture of religious tolerance.”^{xxx} Moreover, activity by Muslim militants and radical organizations significantly increased during the Khaleda regime. For instance, since 1999, bombings have left over 181 people dead and more than 1,700 injured.^{xxxi}

Decline of the Hindu Population

At the time of Partition in 1947, the Hindu population in what is now Bangladesh was approximately 31%.^{xxxii} By 1961, Hindus comprised 19% of the population, and by 1974, the Hindu community had further declined to 14%. According to Saleem Samad, a journalist and human rights observer, in 1991 the Hindu population in Bangladesh should have been 32.5 million, considering normal rates of growth.^{xxxiii} The actual population, however, was only 12.5 million. By this calculation, the number of Hindus missing from Bangladesh over two decades ending in 1991 is 20 million. This figure includes both those persons killed or forced to flee the country. The number of Hindus who fled Bangladesh between 1964 and 1991 was estimated at “5.3 million people or 535 people per day.”^{xxxiv}

Bangladesh now has a total population of approximately 150 million people, only 10% of whom are Hindus (some estimates place the figure at 9%).^{xxxv} Consequently, the Hindu community in Bangladesh has dropped from 31% to 10% in a span of 60 years.

Status of Human Rights, 2009

In 2009, the human rights situation in Bangladesh saw some changes in the status and plight of religious minorities as the Hasina government began its tenure. However, the gang rape of women and girls, murder, beatings, harassment, kidnappings, attacks on temples, looting of gold and jewelry and illegal occupation of land that constitute the daily litany of human rights abuses suffered by Hindus, tribal people and to a lesser extent Christians and Buddhists, continued.

The continued attacks against Hindus and other minorities demonstrate the systematic use of violence as a means to intimidate Hindus and force them to leave Bangladesh.^{xxxvi} Hindus still face significant economic and social disadvantages, with continued under-representation in government and military jobs.^{xxxvii} A comprehensive list documenting the atrocities committed against Hindus in 2008 is included in Appendix B. Consequently, the remainder of this section provides an overview of the nature and extent of abuse faced by the Hindu community in Bangladesh.

As in the past we have relied on Bangladesh-based human rights organizations for data on human rights abuses. The chief provider of information was the Human Rights Congress for Bangladesh Minorities.^{xxxviii}

Religious Freedom

Attacks on Temples/Religious Sites

Attacks on Hindu temples, festivals and religious sites continued as in the recent past. The following examples illustrate the extent and scope of attacks on Hindu religious sites and symbols.

The Sangbad newspaper reported on February 13, 2009 that at least ten Hindu deities had been demolished and desecrated by Muslim men who attacked the Hindu temple at

Shibpur, Madaripur, on February 12, 2009. Police reported that about five people attacked temples at Shibchar Upazila and demolished the Sidditala Durga Temple, Kali Temple, Shitala Mandir, and Manasha Mandir. The attackers also demolished at least ten images of Hindu deities including Durga Devi, Saraswati Devi, Ganesh, Kartik and Lakshmi Devi. Local people caught one perpetrator, Md. Habibur Rahman (27), while the others fled away. According to local reports, the attackers were active members of Jama'atul Mujahideen Bangladesh (JMB). Md. Habibur Rahman is the son of Abdul Motaleb of Charpukuria village, Bhanga Upazila, Faridpur and disclosed that he is the student of Charkamar Dakhil Madrassa.

In another incident on July 16, 2009, some Muslim men stole valuables and desecrated a Kali temple at Gopalpur, Bogra District, according to a July 20, 2009 report in the Bhorer Kagaj newspaper. It is alleged that the men broke open the iron-grill of the temple, cut the head of the Kali deity and stole valuable ornaments valued at Taka 6,000.

General Violence

Attacks on Minorities

The Hindu community continued to bear the brunt of acts of violence and persecution in 2009, though the numbers seemed to have declined somewhat from the previous years. The total number of incidents we report for 2009 is 67, whereas we reported 306 in 2008 (covering January to September), 270 incidents in 2007 (covering January to June), 461 incidents in 2006 (covering nine months), 480 incidents in 2005 (covering 11 months), and 399 incidents in 2004 (covering 11 months). The 2009 data has not, at the time of this writing, been collated and reported by the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) as in past years and thus the data presented here should be considered preliminary data.

Islamic extremists and criminals frequently target members of the Hindu business community. For example, according to the Dinkal newspaper of May 4, 2009, Shilpak

Dhar and Krishna Dhar, two Hindu gold merchants of Chittagong, were kidnapped from Hazari Lane, tortured, and forced to hand over 50 karats of gold before being freed.

In a separate incident, a Hindu businessman, Shanti Bala Basak, chairman of “Eastern Produce Limited” of Pir-Noagoan, his company manager Sudarshan Kumar Basak and three others -- Kumaresh Chandra Basak, Taposh Kumar Basak, and Asim Kumar Basak -- were attacked and threatened by Allama Iqbal Chisti (Tipu), a BNP Leader, and his brother, Khaja Owayej Kurumi Chisti (Shahin), with support from armed men. They threatened and occupied the Hindu-owned business -- a large cold storage, 13 godowns and a large market near the main road. The area of the land is 2.81 acres. The armed BNP activists scuffled and ousted the manager, supervisor and employees with their families from the company premises. They forcibly occupied the business and plundered the official papers, furniture, and a vehicle belonging to the business. They threatened that “if any Hindu claims the land, we will kill him,” reported the Janakantha newspaper on May 24, 2009.

A Muslim mother was caned for talking to a Hindu man, not only prompting concerns about a rise in cases of harsh treatment of women under strict Islamic law, but also of the demonizing of Hindus and Hinduism. The punishment was carried out in a remote village in Muslim-majority Bangladesh on the orders of village elders, according to the local police chief Enamul Monowar.^{xxxix}

Violence Against Women

Violence against women is a common weapon used to intimidate and harass minority communities across the world. It has similarly been used in Bangladesh as a means to attack Hindus. For instance, in the period immediately following the 2001 elections, approximately 1,000 Hindu women and girls were raped.^{xi}

According to a recent report from Global Human Rights Defence: “In Bangladesh, gang rape has become a major tool of political terror, forcing minorities to flee and has

proven more effective than murder. The victims have all been women belonging to either of the ethnic/religious minorities. Neither little girls nor pregnant women and the elderly are spared. The perpetrators are men belonging to various branches of Muslim extremist political parties, including direct branches to the ruling party BNP (e.g. various student wing's of BNP like JCD [Jatiyatabadi Chhatra Dal], Jubo Dal)."^{xli} The report goes on to state that rape has been used to shame Hindu society and as a genocidal device to drive Hindus out of Bangladesh. In addition, government officials have failed to take adequate measures to prevent and prosecute such crimes.^{xlii}

The systematic kidnapping, rape and murder of minority women, particularly young Hindu girls, continued in 2009, though it seemed at a reduced rate. Rapes and kidnappings of Hindus are often accompanied by forced conversions to Islam. The Bangladesh Minority Watch group in Dhaka received an appeal from Rajendra Nath Roy, father of Tanusree Roy, a 14 year-old girl, seeking help to get his daughter back. The father alleged that his daughter was abducted by Babul Hossain Zihad alias Zikrul Islam (24) and Md. Razzak Ali (22), both Muslims, of Mohadipur village, P.S. Kaharul, Dinajpur district, on February 26, 2009. The kidnappers threatened the father that if he reported to the police other members of his family would be killed.

On March 2, 2009, *The Daily Star* and *The Prothom Alo* newspapers reported that police had recovered the body of a girl from a paddy field in Dhutrabari area under Shivalaya Police Station. Anamika Ghosh (8), daughter of Brahmanpur trader Sudharam Gosh, a Hindu student of class three in Dhaka, was abducted from Keraniganj on February 25th. The abductors demanded one million Taka for her release. The parents were only able to raise 200,000 Taka. The abductors killed the girl as her father failed to pay the full ransom.

Social Persecution

Land Encroachment/Evictions

Land encroachment is yet another one of the major issues faced by the Hindu minority in Bangladesh and includes the illegal occupation of land, homes, businesses and temples. The problem began when the former Pakistani government implemented the Enemy Property Act (EPA) following the 1965 Indo-Pakistan war. The Act officially designated Hindus as “enemies” and was used to confiscate land and property belonging to Hindus. Subsequently, after the independence of Bangladesh in 1971, the EPA remained in effect and was simply renamed in 1974 as the Vested Property Act. As a result, nearly 1.2 million Hindu families, or 44% of all Hindu households in Bangladesh, were affected by the EPA and its post-independence version, the Vested Property Act.^{xliii}

In an effort to return the “vested” properties to their original Hindu owners, the Vested Property Return Bill (VPRB) was passed in 2001, and the Vested Property Act (VPA) was abolished. But the Bill, the language of which remains relatively the same as the VPA/EPA and maintains the same discriminatory effect, brought little relief to Hindus, who continued to be deprived of their property in large numbers. According to a study by Abul Barkat of Dhaka University, nearly 200,000 Hindu families have lost or been robbed of 122,000 bighas of land (one bigha equals 1333.33 sq.metres/1594.65 sq. yards/0.33 acres), including their homes, in the six years since the Vested Property Act was annulled. Overall, Hindus have been robbed of a combined 2.2 million acres of land. At the current market price, the value of those 2.2 million acres is Taka 2.52 billion (US \$36 million at a rate of \$1 = 70 Taka), which is more than half of the country’s gross domestic product.^{xliv}

Land-grabbing in Bangladesh operates through a system of force and deception, supported and patronized by influential politicians and political organizations. Between 2001 and 2006, “[f]orty-five percent of the land grabbers were affiliated with the BNP,

31% were Awami League members, 8% were affiliated with the Jamaat-e-Islami and 6% were with the Jatiya Party and other political organizations.”^{xlv}

A few examples of such incidents in 2009 will once again highlight the enormity of the problem faced by minorities in general, and Hindus in particular. That politicians from the Awami League Party are no less prone to land grabbing is evident from the following incident: According to the Naya Diganta newspaper of February 1, 2009, Md. Hasan Habib, Organizing Secretary of the Bhangura Union Awami League of Pabna district, forcefully occupied four bighas and one acre of land belonging to a Hindu, Monindra Nath Mondal of Shibrapur, Chatmohar Upazila. It is reported that a man named Shoharab of Boalmari village had been illegally occupying those lands for the past 20 or 25 years. After a legal battle, Monindra was given back those lands. But as soon as the Awami League government came to power, Md. Hasan Habib illegally reoccupied those lands.

In another incident reported by the Ittefaq newspaper on March 23, 2009, Sharif Uddin Master, a Muslim of Samaj village in Chatmohar Zilla, tried to occupy six bighas of land belonging to the Hari Temple. Sharif Master, his brother Farid, and other Muslims arrived at the temple with sticks, blades and scythes to take over the temple lands. About 30 Hindus were injured in the attack.

Islamic Extremism

Islamic extremism which grew exponentially in the years that the BNP-led coalition government was in power, seem to be monitored with more diligence by the Hasina government. Islamists had actively advocated the creation of an Islamic state under Sharia law. Notable among them are the Jamaat-e-Islami (Jel), an Islamist political party involved in attacks on Hindus following the 2001 elections; Islami Chhatra Shibir (ICS), the youth wing of Jel involved in political and religious violence; and Harkat-ul-Jihad-al-Islami (HuJI), the largest militant Muslim organization in Bangladesh.^{xlvi}

For a list of Islamic groups in Bangladesh, see Appendix C.

Violations of Constitution and International Law

Constitution of Bangladesh

The Constitution of Bangladesh is designed to protect the human rights of all persons living in the country, regardless of race, religion or sex. Article 11 of the Constitution explicitly states: “The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed.”^{xlvii} Article 28 further provides that: “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth,” while Article 31 declares that the protection of the law is, “... the inalienable right of every citizen, wherever he may be.”^{xlviii}

Despite constitutional assurances of equal protection, however, minorities, human rights activists, and journalists continue to face violence and persecution. Rape is used as a weapon to subjugate and terrorize Hindu and tribal women. The Constitution also provides freedom of religion to all of its citizens under Article 41 which states: “Every citizen has the right to profess, practice or propagate any religion [and] every religious community or denomination has the right to establish, maintain and manage its religious institutions.”^{xlix} The attacks on Hindu temples, the destruction of Hindu deities and the disruption of Hindu festivals are in direct violation of this basic constitutional guarantee of religious freedom.

International Human Rights Law

In addition to Bangladesh’s constitutional human right guarantees, its accession to the United Nation’s International Covenant on Civil and Political Rights (ICCPR) occurred on September 6, 2000.¹ According to Article 2 of the ICCPR: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or

other opinion, national or social origin, property, birth or other status.”^{li} Similar to Article 41 of Bangladesh’s Constitution, ICCPR Article 18 states, “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”^{lii} And most importantly, Article 27 maintains, “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”^{liii}

Far from being protected, the ethnic and religious minorities within Bangladesh continue to face harassment, pillage of their lands and homes, rape and eviction from their homes with little or no corrective action by the police and civil government. It is hoped that the Hasina government will work diligently to turn back the tide of violence and discrimination against minorities in Bangladesh.

Bangladesh has also agreed to the United Nation’s International Convention on the Elimination of All Forms for Racial Discrimination which defines “racial discrimination” as, “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”^{liv} Article 2 of the Convention states in part that, “Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.”^{lv} The Vested Property Return Bill of 2001 remains in clear violation of Article 2 of the Convention as it is a form of racial discrimination which directly targets minority groups within

Bangladesh, particularly Hindus. Till now, one year into assuming office, the Hasina government has not made attempts to rectify this discrimination.

Conclusion and Recommendations

Bangladesh was created after the India-Pakistan War of 1971 that was preceded by the massacre of an estimated two million East Pakistani citizens and the ethnic cleansing of nearly 10 million Bengalis (mostly Hindus) who fled to India. The Hindu population in Bangladesh has steadily declined over the years, from 31% in 1947 to only 10% today. During the reign of the BNP-led coalition government Hindus became increasingly vulnerable with the ascendancy of Islamist parties and radical Muslim organizations.

As stated in earlier reports, the Bangladesh Government must implement the following recommendations in order to significantly improve the human rights situation in the country. Rabindra Ghose, a Bangladesh human rights activist, has discussed the necessary steps to address the large scale encroachment of Hindu owned land. These steps are listed below:

- The Vested Property Act (VPA), as an encroachment on the law of inheritance, must be explicitly abolished;
- A list containing details (name, address, amount of land and other assets dispossessed by type and year of dispossession, and current status) of those affected by Enemy Property Act (EPA/VPA) must be published by the Government;
- All activities related to the identification and enlistment of any property as vested must be banned;
- All vested property under government custody must be returned to the original owners or their legal heirs who are permanent residents of Bangladesh;

- Property must not be seized from any non-Muslim in Bangladesh under the vested property administration if the owners of the property or their legal inheritors are in possession of that property;
- All 99 year leases of vested properties must be declared null and void, and the ownership rights of the original owners or their inheritors restored;
- All vested temple property and places of cremation must be un-vested and brought under public trust;
- The law of inheritance must be enforced with adequate provision for inheritance by female heirs.

HAF also supports the call by the International Bangladesh Foundation (IBF), a British group led by Lord Dholakia and Lord Avebury. IBF has urged the following initiatives:^{lvi}

- That the Government of Bangladesh establish an Inspectorate of Madrasas and close down those which are being used to incite the commission of criminal offences and communal hatred;
- That the Government of Bangladesh ensure the independence of the Judiciary and prevent and reverse party politicization of the police, administration, judiciary and other important institutions;
- That the Government of Bangladesh repeal the 5th and 8th Amendments of the Constitution and the anti-minority and racist laws such as the vested property legislation;
- That the Chittagong Hill Tracts (CHT) Peace Accord of 1997 be implemented and the demographic transformation of the CHT under military occupation be ended;

- That the Government of Bangladesh, in accordance with the constitutional rights of the people, provide equal rights to all minorities;
- That the Government of Bangladesh establish a permanent and independent commission for the promotion of ethnic, gender and religious equality;
- That an international civil society network be established to monitor the progress of Bangladesh towards compliance with international human rights standards, to make representations to governments and the UN Human Rights Commission and to hold further meetings.

As noted in HAF's prior annual human rights reports, attacks against Hindus in Bangladesh constitute the most serious threat to the Hindu community anywhere in the world.^{lvii}

Kingdom of Bhutan



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Area: 47,000 sq km

Population: 691,141 (July 2009 est.)

Religion: Lamaistic Buddhist 75%, Indian- and Nepalese-influenced Hinduism 25%; Buddhism is the state religion; Hinduism is officially recognized but discouraged; Christianity is not recognized.^{lviii}

Ethnicity: Sarchokpas (40% -- Buddhist), Lhotshampas (35% -- Hindus who speak Nepali and Hindi), Ngalungs/Ngalongpa (20%), Brokpas, Doyas, Bumthangpas, Khengpa and Adivashis.^{lix}

National Language: Dzongkha (official), Bhotes speak various Tibetan dialects, Nepalese speak various Nepalese dialects.^{lx}

Location: Southern Asia, between China and India

Introduction

Bhutan is a multi-religious, multi-cultural and multi-lingual society. However, according to its former King, "Pluralism [is] only practical for a larger country where a diversity of customs, traditions and culture enriches that nation. A small country like Bhutan cannot

afford the luxury of such diversity which may impede the growth of social harmony and unity among its people.”^{lxi} This attitude led to a series of policies aimed at ethnic and religious cohesion which resulted in systematic persecution of the minority Hindu population.

In the name of national integration, the government implemented various racist and discriminatory policies such as the “One Nation, One People” policy aimed at forced homogenization of a multi-ethnic society. This policy was designed to annihilate the culture, religion and language of Lhotshampas and other minority ethnic, religious and linguistic groups. Under this policy, all other ethnic and minority groups are required to disregard their distinct social and cultural identities and conform to the socio-religious framework created by the politically and economically dominant Drukpa Kargyudpa, to which the royal family belongs. This dangerous ideology has already led to the expulsion and deprivation of rights of the Hindu Lhotshampas and other dissidents through intimidation and the use of force.

In addition, the State has used Buddhism as a political tool and in a manner that suits the interests of the ruling elite. Consequently, over the years the Bhutanese polity has become increasingly communalized. Moreover, politics is practiced along ethnic lines and has been monopolized by members of Drukpa Kargyudpa.

According to the Centre for Protection of Minorities and Against Racism and Discrimination in Bhutan (CEMARD-Bhutan), the “human rights situation in Bhutan began to deteriorate from the early 1990s,” and that the genesis of the present political crisis in Bhutan is the result of, “fundamental weaknesses arising from the socio-political institutions and feudal attitudes.” CEMARD claims that these institutions and attitudes have worked towards creating a national identity based on the narrow Drukpa Kargyudpa tradition of Mahayana Buddhism, and the imposition of a Drukpa Kargyudpa culture and values on a multi-cultural and multi-ethnic society.^{lxii}

Although the former monarchy is now transitioning to a democracy, many of the discriminatory policies favoring Buddhists and Buddhist culture remain in place. On December 4, 2009, Bhutan presented its first human rights report to the Universal Periodic Report Review Committee of the UN Human Rights Council in Geneva and interestingly enough did not mention the issue and problem of its own refugees.^{lxiii}

In a new book on the plight of minorities in Bhutan, authors Adhikari and Thapa claim that the Bhutanese government has delayed repatriation of Bhutanese refugees, restricted voting rights to the nearly 80,000 Nepali-speaking people still living in the country, and failed to set up a human rights mechanism to monitor the condition of minorities, in particular, and the population in general. They say that there are no human rights organizations in Bhutan and that the state has denied education to thousands of children as parents failed to provide the all important “no objection certificate” (a difficult to obtain certificate that neither the applicant nor their relatives are involved in the democracy movement and other ‘anti-national’ activities). The government discriminated against minorities by denying them security clearance that is vital in obtaining business licenses and other government facilities.

Bhutan has till now not rectified the flaws in the system of birth registration of the children born after 1990 (Bhutan ratified Convention on the Rights of the Child [CRC] in 1991).^{lxiv} At the Geneva session, the refugee issue was raised by a number of European countries including Bhutan’s major donors -- The Netherlands, Denmark and Norway. Bhutanese official delegates failed to effectively address the issue. The US delegate too raised the issue of unsolved refugee crisis as well as the failure of Bhutan in implementing different acts and protocols, including the citizenship act.^{lxv , lxvi}

Refugees who continue to be resettled throughout the U.S. have faced challenges but have also found support. About 400 Bhutanese refugees resettled in the Cleveland area were provided support by the local Hindu community.^{lxvii} In Seattle, a number of them

shared the horror stories of being forced out of Bhutan, not being wanted in Nepal, and waiting long years to be resettled elsewhere.^{lxviii} Some of these newly resettled Bhutanese are reporting tremendous pressure by local missionary groups to convert to Christianity. Christian groups, including Bhutanese Christians, providing social services to Bhutanese Hindus (some of which may be receiving federal or state faith based funding), have been active in imposing on Bhutanese Hindus the “story of Jesus,” and the need for acceptance and love of "God". A report of a Christmas party in Houston, Texas, highlights the tactics used to target a vulnerable community – tactics which only further compound the trauma already suffered by victims of ethno-religious cleansing.^{lxix}

History/Background

Bhutan has been ruled by an absolute monarchy since 1907. The fourth hereditary King Jigme Singye Wangchuck shifted power to his heir Crown Prince Jigme Khesar Namgyel Wangchuck on December 9, 2006. Prior to the Wangchuck dynasty coming to power, the country was under the administrative control of the Buddhist theocratic leader Zhabdrung Ngawang Namgyel.

The former monarchy unveiled its first draft Constitution in 2005 which was subsequently accepted by the Parliament. According to the draft Constitution, Bhutan will be a “Democratic Constitutional Monarchy” indicating that power will remain with the King, thereby preventing the establishment of a true democracy.

On March 24, 2008, Bhutan held its first general elections for the National Assembly.^{lxx} Two parties – the Druk Phuensum Tshogpa (DPT) and the People’s Democratic Party (PDP) – registered and contested the elections. The third political party, the Bhutan National Party (BNP), had its registration papers rejected.

Bhutan is home to a number of ethnic and religious groups, including Drukpa Buddhists and Hindu Lhotshampas. Although Drukpa Buddhists are politically and religiously dominant, Lhotshampas comprise a substantial minority. The Lhotshampas are descendents of Nepalese who moved to the southern lowlands of Bhutan in the

nineteenth century. The Hindu Lhotshampas remained largely unintegrated with Bhutan's Buddhist Druk majority. However, under Bhutan's Nationality Law of 1958 they were allowed to hold government jobs and enjoy Bhutanese citizenship. By the 1980s, however, Bhutan's king and the ruling Druk majority expressed concern over the rapidly growing Lhotshampa population. There was also concern about the influx of Nepali migrants into Bhutan and the higher birth rate of the Lhotshampas. The Druks feared that this demographic population shift threatened their predominance in society and Buddhist culture.^{lxxi}

During the 1980s, the Bhutanese authorities adopted a series of nationalist policies that sought to undermine the influence of the ethnic Nepalis. In 1985, the government established new eligibility requirements for Bhutanese citizenship that disenfranchised many ethnic Nepalis, depriving them of their citizenship and civil rights despite their longstanding residence in Bhutan. In addition, the government introduced measures to enforce rigidly the Drukpa dress code and forbid the use of Nepali in the educational curriculum.^{lxxii}

The government pursued an increasingly violent pogrom of intimidation of the Lhotshampas in southern Bhutan. Their property was destroyed, and activists were arbitrarily detained and tortured. Individuals were forced to sign 'voluntary migration certificates' before being expelled from the country. In December 1990, the authorities announced that Lhotshampas, who could not prove they were residents of the country before 1958, must leave the country. This made tens of thousands of Lhotshampas stateless, forcing them to flee to Nepal and the Indian state of West Bengal. It is estimated that more than 100,000 Bhutanese citizens, approximately one-sixth of the kingdom's total population of around 700,000, have been forced to leave.^{lxxiii}

Status of Human Rights, 2009

As reported in 2008, there continues to be a number of unresolved human rights issues facing Bhutanese minorities, including the lack of religious freedom, forced ethnic and

religious assimilation, and Hindu refugees in camps in dire states. The following sections provide an overview of the human rights situation in Bhutan.

Religious Freedom

Although the Bhutanese government allows for freedom of religion, its policies actively discriminate against non-Buddhist minorities, particularly Hindu Lhotshampas. For instance, the Bhutanese government officially subsidizes Buddhist temples, monasteries and institutions and provides financial aid to large numbers of the country's Buddhist monks. In contrast, reports indicate that Hindus are routinely denied permission to build new Hindu temples and no longer receive financial assistance for temple renovation or construction. Hindu groups suggest that they have been unable to build new temples since the early 1990s.^{lxxiv}

In addition, Bhutanese law mandates the reservation of ten seats in the 150-seat National Assembly and two seats in the 11-member Royal Advisory Council for Buddhist monks. Although non-Buddhists may work for the government there are no statutory provisions reserving seats for Hindus or other minorities. Furthermore, according to the U.S. State Department, "NGO representatives living outside the country claimed that only Drukpa Kagyupa and Ningmapa Buddhist religious teaching was permitted in schools and that Buddhist prayer was compulsory in all government-run schools." Local NGOs assert, however, that the prayers are nondenominational and are not required.^{lxxv}

Social Persecution

Refugees/Third Country Resettlement

In the early 1990s, Bhutan forcibly evicted more than 100,000 ethnic Lhotshampa Hindus, nearly one sixth of the kingdom's total population of approximately 700,000. Foreign governments have spent approximately \$20 million per year on assistance and protection programs. Children are provided with education to the secondary-school level, and the Lhotshampa leadership takes an active part in administering the camps. However, there is considerable frustration among the refugees over their prolonged

exile. These frustrations are pronounced among young people who constitute the highest proportion of the refugee population and for whom there are few opportunities for further education, employment and advancement.

Efforts toward arriving at a solution for the protracted refugee situation have been difficult despite attempts at negotiation between neutral third parties and the governments of Bhutan, Nepal and India. The government of Nepal opposed local integration and pushed towards the refugees' eventual repatriation to Bhutan. Offers of third-country resettlement from the international community created serious division and debate within the refugee communities. The majority of refugee leaders in Nepal, who view repatriation as the only durable solution, oppose the plan. International observers, particularly human rights organizations, say Bhutan's behavior towards the Lhotshampas is tantamount to ethnic cleansing given the Bhutanese government's refusal to pursue any resolution of this crisis.^{lxxvi}

As of September 2009, over 20,000 Bhutanese refugees had left camps in Nepal for resettlement in countries since the beginning of the resettlement program in November 2007. The U.S. has accepted the largest number of refugees -- 17,612 -- who have resettled in Texas, New York, Georgia, Arizona, Pennsylvania, Minnesota, and California. Australia has accommodated 846, Canada 674, Norway 299, New Zealand 294, Denmark 172, and the Netherlands 122.^{lxxvii} That still leaves about 90,000 Bhutanese stranded in Nepal as refugees under the care of the United Nations and depending on food aid from around the world.^{lxxviii}

Institutional Discrimination

On January 6, 1989, the King issued a royal decree called *Driglam Namzha* as part of the promotion of a distinct national identity and the "One Nation, One People" policy. The policy deals with matters such as how to eat, how to sit, how to speak, how to dress and how to bow down before authorities in true, medieval, feudal style. The dress code, which came into enforcement on May 1, 1989, strictly banned both men and women

from wearing any dresses other than the type worn by the royal elites: *Gho* for men and *Kira* for women (robe like dresses).^{lxxix}

The guidelines set forth by the former King imposed the Drukpa Kargyudpa traditions and customs on the multi-ethnic and multi-cultural society. The *Driglam Namzha* decree had its greatest impact on the minority Hindu Lhotshampas. For instance, the teaching of the Nepali language, spoken by the Lhotshampas, was removed from the school curriculum and the Dzonkha language, developed in the 1980s, made compulsory. Moreover, naturalization of citizens was based on the ability to speak and write Dzonkha.

According to CEMARD, “The feudalistic attitude of the royal regime has imposed and prescribed strict adherence to the set of Buddhist dogmas and beliefs among the Bhutanese population. Driglam Namzha designed within the traditional attire of Drukpa Kargyudpa tradition directly attacks the custom and values of non-Drukpa Kargyudpa followers. The theocratic ideology of clerics profoundly influences the administration and poses a challenge to the creation of a modern secular nation-state. The regime’s bogey of preserving traditions and culture through the newly drafted constitutional provisions seems to be a shield for protecting feudal and despotic rule.”^{lxxx}

Violation of Constitution and International Law

Constitution of Bhutan

According to Article 3 of the Bhutanese Constitution, “Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance,” and that the King is the protector of all religions in Bhutan. By officially recognizing Buddhism in the Constitution, Hinduism and other religions are relegated to an inferior status and subject to discriminatory policies.

Article 7 guarantees all Bhutanese, “the right to life, liberty and security of person,” and, “the right to freedom of speech, opinion and expression”. Moreover, Article 7, section 4 guarantees Bhutanese citizens, “the right to freedom of thought, conscience and religion,” and assures that, “no person shall be compelled to belong to another faith by means of coercion or inducement.” Despite the assurances contained in Article 7, religious intolerance has forced nearly 100,000 Hindu Lhotshampas out of Bhutan.

Section 15 of the Constitution guarantees every citizen equality before the law without discrimination based on, “race, sex, language, religion, politics or other status.”^{lxxxix} The government’s support for the “One Nation, One People” policy, however, systematically violates the provisions guaranteed under Section 15.

International Human Rights Law

The Bhutanese government has signed and ratified the following six international human rights covenants, treaties and conventions:

- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civil Persons in Time of War (1949)

The government, however, has failed to sign a number of other significant human rights treaties protecting civil, political and religious rights. Despite this, the government

should be held accountable for providing fundamental human rights to all its citizens, as enshrined in the International Bill of Human Rights (1948).

Unfortunately, Bhutan's nationalist policies continue the religious discrimination and marginalization of the over 100,000 Hindu Lhotshampas, and these policies violate basic norms of international human rights law.

Conclusion and Recommendations

Bhutanese refugees have spent 19 years living in squalid refugee camps. Resettlement in foreign nations is the only offer on the table, and small groups of refugees have now begun to make their way to countries where they face huge challenges acclimatizing. The Hindu American Foundation urges Bhutan to accept and resettle all those who are able to prove their nationality, while Nepal should make a similar offer to integrate some refugees. We support other human rights agencies' calls that "ultimately, each and every refugee should have the right to choose their own future."^{lxxxii}

According to the Asian Centre for Human Rights (ACHR), Bhutan has not provided a written commitment to take back the refugees who have proven their citizenship and joint verification was conducted only in one out of the seven refugee camps. Without a written commitment, there is no guarantee that Bhutan will take back its nationals.

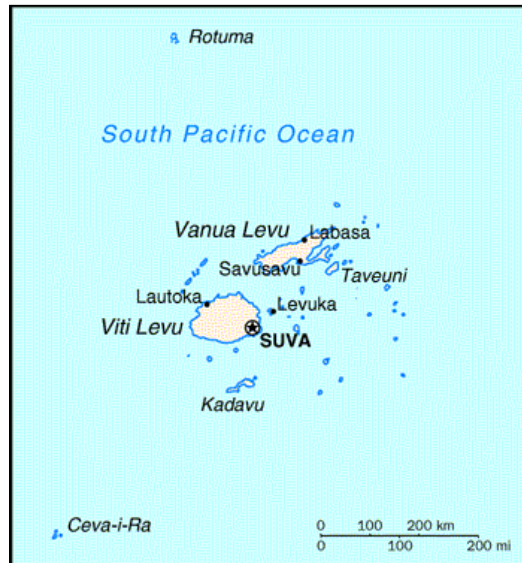
HAF supports the recommendations made by ACHR and other human rights agencies like Human Rights Watch, and Amnesty International.^{lxxxiii}

- "Bhutan must take practical and concrete steps to demonstrate its stated commitment to a just resolution of the longstanding refugee crisis."
- "Bhutan, Nepal and UNHCR should adopt a Memorandum of Understanding (MOU) for voluntary repatriation that includes a clear statement of rights and entitlements

upon the refugees' return to Bhutan - including full citizenship rights and human rights protections.”

- “An accelerated and simplified verification exercise needs to be carried out in the six camps which have not yet been screened, based on two categories only: Bhutanese and non-Bhutanese.”
- “Donors, UN agencies and Bhutan's other partners should insist on measures to eliminate discrimination against Lhotshampas who have remained in Bhutan since the exodus of refugees, and to ensure the protection of their fundamental human rights and their right to participate as full citizens of Bhutan.”
- “Bhutan’s development partners should urge the [Government]... to regularize the nationality status of Lhotshampas who have no prospect of claiming any nationality other than Bhutanese... and [d]onors should provide increased support for new programs and projects in the south of Bhutan and the east of Nepal to create new economic and educational opportunities which do not discriminate in purpose or effect, including on the basis of race or ethnicity; and to facilitate voluntary repatriation and local integration.”

Republic of the Fiji Islands



© CIA World Factbook

Area: 18,270 sq. km.

Population: 944,720 (July 2009 est.)

Religions: Christian 64.5%, Hindu 27.9%, Muslim 6.3%, Sikh 0.3%, other or unspecified 1.0%

Languages: English (official), Fijian, Hindi

Ethnic groups: Fijian 57.3% (predominantly Melanesian with a Polynesian admixture), Indian 37.6%, Rotuman 1.2%, other 3.9% (European, other Pacific Islanders, Chinese) (2007 census)

Location: Oceania, island group in the South Pacific Ocean, about two-thirds of the way from Hawaii to New Zealand^{lxxxiv}

Introduction

Commodore Bainimarama, who came to power following a military coup in 2006, remained the country's interim Prime Minister. Fiji went through a constitutional crisis in 2009 when on April 10, 2009 President Ratu Josefa Iloilo announced that he had

suspended the Constitution, dismissed all judges and constitutional appointees, and assumed all governance in the country after the Court of Appeal ruled that the government of Prime Minister Frank Bainimarama was illegal. Fiji was placed under a "Public Emergency Regulation", putting the country under emergency rule for 30 days. Announcing that Fiji would hold democratic elections in September 2014, the president reappointed Bainimaram as interim prime minister, and in turn he reappointed all the previous cabinet ministers to the positions they held before.^{lxxxv} Although the Bainamirama regime has been accused of human rights violations,^{lxxxvi} the prime minister has pledged to end discrimination against the Indian minority and attacks on Hindu temples. While HAF regrets the ongoing constitutional crisis, it also notes, with satisfaction, the reduced number of attacks against Hindus and Hindu temples in Fiji under the Bainamirama regime.

As HAF reported last year, while Hindus continue to face challenges, and there were reported attacks on Hindu religious sites, conditions are in fact improving. Despite the improved conditions, however, the Hindu population in Fiji is steadily declining, with heavy migration to the United States, Australia and New Zealand.^{lxxxvii}

History/Background

Fiji consists of over 300 islands, 100 of which are inhabited. Most of the population is concentrated on the main island of Viti Levu. The first inhabitants of Fiji reportedly arrived 3,000 years ago from Southeast Asia. The first European, Dutch explorer Abel Tasman, arrived in Fiji in 1643, but it was not until the 19th Century that Europeans permanently settled on the islands. The islands came under British control as a colony in 1874 and gained independence in 1970.

Among the three major religions in Fiji, are 471,093 Christians, 344,260 Hindus, and 47,475 Muslims. The largest Christian denomination is the Methodists with 174,304 members. The Roman Catholic Church and Protestant denominations also have significant membership. The Methodist Church is supported by the majority of the

country's chiefs and remains influential in the ethnic Fijian community, particularly in rural areas.

Religion runs largely along ethnic lines. The population is split largely between two main ethnic groups: Indigenous Fijians constitute approximately 51%, and Indo-Fijians constitute 44%. Most Indo-Fijians practice Hinduism; most indigenous Fijians follow Christianity. The European community is predominantly Christian. Other ethnic communities include the Chinese, Rotumans, Europeans and other Pacific Islanders.^{lxxxviii}

Hindus are the second largest religious community in Fiji constituting approximately 34% of the total population and approximately 76% of the Indian community. Hindus were initially brought to Fiji in 1879 by the British colonists as part of the indentured labor system to work on the sugar cane plantations.^{lxxxix} This brutal practice, akin to slavery, was finally abolished in 1916, but discrimination against Hindus has continued, abetted by the state.

During colonial rule, the British pursued a policy of separate communal developments to prevent Indian laborers and indigenous Fijians from becoming a unified community. British Raj felt communal unity possessed the potential to undermine colonial rule. The British had benefited in communal divisions while ruling the Indian Subcontinent and vast territories in Africa. Hence, both communities, for over 70 years under British rule, grew separately. The differences were further reinforced by religious and linguistic differences. When the British left, the large Indian minority population was left at the political will of the majority native Fijians. Though the Indians constituted 40% of the population, 87% of the land was given to the native Fijians under the colonial system. The political mantle was exclusively transferred to the Fijian political elite which declared Christianity as the State religion and instituted a constitution that allowed only the native Fijians to hold political office. The progressive Prime Minister Dr. Timoci Bavadra temporarily abrogated this practice in 1987.

Since Fiji's independence in 1970, the country has experienced three coups. The first coup of May 1987 overthrew the cabinet of Prime Minister Ratu Sir Kamisese Mara. The coup, carried out by a disgruntled militarist Lt. Colonel Rabuka with military loyalists, justified their violent overthrow of Kamisese Mara's democratic regime by citing his friendliness with Indians and Hindus as undermining Fijian interests. Lt. Colonel Rabuka also issued an order for Indians to convert to Christianity during the coup. Many temples were destroyed in the 1987 unrest.

In 1990, a new constitution provided for native Melanesian control of Fiji and led to large numbers of Indians leaving the island nation. The significant population loss resulted in economic difficulties, but ensured that Melanesians became the majority. The 1990 Constitution under Sitiveni Rabuka effectively barred any Hindu from holding the office of the Prime Minister. However, continued international pressure and domestic unrest resulted in amendments of the Constitution in 1997, making it more equitable. The Constitutional review, led by Sir Paul Reeves, removed the discriminatory practices embedded in the Constitution, thereby paving the way for a new era in Fijian political history.

Elections in 1999 saw the emergence of the first Hindu Prime Minister, Mahendra Chaudhary, who was overthrown a year later by a Fijian fanatic and U.S.-educated failed businessman, George Speight. Since 2000, violence against Hindus has increased and threatened their fundamental right to practice their faith. As a recent Amnesty International report on Fiji notes, "Discrimination against ethnic minorities was evident in plans for an indigenous Trust Fund and in the appointment of indigenous Fijians to almost all chief executive posts in the public service."^{xc}

Subsequent Parliamentary elections held in August 2001 provided Fiji with a democratically elected government and gave a mandate to the government of Prime

Minister Laisenia Qarase. Re-elected in May 2006, Qarase was later ousted in a military coup led by Commodore Bainimarama, who initially appointed himself acting president and dissolved the Parliament, paving the way for the military to assume power. On January 4, 2007, the military announced that it was restoring executive power to President Iloilo, who in turn endorsed the actions of the military. The next day, Iloilo named Bainimarama as the interim Prime Minister.^{xcii} Commodore Frank Bainimarama, current Prime Minister of Fiji, justified the overthrow of the Qarase regime as an attempt to curb state sponsored racism against Indians and Hindus and general political corruption.

Status of Human Rights, 2009

Following the coup in 2006, conditions for Hindus in Fiji have generally improved. However rights organizations like the Human Rights Watch^{xciii} and Amnesty International^{xciii} have reported abuses this past year.

Religious Freedom

The right to freely worship without fear of attack is one of the basic and fundamental aspects of religious freedom. In Fiji, the centerpiece of Hindu activities lies in their temples, which are found in major towns, cities and rural areas throughout the country. In recent years, Hindus have been singled out for violence and temple desecration by suspected Christian fundamentalists. The religious tension between Hindus and Christians is entwined in the historical racial differences between Native Fijians and Indians, which dates back to the colonial era. The majority of the Indians, approximately 76%, are Hindus, and 99% of native Fijians are Christians.

In February 2009, the police commissioner accused Indo-Fijian police of being liars and backstabbers. The commissioner told officers to support the Christian rallies or leave the police force.^{xciv} The Fiji police was involved in a Christian crusade in June 2009. The crusade was driven by the New Methodist Church led by Atu Vualono, brother of Fiji Police Commissioner, Esala Teleni. While some Hindu leaders claim that they have no

problems with such official involvement in a religious crusade, others were not so sanguine.^{xcv}

According to the U.S. State Department report on religious freedom in Fiji, “In August 2008, a private temple in Ba was reportedly destroyed by arsonists. Following a string of temple desecrations in October, Prime Minister Frank Bainimarama ordered a special investigation. Bainimarama stated that ending racism against Indo-Fijians was a priority for his administration.” The Shiu Hindu Temple, near Nadi, was burnt down on October 16, 2008, and Fiji Police confirmed that the fire was deliberately lit.^{xcvi}

Violations of Constitution and International Law

Constitution of Fiji

Although the Constitution of Fiji establishes the separation of religion and state, the U.S. State Department mentioned in its 2006 Report on Human Rights Practices of Fiji that, “the majority of citizens (52%) are Christian, and government-sponsored meetings and events often begin with a Christian prayer.” It also noted, “Racial polarization was reflected in religious differences, which were largely along ethnic lines; this contributed to political problems. Most ethnic Fijians were Christians and most Indo-Fijians were Hindu... The dominant Methodist Church has closely allied itself with the interests of the pro-indigenous Fijian movement, [and] break-ins, vandalism and arson directed at houses of worship, predominantly Hindu temples, were common. The attacks were broadly viewed as reflections of inter-communal strife...”^{xcvii}

Section 30 of the Constitution limits the right of freedom of expression to protect, “the reputation, privacy, dignity, rights or freedoms of other persons, including the right to be free from hate speech, whether directed against individuals or groups” and to, “prevent attacks on the dignity of individuals, groups or communities or respected offices or institutions in a manner likely to promote ill will between races or communities or the oppression of, or discrimination against, any person or persons.”

Unfortunately, the Fijian government is not upholding this constitutional guarantee as Christian groups condemn Hindus as “idol worshippers” and promote anti-Hindu sentiment that clearly advances, “ill will between communities.” Section 35, which is not supported by the Methodist Church states, “(1) Every person has the right to freedom of conscience, religion and belief. (2) Every person has the right, either individually or in community with others, and both in public and in private, to manifest his or her religion or belief in worship, observance, practice or teaching.”^{xcviii}

International Human Rights Law

Although Fiji has not taken any action toward ratifying or signing the U.N. International Covenant on Civil and Political Rights (ICCPR), it has agreed to the International Convention on the Elimination of All Forms of Racial Discrimination. The government is not upholding the convention as Hindus and Muslims continue to be targets of Fijian Christian nationalists. As noted earlier, the condition of Hindus has improved in recent years and credit for the improvement has been given to Interim Prime Minister Bainimarama’s initiative in strict enforcement of laws and public guarantees of protecting Hindus.

Conclusion and Recommendations

The Fijian government should practice parity and equality in its response to and support of various ethnic and religious groups, deal more effectively with violent crimes against Hindus and prosecute the criminals who led the 2000 coup.

Indian State of Jammu and Kashmir



© Embassy of India, Washington D.C.^{xcix}

Area: 85,807 square miles

Population: 11,414,000 (est. 2009)^c. Muslims (66.97% in 2001), Hindus (29.63% in 2001), Sikhs (2.03% in 2001), Buddhist and others, including Christians (1.36% in 2001).

Religions: Islam, Hinduism, Sikhism, Buddhism, and Christianity; majority Muslim with a large Hindu minority and smaller Sikh and Buddhist communities; close to 400,000 Hindus and Sikhs currently live as refugees in other parts of India.

Languages: Kashmiri, Urdu, Gojri, Dadri, Dogri, Pahari, Balti, Ladakhi, Punjabi.

Location: Northern India, bordered by Pakistan on the west and China on the east

Introduction

The Indian State of Jammu and Kashmir was plagued by political controversy and resurgence of Islamic militancy and violence in 2009. Hindus and other minorities faced economic discrimination, political repression and extremist violence, and the displacement of more than 300,000 Kashmiri Pandits continued. Although violence was down from previous years, Islamic militants, supported by Pakistan, continued to target

innocent civilians. The Indian government refuses to label Kashmiri Hindus as internally displaced people (IDP) despite the fact that the UN considers them so. New Delhi does not want to give Kashmiri Hindus IDP-status because that would allow International Aid agencies like the Red Cross, UNICEF and others to visit the uninhabitable Pandit refugee camps.

On April 30, 2009, when people in Anantnag were casting their votes, policemen beat up Kashmiri Pandits in the squalid refugee camps because the Pandits demanded their right to vote. In 1996, there were 147,000 voters among Kashmiri Hindus all over the country; in 2002, the number went down to 117,000; now there are only about 77,000 of them, but out of them hardly 11,000 voted in the 2009 general (parliamentary) elections. It was this deletion from the electoral rolls that the refugees were protesting. Kashmiri Hindus must undergo a cumbersome process to get voter ID cards reducing them to second-class citizens. About 40,000 voters applied for voting right by filling out the M-form. However, authorities said only 26,000 of them were eligible. Of them 11,000 voted. Unlike other Indians, these Pandits have to fill Form "M" [Migrant Form], even though they are not migrants but victims of ethnic cleansing.^{ci} There are no Kashmiri Pandit representatives in the Jammu and Kashmir Assembly (J&K).^{cii}

That Islamic nations around the world work as a cabal was evident when the Organisation of Islamic Conference (OIC) named a special envoy for Kashmir seeking to make the status of Kashmir suspect and to internationalize the conflict between Pakistan and India. In a step believed to be influenced by Pakistan, the OIC appointed Saudi Arabian Abdullah bin Abdul Rahman as special envoy to Kashmir at their annual meeting in October 2009.^{ciii}

On a positive note, the long neglected Kashmiri Pandits formed their first political party, the Jammu Kashmir National United Front, and fielded 15 candidates during the 2008 Assembly elections to highlight the suffering of the displaced Hindus.^{civ} The State

Government, under the Chairmanship of Raman Bhalla, Minister of State for Revenue, constituted an “Apex Committee” comprising of 30-35 Kashmiri Pandits on September 15, 2009. A list of Common Minimum Demands (CMD’s) was drafted with the primary focus on the following eight demands:

- The Apex Committee should be consulted on all government initiatives before either the Central or State government proposes any legislative bill, or approves any executive or administrative order related to the rehabilitation and return of Kashmiri Pandits to the Valley.
- The reservation of 6,000 jobs for Pandits and enhancement of cash relief to displaced families should take place within the next six months as a Confidence Building Measure (CBM) while long-term issues are being resolved.
- The financial and economic benefit package must extend to valley-based Pandits (so called "non-migrants") who have received marginal assistance from the State government and the local civil society so far. The Pandit population in the valley continues to steadily decline and reversing that trend should be one of the highest priorities.
- Political rights of the community, including representation in the State Cabinet, Legislative Assembly and the Indian Parliament must be guaranteed through changes in appropriate State and Union laws.
- Kashmiri Pandits must receive equal consideration as full-fledged constituents in the political dialogue that the Central government plans to hold with various Kashmiri entities.
- The State Government must agree in principle to implement the recommendation of the National Commission for Minorities (NCM) regarding granting minority status to Pandits.

- The State government must secure legislative approval of the Kashmiri Hindu Shrines and Religious Places (Management and Regulation) Bill (2008) without further delay.
- The Central government must establish a Commission of Inquiry to examine what events led to the forced exodus of Pandits in 1989-1990 and implement appropriate recommendations to prevent a similar calamity in the future.^{cv}

History/Background

Kashmir, once known for its idyllic beauty, has historically been inhabited by Hindus and Buddhists and had a majority Hindu population until the 14th century when Islamic invaders entered the region. Ancient Kashmir was renowned as a center for Hindu and Buddhist learning and was ruled by Hindu kings until 1339. The Muslim period stretched from about 1561 to 1819, at which time Sikhs gained control over the region. Sikh rule spanned from 1819 to 1846, followed by the Hindu Dogra reign from 1846 to 1947. Modern Kashmir has been claimed by both Pakistan and India since partition of the subcontinent in 1947.^{cvi}

The Princely State of Kashmir, which was ruled by the Dogra king Hari Singh at the time of partition, joined the Indian Union after Pakistan's armed forces orchestrated an invasion of Kashmir using Pashtun "tribesmen" and regular military personnel. Following the Pakistani offensive, Hari Singh signed the Instrument of Accession formalizing Kashmir's legal accession to India.^{cvi} The Instrument of Accession was the standard legal mechanism used by the Princely States of British India to join either India or Pakistan at the time of independence in 1947.^{cvi} The accession was also approved by the largest and most popular Kashmiri political party, the All Jammu and Kashmir National Conference, led by the charismatic Muslim leader Sheikh Mohammed Abdullah.

Once Kashmir legally joined India, Indian forces were deployed to stop the advancing Pakistani military, leading to an all out war between the two countries.^{cix}

India then sought the intervention of the United Nations (UN) and the UN Commission for India and Pakistan (UNCIP) was established to examine the situation. In April 1948, the UN Security Council passed Resolution 47 which required (1) the demilitarization of the region, and (2) a plebiscite to decide the future of the princely state. The Resolution, however, clearly required that Pakistan must first withdraw all its military personnel and “tribesmen” from the state as a necessary pre-condition to holding a plebiscite.^{cx} According to the UNCIP’s findings in August 1948, Pakistan not only failed to abide by the Resolution, but actually increased its military presence in Kashmir.^{cx} Despite Pakistan's military aggression and flagrant violation of Resolution 47, the Security Council failed to take appropriate action against the government of Pakistan.

After a ceasefire was agreed to in January 1949, Pakistan remained in control of approximately one-third of the state while the remaining two-thirds were incorporated into India under Article 370 of the Indian Constitution. The Indian Constitution, which came into effect on January 26, 1950, granted special status to Kashmir through Article 370. Article 370 is a special clause that made, “Jammu and Kashmir a country within a country, with its own flag, emblem, constitution and Sadr-i-Riyasat (Prime Minister).”^{cxii} Moreover, it restricted the Indian Parliament’s legislative power over Jammu and Kashmir to defense, foreign affairs and communications. Thus, in order for the Parliament to apply other laws to Jammu and Kashmir, it required the State’s concurrence. Perhaps, the worst consequence of Article 370 is its restriction on people moving from other parts of India to the state. Although there was considerable opposition to granting special status to the state, India’s first Prime Minister Jawaharlal Nehru insisted on the inclusion of Article 370 to accommodate Kashmiri Muslims.^{cxiii}

Subsequently, local elections were held in Indian Kashmir in 1951 where Sheikh Abdullah's National Conference won a resounding victory. And in 1956, the Jammu and Kashmir Constituent Assembly voted to approve the merger of Kashmir with India.^{cxiv}

The former princely State of Jammu and Kashmir has a total area of 85,807 sq. miles, and is now divided between three countries.^{cxv} Pakistan occupies approximately 28,160 sq. miles, known as Pakistan occupied Kashmir (POK) or the supposed Azad (free) Jammu and Kashmir (AJK) and the Northern Areas. POK comprises eight administrative districts (Muzaffarabad, Mirpur, Neelum, Kotli, Poonch, Sudhanoti, Bhimber and Bagh) with an area of 5,134 sq. miles and an estimated population of 3.5 million.^{cxvi} The people of PoK are mostly Sunni Muslims, speaking a mix of Punjabi, Pahari and Pushto. **There are virtually no Hindus left in POK.** The Northern Areas have a Shia Muslim majority population with significant numbers of Ismailis and Nurbakshis (a Sufi sect). Shia-Sunni tensions have frequently run high here and there have been periodic riots. In Pakistan Occupied Kashmir, the Pakistani government has failed to provide basic rights and democratic representation to the Kashmiri people. Moreover, local Kashmiris are discriminated against, while Pakistanis are given preferential treatment.^{cxvii}

China controls a total of 16,500 sq. miles, of which 2,000 sq. miles in the Shaksgam Valley was ceded to them by Pakistan in a 1963 boundary settlement (which India does not accept). The remaining 14,500 sq. miles, known as Aksai Chin was seized by China during the 1962 Indo-China war. Chinese occupied Kashmir is predominantly Buddhist.^{cxviii}

And finally, the remaining territory forms the Indian state of Jammu and Kashmir, which is divided into three main parts: Kashmir Valley, Jammu and Ladakh. The Kashmir Valley has six districts with an area of 6,157 sq. miles and a population of just over four million. The main language is Kashmiri with Gojari being spoken to a lesser extent.

Most Valley Muslims are Sunni with concentrations of Shias in certain areas. The Jammu region also includes six districts with an area of 10,151 sq. miles. In Jammu, Hindus comprise 65.23% of the population, Muslims 30.69% and Sikhs 3.57%. Ladakh, which includes the districts of Leh and Kargil, has an area of 37,337 sq. miles. Buddhists enjoy a slight majority in Ladakh (45.87%), with a substantial Muslim population of 47% and Hindus, Sikhs and others at 6.2%.^{cxix}

Starting in 1989, Islamic terrorism gripped the Kashmir Valley and a brutal campaign of violence and ethnic cleansing was directed against the state's minority Hindu population. As a result, between 1989 and 1991, more than 300,000 Hindus were driven out of the Valley by Muslim extremists (some estimates put the figure at close to 400,000), who engaged in brutal ethno-religious cleansing. These Hindus, known as Kashmiri Pandits, now live in refugee camps throughout Delhi and Jammu.^{cxx} Although the violence initially targeted Kashmiri Pandits in the Valley, Islamic militants subsequently expanded their operations to attack Hindu civilians throughout the state.

The Islamic militants in Kashmir were recruited, trained, funded and given refuge by Pakistan's military and powerful Inter-Services Intelligence (ISI) agency. According to former scholar and the current Pakistani ambassador to the U.S., Husain Haqqani, the violence in Kashmir was, "rooted in the ideology of Pakistani Islamists, carefully nurtured for decades by the Pakistani military."^{cxxi} In fact, the founder and former head of the outlawed Lashkar-e-Taiba affirmed that "killing Hindus" was the best solution to resolve the six-decades-old dispute between Pakistan and India over Kashmir.^{cxxii} Kashmiri terrorists also have ties with Al-Qaeda operating in the Pakistan-Afghanistan border areas, which continue to be the center of Islamist terror networks, fundamentalism, drug trafficking, illicit trade in small arms and international terrorism.^{cxxiii} For a complete list of Pakistani militant groups operating in Jammu and Kashmir, please see Appendix 2.

Considering the Pakistani military/government's obsession with jihad in Kashmir and the explosion of Islamic fundamentalism, the future of Hindus in Kashmir remains tenuous.

Status of Human Rights, 2009

Cross border infiltration into Jammu and Kashmir rose with Muslim terrorists making 433 attempts in 2009, nearly 90 more than last year.^{cxxiv} According to media reports Taliban men have infiltrated Kashmir and begun operating from there.^{cxxv} It was also reported that Pakistan was planning to push as many as 60 Taliban men into Jammu and Kashmir to become part of the "jihad" against India. The ISI is said to have offered the extremists the option of either going to jail or crossing into India.^{cxxvi} More frightening was the fact that young women have been recruited and trained as terrorists in Pakistan-based training camps and smuggled across the border into Kashmir. According to a news report, a young woman arrested while crossing the Line of Control between the two countries revealed that hundreds of women were being trained in the terror camps in PoK.^{cxxvii}

In 2009, Hindus continued to face multiple human rights issues including economic/political discrimination, lack of religious freedom and violent attacks. The more than 300,000 displaced Kashmiri Pandits are still unable to safely return to their homeland in the Kashmir Valley and many continue to live in deplorable conditions in refugee camps. The National Human Rights Commission (NHRC) of India on June 11, 1999 declared that, "Kashmiri Pandits were subjected to near-genocide conditions before they fled." Young Kashmiri Muslim women have been forced to marry Islamic terrorists at the point of a gun, according to another report.^{cxxviii}

Human rights agencies have complained that Indian security forces have committed and continue to commit human rights abuses against Kashmiris.^{cxxix} The Human Rights Cell of the Western Command of the Indian Armed Forces presented a detailed report of all allegations of human rights violations against the Army in J&K during the last two decades. Its analysis shows that of the total 1,508 allegations of human rights violations

received between 1990 and 2008, only 35 cases were found to be true, while the remaining 1,453 charges (97.70%) were "baseless and without an element of truth". The report mentions that strict action was taken in all cases where Army personnel were found to be guilty of human rights violations.^{cxxx}

Religious Freedom

Hindu Pilgrimage Sites/Temples

The basic right to worship freely without fear of persecution or attack is essential to the idea of religious freedom. Equally important is the right to access basic accommodations and facilities for pilgrims and devotees. Unfortunately, Hindus in Jammu and Kashmir have not enjoyed such religious freedom as they have frequently come under attack from Muslim fundamentalists, and many of their pilgrimage sites and temples continue to lack rudimentary facilities and accommodations.

Kashmir is home to numerous ancient Hindu pilgrimage sites and temples located throughout the state which are visited by millions of devotees every year. The two most frequented sites are Vaishno Devi in Jammu and the Amarnath cave shrine in northern Kashmir.

In addition, Hindu temples have come under frequent attack by Islamic extremists as over 170 temples have been destroyed or damaged since the start of violence in 1989.^{cxxx} Moreover, following the mass exodus of Hindus from the Kashmir Valley in 1989-1990, more than 100 religious sites have been illegally occupied by local Muslims. For instance, according to a fact-finding mission, the cremation site and temple land of Karihama-Gutingu in Kupwara district, Batpura and Kapalmochan temples in Shopian district and Shiv temple at Thejiwara have all been illegally seized.^{cxxxii} Following the Amarnath shrine fiasco in 2008, the state government set up a shrine board exclusively for administering, managing and regulating Hindu shrines and other places of worship in the Valley. But given the late date on which the legislative bill was introduced, the

Kashmiri Pandit Sangharsh Samiti, an organization representing the Valley Hindus expressed disappointment and doubt about the move.^{cxxxiii}

A young Hindu man, who dared to marry a Muslim woman, was tortured and killed by police at the Munshibhag police station in Srinagar. Rajnish Sharma, 29, a Jammu resident, was picked up by the police after he married a Srinagar woman, Anchal Sharma alias Amina Yousuf, 25, who had converted to Hinduism and changed her name. Anchal accused her father Mohammed Yousuf Mirazi and two brothers of hatching a conspiracy with the police to kill her husband. "One of my brothers, a doctor, may flee to Australia. Arrest him before he leaves the country. My father had bribed the Kashmir police to kill my husband," she said.^{cxxxiv} Most of India's English language media and the international media ignored this incident.

General Violence

Attacks on Civilians/Security Forces

Although violence has precipitously declined in recent years, there were 377 fatalities from terrorist related violence in 2009 with 55 civilian deaths, 78 security personnel and 244 militants.^{cxxxv}

According to the South Asia Terrorism Portal, there were 29 major incidents (involving three or more fatalities) in 2009. The most significant were the following.^{cxxxvi}

- December 30, 2009: Militants shot dead four Central Reserve Police Force (CRPF) personnel at Janwari in Sopore area of Baramulla District. The troopers were part of a road opening party on Sopore-Bandipora road. The Hizb-ul-Mujahideen (**HM**) claimed responsibility for the attack.
- September 29, 2009: Three CRPF personnel were shot dead and two civilians injured by terrorists at Sopore Bus Stand in Baramulla District. The militants opened indiscriminate fire on a group of CRPF personnel at the bus stand

injuring three CRPF personnel and two civilians, including a woman. The CRPF personnel later succumbed to their injuries.

- September 9, 2009: Similarly, Major Akash Singh and three infiltrating militants were killed in Poonch sector. Border Security Force (BSF) Deputy Inspector General (DIG), O.P. Tanwar, died in an IED blast near the Indo-Pak border on November 16.
- June 30, 2009: The Indian Security Forces suffered a major setback when militants killed Lt. Col. V. R. Chander in Baramulla. Three militants were also killed in the exchange of fire.
- April 21, 2009: Five persons, including a woman and a female child, were killed and seven others were wounded in an Improvised Explosive Device (IED) explosion under a vehicle at Sangla on the Surankote-Marha road in Poonch District. The Lashkar-e-Toiba (LeT) spokesman Abdullah Ghaznavi claimed responsibility for the blast.

Institutional Discrimination

Economic/Political Discrimination

Despite significant populations in the Jammu and Ladakh regions of the State, Hindus and Buddhists remain politically marginalized and severely underrepresented in government positions. Muslim politicians and political parties, particularly from the Kashmir Valley, have continuously dominated the state government, ignoring the economic and political interests of Jammu and Ladakh and Hindus and Buddhists, respectively. A bill was introduced in the J&K assembly in March 2009 by a Muslim member of the legislative assembly, Peerzada Manzoor Hussain, proposing to change the name of historic Anantnag town to Islamabad.^{cxxxvii} It is reported that Muslim

politicians are already referring to Anantnag as Islamabad in official communication.^{cxxxviii}

The political disenfranchisement of Hindus and Buddhists can be traced back to the assembly elections of 1951 when Sheikh Abdullah allocated 43 seats in the 75 member Legislative Assembly for the Kashmir Valley, 30 for Jammu, and only two for Ladakh. This was in sharp contrast to the demographic realities of the state, wherein Jammu and Ladakh accounted for more than 50% of the population and 90% of the land. The allocation effectively placed political power in the hands of Muslims from the Valley. Similarly, in 2002, when the Legislative Assembly grew to 87 members, 46 seats were set aside for the Kashmir Valley, while only 37 seats were created for Jammu and four for Ladakh.^{cxxxix}

In addition, redistricting and the creation of new Muslim majority constituencies in Jammu and Ladakh have resulted in further dilution of Hindu and Buddhist votes. Buddhists have viewed these policies as attempts to alter the religious balance in Ladakh. For instance, in 2000, Lama Lobzang, an influential Buddhist leader in Ladakh, stated that: “The NC (National Conference) Government is deliberately settling a large number of people from the Valley with a view to reducing the Buddhist majority in Ladakh into [a] minority.” Similarly, Hindus from Jammu have long complained of political and economic domination by Kashmiri Muslims.^{cxl}

Furthermore, the few remaining Kashmiri Pandits remaining in the Kashmir Valley also suffer from severe economic and political discrimination. According to a study appearing in the *Journal of Immigrant and Refugee Studies*, “[t]he primary problems the KPs [Kashmiri Pandits] in the Valley face today are that of unemployment and inadequate rehabilitation. Approximately 125 Pandit families in Kashmir live below the poverty line. According to a survey taken by the Hindu Welfare Society Kashmir in 2003, there were more than 500 educated youth who were unemployed and over 200 of

these individuals were no longer eligible for government jobs due to their age...^{cxli} The same study found that a number of Pandit families had been relocated by the state government to isolated locations in the state, without providing adequate rehabilitation or provisions. The families were presumably relocated for security concerns, but the government failed to take care of their basic living needs.^{cxlii}

Social Persecution

Internal Displacement

Internally Displaced Persons (IDPs) are defined as, “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognized state border.”^{cxliii}

By far the greatest tragedy to befall Kashmiri Hindus was their forced displacement from Kashmir. Over 95% of the Hindu population in the Kashmir Valley (350,000 people) became internally displaced between 1989 and 1991 as they were forced to flee their historic homeland by Muslim extremists. There was an organized and systematic campaign to cleanse Hindus from Kashmir, including massacres, rapes, threats and intimidation. Public announcements were placed in newspapers, sermons made in mosques and posters hung on houses ordering all Kashmiri Hindus to leave the Valley and threatening violence if they did not.^{cxliv} This was only the latest in a series of historical mass migrations by Hindus from Kashmir.

After their initial displacement between 1989 and 1991, 160 of the remaining 700 Hindu families in the Valley were also forced to leave after increased violence and attacks occurred between 2003 and 2004.^{cxlv}

In order to accommodate the large numbers of Hindus fleeing the Valley, the Indian government set up semi-permanent camps for the displaced in Jammu and New Delhi. These camps, however, are overcrowded, lack adequate facilities and basic necessities. For instance, there is no regular supply of drinking water, a shortage of medicines and poor sanitation. Additionally, the education and employment opportunities are severely lacking. As a result of the substandard conditions, the Kashmiri Pandits, after years of displacement, have faced serious health problems, including high incidence of disease, depression, stress-related problems and a high death rate.^{cxlvi}

Although the Indian government, as well as the local state government in Kashmir, has discussed plans to rehabilitate the displaced Pandits to the Valley, these plans have not yet been implemented. Furthermore, while Hindus are keen to return, Pandit leaders are skeptical of the government's rehabilitation plans and its ability to provide protection to Hindus upon return.^{cxlvii}

Islamic militant groups have rejected the Pandits' right to return and have issued threats against Hindus if they return. For example, one extremist group publicly stated, "We impose a ban on the return of Kashmiri Pandit migrants to the Valley." This indicates that the security situation in the Valley remains tenuous and Hindus cannot yet safely return to their homes.^{cxlviii}

Violations of Constitution and International Law

Indian Constitution

Despite India's secular Constitution, Hindus in Jammu and Kashmir have been constant targets of violent Islamist militants. Article 15 prohibits discrimination, "against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." Life and personal liberty are protected by Article 21 which maintains that, "No person shall be deprived of his life or personal liberty except according to procedure established by law."^{cxlix} The life and liberty of the Hindus in the Kashmir Valley have not been

protected or preserved by the Indian Government. As noted above, militants in the Valley have terrorized and ruthlessly murdered Hindus and the continual threat of death hinders their return to their homeland. Article 38 states: “The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.”^{cl} Once again, the Indian Government has failed to secure the promise of Article 38. Neither have the Hindus in Kashmir been protected nor have the Hindus who fled the region been provided with adequate support or security. The approximately 350,000 individuals who fled the Kashmir Valley live in refugee settlements dispersed throughout India in abysmal conditions. These Kashmiri Hindus are living as refugees in their own country despite a constitutional promise to protect their welfare, rights and liberties.

International Human Rights Law

Pakistan’s direct support of militancy and proxy terrorism in Indian Kashmir is a violation of U.N. Covenants governing terrorism, such as the International Convention for the Suppression of Terrorist Bombing and the International Convention for the Suppression of the Financing of Terrorism.^{cli} A number of these Pakistan-based groups have been labeled as terrorist organizations by the United Kingdom and the United States. For instance, the UK has banned five militant organizations -- Harakat-ul-Jihad-ul-Islami (HUJI), Jundallah, Khuddam ul-Islam, Lashkar-e Jhangvi (LeJ) and Sipah-e Sahab Pakistan (SSP).^{clii} The United States has also designated LeJ, Harakat ul-Mujahidin (HuM), Jaish-e-Mohammed (JeM) and Lashkar-e-Taiba (LeT) as terrorist organizations.^{cliii}

India’s accession to the UN’s International Covenant on Civil and Political Rights (ICCPR) occurred on July 10, 1979 and its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination took place on March 2, 1967.^{cliv} Once again, the Indian government has failed to uphold either of these UN covenants. Most importantly, Article 27 of the ICCPR, which protects the rights of “ethnic, religious or linguistic minorities...to enjoy their own culture, to profess and practise (sic) their own

religion [and] to use their own language,” has been violated time and again in the Kashmir Valley as Hindus have been all but completely driven out of the region.^{clv} The destruction of temples and frequent attacks on Hindu pilgrimage sites is another indication of the failure to protect Kashmiri Hindus under the ICCPR.

Finally, the UN Guiding Principles on Internal Displacement encompass the protections of international human rights law and humanitarian law as applied to internally displaced persons. The legal protections afforded to IDPs, however, are substantially weaker than that for refugees who benefit from specialized international refugee law. Substantively, the Guiding Principles prohibit the arbitrary displacement of persons based on their religious and ethnic background, and affirm IDPs’ basic rights to food, water, shelter, dignity and safety. The principles also emphasize the, “importance of voluntary and safe return, as well as the need to assist the displaced to recover their property and possessions.”^{clvi} The responsibility for preventing internal displacement and protecting the rights of the displaced persons lies with a country’s “national authorities” according to the Guiding Principles. Consequently, the Indian government as the responsible “national authority” has failed to protect the rights of the Kashmiri Pandits under this legal framework.^{clvii} Hindus living in displacement camps still face deplorable conditions, and have not been safely rehabilitated to their homes in the Valley. In addition, the Indian government refuses to label them as IDPs, instead referring to them as “migrants.” The term “migrant” is problematic as it implies that Hindus left Kashmir of their own volition and denies the fact that they were forced to flee.^{clviii}

Conclusion and Recommendations

The ethnic cleansing of Kashmiri Pandits from the Kashmir Valley is virtually complete with less than 7,000 Pandits remaining in the Valley. Hindus forced from the Valley continue to live in refugee camps throughout Northern India and the decrepit conditions of these communities remain a tragic abuse of fundamental rights to shelter and dignity.^{clix}

The fate of up to 400,000 people continues to be in limbo as the Indian government strives to end the insurgency in Jammu and Kashmir. The status of Jammu and Kashmir as a “disputed area” will continue to affect the condition of Kashmiri Hindus. The fate of Hindus of this region remains in abeyance - paralyzed by the inertia of the Government of India and a recalcitrant Pakistan unwilling to stop Islamic terrorists from carrying out attacks in the region. The inflammatory rhetoric of Islamist terrorists based in Pakistan only vitiates the atmosphere further and perpetuates a dangerous terrorism that continues to claim Muslim and Hindu lives in the region.

It is incumbent upon the Pakistani Government to cease moral and material support to all terrorists in the Kashmir Valley. India must create an atmosphere in the Kashmir Valley conducive to the return and safe resettlement of Hindus to their original homes throughout Jammu and Kashmir and further dialogue with Pakistan must be predicated on this return of original Hindu residents. Furthermore, the state government must end the economic and political marginalization of Hindus and Buddhists in the state and provide full protection and accommodation to Hindu pilgrims and pilgrimage sites. And finally, India must abrogate Article 370 of the Constitution, which has allowed the State's residents to live under a separate set of laws, benefiting its Muslim population, who enjoy political power at the detriment of Kashmir's religious minorities.

Malaysia



© CIA World Factbook

Area: 329, 750 sq km

Population: 25,715,819 (July 2009, estimate). Malaysia has a young population today with approximately 31.4% under the age of 15 years. ^{clx}

Religions: Muslim 60.4%, Buddhist 19.2%, Christian 9.1%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 2.6%, other or unknown 1.5%, none 0.8% (2000 census). Islam is the official religion of the country.

Ethnic groups: Malay (Bumiputra) 50.4%, Chinese 23.7%, indigenous 11%, Indian 7.1%, others 7.8% (2004 est.)

Languages: Bahasa Melayu (official), English, Chinese (Cantonese, Madarin, Hokkien, Hakka, Hainan, Foochow), Tamil, Telugu, Malayalam, Punjabi, Thai, several indigenous languages (Iban and Kadazan)

Location: Southeastern Asia, peninsula bordering Thailand and northern one-third of the island of Borneo, bordering Indonesia, Brunei and the South China Sea, south of Vietnam ^{clxi}

Introduction

Malaysia continued to witness turmoil in the ethnic and religious domains in 2009 as it has done in the past few years with minorities under increasing pressure to toe the government line and play second fiddle to a dominant Muslim majority. As in recent years, in 2009 Malaysia's Hindu and ethnic Indian population faced widespread persecution, harassment and discrimination.

Hindus had remained largely silent until 2007 when they began to challenge the government's discriminatory practices. On November 25, 2007, nearly 10,000 Hindus, led by the Hindu Rights Action Force (HINDRAF) leaders, organized a peaceful rally to protest the religious apartheid policies pursued by the Malaysian government. The Malay authorities brutally broke up the rally using tear gas and chemical-laced water under the pretext of maintaining national security. Following the event, the Malaysian government began to crack down on the Indian and Hindu communities, and hundreds of Hindus, including five HINDRAF leaders, were arbitrarily detained and arrested for asserting their basic democratic rights.^{clxii} The arrested HINDRAF leaders included P Uthayakumar, M Manoharan, R Kenghadharan, V Ganabatirau, and T Vasantha Kumar.

Immediately following the arrests, they were moved to the Kamunting detention center in Taiping, Perak, where, under the Internal Security Act (ISA), they were detained for 514 days. They were finally released on May 9, 2009.^{clxiii}

In support of the HINDRAF leaders and Malaysian Hindus, rallies were held across the world, including in Kuala Lumpur, Los Angeles, New York, London, Dublin, Brussels, Melbourne, Auckland, New Delhi, Mumbai, Chennai, Singapore and Jakarta on February 16, 2008. In the Malaysian capital of Kuala Lumpur, Hindus gathered at Jalan Raja Laut in the city center to protest the government's discriminatory policies against Hindus. The protestors carried roses to symbolize their peaceful struggle for equality. The police once again used tear gas and chemical-laced water to break up the rally. In addition,

close to 200 HINDRAF supporters were arrested and nearly 5,000 temporarily detained, including women and children. Most of the arrested Hindus were eventually released. In attempting to prevent the rally, government authorities used racial profiling to prevent Malaysians of Indian origin from entering Kuala Lumpur; Indians were even removed from buses traveling to the city. Road blocks were also set up to stop Indians from reaching Parliament, where the rally was originally scheduled to be held.^{clxiv}

Political activism by Hindus and Indians along with disenchantment among the ethnic Chinese population led, in part, to the ruling National Front Coalition and Prime Minister Abdullah Ahmad Badawi losing the Parliamentary majority and control in five state assemblies in March 2008.^{clxv} The government outlawed HINDRAF in October 2008 and that order has not been rescinded till date.

History/Background

The Indian and Chinese influence in the Malay-speaking world dates back to at least the third century BCE when traders from both regions arrived at the archipelago. Hinduism and Buddhism were both established in the region by the first century CE. Between the seventh and fourteenth centuries, the Indian Hindu culture reigned in the Malay world. During the tenth century, however, the arrival of Islam broke apart the Hindu empire and led to the conversion of most of the Malay-Indonesian world.

The sixteenth century saw the arrival of the European colonizers, beginning with the Portuguese, followed by the Dutch and ultimately the British. In 1824, the Anglo-Dutch created a border between British Malaysia and the Dutch East Indies, which is now Indonesia. This phase of occupation was followed by the mass immigration of Chinese and Indians who entered the country as workers in the colonial British economy. Between 1942 and 1945, the Japanese occupied the region, detracting power from the British in East Asia. Although short-lived, this occupation triggered feelings of nationalism, ultimately leading to the establishment of an independent Federation of

Malaya in 1957. Upon the acquisition of British territories in North Borneo and Singapore, Malaya became Malaysia in 1963.^{clxvi}

Status of Human Rights, 2009

In 2009, human rights discrimination continued in Malaysia. Discrimination, both official and in the private domain, is rooted in religious tension with the Muslim majority continuing to flex its muscle with official sanction. In its 2009 report, HINDRAF once again highlighted the plight of the Malaysian Indian minority populations.^{clxvii} The Government is now attempting to prosecute HINDRAF legal adviser P Uthayakumar on sedition charges. If convicted, he can be imprisoned for up to three years.

The notorious Internal Security Act (ISA) remained in use in 2009 to suppress and silence political dissent. The ISA was enacted in 1960 to ensure internal security by detaining without trial suspected communist insurgents. According to the Malaysian Centre of Public Policy Studies, since its enactment, more than 10,000 citizens have been “deprived of their liberty and have been mentally and physically tortured under the ISA.” Despite the disbanding of the Malayan Communist Party and Malaysia establishing diplomatic ties with China, the ISA remains on the books. Those detained now are “often Malaysian political activists, rather than military and para-military agents that threaten the nation,” according to a report. Journalists, academics, activists, religious leaders, students and politicians have been detained for public protest or writing inimically of the government. The report says that the ISA has been “used to create an atmosphere of fear that curtails citizens’ participation in legitimate discussions on public issues”.^{clxviii}

The HINDRAF 2009 report lists the following 15 areas in which the effects of discrimination and denial of human rights are noticed in Malaysia:

- Education
- Land allocation for public purposes

- Birth certificates and national identity
- Poverty
- Housing
- Suicides
- Crime and extra-judicial killings of suspected Indian-origin criminals
- Federal government poverty eradication and social development programs
- Licenses and permits for trades and regulated occupations
- Government contracts and entrepreneur development programs
- Law, justice and the Federal Constitution
- Allocation of funds in the Federal Budget
- State sponsorship of racism
- Forced religious conversion
- Attacks against opposition political parties
- Religious Freedom

Hindus, along with other minorities, face increasing religious discrimination as Malaysia becomes more Islamized. Malaysia has a parallel court system -- secular courts for non-Muslims, and Sharia courts for Muslims. Hindus and other minorities have recently been forced to deal with the Islamic courts where they have faced severe disadvantages. In fact, there have been several instances where non-Muslims suffered outright religious discrimination through the Islamic court system. In one case, a Hindu mother, Subashini Rajasingam, lost an appeal to prevent her husband, a recent Muslim convert, from changing their four year old son's religion to Islam. The highest court in Malaysia subsequently affirmed the ruling of a lower federal court, granting the Muslim husband a right to use the Islamic Sharia courts to seek a divorce and also upheld his right to convert their child to Islam without the mother's consent.^{clxix}

Islam has also begun to increasingly permeate all aspects of Malaysian society and towards the end of 2008, the National Fatwa Council, Malaysia's top Islamic body,

issued a fatwa (edict) banning the practice of yoga for Muslims. The Council ruled that: “yoga involves not just physical exercise but also includes Hindu spiritual elements, chanting and worship,” effectively denying Muslims the freedom of religion.^{clxx}

The 2009 HINDRAF report points out that religious conversion is another contentious issue. Banggarma, a mother of two, whose Muslim name is Siti Hasnah Vangarama Abdullah, claims that she was converted to Islam by state religious authorities as a child at a welfare home in Kepala Batas, Penang. She said she discovered this when seeking to register her marriage in 2000. Banggarma had apparently fled from the welfare home when she was 16. "I was shocked when the NRD officers told me that I'm a Muslim convert by the name of Siti Hasnah. I was issued a MyKad with that name." Because of her Muslim name she could not register her marriage to Sockalingam, which was conducted according to Hindu rites. She was also unable to register her husband's name as the father in her children's birth certificates. She was converted to Islam in 1989, when she was seven years old. Due to the conversion, Banggarma had difficulties in registering the birth of her two children -- Kanagaraj, eight, and Hisyanthini, two – until last year. "I finally managed to obtain birth certificates for my Hindu children through legal help. I also tried to change my name back to my original Hindu name in my MyKad twice. But my attempts were unsuccessful," she said. In Malaysia as an adult she cannot revert to the religion of choice although this right is guaranteed for in Article 11 of the Federal Constitution.

Indira Gandhi, a Hindu woman, had her three children snatched away by her husband who had converted to Islam.^{clxxi} The Islamic authorities and the police refused to secure her baby and two other children from her estranged husband despite a High Court Order to do so.^{clxxii}

In Perak, Tharmakanoo's two children were converted to Islam by his estranged wife.^{clxxiii}

Destruction of Temples and Acquisition of Land Belonging to Indian-Malaysians

According to the 2009 HINDRAF report there are continued attempts at demolishing temples, taking over burial grounds and resettling poor Indian Malaysians by taking over their land and property for “public use”. The demolition of scores of former Indian plantation workers’ houses at Bukit Jalil is an example of such activities. The demolition of the Hindu cemetery at Ladang Batu Pekaka is another example.

In one of the worst incidents reported worldwide, in late August 2009 Malay Muslims protested against the relocation of a Hindu temple to their locality from another in Shah Alam by stepping and spitting on a severed cow head.^{cxxxiv} When HINDRAF leaders held a peaceful candle light vigil in protest, sixteen of them, including their legal adviser P Uthayakumar, were arrested.^{cxxxv}

There are 23,000 Hindu temples and shrines in Malaysia, but the government has refused to grant them land or record their land holdings as done for all the Islamic places of worship. The Kaliaman temple near Semambu had to be moved three times in a few years to avoid being demolished.

An Indian heritage village called Kampung Buah Pala, where the villagers had lived for over 100 years, was razed to the ground on September 3, 2009 by the Penang State government and private developers. The government acknowledged that the land was stolen from the villagers by the previous government, but they evicted the villagers using inducements, threats and force.

Institutional Discrimination

The Indian Hindu minority suffers from economic, social and educational discrimination while the majority Malaysian Muslims (*bumiputras*) benefit from an affirmative-action policy that provides discounts on housing, quotas on educational institutions, preference for government jobs, selection of government run mutual funds available

only for *bumiputra* purchase and projects that require tenders to be *bumiputra* owned. Likewise, companies listed on the Kuala Lumpur Stock Exchange, including foreign companies, must have *bumiputras* with at least 30% minimum equity in order to satisfy listing requirements. This further leads to the unequal distribution of wealth, leaving the Hindu minority at an increased economic disadvantage. Malaysian Indians lack opportunities and face hurdles in acquiring tertiary education. Admission to public universities are through the extremely difficult Pre-University Program of STPM (Higher School Certificate) for non-Malays, compared to the much easier Pre-University program of Matriculation for Malays. An estimated 90% of deserving Indian students are denied admission to the 20 government run universities in Malaysia and only 1% of the monies spent on higher education goes toward supporting citizens of Indian descent, according to the 2009 HINDRAF report.

There are anywhere between 150,000 to 200,000 Malaysians of Indian origin without birth certificates and/or identity documents. Darshini (11), for instance, was denied her birth certificate because her mother had not registered her birth within the required 42 days, as the father, a crane operator, was away working in Penang. It is reported that the Malaysian authorities rejected her application so many times that she stopped trying.

The estimated 200,000 third, fourth and fifth generation Malaysian-born Indians have been denied Malaysian citizenship and are currently stateless. For example, an Indian family in Kulim Kedah is effectively stateless even though they have lived in Malaysia at least four generations. Mariappan is an odd job laborer and his wife works occasionally as a cleaner in a restaurant. He and his wife do not have state ID cards, making them ineligible for legitimate jobs and their three children have no birth certificates. His marriage to his wife is not registered, again for the same reason. The government has neglected or willfully ignored the status of these people as contrasted with the way

Muslim immigrants are treated from neighboring Indonesia and the Philippines. Muslim immigrants are readily given citizenship papers, according to the 2009 HINDRAF report.

Suicide rates are highest in Malaysia in the Indian community, the HINDRAF reports points out – 600% higher than in the Malay Muslim community. It is argued that this is due to the fact that “the burden of life is heaviest on the Indians by virtue of their socio-economic position” (p. 30, HINDRAF report). Low income, illiteracy or lack of education, family disputes, indebtedness, alcoholism, alienation and hopelessness are reasons cited to explain this high rate of suicides.^{clxxvi}

Legal Discrimination

The legal system in Malaysia promotes extensive discrimination against non-Muslims, as mentioned above. The ISA, however, is perhaps the most regressive and tyrannical aspect of the nation’s legal structure. The dreaded ISA has been used since 1960 as an instrument of oppression and a means to stifle free speech and political opposition to the government. Under the Act, persons suspected of threatening national security may be arrested and detained indefinitely without charges or trial. According to Human Rights Watch, the ISA provisions “violate fundamental international human rights standards, including prohibitions on arbitrary detention, guarantees of the right to due process, and the right to a prompt and impartial trial.”^{clxxvii} The ISA has been disproportionately used to target the Hindu/Indian community.

In 2008, the Malaysia government declared HINDRAF an illegal organization under the aforementioned ISA, stating that it would, “continue to pose a threat to public order, the security and sovereignty of the country as well as the prevailing racial harmony.”^{clxxviii}

A recent mission by Amnesty International to Malaysia severely criticized the Malaysian government for its use of the ISA to punish ethnic Indian human rights activists for political dissent.^{clxxix}

Violations of Constitution and International Law

Constitution of Malaysia

Malaysia's Constitution upholds Islam as, "the religion of the Federation,"^{clxxx} but provides for the practice of other religions, "in peace and harmony." Part II of the Constitution defines the fundamental liberties of people, which include the right to equality before the law; the right to freedom of speech and peaceful assembly; and the right to, "prove and practice his religion." The Constitution also guarantees that every religious group may, "manage its own religious affairs, establish and maintain institutions for religious or charitable purposes, and acquire and own property and hold and administer it in accordance with law." Furthermore, religious groups hold the right, "to establish and maintain institutions for education of children in its own religion," although the Federation retains the right to, "establish or maintain or assist in establishing or maintaining Islamic institutions." Additionally, the Constitution mandates that no individual is, "required to receive instruction in or take part in any ceremony or act of worship of a religion other than his own." Clearly, state-sponsored temple destruction and infringements on personal religious freedom seen in Malaysia today are direct violations of the aforementioned guarantees enshrined in the nation's Constitution.

International Human Rights Law

Malaysia continues to violate basic human rights law enshrined in the Universal Declaration of Human Rights (1948). For instance, the government's suppression of HINDRAF's peaceful activities restricts the Freedom of Peaceful Assembly and Association contrary to Article 20 of the Declaration. Other forms of discrimination and persecution, including the use of the ISA, the destruction of temples and economic policies favoring the majority Malaysian Muslim community, all infringe on international human rights standards.

Unfortunately, Malaysia has not taken any action toward signing or ratifying the United Nation's International Covenant on Civil and Political Rights (ICCPR) or the International Convention on the Elimination of All Forms of Racial Discrimination. However, it must still respect the civil and political rights of all people under customary international law.

Conclusion and Recommendations

Over the past decade, the rights of minorities in Malaysia have eroded as the government shifts from its seemingly secular state to one that is rooted in conservative Islam. Religious freedom is not protected and for ethnic Malays, does not exist at all. Three urgent concerns are the lack of freedom of religion, the ongoing destructions of temples, and the threat of arrest of HINDRAF and other human rights activists under the draconian ISA. The Malaysia Supreme Court should abide by Article 11 in the constitution and not force religion upon residents of Malaysia.

The U.S., United Nations and various human rights groups should pressure the Malaysian government to protect Hindu temples from desecration and destruction — the primary institutions of the Hindu community in Malaysia. Hindu places of worship, especially those that existed prior to independence, should be designated as temple property and titles to the land should be handed to the respective temple trustees/committees as has been done for pre-independence era mosques. The Malaysian Government should be urged to not discriminate in the allocation of public funds and land for places of worship between Muslim and minority religious groups. In addition, the government should aid Tamil schools in Malaysia as they are required to do.

Furthermore, the U.S. must abandon any proposed Free-Trade Agreement (FTA) with Malaysia unless the Malaysian Government drops its ethno-religious affirmative action policy which favors the majority Muslim Malays. The FTA, as currently constituted, would require both foreign and domestic (non-manufacturing) investors to take on ethnic Malay partners (who would hold a minimum 30% of share capital). As a result,

conclusion of the FTA with Malaysia would further the uneven distribution of wealth, thereby leaving the Indian Hindu minority at an increased economic disadvantage.^{clxxxi}

And finally, the U.S. should restrict any future appropriations, particularly military and economic assistance, to Malaysia unless the government protects the human rights of its ethnic and religious minorities, repeals the repressive Internal Security Act (ISA) and ends its affirmative action policies favoring the majority Muslim Malays (*bumiputras*). Alternatively, if humanitarian or economic assistance is given, it should be for the benefit of the marginalized and religiously persecuted Hindu minority and accountability for human rights should be a condition upon which aid is granted.

Islamic Republic of Pakistan



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Area: 803,940 sq km

Population: 176,242,949 (July 2009 estimate)

Religions: Muslim 95% (Sunni 75%, Shi'a 20%), other (includes Christian and Hindu) 5%

Ethnic groups: Punjabi, Sindhi, Pashtun (Pathan), Baloch, Muhajir (immigrants from India at the time of partition and their descendants)

Languages: Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, Other 8% (mainly English and Burushaski)

Location: Southern Asia, bordering the Arabian Sea, between India on the east and Iran and Afghanistan on the west and China in the north^{clxxxii}

Introduction

Pakistan continued to be a tinderbox and a hotbed of Islamic militancy and extremism in 2009 with the civilian government teetering on the edge of collapse. Civil institutions,

including the judiciary, were tested, while the military establishment hovered in the background ready to take over governance and control in case of perceived or real turmoil. A French investigator concluded that the civilian government could not control the army which seems to be colluding with the militants and radical Islamists.^{clxxxiii}

In 2008, Pakistan saw an unprecedented explosion in Islamic violence and Talibanization when large parts of the Federally Administered Tribal Areas (FATA), on the border with Afghanistan, came under the control of the Pakistani Taliban, who imposed a strict version of Islamic law. Islamists also extended their influence outside of the tribal areas and into the settled cities of North West Frontier Province. In addition to civilians and military/government targets, radical militants attacked foreigners. Yet, some in government and in the military, and especially in the intelligence services, continued to support and protect them.^{clxxxiv}

In November 2008, a small group of Pakistan-based terrorists carried out a massive attack in Mumbai, India that killed at least 183 people and wounded more than 300.^{clxxxv} India said that the terrorists who attacked Mumbai were from Pakistan. Initially Pakistan denied the allegations, but reluctantly agreed to cooperate in investigating any Pakistan when the only attacker, Ajmal Kasab, who was captured alive, disclosed that the attackers were members of the LeT.^{clxxxvi}

Trying to counter the growing unrest and militancy in the northwest part of the country, the government, in February 2009, said it was willing to implement Sharia law in the Northwestern Swat Valley to persuade Islamist militants there to agree to a permanent ceasefire. Critics correctly worried that it was another step towards radical Islamization of the country.^{clxxxvii}

In March 2009, in the city of Lahore, militants attacked a bus carrying the Sri Lankan cricket team. Six policemen were killed and seven Sri Lankan players injured, marking in

stark terms how the support and encouragement of Islamist extremism had come to bite the Pakistan establishment and civil society.^{clxxxviii}

March proved even more deadly as a number of police recruits were killed when gunmen stormed a police academy in Lahore. As *The New York Times* reported, “The strike was aimed at killing and terrorizing future law enforcers and demonstrated once again the militants’ ability to reach deep into the Pakistani heartland.”^{clxxxix}

March also saw political turmoil when opposition leader Nawaz Sharif led protests demanding the reinstatement of sacked former chief justice, Iftikhar Chaudhry, and other judges dismissed by former President Pervez Musharraf. At the edge of collapse, the government acceded to the demands and did the bidding of the protesters.^{cx} In April, the government agreement in Swat Valley with the Taliban broke down and the Pakistan military launched an offensive against the Taliban. The military offensive lasted months and is still ongoing to an extent to wrest control of the northwestern districts from the Islamic militants and the Taliban. More than two million people moved out of the battle zones creating a big refugee crisis.^{cxci} On June 2, 2009, the Lashkar-i-Islam group imposed a tax on all Sikhs, Hindus, and Christians of approximately \$12 (1,000 rupees) per year.^{cxcii}

Hindus continued to face violence, including attacks on temples, and kidnappings for ransom. In April 2009 *Dawn* newspaper reported that extremists attacked a Hindu religious festival, Holi, not far from the border with India, setting fire to a Hindu temple and destroying several shops. Societal violence was due in part to bias against Indians and those perceived to be of Indian origin. The Hindu community living in Sindh Province reported they were increasingly the target of kidnappings for ransom; criminals targeted Hindu businessmen for abductions, particularly in Karachi, Sindh. A Hindu film maker, Satish Anand, was set free after his abductors were paid 16 million rupees in ransom.^{cxci} Hindus claimed they were forced to pay ransom because police did little to recover kidnapping victims.

In wrapping up the summary of deadly and destabilizing events in Pakistan in 2009, we need to note that in November President Asif Ali Zardari handed over control of Pakistan's nuclear arsenal to the Prime Minister, Yousuf Raza Gilani, to ease political pressure,^{cxci} and in December, the Supreme Court ruled that the amnesty decree protecting President Zardari and several of his allies against corruption charges were illegal, throwing another monkey wrench in the wobbly wheel of Pakistani politics.^{cxci}

The events in 2009 show the results of the nurture and support that Pakistan has given to radical Islamic groups operating throughout the subcontinent and of the proclaimed goal of Pakistan's leaders as well as its homegrown jihadist groups to bleed India through a thousand cuts.^{cxci} The events in Pakistan highlight the extensive relationship between the Pakistani intelligence/military establishment and extremist Muslim groups.^{cxci}

History/Background

Pakistan is bordered on the south by the Arabian Sea, India on the east and Afghanistan and Iran on the west. It has a number of diverse ethnic groups, including Punjabis, Sindhis, Balochis, Pashtuns and Muhajirs. Punjabis comprise the largest group and dominate the ranks of the government and military. The pre-eminence and political power of the Punjabis has led to resentment from other ethnic groups, particularly Balochis and Sindhis, and at times resulted in ethnic conflict. Pakistan has also been plagued by sectarian violence between the majority Sunni and minority Shi'a Muslim communities.^{cxci}

In addition, there has been a recent proliferation of Islamic schools, known as *madrasas*, in the past fifty years. Current estimates show that there are over 10,000 *madrasas* in Pakistan, whereas in 1956 there were only 244. Many of these schools teach extreme and intolerant interpretations of Islam to children as young as five years old.^{cxci}

Pakistan has a long history of training, supporting and using radical Islamic groups as a tool of official foreign policy, resulting in the deaths of thousands of innocent civilians in India and Afghanistan. These extremist groups have now turned their sights on Pakistan itself, including military/government and civilian targets, with their stated intent of turning the country into an Islamic state.

The modern Pakistani state was created by partitioning the subcontinent in 1947 following the British withdrawal from India. Partition and the accompanying violence forced millions of Hindus and Sikhs to flee Pakistan for the safety of India. As a result, the number of Hindus in Pakistan began to rapidly decline.

For instance, at the time of Partition in 1947, the Hindu community in Pakistan was approximately 25%, and in 1998, it was down to only 1.6%.^{cc} In the city of Karachi alone, the Hindu population decreased from 51% in 1947 to only 2% in 1951, while the Muslim population in the city went from 42% to 96% during that same period.^{cci} Notwithstanding its recent decline, Hindu civilization and culture flourished in Pakistan for thousands of years.

At independence, Pakistan proclaimed itself an Islamic Republic. Since then, Islam has become a central part of the country's national ideology and legal framework. Although the Constitution provides for freedom of religion, that freedom is severely limited and, "subject to law, public order and morality." Consequently, actions or speech deemed derogatory to Islam or the Prophet Mohammed are not protected. Moreover, the Constitution requires that laws be consistent with Islam and imposes elements of Koranic law on both Muslims and non-Muslims alike.^{ccii}

During the last several years, the rights of Pakistani minorities have deteriorated at an alarming rate. I.A. Rehman, Director of the Human Rights Commission of Pakistan (HRCP), associates this erosion with the continued Islamization of the country initiated

by former President General Zia-ul-Haq in the 1980s. Consequently, minorities live in constant fear of threats to their lives and property, desecrations of their places of worship and punishment under the Blasphemy Act.^{cciii} Nuzzhat Shirin of the Aurat Foundation adds: "It's Muslims winning by intimidation. It's Muslims overcoming a culture by threatening it, by abducting young girls so that an entire community moves out or succumbs to the Muslim murderers."^{cciv} Pakistani Bishop T. Nasir renounced his Pakistani nationality to protest deteriorating human rights conditions. In an emotionally-charged plea to President Musharraf, he stated he experienced, "extreme hate, religious discrimination, intolerance for the Christian community at every level of Islamic society of Pakistan."^{ccv} Noted human rights activist Suhas Chakma went even further by describing the current system in Pakistan as "religious apartheid."^{ccvi}

Pakistan's genocidal regimes and acts have gone unpunished because of the quirks of history and international relations. For example, the 1981 UN Declaration of Universal Human Rights notes, "Among the genocides of human history, the highest number of people killed in the small span of time is in Bangladesh in 1971. An average of 6,000 to 12,000 people were killed every single day. This is the highest daily average in history." The majority of those killed, raped and maimed were Hindus. A commission of inquiry appointed by the Pakistan government, the Hamoodur Rahman Commission,^{ccvii} recorded testimonies of Pakistani army officers who quoted General Amir Abdullah Khan Niazi asking the question, "How many Hindus have you killed today?" as a matter of routine.^{ccviii} This is Pakistan's legacy, but because of Pakistan's strategic location and opportunistic alignment with Western forces, the nature and culture of Pakistan's establishment has been forgotten and forgiven by international powers.

Interestingly, U.S. intelligence, defense and diplomatic officials are now saying that "there's little hope of preventing nuclear-armed Pakistan from disintegrating into fiefdoms controlled by Islamist warlords and terrorists." An intelligence official said, "It's a disaster in the making on the scale of the Iranian revolution."^{ccix} Evidence for such

prognoses can be found in the number of terrorist plots emanating from Pakistan. It is reported that three out of four terrorist plots in Britain have their origins in Pakistan. It is reported that 4,000 young British Muslims have been trained in terrorist camps in Pakistan and that nearly 400,000 British Muslim citizens visit Pakistan each year.^{ccx} American lawmakers who blithely delivered billions of dollars to Pakistan for its “support” in fighting the war in Afghanistan have now come to realize the monies did not go where it was supposed to go. A report says that of the \$12 billion given to Pakistan in aid between 2002 and 2008, including \$6.6 billion in military assistance, only \$500 million reached the military to fight terror. The rest was diverted to strengthen the military, bolster terror against India and subsidize President Musharraf’s failing economy to make the dictator look good.^{ccxi}

Status of Human Rights, 2009

There was little improvement in the status of religious minorities in 2009 and there was even less legislative initiative to deal with the growing fundamentalism in and the increasing fragility of the Pakistani state. Hindus continued to be the target of kidnappings, rape and intimidation in Pakistan as in previous years. The cruel and inhumane system of bonded labor system that affects Hindus mostly was left unchecked. Government regulations and laws shaped by Islamic Sharia injunctions were unchanged. As noted in our 2008 report, and as confirmed at a hearing in the U.S. House of Representatives in October 2009, Islamic anti-blasphemy laws disproportionately affect Hindus, Christians and Ahmadiyas.^{ccxii}

According to the Human Rights Commission of Pakistan (HRCP): “Affiliation of a state to a religion has always led to [institutionalizing] discrimination against those who profess a different faith – and that is exactly what has happened in Pakistan. Discrimination by the state, duly enshrined in the constitution and the laws of the land, encourages additional social discrimination, virtually reducing religious minorities to second-class citizens whose rights and welfare are easily ignored and violated both by the majority community and the state.”^{ccxiii}

Religious Freedom

Hindus and other minorities are routinely denied the freedom to practice their religion through a series of discriminatory laws and attacks on their places of worship. Islam has become institutionalized in Pakistan and permeates the legal framework of the country. For instance, Article 2 of the Constitution proclaims that Islam is, “the State religion of Pakistan,” and recognizes that the Koran and Sunnah as the highest sources of law, not to be contradicted by secular laws.^{ccxiv} Furthermore, Article 41(2) expressly provides that an individual must be Muslim in order to hold the office of President of Pakistan.^{ccxv}

The Constitution also provides that high office holders must take the oath of office by invoking an Islamic prayer, whether or not they are Muslim. On March 24, 2007, a Hindu judge, Rana Bhagwandas, was sworn in as acting Supreme Court Chief Justice, following the suspension of sitting Chief Justice Iftikhar Muhammad Chaudhry.^{ccxvi} The Hindu judge was required to take the Islamic oath, “[i]n the name of Allah, the most Beneficent, the most Merciful,” and ended with, “May Allah Almighty help and guide me, (A’meen).”^{ccxvii} The Constitution and other statutory laws favor Muslims and directly and indirectly discriminate against religious minorities, thereby making them second-class citizens.

Blasphemy Laws

The blasphemy laws, which are part of Pakistan's Penal Code, impose severe punishments for insults to the Prophet Mohammed or desecration of the Koran. Section 295-C of the Penal Code provides the harshest penalty by mandating the death penalty for the use of derogatory remarks about the Prophet Mohammed.^{ccxviii} These archaic laws have harmed all sections of Pakistani society, but have had the greatest impact on religious minorities, particularly Hindus, Christians and Ahmadiyas. There are currently dozens of blasphemy cases pending in the court system, while the accused languish in jail under oppressive conditions.^{ccxix} In March 2009, Pakistan presented a resolution to the United Nations Human Rights Council in Geneva calling upon countries to formulate laws against the defamation of religion in an insidious attempt at the

universal sanctification of a medieval, feudal and discriminatory blasphemy law. Unfortunately, the U.N. Human Rights Council passed the resolution.^{ccxx}

There have been over 4,000 registered blasphemy cases since the laws' inception in the 1980s, with the accused often being killed by Muslim mobs. According to Pakistani analysts: "In most cases, the accused languish in prison until their cases are decided, but even behind bars, they live in fear of violence against them by other inmates. The fears of being set upon only increase after acquittal and release...In its 2008 annual report, the [Human Rights Commission of Pakistan] comments that a growing number of Muslims in Pakistan had begun to feel that the only true version of Islam is the one they practise and as the State had failed in its duty to protect the interests of the religion 'that it is their religious duty to enforce it on all and sundry by deploying all possible means, including the use of force against those who do not fall in line.'"^{ccxxi}

Four Ahmadi boys from Layyah (in the Punjab province) were accused of writing blasphemous graffiti in a mosque. The boys were invited earlier to visit the mosque, weeks before the accusations were made. The Human Rights Commission of Pakistan claimed that the only reason the boys were accused is that they were not "Muslims". A fifth individual, a man in his 40s, was subsequently arrested. The youths were charged under Section 295-C.^{ccxxii}

Unfortunately, Pakistan's Supreme Court rejected an appeal against a Federal Sharia Court ruling that had declared that death is the only allowable punishment for blasphemy under Islamic law, worrying both human rights organizations, minorities in Pakistan and people worldwide.^{ccxxiii}

On July 31, 2009, Muslim clerics announced a strike in response to the alleged desecration of the Koran by Christians and asked Muslims to assemble at Malkanwala Chowk, Gojra. Muslim clerics led a procession to the Christian colony in Gojra on August

1st. In the afternoon, the mob, led by some armed and masked men (reportedly belonging to a banned fundamentalist organization, Sipah-i-Sahaba), attacked the colony and set fire to 68 houses. Six Christians, including four women and one child, were burnt alive and two churches were ransacked.^{ccxxiv}

In August, a factory owner and two workers were killed by a mob after the owner removed an old Islamic calendar from the wall and put it on a table. The calendar bore words from the Koran and so he was accused of desecrating a Koran.^{ccxxv}

That the blasphemy laws are in place because of a nexus between political parties and fundamentalist, radical Islamic clergy became evident in September 2009, when Chaudhry Shujaat Hussain, president of the PML-Q party said that his party would protest any change to the existing blasphemy laws. He claimed that it was the duty of every Muslim to defend the blasphemy laws. Former President Musharraf belongs to the PML-Q party.^{ccxxvi} When others declared that the blasphemy law would be challenged, the head of the Jamiat Ulema-e-Pakistan (Assembly of Pakistani Clergy) party said, "We will not allow it."^{ccxxvii} Pakistan's radical Islamists continue to preach hatred, and because of this nexus between the army, intelligence, politicians and Islamists, any pressure on Pakistan to curb radical Islamism gets a lukewarm response.^{ccxxviii}

The blasphemy laws have often been misused and employed as a means to target and harass non-Muslims. Furthermore, these laws inherently discriminate against minorities and severely restrict freedom of thought and religion. The latest victim of the blasphemy laws was Robert Fanish Masih who died in police custody. The 20 year-old from the village of Jaithikey in the district of Sialkot (Punjab), was arrested on September 12 on charges of blasphemy. Robert was accused of having "provoked" a girl, taking a Koran from her hands, and "throwing it away". Sometime between September 12th and 13th, Masih died in prison. There were deep wounds to the head,

caused by an edged weapon. Shortly thereafter, an officer of the police district of Sialkot reported that Masih “committed suicide in his cell”.^{ccxxix} Punjab Minister for Minority Affairs Kamran Michael said the police had not handled the case properly. “I have seen the body and there were torture marks on it,” the minister said.^{ccxxx} A timeline of incidents affecting Christians accused under the blasphemy law shows the continuing discrimination of minorities in Pakistan.^{ccxxxi}

Besides the existing blasphemy laws, an Apostasy Bill was introduced by a coalition of Islamist parties, known as the Mutathida Majlis-e-Amal (MMA), in the National Assembly in May 2007. The Bill requires the death penalty for a Muslim man converting to another religion and a life sentence for a Muslim woman convicted of the same offense.^{ccxxxii} It seems that the Apostasy Bill has not found traction, though a similar bill passed in Iran.^{ccxxxiii}

Religious Identification Laws

On March 24, 2005, Pakistan restored the discriminatory practice of mandating the identification of religion of individuals in all new passports. The Pakistan federal cabinet, with Prime Minister Shaukat Aziz in chair, directed the Ministry of Interior to reintroduce the rule after its repeal under the Zafaraullah Khan Jamali government in 2004. The move was seen as a concession to the Muttahida Majlis-e-Amal (MMA), a coalition of hard-line religious parties that supported General Musharraf.^{ccxxxiv} Religious Identification laws tend to promote discrimination against non-Muslims as they separately identify minorities from the majority Muslim population. This further establishes their inferior status and also leaves them vulnerable to religious persecution and harassment at the hands of government officials.

Temples/Pilgrimage Sites

Pakistan is home to several ancient Hindu temples and pilgrimage sites, but there has been a drastic decline in the number and condition of Hindu temples since the partition of the subcontinent in 1947. For instance, in the northwestern city of Peshawar, there are only two remaining Hindu temples. Moreover, many of the existing temples suffer

from decay and neglect (from a lack of funds/government support) and are subject to attacks and illegal encroachments. The continued demolition and encroachment of Hindu temples in Pakistan is often accomplished with the tacit support of government authorities and police. In many parts of the country, Hindus are prevented from building new temples and/or freely practicing their religion. For example, according to a report by Pastor Rafiq Bhatti of the Stephens Shaheed Foundation, an organization that works primarily with Christians, even in Hindu villages in rural Sindh Province, Hindus are refused permission to build places of worship.^{CCXXXV}

Furthermore, according to a recent report by the United States Commission on International Religious Freedom (USCIRF), “Hindu temples have been the object of violence in the province of Baluchistan, where Hindus are the largest religious minority and where ethnic Baluchi insurgents have been waging a struggle against the central government for many years.”^{CCXXXVI}

In May 2008, the Pakistan Evacuee Trust Property Board (PETPB) leased a 100-year old Hindu temple to a Muslim man in Karachi, who converted the sacred site into an auto repair workshop. According to an article in the *Daily Times*, a Pakistani newspaper, “[r]usted broken iron bars, scratched plasters, wrecked fences and cars parked outside for repairs are the sights at the century-old Ratan Talha Hindu temple, once known for its beautiful architecture.” Moreover, the Muslim owner of the workshop now uses the main prayer area as a storeroom and restricts local Hindu devotees from visiting the temple.^{CCXXXVII} The PETPB is responsible for managing a large number of Hindu properties, including temples, left behind by Hindus who fled for India at the time of partition in 1947. The Trust Board lacks adequate Hindu representation and has consistently failed to consult Hindu organizations, such as the Pakistan Hindu Council, before making decisions regarding Hindu properties and places of worship.^{CCXXXVIII}

Another example is the Shri Varun Dev Mandir, a Hindu temple estimated to be over 1,000 years old. Due to a lack of funds and government support, the ancient temple, which faces the Arabian Sea in Manora Island, Karachi, is currently in a state of decay and disrepair. According to the temple's caretaker, the temple has been unable to hold services or rituals since the 1950s, and is regularly desecrated by local Muslims, who use its premises as bathrooms.^{ccxxxix}

Moreover, the Katas Raj Temple located in the Katas Valley near Chakwal in Punjab province, has been repeatedly looted for its ancient sculptures and relics, leaving only one remaining sculpture. The Punjab Archaeology Department, which is responsible for renovating and preserving the historic temple, has continuously failed to provide adequate security at the temple complex. Pundit Javed Akram Kumar, chief of the Katas Raj Parbandh Committee, explained that the "temple was one of the most ancient sites in the country." He said the Katas valley had been famous for its beauty and centuries ago, there used to be a Sanskrit University in the valley which had produced many eminent scientists, including Alberuni, who wrote his book 'Kitab Al Hind' at the university. Kumar added that there had been a Buddhist stupa at the site which had signs of an ancient [civilization] that lived in the area centuries ago."^{ccxli}

And in July 2007, an ancient 400 yr-old Ashnan Ghat (sacred bathing site) in Lahore which holds great religious importance for both Hindus and Sikhs, was transferred to the Fatima Jinnah Medical College in order to build a hostel on the site. The Hindu and Sikh communities have demanded revocation of the transfer.^{ccxli}

Pakistan also has a number of sacred pilgrimage sites which are visited by thousands of pilgrims every year, including the famous Mata Hinglaj Temple, located in a mountain cave on the banks of the River Hingol in Baluchistan province. Hindu pilgrims have previously come under attack by Muslim extremists, including an incident in 2006, where two pilgrims were killed and seven wounded after militants attacked a caravan

carrying Hindu pilgrims in Sindh.^{ccxlii} There are very few concerted efforts at restoring and maintaining temples in Pakistan, though it is hoped that organizations like the Pakistan Hindu Council,^{ccxliii} started in 2005 would begin to organize people and efforts to do so.

General Violence

Attacks on Minorities

Religious minorities in Pakistan continue to face regular attacks and live in constant fear for their safety. Of particular concern are the frequent abductions of Hindus which have left the Hindu community in Pakistan in a continuous state of fear and insecurity, and with little protection from law enforcement authorities. According to Mukesh Kumar, Pakistan People's Party Member of Provincial Assembly, at least one Hindu is kidnapped every month.

The failure of government authorities to protect Hindus has forced many to pay local gangs 'protection money' to avoid being kidnapped for ransom. Often times, however, a family is unable to pay 'protection money' and cannot afford the demanded ransom, resulting in the abducted victim being murdered.^{ccxliv}

The violence in Swat Valley forced the few remaining Hindus there to flee the region and head towards India. According to a news report more than 6,000 Pakistani Hindus migrated to India in months prior to March 2009. They live on the margins of society in India, without legal documents, but hoping to be accepted and rehabilitated in India.^{ccxlv} Hindu Singh Sodha, president of Seemant Lok Sangathan, a group working for the refugees in Rajasthan, India, said that there is no clear Indian policy on refugees even though people from Pakistan reach India in large numbers seeking refuge from extremism and violence.^{ccxlvii} There are nearly 350,000 Pakistani Hindu migrants now in India, mostly living in Rajasthan and Gujarat. It is a tragedy that successive Indian

governments have neither put in place a coherent policy to deal with these refugees nor have they shown concern for the plight of these “nowhere” people.^{ccxlvii}

In July 2009, it was reported that Taliban militants in the North Western Frontier Province of Pakistan forced religious minorities to pay an extra tax known as *jizya* in return of their protection.^{ccxlviii} The head of the Karachi Hindu Panchayat said, “We are under more and more of a threat because of these extremists, but we ourselves feel if we take the wrong step, even to tell of the wrong things, then it will be death for us. We worry about the future of our families and our children here in Pakistan - all of us (minorities) do today because of these extremists.”^{ccxlix}

Violence against Women

Violence against women is used as a weapon of intimidation and subjugation and is prevalent throughout Pakistan. Every year, thousands of Pakistani women are the victims of honor killing, rape, kidnapping and domestic violence. Hindu women, along with other minorities, are particularly vulnerable to gender based violence and suffer disproportionately. The Human Rights Commission of Pakistan reported that violence against women rose by 13% in 2009.^{ccli} The report does not identify how many of the victims were Hindus.

A Hindu nurse, Bano, working in Karachi, was reported missing in August 2009 and the Hindu community feared that she had been kidnapped, killed, or converted to Islam. A Hindu spokesperson told the media that Bano “had an altercation with the hospital administration” just before she disappeared.^{ccli}

Hindu women have been reported to run into trouble when they apply for computerized national identification cards (CNIC) because Hindu marriages are not recorded in the manner Muslim marriages are. For example, Pram Sri Mai, a married Hindu woman who applied for a CNIC was not only turned down by the National Database and Registration

Authority but charged with “having an illicit relationship with a man and bearing illegitimate children”.^{cclii}

According to the US State Department report on religious freedom, in April 2009 a minority minister in the Sindh Assembly claimed that 18 Hindu women had been abducted and forced to convert to Islam, and that one of them was killed.^{ccliii}

Violence against women is a serious problem throughout the world, but more so in Pakistan and particularly against Hindu women. This violence occurs primarily in the form of rape, honor killings and domestic abuse. Although violence is disproportionately used against Hindu women as a weapon of subjugation and religious persecution, the crimes transcend religion and Muslim women are frequent targets of Islamic extremists. For example, in August, the Pakistani Taliban’s moral police executed two Muslim women for engaging in allegedly “immoral behavior.” A note left on their dead bodies threatened other women similar consequences for similar behavior. According to the Taliban and other Islamists, “immoral behavior” includes talking to men outside of their families.^{ccliv}

In another horrific incident, five women were buried alive in Baluchistan province. According to the AHRC, the younger brother of Sadiq Umrani, a provincial minister in Baluchistan, was involved in the incident.^{cclv} Subsequently, three more women were buried alive after they protested the earlier incident.^{cclvi}

Hudood Ordinance

The Hudood Ordinance in Pakistan is a medieval law used to oppress and intimidate women and has been used to imprison thousands of women who report rapes. Under the ordinance, in order to prove rape charges, a female rape victim is required to present the testimony of four male witnesses. If she is unable to do so, she may then be punished for committing adultery.^{cclvii} This law effectively silences rape victims since

they face the possibility of being charged with adultery, as it is highly unrealistic to expect a woman to produce four male eyewitnesses to the crime.

The Women's Rights Bill, introduced in November 2006, slightly amended the Hudood Ordinance by reducing the required male eyewitnesses for a rape conviction from four to two. Although this was a positive step forward, the new Women's Rights Bill still presents substantial obstacles for rape victims to achieve justice. According to the U.S. State Department, women arrested under the Hudood Ordinance "on charges of fornication, adultery, and possession of liquor," are now having their cases heard under the Women's Protection Bill.^{cclviii} Unfortunately, other provisions of the Hudood Ordinance still remain intact.^{cclix} Despite repeated calls by women's rights and human rights group to repeal the ordinance, the Pakistani government has yet to take action.

In addition to the Hudood Ordinances, the *qisas* (retribution) and *diyat* (compensation) ordinances allow an honor killing to be forgiven by the victim's relatives in exchange for monetary compensation. Moreover, the compensation for an honor crime against a woman is only half that of a male victim.^{cclx}

Rape/Kidnapping/Forced Conversions

A worrisome trend in Pakistan, particularly in Sindh province, is the abduction and forced conversion to Islam of Hindu girls. According to a report prepared by the ACHR: "It is a crime for the Hindus to have land and beautiful daughters. Kidnapping, rape and forcible marriage of Hindu girls is a common practice. In case of arrest, the accused can get away by producing a certificate issued by any Muslim seminary that the kidnapped girls have voluntarily adopted Islam and the accused have married the girls. The courts generally do not consider the fact that most of the girls are minor and simply accept the certificate of conversion without any investigation. It has been reported that more than 15 families are forcibly converted from Hinduism to Islam in Sindh province every year. Often, young Hindu girls were kidnapped and forcibly married."^{cclxi}

Several Islamic seminaries in Sindh incite their Muslim students to convert Hindu girls, telling them that it is the equivalent of *Haj-e-Akbari* or the greatest religious duty for Muslims.^{cclxii} Wasim Shahzad, the Minister of State for Interior, believes that kidnappings and forced conversions, “are taking place to force the Hindus to leave Pakistan where they have been living for the past 5,000 years.”^{cclxiii}

In 2007, HAF reported a case that vividly illustrated the problems faced by Hindu girls of abduction and forced conversion. Seventeen year-old Hindu girl, Deepa, in Tharparkar district of Sindh province, was receiving private tutoring from a Muslim teacher, Ashraf Kashkheli, and was kidnapped by Kashkheli on the night of December 31, 2006. After kidnapping Deepa, Kashkheli reportedly took her to an Islamic school, forcibly converted her to Islam and then married her. The owner of the *madrassa*, Ayube Jan Sarhandi, gave Kashkheli safe passage out of the area and provided a certificate stating that Deepa had voluntarily accepted Islam. Deepa’s parents and the Hindu community, however, allege that she was forced to convert and marry Kashkheli.^{cclxiv} Additionally, Deepa was still a minor, so the marriage was illegal under Pakistani law. When Deepa’s parents tried to file a criminal complaint, the local police declined to register the case. Moreover, since Sarhandi, the owner of the *madrassa*, was politically connected, the provincial chief minister’s advisors also pressured the family not to register a police complaint. Deepa’s whereabouts are still unknown.^{cclxv} The Human Rights Commission of Pakistan (HRCP) confirms that such kidnappings and forced conversions are typical in Sindh.^{cclxvi}

In addition to kidnappings and forced conversions, Hindu women are also vulnerable to rape and sexual assault.

Similarly, Christian girls are also subjected to kidnappings and forced conversions. For example, earlier this year two young sisters, aged 10 and 13, were on their way to visit their uncle when they were kidnapped by a Muslim man at gunpoint and forcibly

converted to Islam. The girls were then sold to another man, who forced the older girl to marry his son, while receiving a fatwa from a Muslim religious leader justifying the act. The issue went to the local court in Muzaffargarh district in Punjab province where the judge ordered that the girls could not return to their Christian parents because they were now “converted” to Islam. Subsequently, the case was appealed to the Lahore High Court where the judge sent the girls into a government shelter for protection while the case was being decided.^{cclxvii}

Islamic Extremism

Pakistan is now at the center of global terrorism and violent Islamic extremism. There are a number of groups operating freely throughout the country which promote Islamic rule, violent *jihad* (holy war) and hatred towards non-Muslims. These groups, which enjoy the support of Pakistan’s intelligence agencies, include Lashkar-e-Taiba, Tehreek-e-Taliban (Pakistani Taliban), Lashkar-e-Omar (a loose coalition of several militant groups), Tehreek-e-Nafaz-e-Shariat-e-Mohammadi, Muslim United Army (an umbrella organization consisting of several extremist groups), Hizb-ul-Mujahideen and Jaish-e-Mohammed. According to Hafiz Muhammed Saeed, the founder of Lashkar-e-Taiba, “the purpose of Jihad is to carry out a sustained struggle for the dominance of Islam in the entire world...” In addition, there are several militant sectarian Sunni and Shia groups, such as Sipah-e-Sahaba, Lashkar-e-Jhanghvi, Sipah-e-Mohammed and Tehreek-e-Jaferia Pakistan. (For a detailed list of Islamic militant groups please see Appendix C.)^{cclxviii}

The reach of extremists has now extended far beyond the tribal areas, with Islamists targeting civilian and military targets in major cities throughout the country. Non-Governmental Organizations (NGOs) working on development projects and women’s rights have been increasingly threatened by Islamic groups such as the Tehreek-e-Taliban.^{cclxix}

Islamists have also increasingly started to impose Islamic law in areas under their control, particularly in the North West Frontier Province. According to reports from the

region, “Taliban militants are beheading and burning their way through Pakistan's picturesque Swat Valley and residents say the insurgents now control most of the mountainous region outside the lawless tribal areas where jihadists thrive.”^{cclxx} In addition, a recent fact-finding mission by the HRCP found that in Charsadda District, “[s]everal video shops were bombed and even bank employees were warned to wear Islamic dresses and female workers [were ordered] to stop working in banks.”^{cclxxi} Furthermore, the Pakistani Taliban destroyed approximately 150 schools in north western Pakistan and ordered all privately administered schools in the Swat Valley to close.^{cclxxii}

Social Persecution

Bonded Labor

The bonded labor system in Pakistan systematically enslaves an estimated 1.7 million people, many of whom are young children. This modern day form of slavery primarily affects poor Hindus, who constitute the majority of bonded laborers particularly in rural Sindh province where they work for Muslim landowners. Although the system is found primarily in Sindh, it is also practiced in parts of Punjab province.^{cclxxiii}

The U.S. Department of Labor maintains that the debt bondage system in Pakistan operates by, “giving advances of *peshgi*” (bonded money) to a person. As long as all or part of the *peshgi* debt remains outstanding, the debtor/worker is bound to the creditor/employer. In case of sickness or death, the family of the individual is responsible for the debt which often passes down from generation to generation. In the case of children, the *peshgi* is paid to a parent or guardian who then provides the child to work off the debt.”^{cclxxiv} The system is characterized by patterns of abuse, detention and exploitation.^{cclxxv} While describing their conditions, a group of released bonded laborers reported, “[T]hey were kept in illegal confinement by owners of brick kilns and worked there at gunpoint. They further told that owners of the brick kilns had also threatened to sell them in Quetta.”^{cclxxvi}

In 1992, Pakistan passed the Bonded Labor (Abolition) Act outlawing all forms of bonded labor and forgiving any outstanding debt owed by laborers to their employers.^{cclxxvii} Despite this legislation, local government officials have been uncooperative in ending the practice and securing the release of bonded laborers. Moreover, the police are often unwilling to register complaints against abusive landowners. Although human rights groups, particularly the HRCP, have helped release thousands of debt laborers, the laborers are frequently recaptured by their landlords.^{cclxxviii}

Notwithstanding these efforts by human rights organizations and the passage of the Bonded Labor (Abolition) Act, the practice of debt labor continues to thrive and plague poor Hindus and other marginalized segments of Pakistani society.

Institutional Discrimination

Economic/Political Discrimination

Hindus, along with other minorities, face systemic economic and political discrimination in Pakistan. The majority of Hindus in Pakistan are poor and economically marginalized with large numbers enslaved in the bonded labor system. For example, during his visit with Hindu villagers, Pastor Rafique Bhatti of the Stephens Shaheed Foundation found that Hindus suffered from a lack of education and job opportunities. According to the villagers he met with, the government failed to provide Hindu villages with basic facilities, including a regular water supply, electricity, medical treatment and schools.^{cclxxix} Hindus are also severely underrepresented in government jobs. With the exception of former Supreme Court Justice Rana Bhagwandas, Hindus rarely hold top civilian or military positions.^{cclxxx} According to a census of federal civil servants taken in 2006, only 0.21% of available civil service positions were held by Hindus. This is well below their overall population, which is approximately 1.6%.^{cclxxxi}

In addition to economic discrimination, religious minorities, including Hindus, are politically disenfranchised and lack genuine representation. An HRCP report from 2007, for instance, found that significant numbers of minority voter names were left off voter lists in Sindh province.^{cclxxxii}

Until recently, Pakistani Hindus had not organized politically. Beginning in the 1990s, however, Hindus became more assertive and joined alliances with other religious minorities. In 2002, they joined Christians and other groups to form the All Pakistan Minorities Alliance (APMA). Moreover, organizations such as the Pakistan Hindu Welfare Association and coalitions of Hindu *panchayats* (local councils of elders) have led in political organizing.^{cclxxxiii}

Hindus and other minorities achieved a rare political victory in 2002 with the removal of separate electorates for Muslims and non-Muslims. The separate electorate system had marginalized non-Muslims by depriving them of adequate representation in the assemblies. The Pakistan Hindu Welfare Association was active by convening a national conference on the issue in December 2000. And in 2001, Hindus, Christians and Ahmadis successfully conducted a partial boycott of the elections, culminating in the abolishment of the separate electorate system in 2002. This allowed religious minorities to vote for mainstream seats in the National and Provincial assemblies, rather than being confined to voting for only minority seats.^{cclxxxiv} Despite the victory, however, Hindus still remain largely disenfranchised.

Educational Discrimination

Pakistan's education system, directly supported by millions of U.S. dollars, promotes hatred and intolerance towards all non-Muslims, particularly Indians and Hindus.^{cclxxxv}

As the report in the *Christian Science Monitor* notes, a study done by two British-Pakistanis found that in social sciences and history textbooks there were "disturbing" themes like "Pakistan is for Muslims alone," "The world is collectively scheming against Pakistan and Islam," and "Muslims are urged to fight Jihad against the infidels."

Textbooks portrayed Hinduism as an inherently iniquitous religion: "There is no place for equality in Hinduism." Such bigotry is not merely the concoction of some poorly educated Islamist bureaucrats but is also supported by academics. A professor at the Lahore University of Management Sciences, Rasul Baksh Rais, said that "every nation has the right to construct its own historical narrative as part of the legitimate process of nation-building."

A National Commission for Justice and Peace (NCJP) report found that: "Government-issued textbooks teach students that Hindus are backward and superstitious, and given a chance, they would assert their power over the weak, especially, Muslims, depriving them of education by pouring molten lead in their ears..." The report added that students were taught that Islam brought peace, equality and justice to the subcontinent, to check the sinister ways of Hindus. "In Pakistani textbooks Hindus rarely [appear] in a sentence without adjective[s] such as politically astute, sly or manipulative," the report said.^{cclxxxvi}

Furthermore, a report by the Sustainable Development Policy Institute (SDPI), Islamabad "illustrates, through examples, how the education system is contributing to the culture of sectarianism, religious intolerance and violence. Some of the important findings of the SDPI are: the current curriculum and textbooks are 'impregnating young and impressionable minds with seeds of hatred' to serve a self-styled ideological straitjacket; substantial distortion of the nature and significance of actual events in Pakistan's history; insensitivity to the existing religious diversity of the nation; promotion of perspectives that encourage prejudice, bigotry and discrimination towards fellow citizens, especially women and religious minorities and other nations; a glorification of war and the use of force; and incitement to militancy and violence, including encouragement of loaded concepts like jihad and martyrdom."^{cclxxxvii}

The following extracts (translated from Urdu to English) from government-sponsored

textbooks approved by the National Curriculum Wing of the Federal Ministry of Education, demonstrate the derogatory and inflammatory portrayal of Hinduism to the children of Pakistan:^{cclxxxviii}

- Grade IV: “The Muslims of Pakistan provided all facilities to the Hindus and the Sikhs who left for India. But the Hindus and the Sikhs looted the Muslims in India with both hands and they attacked their caravans, buses and railway trains. Therefore, about one million Muslims were martyred on their way to Pakistan... The Hindus treated the ancient population of the Indus Valley very badly. They set fire to their houses and butchered them...The religion of Hindus did not teach them good things, [and the] Hindus did not respect women.”
- Grade V: “The Hindu has always been an enemy of Islam.”
- Grade VI: “Before the Arab conquest the people were fed up with the teachings of Buddhists and Hindus...The Hindus who had always been opportunists cooperated with the British...The Hindus used to please the goddess Kali by slaughtering people of other religions...The Hindu setup was based on injustice and cruelty.”
- Grade VII: “Hindus always desired to crush the Muslims as a nation [and] several attempts were made by the Hindus to erase Muslim culture and civilization...Some Jewish tribes also lived in Arabia. They lent money to workers and peasants on high rates of interest and usurped their earnings. They held the whole society in their tight grip because of the ever-increasing compound interest.”
- Grade VIII: “Before Islam people lived in untold misery all over the world.”
- Grade IX: “In connivance with the (British) government the Hindus started communal riots and caused loss of life and property. At the time of prayers the Hindus tortured the Muslims by playing music in front of the mosques.”

- Grade IX – X: “One of the reasons of the downfall of the Muslims in the sub-continent was the lack of the spirit of jihad.”
- Grade X: “Islam gives a message of peace and brotherhood...There is no such concept in Hinduism.”

In addition to these negative and inflammatory depictions of Hinduism, several government run schools, particularly in Sindh, force Hindu students to take Islamic studies classes. Hindu students and other minorities are denied the opportunity to take classes in their own religions and often struggle in the Islamiyat courses. These schools include N.A. Bechar Government Primary School, also known as Syed Mahmood Shah Gazi and Sindh Madrasatul Islam School, in Karachi. Although the education board has technically implemented an alternative ethics course, in reality the schools and teachers still force non-Muslim students to take the Islamiyat classes.^{cclxxxix}

Violations of Constitution and International Law

Constitution of Pakistan

Pakistan’s Constitution, Articles 20, 21 and 22, guarantees religious freedom and safeguards to its citizens.^{ccxc} For example, Article 20 states that, “Every citizen shall have the right to profess, practice and propagate his religion; and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.”^{ccxci} However, Article 19 of the Constitution asserts that, “Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan,” thus making religious freedom subordinate to the supremacy of Islam.^{ccxcii} Despite the assurances provided in Articles 20-22, Article 19 establishes justification for the persecution of Hindus, Christians and Ahmadiyyas, including the destruction and desecration of their places of worship and punishment under the blasphemy laws.

Article 25 of the Constitution maintains that: “All citizens are equal before law and are entitled to equal protection of law...There shall be no discrimination on the basis of sex alone.”^{CCXCiii} Despite the constitutional guarantee of equal protection, women regularly face rape, honor killings and domestic abuse without adequate protection from Pakistani laws. Moreover, they continue to face a myriad of inequalities in the judicial system, and will continue to do so, as long as the Hudood Ordinance remains in effect.

Article 35 mandates that: “The State shall protect the marriage, the family, the mother and the child.”^{CCXCiv} Article 36 states: “The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.”^{CCXCv} In reality, however, neither the rights of families nor minorities are being protected by Pakistan; kidnappings and forced conversions of Hindu girls continue to recur.

International Human Rights Law

Curiously, Pakistan has taken no action toward signing or ratifying the UN’s International Covenant on Civil and Political Rights (ICCPR), although it is still accountable for its provisions under customary international law. Several of the Articles encompassed in the ICCPR have been repeatedly violated by Pakistan. For instance, Article 18 protects the basic, “right to freedom of thought, conscience and religion.”^{CCXCvi} The blasphemy laws and their application to minorities, clearly violate this article. Moreover, under Articles 26 and 27, religious minorities are guaranteed equality before the law and freedom of religion without discrimination.^{CCXCvii} Contrary to Articles 26 and 27, however, the Constitutional preference for Islam, religious identification laws and depiction of Hinduism in school textbooks, all promote discrimination against Hindus. Additionally, the forced marriage of kidnapped Hindu girls to Muslim boys clearly contravenes Article 23(2), which states: “No marriage shall be entered into without the free and full consent of the intending spouses.”^{CCXCviii}

Other international covenants and human rights treaties are also relevant to the situation in Pakistan. For instance, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, applies to Pakistan's treatment of its religious minorities, particularly Hindus. The Declaration mandates that every person has the right to practice the religion of his/her choice and should not be subject to discrimination based on his belief system.^{ccxcix} The institutionalization of Islam by the government, however, has led to the social, economic and political discrimination of Hindus and other religious groups. Moreover, contrary to the Declaration, Hindus have been subjected to violence, conversions and other acts of intolerance at the hands of Muslim extremists.

The "Convention on the Elimination of All Forms of Discrimination against Women" requires the equal treatment of men and women before the law and calls for an end to discrimination against women in all aspects of life.^{ccc} In addition, according to Article 4 of the Declaration on the Elimination of Violence against Women, "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women."^{ccci} The continued use of the Hudood Ordinance, abduction and conversion of Hindu girls and systematic oppression and violence against women are flagrant violations of these two conventions.

The Slavery Convention of 1926 strove to bring about, "the complete abolition of slavery in all its forms."^{ccci} Similarly, under the Abolition of Forced Labor Convention, countries are required to take all necessary steps to suppress and completely abolish the practice of debt bondage or any other type of "forced or compulsory labor"^{ccciii} The Pakistani government has violated the tenets of both the Forced Labor Convention and the Slavery Convention of 1926 by failing to take adequate measures to end the bonded labor system. Although the practice was officially outlawed in 1992 through the Bonded

Labor (Abolition) Act, government officials have refused to enforce it and are often complicit in allowing the practice to continue. Moreover, since debt bondage is the modern equivalent of slavery, Pakistan's actions have also violated the Slavery Convention.

Regardless of whether Pakistan has signed or ratified all of the above human rights treaties, it is still bound by their provisions under customary international law. Customary international law holds nations accountable for the protection of basic universal human rights.

Conclusion and Recommendations

HAF concurs with several other human rights organization in expressing serious concern over the Pakistani government's continued failure to restore democracy and its complicity in human rights violations against minorities. Pakistan must be pressured to rescind discriminatory laws, including the Blasphemy Act and the mandated identification of religious affiliation in passports. As the U.S. considers Pakistan an ally in the war against terrorism, it is critical that the U.S. require the Pakistani government to institute social and political reforms. Moreover, the government should set up an independent Human Rights Commission and a National Minorities Commission and end its support for cross-border terrorism in India. Unfortunately, the long term U.S. support of Pakistan and the supply of billions of dollars of military hardware is a direct indication of the unintended but real collusion of the United States with Pakistan in encouraging the military-militant nexus in Pakistan.^{ccciv} The U.S. Senate passed the Kerry-Lugar Bill in September 2009, which as part of its Af-Pak strategy will triple US assistance to Pakistan to \$7.5 billion over the next five years, including \$1.5 billion in military aid. Not taken into account in passing this bill were the comments of Indian Prime Minister Manmohan Singh who said, "Our experience has shown that military aid has been used against us in the past."^{cccv}

HAF further recommends that the U.S. engage in increased dialogue with Pakistan on the issues of human rights and religious freedom. Additionally, a fact-finding mission should be organized by the USCIRF to investigate the desperate status of Hindus and other minorities. International human rights organizations must also take a more active role in highlighting the plight and suffering of the Hindu community in Pakistan.

The U.S. must condition financial assistance to Pakistan and withhold any further aid until Pakistan takes genuine and concrete steps to dismantle the terror infrastructure it has created within its territory. While the Kerry-Lugar Bill aims to do that, it is doubtful how effective U.S. monitoring of Pakistan will be. During meetings with HAF representatives, Congressional aids have noted the difficulty and the near impossibility of monitoring the manner in which Pakistan uses U.S. aid. HAF's demand that any appropriations set aside for Pakistan must be strictly for non-military uses is ignored in the Kerry-Lugar Bill. When Congressman Ackerman attempted to recalibrate the U.S.-Pakistan relationship in fundamental way by saying, "If Pakistan doesn't want us as a partner, that's up to them,"^{cccv} he ignored the U.S.' historical relationship with and commitment to Pakistan, and the prior use of Pakistan to the U.S., that now hangs like an albatross.

Finally, HAF calls directly on the government of Pakistan to take immediate steps for the protection of Hindus from rape, kidnapping and forced conversions. School textbooks must be modified so that they do not promote lies about Hinduism and hatred against Hindus and other minorities, and instead promote tolerance and pluralism.

Democratic Socialist Republic of Sri Lanka



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Area: 65,610 sq km

Population: 21,324,791 (Note: Since the outbreak of hostilities between the government and armed Tamil separatists in the mid-1980s, several hundred thousand Tamil civilians have fled the island and more than 200,000 Tamils have sought refuge in the West, July 2009 estimate)

Ethnic groups: Sinhalese 73.8%, Sri Lankan Moors 7.2%, Indian Tamil 4.6%, Sri Lankan Tamil 3.9%, other 0.5%, unspecified 10% (2001 census provisional data)

Religion: Buddhist 69.1%, Muslim 7.6%, Hindu 7.1%, Christian 6.2%, unspecified 10% (2001 census provisional data)

Languages: Sinhala (official/national language) 74%, Tamil (national language) 18%, other 8%. English is used in government and is spoken competently by about 10% of the

population.

Location: Southern Asia, island in the Indian Ocean, south of India ^{cccvi}

Introduction

President Rajapaksa declared on May 19, 2009 that the civil war and insurgency in Sri Lanka had come to an end with the defeat of the Liberation Tigers of Tamil Eelam (LTTE) and the death of the LTTE leader, Velupillai Prabhakaran. Nearly 300,000 Tamils waited to be resettled after the end of the conflict. ^{cccviii} During the first weeks of 2009, the Sri Lankan army took control over key areas formerly held by the LTTE, including Kilinochchi, the former LTTE administrative hub; Elephant Pass, the strategic link to the Jaffna peninsula; and Mullaitivu, situated on the Eastern coast. By mid-January, the population remaining in the Vanni had been forced into a dwindling space in the area north of Puthukkudiyiruppu. According to the South Asia Terrorism Portal, 15,565 people died in 2009 in the civil war. The majority -- 11,111 -- were civilians. ^{cccix}

The violent conflict between the Sinhala-majority government and Tamil terrorists groups was not a religious conflict, but rather a deeply complex problem involving a combination of historical, geographical, ethnic linguistic and religious factors. For example, the LTTE, the primary Tamil militant organization, did not identify itself as a religious-based organization.

Since 1983, the Sri Lankan civil war was between the majority Sinhala Sri Lankan government and the LTTE. The LTTE fought for an independent state (Tamil Eelam) in the north and east regions of the island. A cease-fire was declared by both parties in December 2001. Norwegian-brokered peace talks led to a ceasefire agreement between the government and Tamil rebels in late 2002, but both the government and Tamil rebels violated the truce. Renewed hostilities broke out again in late 2005 with increasing intensity. Both sides claimed that they were willing to abide by the ceasefire agreement, eventually leading to a settlement. Throughout the years, both parties have

committed extrajudicial killings, abductions, participated in communal violence and intentionally attacked civilians.^{cccx}

The Sri Lankan government ended its truce with the LTTE on January 2, 2008, causing great concern among international arbiters. The civil war took a heavy toll on this island nation, with 2007 estimates totaling 80,000 casualties since the war erupted in 1983. Thus, nearly 100,000 people died in the three-decade long civil war. Moreover, the fighting has left hundreds of thousands of civilians, primarily Tamils, displaced from their homes, while more than 100,000 were forced to flee in March 2007 alone.^{cccxi} The 300,000 refugees at the end of the final battle were put in military camps that some termed “internment camps” while the Sri Lanka government claimed that these were refugee camps.^{cccxii} However, nearly 200,000 of them had left the refugee camps by early 2010 and the future ethnic and religious engagement in Sri Lanka depended on the quick and effective rehabilitation of the Tamil refugees.^{cccxiii}

History/Background

The Sinhalese arrived in Sri Lanka in the sixth century BCE, probably from northern India. Buddhism was introduced around mid-third century BCE and a great civilization developed at the cities of Anuradhapura (from circa 200 BCE to circa 1000 CE) and Polonnaruwa (from about 1070 to 1200 CE). In the 14th century, a south Indian dynasty seized power in the north and established a Tamil kingdom. Occupied by the Portuguese in the 16th century and by the Dutch in the 17th century, the island was ceded to the British in 1796, became a crown colony in 1802 and was united under British rule by 1815.

As Ceylon, it became independent in 1948; its name was changed to Sri Lanka in 1972. Tensions between the Sinhalese majority and Tamil separatists in northern Sri Lanka erupted into war in 1983. Tens of thousands have died in an ethnic conflict that continues to be unresolved. After two decades of fighting, the government and LTTE

formalized a cease-fire in February 2002, with Norway brokering peace negotiations. Violence between the LTTE and government forces intensified in 2006 and now the Sri Lanka government has formally withdrawn from the cease-fire.

The original inhabitants of the island were believed to be the aboriginal Veddahs. The Sinhalese believe they are descendants of King Vijaya who came from eastern India with a small army and conquered the island and settled there around the 6th century BCE.

Between 237 BCE to 1070 CE, Sri Lankan Buddhists and various Indian kings, mainly Tamils, fought for control of the nation, with Indian kings and Hinduism dominating the period. King Vijayabahu drove the Cholas, a south Indian Hindu dynasty, out of Sri Lanka and reestablished the preeminence of Buddhism on the island. Subsequently, it became mandatory for the Sinhalese king to be a Buddhist. Later the country was divided and ruled by separate kings until the Europeans conquered the island.^{cccxiv}

The Portuguese arrived in 1505 and controlled most of the island by 1595. In 1658, the Dutch, assisted by the king of Kandy, forced Portugal out. The British expelled the Dutch in 1796 and conquered the entire island in 1815, after defeating the king of Kandy. The country was named as Ceylon with Colombo as the capital.

The Europeans established tea, coffee, sugar, cinnamon, rubber and indigo plantations on the island, and the British brought nearly one million Tamil laborers from India to work in the tea plantations.

In the 1900s the Ceylonese started a struggle for independence from the ruling British. On February 4, 1948, the country won its independence. In 1970, the name was changed to Sri Lanka and it became a republic in 1972.

Sinhala-Tamil Divide

The island's population is approximately 75% Sinhalese and 7 to 8% Tamils. The south, west and central regions of the island are primarily inhabited by the Sinhalese, while the Tamils reside in the north and the east and on the plantations in the central hills. The Tamil northeast covers an area of about 7,500 square miles. The Sinhalese majority are Buddhist, while most Tamils are Hindus, with Christian and Muslim minorities.

By 1948, there were more English-language schools in the Tamil-dominated Jaffna city than in the rest of the island. A disproportionate number of Tamils occupied positions of prominence in post-independence Sri Lanka, such as doctors and lawyers in the civil service. This led to Sinhalese resentment and a perception that the British gave preferential treatment to the Tamils.^{cccxv}

Sinhala Buddhist revivalism and nationalism had its origin in the late 19th and early 20th centuries. Even before Sri Lanka became independent, Buddhist activists and ideologues -- monks and laypersons, educators and politicians -- accused the British of “betraying” Buddhism and spoke of a need to restore Buddhism to its rightful place in the life and governance of the country.^{cccxvi} Sinhala Buddhist revivalism and nationalism was supported by and served the interests of a rising Sinhala Buddhist middle class and businessmen, some of whom were implicated in the anti-Muslim riots of 1915 which were directed against Muslim shopkeepers and businessmen.^{cccxvii}

The Jaffna Association (JA) was the only political organization of Jaffna Tamils. They wanted self-determination for Tamils in the north and east of the island. The JA was involved directly in much of Jaffna’s social and economic development and Tamil political aspirations. In 1915, the British agreed to nominate a JA leader as the Tamil member of the Legislative Council. In 1919, the Ceylon National Congress (CNC) was formed for obtaining greater autonomy for the people.

Initially the JA wanted to negotiate separately with the British to protect minority rights. However, Sir P. Arunachalam, a good friend of JA leaders, persuaded Tamils to forge a united front with the Sinhalese to achieve more authority for the entire island. The Sinhalese assured the Tamils of an agreed number of conditions, including a separate Tamil nation or Tamil Eelam, but refused to keep their promises. This led to a feeling of disillusionment and betrayal among the Tamil Leadership and in 1921, the Tamils formed the Tamil Mahajana Sabham (TMS).

Ceylon won its independence from the British in 1948.^{cccviii} When the British departed, power was transferred to the Sinhala majority, although Tamil leaders were in the forefront of the freedom movement. Following independence, the government of D. S. Senanayake passed legislation in 1949, stripping the citizenship of a sizable number of Tamil descendants of plantation laborers from India, leaving them stateless. This reduced the Tamil voting power in Parliament from 33% to 20%. Furthermore, in 1962 and again in 1965, several hundred thousands of Tamils who worked in the estates were expelled by the Sri Lankan government. Many of these Tamils were not granted full citizenship rights until 2003.^{cccix}

Successive governments pursued resettlement policies, bringing Sinhalese from the south and settling them into Tamil areas in the north and east. This became a further source of tension between Sinhalese, Tamil and Muslim communities. The Trincomalee district was colonized by the Sinhalese with the help of the government in 1948, and again in the 1950s and 1960s. The Sinhalese population grew from 4.4% in 1946 to 29.1% in 1981. There was an official plan in the mid-1980s to settle 30,000 Sinhalese in the Northern Province, giving each settler land and funds to build a house. Each community was armed with rifles and machine guns for protection. And in the 1990s, Tamils were driven out from Welis Oya or Manal Aru in the Northern Province, while the Sinhalese settled there under the protection of the Special Task Force.^{cccxx}

The Sinhala majority government continued to pursue discriminatory policies, including the Sinhala Only Act of 1956 which replaced English as the official language with Sinhala and excluded Tamil. As a result, countless Tamils serving in government employment, who were well versed in English but not in Sinhalese, became unemployed. In practice, the business of government continues to be carried out in English, though the Sinhalese version is preferred.^{cccxxi}

While the Sinhala Only Act passed in 1956, Prime Minister Bandaranaike worked with the Tamil Federal Party Chief Chelvanayakam to make Tamil the administrative language in the Tamil-speaking north and east regions through the Bandaranaike-Chelvanayakam Pact of 1957. However, Bandaranaike reneged under pressure from Sinhalese nationalists. The Federal Party politicians launched a peaceful protest against this decision and planned to hold a convention in Vavuniya. To disrupt the convention, on May 22, 1958, Sinhalese mobs attacked the convention participants traveling by trains.

In response to the attacks by Sinhalese extremists, Tamils rioted in the east and killed 56 Sinhalese fishermen. Moreover, in Jaffna the Buddhist Naga Vihara temple was destroyed and some Sinhalese owned businesses were burned. Overall, the 1958 riots led to between 150 and 200 Tamil deaths, with thousands more assaulted. The violence also resulted in the looting of Tamil owned properties and the displacement of more than 25,000 Tamil refugees, who were relocated to the north.^{cccxxii}

In 1970, the government began to suppress Tamil culture by banning the importation of Tamil language films, books, magazines and journals from India. Additionally, Tamil political organizations, such as the Dravida Munnetra Kazhagam (DMK) and the Tamil Youth League (TYL), were banned. Foreign exchange programs for Tamil students going to Indian universities were stopped and external degree programs, including those of London University, were abolished.^{cccxxiii} The official name of the country was also

changed from Ceylon to Sri Lanka, which had Sinhalese origins. All of these steps alienated large segments of the Tamil population.

The idea of a separate nation -- Tamil Eelam – emerged in 1972 with the formation of the Tamil United Liberation Front (TULF). TULF, however, was prohibited from contesting parliamentary elections.

Tamils continued to be targeted by Sinhalese extremists, and between May 31 and June 2, 1981, a Sinhalese mob went on a rampage, burning the market area of Jaffna, the office of a Tamil newspaper, the home of the Member of Parliament for Jaffna, the Jaffna Public Library and killing four people. The destruction of the Jaffna Public Library was the incident that appeared to cause the most distress to the people of Jaffna, as it was South Asia's largest library at the time. The 95,000 volumes in the Public Library destroyed by the fire included numerous culturally important and irreplaceable manuscripts. Later, in 1991, the then president of Sri Lanka publicly admitted that his party members, Lalith Athulathmudali and Gamini Dissanayake, were directly involved in the burning of the library.^{cccxxiv}

The next significant event was the “Black July” riots which began after 25 years of negotiations for autonomy for Tamil speaking areas under a federal framework failed. Started on July 23, 1983, the riots led to the killing of between 1,000 and 3,000 Tamils. More than 18,000 homes and numerous commercial establishments were destroyed and hundreds of thousands of Tamils fled the country to India, Europe, Australia and Canada. The widespread violence led thousands of Tamil youths to join various Tamil militant groups, including the LTTE.

Many young Tamils favored using violent means to achieve their ends and, in 1972, the Tamil New Tigers (TNT) was founded, led by Velupillai Prabhakaran. The TNT was

responsible for several high profile assassinations, including Alfred Duraiappah, the Mayor of Jaffna, in 1975 and some police officials. They committed bank robberies to fund their activities. In 1976, TNT joined the Subramaniam group to form the Liberation Tigers of Tamil Eelam (LTTE), also known as the Tamil Tigers, which was later joined by Anton Balasingham. On July 23, 1983, LTTE ambushed and killed 13 government soldiers in Jaffna. Two days later, on July 25, the 13 soldiers were to be buried in Colombo. Sinhalese civilians who had gathered at the cemetery started killing Tamils and looting and burning property. The violence directed against Tamils in Colombo, soon spread throughout the country. Initially, 20,000 Tamils in Colombo became displaced and the figure gradually rose to 50,000.^{cccxxv}

Over the next 25 years, there would be many more casualties, ceasefires, undermined ceasefires, a failed peacekeeping mission during the Rajiv Gandhi-led Government of India and the introduction of suicide bombings as a lethal weapon for the first time in modern history. A suicide mission, allegedly by an LTTE sympathizer took the life of Indian Prime Minister Rajiv Gandhi in 1985. The violence escalated in 2009 with the final military offensive by the Sri Lankan military, leading to the death of the LTTE leader, the final capitulation and decimation of the LTTE and the internment of nearly 300,000 Tamils in “refugee camps” awaiting resettlement.

Status of Human Rights, 2009

In 2009 the civil war in Sri Lanka came to a head, with intensified fighting in the first few months of the year and the LTTE losing ground fast. Civilians too become victims in the pincer movement that locked the LTTE in a small strip of land at the edge of the coast. The majority of the Tamil population is Hindu and the three-decade long war harmed the Hindu population the most. The Sri Lanka military was accused of war crimes, but the government has refused to investigate them.^{cccxxvi} On January 8, 2009, Lasantha Wickrematunge, a newspaper editor, was gunned down in broad daylight for being critical of the Rajapaksa government.^{cccxxvii} With elections announced in November

2009, it seemed yet another blow to the Tamil minority, hundreds of thousands of whom remained in internment camps. In the elections held on January 26, 2010, Rajapaksa was reelected as President, defeating Sarath Fonseka, the Sri Lankan army general who led the forces in the defeat of the LTTE.^{cccxxviii}

Religious Freedom

The Constitution accords Buddhism the "foremost place" and commits the Government to protecting it but does not recognize it as the state religion. The Constitution also provides for the right of members of other religious groups to practice freely their religious beliefs. Most members of the majority Sinhala community are Theravada Buddhists. Most Tamils, the largest ethnic minority, are Hindus. Almost all Muslims are Sunnis; there is a small minority of Shi'a, including members of the Bohra community. Almost 80% of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in cities. Evangelical Christian groups have grown in recent years. The Ministry of Religious Affairs has four departments that deal specifically with Buddhist, Hindu, Muslim and Christian affairs.^{cccxxix}

Religious freedom in Sri Lanka has long been an issue of contention. Past statistics have shown that by 1992, over 1,700 Hindu temples had been destroyed.^{cccxxx} Since that time, many more have met the same fate. According to reports, in the final days of fighting in April and May 2009, the LTTE located artillery pieces next to religious facilities and the army fired heavy weapons at the same sites, often while they were in use as shelters for civilians. There were a number of allegations of attacks against churches and evangelists in 2009 and the Sri Lanka government pursued an anti-conversion legislation, first introduced in Parliament in 2004.

General Violence

In 2009, Amnesty International reported that the human rights situation in Sri Lanka had become dire and listed a number of abuses committed both by the Sri Lankan armed forces as well as the LTTE.^{cccxxxi}

The recruitment of young child soldiers, some as young as 12, was a common practice employed by government forces, pro-government militias and Tamil rebel groups. Often, the children, both girls and boys, were abducted from their parents and forced into fighting.^{cccxxxii} A recent report by UNICEF detailed 1,430 outstanding cases of child recruitment by the LTTE, with at least 196 children under the age of 18 fighting with the Tamil group. During a two-week period in January 2007, 37 under age children were abducted by the LTTE in the areas of Arippu, Karanadi and Madukkarai.^{cccxxxiii} Besides the Tamil Tigers, pro-government militias also systematically abducted and recruited children as soldiers. These militias were allowed to operate freely in areas controlled by government forces and the Sri Lankan army often actively assisted them in kidnapping young boys.^{cccxxxiv}

On October 3, 2008, President George W. Bush signed a law allowing members of military forces and armed groups who recruit child soldiers to be arrested and prosecuted. The Child Soldiers Accountability Act made it a federal crime to recruit any person under the age of 15 and allowed the government to take action against violators who are on U.S. soil, even if the violations occurred outside of the United States.^{cccxxxv} In late 2008, the Sri Lankan government, United Nations Children's Education Fund and Tamil Makkal Viduthalai Puligal (TMVP), a splinter group that defected from the LTTE, entered into an agreement that forced the TMVP to cease recruiting child soldiers. The agreement set forth a timetable to enable the release of all children who were training as soldiers with the TMVP.^{cccxxxvi} According to the BBC, the TMVP had 133 identifiable children among its forces as of October 2008.^{cccxxxvii}

In addition to recruitment of child soldiers, forced abductions and disappearances at the hands of security forces and pro-government militias are one of the major human rights abuses prevalent in Sri Lanka. According to international law, "an enforced disappearance occurs when state authorities detain a person and then refuse to acknowledge the deprivation of liberty or the person's whereabouts, placing the person

outside the protection of the law.”^{cccxxxviii} Between 1988 and 1990 alone, there were reportedly more than 27,200 cases of disappearances. Moreover, 16,305 cases of past abductions are still being investigated by the Human Rights Commission of Sri Lanka (HRCSL).^{cccxxxix} The vast majority of victims are young Tamil men suspected of having ties to the Tamil Tigers.^{cccxl}

Other incidents of general violence in Sri Lanka also point to a diminishing importance on human rights. In the increased violence at the culmination of the civil war thousands of people were killed or displaced.^{cccxli} According to Amnesty International, over 300,000 people have been displaced from the northern part of the country.^{cccxlii}

The Sinhalese dominated government has for years pursued discriminatory policies targeting its Tamil minorities. For instance, since 2003 the government has required all Tamil civilians living in Colombo or other parts of the western province to register with the police.^{cccxlili} Moreover, Tamil civilians live in constant fear of being abducted or arrested and are routinely detained on suspicion of being insurgents.^{cccxliv}

A report by Human Rights Watch also found that: “[t]he Sri Lankan government has established a policy of detaining civilians fleeing LTTE-controlled areas in search of safety. Most of the families and individuals stopped while crossing into government-controlled areas have been detained indefinitely in military-run camps. Virtually all Vanni [northern LTTE stronghold] residents are ethnic Tamils who have relatives—by choice or compulsion—in the LTTE.”^{cccxliv}

Violations of Constitution and International Law

Constitution of Sri Lanka

The Constitution of Sri Lanka^{cccxlv} declares it to be a “democratic socialist republic” which provides Buddhism “the foremost place” but still assures, “all religions the rights granted by Articles 10 and 14 (1)(e).” Article 10 provides, “freedom of thought,

conscience and religion,” to every individual and Article 14 (1)(e) provides every citizen the freedom, “to manifest his religion or belief in worship, observance, practice or teaching.” Additionally, Article 14 entitles citizens to freedom of speech, peaceful assembly and association, as well as the freedom, “to enjoy and promote his own culture and to use his own language.” The Constitution further guarantees equality before the law and bars discrimination based on race, religion, caste or language.

International Human Rights Law

Sri Lanka has not upheld its responsibilities under human rights law, although it is a party to the UN’s International Covenant on Civil and Political Rights (ICCPR) and the UN’s International Convention on the Elimination of All Forms of Racial Discrimination. The government’s systematic persecution of its Tamil and Hindu minority specifically violates Article 18 of ICCPR, which protects the basic, “right to freedom of thought, conscience and religion,” and Articles 26 and 27, where religious minorities are guaranteed equality before the law and freedom of religion without discrimination.

Furthermore, the conduct of the government and rebel groups during the ongoing civil war where large numbers of civilians and primarily Tamils/Hindus have been killed or displaced, violate all basic standards of human rights law.

Conclusion and Recommendations

It is important to reiterate that the conflict between the Sri Lankan government and the LTTE was not a religious dispute, but rather a highly complex and multi-dimensional issue, requiring international intervention and mediation to resolve.

Both the government and the LTTE were responsible for widespread human rights abuses and did little to alleviate the plight of ordinary civilians. Consequently, HAF calls on the Sri Lankan government to make serious efforts to protect the rights of its minorities, particularly Hindu Tamils, who now face forced displacement, discrimination and religious persecution. Furthermore, it is incumbent upon the government to allow

aid workers and international agencies in the work of rehabilitating and resettling displaced Tamils. A war crimes tribunal should be set up to inquire into the abuses committed by the Sri Lankan armed forces. *Le Monde* reported that Secretary of State Hillary Clinton accused the Sri Lankan government of using rape as an instrument of war in its defeat of the LTTE.^{cccxlvii}

Now that the LTTE has been defeated and the civil war has come to an end, the Sri Lanka government should immediately begin setting up mechanisms that will decide on the formation of autonomously governed regional states within a larger federal framework, lest there is a resurgence of violence. Without adequate powersharing and a full reckoning of Tamil grievances, experts warn that a military victory won't bring lasting peace.^{cccxlviii}

It is also important, indeed necessary, that the Tamil Diaspora play a constructive role in the rehabilitation of Tamils in Sri Lanka, welfare of the Tamil minority in particular and the Sri Lankan state in general. Without such a commitment, there will be a tendency to continue the old battles and undermine peace efforts. The Diaspora had had a major role in fundraising for the Tamil Tigers, including extortion and blackmail of donors.^{cccxlx} Such nefarious activities must end and serious efforts begun to engage constructively in the political and civic life of Sri Lanka.

Republic of Trinidad and Tobago



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Area: 5,128 sq km

Population: 1,229,953 (July 2009 est.)

Religions: Roman Catholic 26%, Hindu 22.5%, Anglican 7.8%, Baptist 7.2%, Pentecostal 6.8%, Muslim 5.8%, Seventh Day Adventist 4%, other Christian 5.8%, other 10.8%, unspecified 1.4%, none 1.9% (2000 census). Almost all Hindus are of Indian descent.

Ethnic groups: Indian (South Asian) 40%, African 37.5%, mixed 20.5%, other 1.2%, unspecified 0.8% (2000 census)

Languages: English (official), Caribbean Hindustani (a dialect of Hindi), French, Spanish, Chinese

Location: Caribbean, islands between the Caribbean Sea and the North Atlantic Ocean, northeast of Venezuela.^{cccl}

Introduction

Trinidad and Tobago is a multiethnic and multi-religious society where religious tolerance is instilled early in life. Legally, the Constitution of Trinidad and Tobago guarantees the right to equality of treatment and freedom of religious belief and observance. Furthermore, the government limits the number of foreign missionaries allowed in the country to 30 per denomination at any given time. In response to wariness of a repeated colonial experience, missionaries must meet strict entry standards and cannot remain in the country for more than three years per visit. There are no reports of forced religious conversion. The Government supports the activities of the Inter-Religious Organization (IRO), an interfaith coordinating committee for public outreach, governmental and media relations and policy implementation. It also provides the prayer leader for several official events, such as the opening of Parliament and the annual court term.

Ministers, Members of Parliament and public figures represent every religious group and denomination and the broad spectrum of religious beliefs in the country. Religious groups possess the same rights and obligations as most legal entities, can own land and hire employees.

The Government subsidizes both public and religiously affiliated schools. It permits religious instruction in public schools, setting aside a time each week when any religious organization with an adherent in the school can provide an instructor. Attendance at these classes is voluntary and the religious groups represented are diverse. Parents may enroll their children in private schools for religious reasons. As a result, there are thriving Hindu, Muslim and Christian schools for K-12. The Government established public holidays for every religious group with a large following. The Government also grants financial and technical assistance to various organizations to support religious festivals and celebrations, including Indian Arrival Day.

In this report, it is essential to differentiate between religious and racial discrimination. Discrimination towards Indians and racial tension between Hindus and Afro-Caribbean is evident. However, it is difficult to distinguish specific religious persecution given that 90% of Indians are Hindu. To honor accuracy in documentation, this report attempts to resist conflation.

Despite legal protections and the value of religious pluralism, Hindus (as Indians) in Trinidad and Tobago experience discrimination in terms of political representation, resource distribution and employment opportunities. Social persecution and a lack of religious freedom are also pressing issues faced by Hindus. And lastly, Hindus have been disproportionately targeted for physical violence and harassment.^{cccli}

Dr. Eric Williams, the country's first Prime Minister referred to Indians as the "recalcitrant minority." The racial and religious animosity between black (Christian and Muslim) and brown (Hindu, Indian) has been exacerbated over the years and is manifest in the media and the government sector.

Prominent Hindu leader and Secretary General of the Hindu Maha Sabha, Sat Maharaj, exclaimed in 2006 that: "This year marks 50 years since Trinidad and Tobago attained the right to internal self-government (1956-1986). Out of this 50-year period an Indian-based political party held power for six years. The People's National Movement (PNM) ruled for 30 consecutive years without appointing a single Hindu as a government minister. The cry of rural neglect, alienation, marginalization and discrimination affected the political psychology of Indians as they lost hope of ever winning a general election."

In August 2008, High Court judge Herbert Volney is reported to have remarked, "You must be from the Christian right and must be seen to be involved whether as Chancellor, pastor, singer of all the psalms in the incantations of religious fervour." He claimed that for a judge to climb to the Court of Appeal, "you must know your benediction and must be known for your piety." In a nation where Hindus constitute

22.5% of the population, such statements once again provide evidence for the Christian-supremacist administration and governance in the country.^{ccclii}

Opposition MP Tim Gopeesingh, in July 2009, charged that the government was carrying out a policy of political discrimination that was targeting one particular ethnic grouping, meaning Indo-Trinidadians.^{cccliii} In August, in an editorial, an Afro-Trinidadian, Selwyn Ryan wrote a scathing article condemning Gopeesingh's statement.^{cccliv} Ryan lamented the imbalance in the medical profession and concluded that the lack of trust and discomfort of the Afro-Trinidadian community was a "very good reason why, in a society such as this, it was inadvisable to have a health system in which 80-plus per cent of the doctors are of one ethnicity". Indo-Trinidadians form the bulk of the doctors in Trinidad and Tobago. Devant Maharaj, chairman of the Indo-Trinbago Equality Council (ITEC), responded that the Ryan editorial was selective and did not answer the systematic discrimination against Indo-Trinidadians in the areas of nursing, state housing, military, police, public service and elsewhere. He argued that the number of Indo-Trinidadian doctors had neither to do with discrimination or design, but because they were there based on merit and education.^{ccclv} What led to this exchange was the overt discrimination in the awarding of the position of consultant urologist. Dr Fuad Khan, an Indo-Trinidadian said he was bypassed for a senior consultancy position last year for "a less experienced Nigerian doctor" who was working under a senior urologist. He said that senior urologist and another East Indian doctor "were forced out of the hospital."^{ccclvi}

Trinidad and Tobago is described as a "plural society" since the islands' population consists of two major ethnic groups: Africans make up approximately 39.6% of the country's population and South Asians (East Indians) make up roughly 40.3% of the population. According to a recent study, the *Trinidad Express* newspaper reported on October 22, 1970, "[O]f the 100 employees of the Central Bank of Trinidad and Tobago, 84 were Afro-Trinidadians, 10 were Indo-Trinidadians, 3 were of Chinese descent, 2 were of Portuguese descent, and 1 was white. This unequal employment situation was

still in evidence in 1989, when the *Trinidad Express* published statistics on June 25th showing that of the total number of persons employed in all government organizations, 29% were Indo-Trinidadians. In the police force, Regiment of the Defense Force, Coast Guard, and Port Authority, respectively, the percentage of Indo-Trinidadians was 25%, 5%, 16% and 6%. It is also important to again note that according to Census data, Indo-Trinidadians at the time made up 40.3% of the country's population, while Afro-Trinidadians made 39.6%.”^{ccclvii} The same report pointed out that so far as professional positions were concerned, Indo-Trinidadians reached and surpassed the equity ratio in areas of medicine and finance, “but that the criteria for employment and advancement in these two areas was clearly technical skill,” supporting Devant Maharaj’s argument above.

In October 2009, Maharaj filed a constitution motion against the State challenging the failure and/or refusal to appoint a new Integrity Commission. The motion was filed in the San Fernando Supreme Court. In his affidavit, Maharaj referred to several letters ITEC had written the President complaining about the unsatisfactory state of affairs and suggesting prominent persons who should be approached to serve on the Commission. Maharaj was concerned that the President maybe perceived as part of a political conspiracy to protect the ruling PNM from further investigation into allegations of corruption and other matters.^{ccclviii}

History/Backgroundccclix

The Republic of Trinidad and Tobago is an archipelagic state in the southern Caribbean. The country consists of two main islands, Trinidad and Tobago, and 21 smaller islands. Trinidad is the larger and more populous of the main islands; Tobago is much smaller, comprising about 6% of the total area and 4% of the population.

Originally settled by Amerindians of South American origin at least 7,000 years ago, Trinidad and Tobago was occupied by Arawakan-speaking and Cariban-speaking peoples at the time of European contact in 1498. A history of slavery and indentureship has left

the country with a population of African, Indian, mixed-race, European, Middle Eastern and Chinese descent. All these groups have left a significant impact on the country's national culture.

Britain consolidated its hold on both islands during the Napoleonic Wars and combined them into the colony of Trinidad and Tobago in 1899. As a result of these colonial struggles, Amerindian, Spanish, French and English place names are all common in the country. African slaves and Chinese, Portuguese, Indian and free African indentured laborers arrived to supply labor in the 19th and early 20th centuries. Emigration from Barbados and Lesser Antilles, Venezuela, Syria and Lebanon also affected the ethnic makeup of the country. Trinidad and Tobago elected for independence in 1962. In 1976 the country severed its links with the British monarchy and became a republic within the Commonwealth.

Trinidad and Tobago is a democratic republic. The Head of State is the President, and the Head of Government is the Prime Minister. The President is elected by an Electoral College consisting of the full membership of both houses of Parliament. The Prime Minister is appointed by the President.

Political parties are generally divided along ethnic lines, with the People's National Movement (PNM), led by Patrick Manning and supported primarily by Africans and the United National Congress (UNC), led by Basdeo Panday and drawing its constituency largely from Indians. In the recent past, there have been three elections in three years contested by these two main ethnic-based parties. The party lines are not completely polarized along racial lines. In most recent elections, the PNM fielded Indian candidates for election while the main financial backer of the UNC is an Afro-Trinidadian.

In 2002, the PNM won with 51% of the vote thereby, replacing Panday with Manning as Trinidadian Prime Minister. Recent elections in November 2007 were also won by the PNM under Manning. PNM continues to play racial politics. In a recent editorial,

Satnarayan Maharaj, a respected Indo-Trinidadian commentator, said that the Ministry of Culture spent some \$4.4 million on “Emancipation Day Dinner” while only spending some \$800,000 on Indian Arrival Day – with “Emancipation” acknowledging the arrival and slavery of people of African descent. He also pointed out that despite the PNM being in political office since 1956, Afro-Trinidadians continued to agitate for affirmative action and preferential treatment. “From secret scholarships to changes in admissions criteria at the university, the affirmative action programme continues,” he accused. Worse yet, the PNM continues to play the race card in creating fear among Afro-Trinidadians. Prof. Cudjoe, who spoke at the Emancipation Day dinner, warned of “turbulent times” for people of African origin “because they are now a minority in this country...If ethnic trends in voting continue, it is likely that in the next ten years we might see that same pattern that has emerged in Guyana in which the dominant group will hold power in perpetuity.” The same Cudjoe, in 2006, said: “So that all the turmoil that we see in our society today not only represents a relentless struggle on the part of the East Indians to dominate the society; it also suggests that the agents of their group are prepared to utilise any means—be they legal, political, academic or religious—to achieve ethnic dominance.”^{ccclx}

Status of Human Rights, 2009

Hindus in Trinidad and Tobago face a multitude of human rights issues, including physical attacks, temple desecration, economic/political discrimination and the inequitable distribution of government funds.

Religious Freedom

Temples/Festivals

There are over 300 Hindu temples in Trinidad and Tobago. There have been recent incidents of vandalism and desecration of Hindu temples. The following includes recent examples of discrimination towards Hindu festivals, religious practices and places of worship.

According to a UNHCR report, in May 2009, students of a nondenominational public school in south Trinidad participated in a Hindu prayer service. The students planted symbolic flags on the school grounds appealing for success in their examinations. The Ministry of Education ordered school authorities to remove the flags. The decision of the Ministry offended some students and teachers, who declared that they would boycott classes and stand guard around the symbolic prayer flags. The school principal eventually removed the flags. More than half of the student body of 1,500 is Hindu.^{ccclxi}

Although there are several Hindu temples in Trinidad, Hindu temples were non-existent on the small island of Tobago. Until recently, the Tobago House of Assembly refused to allow the Maha Sabha to construct a *mandir* (temple) on land bought on the island. Churches were funded and the Assembly promoted a gospel concert on the island while refusing to fund a *kirtan* (Hindu religious concert).^{ccclxii} Letters to Editors complaining about the overt discrimination against Hindus had little impact on the racist and bigoted assemblymen.^{ccclxiii} After a five-year struggle, the first Hindu *mandir* in Tobago finally began construction in the summer of 2007, with a \$250,000 grant from the National Commission for Self Help Limited (NCSH).^{ccclxiv}

Hindus have also faced challenges with religious festivals, including yearly Diwali celebrations and *Ramleela* (religious performance in honor of revered Lord Rama). The largest Diwali celebrations are held each year at the Diwali Nagar, Chaguanas, in Trinidad. This event has grown from a modest affair to an international fixture in the Hindu calendar, attracting Hindus from around the world. Each night, over a 14-day period, thousands of Hindus and non-Hindus congregate at this famous location to enjoy and participate in *pujas* (sacred rituals), concerts, art, craft and social activities. In 2006 and in 2007, however, the police refused to provide additional security unless they were paid. During the first few nights when the police stayed away, several vehicles were stolen and vandalized. It was only after protests by Hindus that security was increased.

Furthermore, during the past few years, *Ramleela* festivities have been the targets of violence. For example, in 2005, vandals desecrated religious items and destroyed tents, props and fences used in *Ramleela* celebrations, as well as the sacred *jhandi* (flag to mark the completion of *puja* or worship ceremony) at McBean Village, Couva. Consequently, many Hindus were afraid of attending the celebrations at McBean.^{ccclxv}

In several parts of country, Hindus have been prevented from even holding Diwali and *Ramleela* celebrations. Recently, the head of the Sugarcane Feeds Centre refused permission for workers to hold their annual Diwali celebrations. And in another instance, Hindu police officers were prohibited from celebrating Diwali at their workplaces in South Trinidad.

Hindus complained of the reduction in state funding of the celebration of Holi. The state reduced funding from approximately \$12,500 (TT\$75,000) in 2007, to \$10,000 (TT\$60,000) in 2008 and finally to \$800 (TT\$5,000) in 2009. The group returned the 2009 grant in protest.^{ccclxvi}

General Violence

Violence directed against Indians and Hindus is also not uncommon. Indians and Hindus are verbally and physically assaulted by mobs of non-Indians from neighboring villages and from the northern urban areas of Trinidad where the population is predominantly African. For example, the Hindus of Felicity were recently attacked by Afro-Trinidadians from the adjacent village of Boot Hill. The Hindu residents of Felicity were unable to commute to work and schools after Afro-Trinidadians from Boot Hill blocked the main road with piles of burning debris and broken bottles.^{ccclxvii}

Social Persecution

Societal discrimination against Hindus is also prevalent in several areas, including the portrayal of Hindus in the media. Hindus fear a systematized attempt to degrade Hindus in the media and exclude them from areas of influence.^{ccclxviii} For instance,

photographs in tourism brochures depict Trinidad and Tobago as a nation whose population is predominantly of African descent. Indians are rarely represented in advertisements in radio, television or the print media.

The Ministry of Foreign Affairs, which annually publishes a list of employees for service awards, routinely discriminates against citizens of Hindu and Indian descent. Moreover, the process itself for award granting is prejudiced. The highest award for public service in Trinidad is entitled the “Trinity Cross.” In a June 2006 comment, Attorney Anand Ramlogan said, “The Trinity Cross was perceived as a manifestation or symptom of what was, in substance if not form, a Christian state that tolerated non-Christians. It was a powerful psychological reminder of the fact that we were merely ‘tolerated.’ The objection was not purely religious; it had a political and psychological dimension. It had to do with the sense of belonging and being able to identify with the newly adopted motherland far away from India.”

The Maha Saba, a Hindu organization, along with a Muslim group, instituted legal action against the State regarding the use of the title “Trinity Cross.” In reference to the case, Justice Peter Jamadar, stated: “This general prohibition against non-discrimination thus prohibits laws that differentiate between people on the basis of their inherent personal characteristics and attributes. Such discrimination undermines the dignity of persons, severely fractures peace and erodes freedom. Courts will not readily allow laws to stand, which have the effect of discriminating on the basis of the stated personal characteristics.”^{cccclxix} Unfortunately, no action has yet been taken on the removal of the title “Trinity Cross.”

In October 2009, the ITEC drew the attention the Minister of National Security and the Chairman of the Equal Opportunity Commission regarding the denial by the police to allow the annual Jahajee Massacre Walk that was scheduled for October 25, 2009. The Jahajee Walk, held over the past five years without incident, commemorates the Jahajee massacre of October 30, 1884. The massacre, also known as the Hosay Riots, took place during the annual Hosay procession in San Fernando. The British colonial authorities

fired on a large procession of indentured laborers who had been previously barred from entering the town. Some 22 Indo-Trinidadians people were killed and over 100 were injured in the attack by British police.^{ccclxx}

Institutional Discrimination

Institutional discrimination against Hindus and Indians in Trinidad and Tobago is rampant and includes economic/political discrimination, inequitable distribution of government funds and prejudice in the education system.

The courts stepped in regarding the discrimination against two Hindu-Indian teachers. High Court judge Maureen Rajnauth Lee found that the Education Ministry had discriminated against teachers Vijesh Mahadeo and Vashti Maharaj. They had applied for teaching posts but were turned down on the basis that they were not suitably qualified. Mahadeo discovered that two persons with the same level of qualifications were hired instead. In Maharaj's case, she failed an assessment for a higher teaching rank, but a colleague of hers was successful even though the person was less academically qualified. The Education Ministry did not even come to court to challenge the case against them.^{ccclxxi}

Hindus have also faced discrimination in their attempts to obtain a broadcast license for a Hindu radio station. The Sanatan Dharma Maha Sabha of Trinidad and Tobago (SDMS) was finally granted the license to broadcast as Radio Jaagriti on 102.7FM after a seven-year long legal battle. SDMS initiated their application in 1999 which languished for seven years while the government awarded another group a radio frequency for its station. On July 4, 2006, SDMS was victorious in its appeal to the Privy Council based on the government's consistent refusal to award the organization a radio license. In a landmark 19-page judgment, Lord Justice Mance said, "in light of the exceptional circumstances" of the discrimination, the Privy Council would order Trinidad and Tobago Attorney General John Jeremie to do all that is necessary to ensure that a license is issued forthwith to the Hindu organization. The State was also ordered to pay SDMS's legal costs in all the courts.^{ccclxxii} In September 2009, the decade old discrimination case

ended with an award to the Sanatan Dharma Maha Sabha of almost \$3 million. The compensation was ordered in a September 22nd order by Justice Ronnie Boodoosingh, who said that “what this case showed was discrimination, plain and simple”.^{ccclxxiii}

Economic/Political Discrimination

Despite comprising approximately 40% of the population, Indians are severely underrepresented in government sectors jobs, including the Protective Services, the Civil Service, State Companies, Statutory Boards and Commission, the High Commissions and Diplomatic Missions, the Central Bank and Board and executive membership at decision-making levels of the State. This began to slowly change following 2002.

One report found that Indians were, “heavily under-represented, except in areas where merit and technical criteria must prevail, as in the judicial and professional sectors, where Indians were more than adequately represented.” For instance, prior data from the Service Commissions Department indicated that there are only 18 Indians serving as department heads in the nation, compared to 87 non-Indians and there are no Indians on the executive of the police service or army.^{ccclxxiv}

According to one observer, the “Indo-Trinidadian community is witnessing a ‘shock and awe’ programme with this state-sanctioned policy that directs significant state resources to one ethnic group at the exclusion of other groups. The lowering of qualifications for state employment, house padding, the establishment of the University of Trinidad and Tobago, the elevation of criminal elements to community leaders...are all examples of the programme conceived to push the Indian out of the space that is shared in Trinidad and Tobago...”^{ccclxxv}

Inequitable Distribution of Government Funds

For several years, the Sanatan Dharma Maha Sabha (SDMS) has sought to secure lands from the Tobago House of Assembly (THA) and the Ministry of Planning, Housing and the Environment for construction of a temple without success. The Maha Sabha has lands in the Carnbee area but the THA declared that temple construction is prohibited in

residential areas. SDMS pointed out that there is a Christian Church about 150 feet away from the land it possesses. They also pointed out that in other residential areas such as Bethany and Four Roads Bon Accord churches have been built recently.^{ccclxxvi}

The Trinidad and Tobago government frequently discriminates against particular ethnic and religious groups in the distribution of public funds. In a recent Joint Select Committee of Parliament meeting, chaired by Independent Senator Parvatee Anmolsingh-Mahabir, the National Social Development Programme (NSDP), a State agency, was exposed for its blatant discrimination against Hindus, Muslims, Catholics and Anglicans, while favoring predominantly Afro-Trinidadian Christian denominations. The Indo-Trinbago Equality Council (ITEC) also alleged discrimination in the distribution of land to Hindu religious groups. According to the Indo-Trinbago Equality Council (ITEC), the Tobago House of Assembly allocated land to the Baptist Church in order to build a place of worship and gave \$9 million to fund the Gospel Fest, while the Hindu community in Tobago continued to be marginalized.^{ccclxxvii}

In addition, millions of taxpayers' dollars have been spent on St Peter's Baptist Church, the Jesus Elam Ministries, Febeau Open Bible, Revival Time Assembly, Gospelfest and other small politically affiliated churches, while Hindu celebrations, such as *Ramleela*, have been denied adequate funding.^{ccclxxviii}

Indo-Trinidadians believe that there is an ethnic agenda in the Government's distribution of the largesse of the State, including the allocation of public housing under the National Housing Authority (Home Development Corporation) and the disbursement of compensation following natural disasters, disproportionately benefiting Afro-Trinidadians. For example, \$36 million was provided to flood victims from Port City and Toco, who received immediate help, while nothing was provided for south or central farmers – almost 100% of them Hindus -- who lost millions in flood damage.^{ccclxxix}

Educational Discrimination

Discrimination against Hindus is also present in the educational system. Although Hinduism is the second largest religion in Trinidad and Tobago, there are no sixth-form Hindu secondary schools to prepare students for university, while there are eighteen Christian and two Muslim sixth-form facilities. Moreover, “certain denominational schools are forcing all students to study the religion of the school, without introducing the appropriate religious instruction for students of other religions...The Ministry of Education needs to correct these discriminatory practices, especially in the denominational school,” said David Singh, a community leader, in a letter to the Trinidad Guardian Newspaper.^{ccclxxx}

In many primary and secondary schools and colleges, Hindu children are prevented from practicing their religion and debarred from wearing Hindu clothing, *rakshas* (protective amulet) and other symbols. For instance, in March 2008, Hindu high school students were prevented from wearing the *raksha*, “a Hindu religious symbol consisting of a colored string worn on the wrist during the performance of sacred rituals and removed within seven days after the prayers” on their wrists, and were forced to remove them by school security guards. The Ministry of Education later apologized to the students.^{ccclxxxi}

And in October 2006, an Anglican School in Fyzabad, South Trinidad withdrew permission previously granted to students for celebrating Diwali despite Diwali being a national holiday. Students were also banned from wearing *rakshas*.^{ccclxxxii}

Violations of Constitution and International Law

Constitution of Trinidad and Tobago

Trinidad is a democratic state that, “acknowledges[s] the supremacy of God [and] faith in fundamental human rights and freedoms.” Chapter 1 of the Constitution recognizes an individual’s right to “equality before the law” and freedom of religion, thought and expression. It also guarantees the “freedom of the press,” although it does not expand upon what this freedom entails. Furthermore, the Constitution states that Parliament

may not “deprive a person of the right to a fair hearing,” nor deprive a person of the right “to be presumed innocent until proved guilty according to law.”^{ccclxxxiii} Despite these protections, Hindus continue to experience attacks on their places of worship, government sanctioned discrimination and societal abuse.

Violations of International Human Rights Law

Trinidad and Tobago signed the UN’s International Convention on the Elimination of All Forms of Racial Discrimination on June 7, 1967 and ratified it on October 4, 1973. Its accession to the UN’s International Covenant on Civil and Political Rights took place on December 21, 1978. The Trinidadian government has repeatedly violated these UN Covenants, however, by failing to protect its Hindu and Indian citizens and discriminating against them on ethnic and religious grounds.

Conclusion and Recommendations

Although Trinidad’s Constitution provides for “equality before the law” and freedom of religion, Indians and Hindus face systematic discrimination, harassment/abuse and religious persecution. Pressure from the international community should be brought to bear upon the government to enforce civil and criminal laws and to protect the Indian/Hindu minority, in addition to all citizens.

Moreover, Trinidadian leaders should discourage racial and religious stereotypes and hate speech; recognize Hindus and Indians as equal partners in the rule and governance of the nation; and distance themselves from Christian fundamentalists promoting Christianization of the government and hatred against Hindus and Hinduism.

Hotspots of Trouble

Islamic Republic of Afghanistan



Afghanistan garnered the attention of the world in 2009 as it went through a messy election and as the United States decided to increase its troop strength there to bring about a major shift in the security, military, political, economic and social milieu in the war torn and anarchic country. The estimated population in 2009 was 28,395,716, of which 99% was Muslim. Of the 200,000 Hindus who lived and made

Afghanistan their home in the 1970s, only a 1,000 or so still remained there and the rest made their way to India, Europe and the United States seeking refugee status. Hindus are the oldest inhabitants of Afghanistan. According to *The Vedic People*,^{ccclxxxiv} Afghanistan is one of the oldest Hindu centres of the world.

In February 2001, during the Taliban's reign, Hindus were forced to wear a distinguishing yellow stripe on their arm, similar to the Jews during Hitler's reign. Abdurrab Rasul Sayyaf, a Member of Parliament, expressed this sentiment on television: "The Sikhs and Hindus of Afghanistan are considered part of the dhimmi in line with sharia law. The government has an obligation to protect them but they are required to pay a poll tax. They can hold civilian occupations, such as doctors, but they cannot be in charge of a governmental body or office. Upon meeting a Muslim, a Hindu is required to greet the Muslim first. If a Muslim is standing and there is a chair, the Hindu is not allowed to sit down on the chair."^{ccclxxxv}

It is doubtful that the Hindu and Sikh miniscule minority will survive any longer in Afghanistan. The fate of minorities in Islamic Republics and Muslim majority nations is dire and Afghanistan is the most devastating example of religious bigotry, Islamic

fundamentalism and Muslim majoritarianism. That it is almost a lawless state does not explain or rationalize the fate of Hindus there.

Australia



From 2004 to 2009, the number of Indians studying in Australia rose from 30,000 to 97,000, of which 45,000 lived in Melbourne. Of the 21,262,641 estimated people in Australia in 2009, the CIA factbook does not include Hinduism or Hindus as an identifiable group in the population although it is likely that the majority of the Indian diaspora is Hindu.^{ccclxxxvi} It is argued that the cost of living in Australian cities has made it necessary for many of these students to live in cheaper and more

distant suburbs where there is an increased risk of encountering violent crime.

Thirty-three Indians died in violent attacks in Australia between 2004 and 2009, and six died in 2009. The Victoria Police Commission reported that there were 1,083 cases of robbery and assault against Indians in 2007-08 and that the attacks increased to 1,447 over the same period in 2009, with many of the attacks directed against students.^{ccclxxxvii}

The Indian government complained, only to receive inadequate rationalizations by the Australian administration. "Racism," said the Indian students and the Indian media, while the Australian authorities urged caution in apportioning blame and any cause for the attacks.^{ccclxxxviii} Victoria's police chief contradicted other Australian spokespersons when he said that the police have known about these attacks for the past two years and that there was an element of racism involved.^{ccclxxxix}

Prime Minister Kevin Rudd had to step in after harsh Indian media commentary and pointed criticism by the Indian external affairs minister. Rudd said, "Indian students represent the future of India-Australia business ties...they are welcome guests in our country. We have an obligation to extend the hand of friendship and support to all Indian students".^{cccxc}

The Kingdom of Saudi Arabia



Saudi Arabia continues to be one of the most authoritarian and religious fundamentalist nations in the world. It is an Islamic monarchy and the Koran and the Shari'a serve as the state's constitution. The law mandates all citizens to be Muslims. There is no constitutional protection for the freedom of religion. Proselytizing by non-Muslims is illegal. Public practice of non-Muslim religions is prohibited. Visitors to the country

complain that the police and customs authorities regularly confiscate private religious material including books and symbols on entry. Religious vigilantes harass, assault, and batter non-Muslims. Intolerance of other religions is embedded in the kingdom's educational institutions. Schools teach Islamic law.

Islamic law characterizes Hindus as polytheists thereby putting Hindus in the same category as those who practice "black magic" or "sorcery". Every human rights group along with the USCIRF has accused Saudi Arabia of human rights violations. USCIRF has continuously branded Saudi Arabia, since 2000, as a "country of particular concern."^{cccxcxi} However, very little has changed on the ground as the oil rich country has thumbed its nose at the international community.

Hindus in Saudi Arabia are estimated anywhere between 165,000 to 303,000.^{cccxcii} Poor Indian workers, many of whom are Hindu, are treated inhumanely in the country, and according to a new report, treated as "cattle."^{cccxciii} Nearly 70% of Indian workers in Saudi Arabia are semi-skilled or unskilled workers and are the victims of a variety of human rights abuses.

Appendix A

International Acts, Conventions, Covenants and Declarations

Bangladesh Enemy Property Act/Vested Property Act

In 1965, after the Indo-Pakistan War, the then Pakistan Government introduced the Enemy Property (Custody and Registration) Order II of 1965. The Defence of Pakistan Rules identified the minority Hindus as enemies and dispossessed them of their properties. After independence from Pakistan, the President of Bangladesh, in Order No. 29 of 1972, changed the nomenclature of the law from the Enemy Properties Act (EPA) to the Vested Property Act (VPA). Clause 2 of the Order further stated: “Nothing contained in this Order shall be called in [to] question in any court”. The Order of the President was subsequently not subject to judicial review.

According to the Association for Land Reform and Development (ALRD), an NGO based in Dhaka, the estimated total Hindu households affected has been 1,048,390 and the estimated area of dispossessed land has totaled 1.05 million acres. About 30% -- 10 out of every 34 -- of the Hindu households (including those that are categorized as missing households) have been the victims of EPA\VPA. These estimates, although based on some debatable assumptions, should be considered as sufficiently indicative of the gravity of the law’s impact.^{cccxciv}

Chittagong Hill Tracts (CHT) Peace Accord of 1997

Chittagong Hills Tract is in southeast Bangladesh and is the homeland to the Jumma peoples, 14 tribes of Sino-Tibetan origin. As their language, religion, social system and economic practices differed from those of the majority of Bangladesh’s population, the Jumma peoples became victims of ethnic discrimination, forced relocation, land eviction, rape, torture and judicial executions. The CHT peace accord was an effort to ease the struggle between the Jumma peoples and the government of Bangladesh.^{cccxcv}

United Nations International Convention on the Elimination of All Forms of Racial Discrimination

On December 21, 1965, the United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination. The fundamental of the Convention are as follows:

Part I

- Defines racial discrimination as, “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin”
- Condemns racial discrimination and segregation
- Promotes the right to equal justice and protection by the law, marriage and choice of spouse, own property, education and freedom of religion, opinion, and thought

Part II

- Establish a Committee on Elimination of Racial Discrimination
- Report annually to the General Assembly on its activities and provide recommendations

Part III

- Open for signature by any State Member of the UN

The full text of the Convention can be found at:

http://www.unhchr.ch/html/menu3/b/d_icerd.htm

United Nations International Covenant on Civil and Political Rights

On December 16, 1966, the United Nations adopted the International Covenant on Civil and Political Rights. The fundamentals of the Covenant are as follows:

- Every human being has the right to life that shall be protected by law
- No one shall be subjected to torture or inhuman treatment
- Slavery and slave trade shall be prohibited
- Everyone has the right to liberty and security
- Everyone shall be free to leave any country, including his own
- Everyone will be equal in front of the law
- Everyone shall have the right to freedom of thought, conscience and religion
- No marriage shall be entered into without the free and full consent of the intending spouses
- There shall be an established Human Rights Committee

The full text of the Covenant can be found at:

http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

United Nations Universal Declaration of Human Rights

On December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. The fundamentals of the Declaration are as follows:

- All humans are born free and equal in dignity and rights and have the right to life, liberty and security
- Slavery and slave trade shall be prohibited
- All humans are equal before the law and entitled to equal protection by the law
- Everyone has the right to own property
- Everyone has the right to freedom of religion, including the right to change religions
- Everyone has the right to work and the right to equal pay for work
- Everyone has the right to education

Following this act, the UN called upon all Member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.”

The full text of the Declaration can be found at:

<http://www.un.org/Overview/rights.html>

Appendix B

Attacks on Hindus in Bangladesh from January 1, 2009 to December 31, 2009

January 2009

1. A Hindu school girl, kidnapped on January 1, 2009, has still not been traced, according to the January 19, 2009 issue of the daily newspaper, *Destiny*. Subarna Karmakar, 14, a student of Class X of Kalapara Al-Amin School at Patuakhali district of Bangladesh was kidnapped on January 01, 2009. She is the daughter of Paran Chandra Karmakar. He lodged a complaint at the Amtali police station. It is alleged that on January 1, 2009 Subarna went to her coaching class as usual and on her way back home at 10 am she was kidnapped by Jewel (22) and his associates and taken away on a motor cycle.

2. The *Purbanchal* newspaper, January 17, 2009, reported that Choyon Bairagee (8) was abducted from his house on January 15, 2009 at Dumuria Upazila, Khulna district and was held for a ransom of Taka 10 million. The kidnappers went to the boy's house at about midnight, knocked on the door and asked for drinking water. They kicked and broke the door open when the family refused to open the door. Aduri Bairagee, mother of Choyon, begged that the boy not be taken away, but the kidnappers threatened they would kill the children. Mr. Moniuzzamn, officer-in-charge, Dumuria police station told the media that no case has been lodged.

February 2009

3. Hindus protested in Dinajpur on February 10, 2009, complaining that a madrassa was built on the land belonging to the Kantaji temple. This encroachment of the temple lands was reported by the Daily Samokal on January 27, 2009.
4. About 15-20 Muslims attacked a temple and destroyed a deity of the Mother Goddess on January 30, 2009 in Hathazari, Chittagong district. About ten Hindus were injured by the Muslim attackers.
5. The *Sangbad* newspaper reported on February 13, 2009 that at least ten Hindu deities had been demolished and desecrated by Muslim men who attacked the Hindu temple at Shibpur, Madaripur on the night of February 12, 2009. Police reported that about six people attacked temples at Shibchar Upazila and demolished the Sidditala Durga Temple, Kali Temple, Shitala Mandir and Manasha Mandir. The attackers also demolished at least ten images of Hindu deities including Durga Devi, the Mother Goddess, Saraswati Devi, the Goddess of Knowledge, Ganesh, Kartik and Lakshmi Devi, the Goddess of Wealth. Local people caught one perpetrator, Md. Habibur Rahman (27), while others fled away. People said that the attackers were active members of Jama'atul Mujahideen Bangladesh (JMB). The arrested Md. Habibur Rahman, was the son of Abdul Motaleb of Charpukuria village, Bhanga Upazila, Faridpur. The arrested Habibur Rahman disclosed that he was a student of Charkamar Dakhil Madrassa.
6. According to the *Bangladesh Observer*, on February 20, 2009, Adhir Chandra Das 57, a retired primary school headmaster of Jagatpur

Government Primary School, was shot dead at Ratanpur village in Sadar Upazilla. Police said some four or five people attacked the headmaster as he came out from his home in the early morning. The attackers shot him in chest and ran away. The victim died on the spot. Police said previous enmity might be the reason behind the attack.

7. According to the *Naya Diganta* newspaper, February 1, 2009, Md. Hasan Habib, Organizing Secretary of the Bhangura Union Awami League of Pabna district, forcefully occupied four bighas and one acre of land belonging to a Hindu, Mr. Monindra Nath Mondal of Shibrampur, Chatmohar Upazila. It is reported that one Shoharab of Boalmari village had been illegally occupying those lands for the past 20 or 25 years. After a legal battle Mr. Monindra was given back those lands. But as soon as the Awami League government came to power Md. Hasan Habib illegally reoccupied those lands.
8. According to a report published by the *Janakantha* newspaper on February 24, 2009, Suman Kumar Chowdhury, a Hindu activist belonging to the Juba League (the youth front of the Awami League Party) at Bogra, was killed on February 23, 2009 by members of the Juba Dal (the youth front of the Bangladesh National Party). Some friends of Mr. Chowdhury were also injured while trying to resist the attack. According to the police, approximately ten men attacked Mr. Chowdhury and chopped him to death near his house.
9. The *Jugantor* reported on February 25, 2009, that armed men reportedly belonging to the Awami League looted the fishing boats and forcefully occupied the Chattir Char Fishery belonging to a Hindu supporter, Krishna Dhan Das, of the BNP. It is alleged that the issue has not been resolved

despite complaints to the President of Fisherman Samabaya Samitee and also to the law enforcement agencies at Kishoreganj. It is also alleged that since the general elections held in December 2008, in which the Awami League returned to power, the chairman and the president of the local Awami League were trying to takeover this fishery project illegally.

March 2009

10. The Bangladesh Minority Watch group in Dhaka received an appeal from Rajendra Nath Roy, father of Tanusree Roy, a 14 year-old girl, seeking help to get his daughter back. The father alleged that his daughter was abducted by Babul Hossain Zihad alias Zikrul Islam (24) and Md. Razzak Ali (22), both Muslims of Mohadipur village, P.S. Kaharul, Dinajpur district, on February 26, 2009. Tanusree is a student of Class X of Jubilee School, Dinajpur town. As per the first information report filed at Kotwali Police Station, Dinajpur, the kidnappers threatened the father that if he reported to the police other members of his family would be killed. A case was filed at Dinajpur Kotwali police station on March 2, 2009.

11. On March 2, 2009, *The Daily Star* and the *Prothom Alo* reported that the police had recovered the body of a girl from a paddy field in Dhutrabari area under Shivalaya Police Station. Anamika Ghosh (8), daughter of Brahmanpur trader Sudharam Gosh, a Hindu and a student of class three in Dhaka, was abducted from Keraniganj on February 25th, police said. Criminals in a private car abducted her when she was returning home from school. The abductors demanded Taka One million for her release. The parents were able to raise Taka 200,000 but the abductors killed the girl as her father failed to pay the full ransom according to the Shivalaya Police Station officer-in-charge Azizul Haque. Four people have been

arrested for the crime: Md. Manik, Md. Anwar Hossain, Md. Alauddin and Jony Ghosh.

12. According to a March 7, 2009 report, the Patia Upazila of Chittagong division was said to be planning to take over land and property belonging to Hindus, including a temple and a crematorium, for purposes of a road construction. Nearly 30 families were sent eviction notices despite a promise made on June 9, 2008 by Asraf Shamim, the District Commissioner of Chittagong. He had ordered the Road and Transport Authority to construct a bypass road to avoid evicting the Hindus from their ancestral property. The BHBCUC held a press conference at the Chittagong Press Club to protest this government takeover of Hindu land and property.

13. Three year-old Milon Moni Das of Suapur village, Dhamrai upazila, in Dhaka district was kidnapped on March 13, 2009, and was found dead on March 15, 2009 by a neighbor in a nearby bush. A case was registered at Dhamrai Police Station on March 15, 2009 under section 302/201/34 of the Bangladesh Penal code. It is reported that the police arrested one person who was later released when the local village chairman interfered. The GHRD is investigating into the matter.

14. The *Prothom Alo* reported, on March 8, 2009, that a Hindu marriage ceremony at Sarishkandi village, Munsibazar Union, in Moulovibazar was attacked by a Muslim. Dipali Roy (26) was to be married on that day when Papu (25), son of Tera Mia of Bikram Kalash Village, came to disrupt the ceremony and shut off the lights. When guests tried to stop Papu about ten of his accomplices attacked the marriage party. Eight people were wounded.

15. The *Prothom Alo* reported, on March 10, 2009, that a young Hindu housewife, Fulfuli Rani Roy, 15, was kidnapped and killed by a Muslim, Mahabul Islam, son of Rayaz Uddin. Dijendra Natha Roy of Dolapar at Sadar Upazila in Nilphamari, father of Fulfuli, reported the crime to the police.
16. Human rights observer and lawyer, Rabindra Ghosh (aka Rabindra Ghose) was threatened by law enforcement officials. According to a report filed by Ghosh, two police officers from the Special Branch appeared at GHRD's Dhaka office on March 9, 2009 and told Mr. Biswanath Chowdhury, who was in the office at that time, that Mr. Ghosh was portraying Bangladesh as a terrorist nation. Mr. Ghosh, informed of this visit, asked that the police meet him at his Supreme Court chambers. Enamul Hoque and Habib, Sub Inspectors of Police (Special Branch) Dhaka, arrived at Mr. Ghosh's chambers and began to interrogate him, and accused him of portraying Bangladesh negatively. Mr. Ghosh reported this to Mr. Baharul, Additional Inspector-General of Police (Special Branch), Dhaka, and apprised him. Mr. Ghosh complained that he was threatened, his email was hacked, and his phone was tapped by the previous BNP government, and is now being harassed by the new Awami League administration.
17. The *Independent* newspaper reported on March 25, 2009, that a Hindu woman lawyer, Suvadra Sarkar, was beaten and injured by one of her Muslim male colleagues, K.M. Iqbal, at the Khulna Bar Association. She was admitted to Khulna general hospital for treatment. In her complaint to the police, she alleged that she was attacked by Iqbal when she tried to save her client from being beaten by him. Suvadra Sarkar further alleged that Iqbal threatened her that he would "kill her if he got the opportunity."

18. The *Ittefaq* newspaper reported on March 23, 2009, that Sharif Uddin Master, a Muslim, of Samaj village in Chatmohar zilla, Pabna district, tried to occupy six bighas of land belonging to the Hari Temple. Sharif Master, his brother Farid, and other Muslims arrived at the temple with sticks, blades, and scythes to take over the temple lands. About 30 Hindus were injured in the attack including Shushil Halder (45), Vela Halder (35), Gobindo Sutradhar (55), Manoshil (45), Ajit Halder (26), Goutom Sutradhar (26), Lata Rani (30), Shuva Rani (45), Bimal Halder (55), Nepal Halder (35), Paritosh Maitra (40), Komal Sutradhar (35), Shyamol Sutradhar (30), Dolo Rani (45), Shipra Rani (20) and Alo Rani (30).

April 2009

19. According to the *Independent* newspaper of May 3, 2009, Muslims robbed and looted cash and valuables worth Taka 200,000 (\$3000/ USD) from two Hindu houses of Bhim Das and Shibu Dutta at Khalilpur village, Bagerpara on April 24, 2009.

May 2009

20. According to the *Dinkal* newspaper of May 4, 2009, Shilpak Dhar and Krishna Dhar, two Hindu gold merchants of Chittagong, were kidnapped from Hazari lane, tortured and forced to hand over 50 karats of gold and were then freed.

21. The *Janakantha* of May 24, 2009 reported that a Hindu businessman Shanti Bala Basak, chairman of "Eastern Produce Limited" of Pir-Noagoan, his company manager Sudarshan Kumar Basak and three others -- Kumaresh Chandra Basak,

Taposh Kumar Basak, and Asim Kumar Basak -- were attacked and threatened by Allama Iqbal Chisti (Tipu), a BNP Leader, and his brother Khaja Owayej Kurumi Chisti (Shahin) with support from armed men. They threatened and occupied the Hindu-owned business -- a large cold storage, 13 godowns, and a large market near the main road. The area of the land is 2.81 acres. The armed BNP activists scuffled and ousted the manager, supervisor, and employees with their family from the company premises. They forcibly occupied the business and plundered the official papers, furniture, and a vehicle belonging to the business. They threatened that, "if any Hindu claims the land, we will kill him". Nitya Ranjan Shaha, company manager, filed a complaint at the Noagoan Sadar Police Station.

22. The daily *Bhorer Kagoj* reported on May 3, 2009, that Anil Kumar Ghosal, a priest at the Shyam Rai Mondir (Temple) at Hathata, Modhukhali Upazila, Faridpur district, was attacked by some Muslim men.

23. The *Daily Star* reported, on May 26, 2009, that Awami League (AL) lawmaker Abdur Rahman Bodi from Cox Bazar-4 constituency manhandled lawyer and rights activist Rakhil Mitra, a Hindu. The incident occurred at Pizza Palace restaurant at Saikat Market at Jautola. Rakhil said, "I went to Pizza Palace where I met Mr. Bodi. After exchange of greetings as I reminded him of his poll pledge of power facility at the Hindu crematorium, Bodi got infuriated and swooped on me. Bodi caught hold of my shirt collar, punched and kicked me." Bodi, on the other hand, denied the allegation and said, "Rakhil was intoxicated". The District Bar Association held an emergency meeting with its president Faridul Islam in the chair. The meeting condemned the attack on Rakhil. Eighty-one members of the Bar association in a joint statement demanded punishment of Bodi for assaulting Rakhil Mitra.

June 2009

24. On June 27, 2009, Shymoli Rani Mondal, 14, was kidnapped by seven people including Rubel (22), Jewel (20), Beauty Begum (33), Rousy Begum (26), Nasima (26), Md. Dulal (23) and Md. Korban Ali (37). The incident was witnessed by Md. Shafikul Islam, Sree Rajen Saha and Sree Kanta Das of Bara Bandar village in Dinajpur district. Witnesses admitted to GHRD that the girl was kidnapped for conversion and a false marriage was solemnized between the girl and accused Rubel to show that the marriage was legal. An Islamic name was also given to the victim converting from Hinduism to Islam. According to a note dated July 5, 2009 submitted by Nazrul Islam, the investigating officer, the victim was sent to Medical College Hospital and she was later sent to Judicial Magistrate for confessional statements. The father of the victim, Sukanta Mondal, was not informed. He later produced a birth certificate where the date of birth of the victim was shown as January 23, 1995, though the police claimed the victim was an adult. GHRD observer Kamal Karmakar reported that the police were not co-operating and that they may be involved in the conversion, according to the *Daily Karotoa* newspaper of July 11, 2009 which printed the birth certificate in the newspaper.

25. A Hindu businessman, Sumon Goala (25), was abducted and murdered at Pearpur –Jamalpur Sadar, according to the *Daily Sangbad* of July 2, 2009. The report says that unidentified men abducted Sumon Goala, killed him and dumped his dead body in a jute field. Police recovered the body on June 30, 2009. A case was registered.

July 2009

26. GHRD and BDMW, Dhaka investigated the kidnapping and conversion of a Hindu girl, Koli Goswami, to Islam at Ghosai Chandura, Upazila - Nandail district-Mymensingh. According to this investigation, Prof. Beraj Krishna Goswami, the uncle of the victim, lodged a complaint with the Nandail Police Station on June 13, 2009. The police made no efforts to rescue the girl. No perpetrators were arrested. According to the complaint, Touhidul Islam Bhuiya (Sumon) along with other kidnapers went to the house of the victim at about 12.45 a.m. on June 13, 2009 on motor bikes and kidnapped Koli Goswami. The kidnapers terrorized the family by opening fire from pistols. The police claim that it was not kidnapping but a “love affair” between kidnapper and victim. The police produced the victim before the Chief Judicial Magistrate of Mymensingh wherein the magistrate mysteriously took the girl’s statement on June 22, 2009, when nobody from her family was there to represent their case. Investigators discovered that the police at Nandail police station registered and acknowledged the kidnapping. Further, the kidnapper had a murder charge against him from March 25, 2009. But a Member of Parliament and an Upazila Chairman of the locality had aided the criminal in the kidnapping and forceful conversion.

27. Anguri Biswas, a Hindu woman, was married to Montu Lal Biswas on July 9, 2004. At 3:00 pm on July 2, 2009, while Montu Lal Biswas was out of his home, some men abducted Anguri Biswas. Mr. Biswas approached the local police the same day, but Razoir police refused to register the case. Montu Lal went to the Special Court at Madaripur, and the court directed Officer-in-Charge of Razoir police station to record the case by his order of July 12, 2009. Despite this order, the police did not register a case. GHRD intervened on July 25, 2009. It is alleged that the Investigating Officer, Mokarram Hossain, demanded a bribe of Taka 20,000 from Montu Lal, and Montu Lal paid Taka 5,000. The police officer claims that Anguri Biswas was not abducted but she was in love with her Muslim abductor, Shekandar Sikdar, had converted to Islam and married Sikdar. On

pressure from GHRD, the officer returned Taka 5,000 that he had taken as bribe from Montu Lal.

28. Radha Rani Halder, field officer for the Shariatpur Development Society (SDS), an NGO, was found murdered on June 27, 2009. She was married to Dipankar Bairagee. On June 27, Ms. Halder went on her rounds of collecting money from borrowers near Galdia village. As she did not return till late afternoon the Sector Chief of SDS tried to contact her on her mobile phone but found no response. Workers at SDS began a search for her and found her unclothed body, slit at the throat, near Hajeer Pukur of Palong Upazila, Shariatpur the same night. It is alleged that an amount of Taka 43,996, a gold chain and earrings were also stolen by the assailants. BDMW investigated the matter on July 24, 2009, and as per a report in the *Bhorer Kagaj*, the victim was gang-raped before being killed. The police were found negligence in investigating the crime and in collecting evidence. As per BDMW investigation and police sources, the alleged perpetrators are three men named Kalam, Borhan and Motaleb.

29. A 16 year old Hindu girl, Farul Das, was gang-raped in Jessore district, southwestern Bangladesh, according to the *Daily Sangbad* of July 8, 2009. The father of the victim lodged a complaint with the Jessore Kotwali police station against the alleged perpetrators, Tuhin (25), Masum (27), Nayan (26) and Mahabbat (27). The International Secretariat of the World Organisation Against Torture (OMCT) was informed by ODHIKAR, a member of the SOS-Torture Network. According to the information received, on July 5, 2009, the girl was going to get some drinking water when four men attacked her from behind, gagged her and took her to a nearby garden where they raped her one after the other. When she was found unconscious by some villagers, the perpetrators had already escaped. The girl was subsequently treated at Jessore General Hospital.

The suspects were not arrested as they have political connections and are therefore protected by the local elites. It is also reported that the alleged perpetrators brought pressure on Ms. Das' family to withdraw the complaint.

30. According to the *Bhorer Kagaj* newspaper of July 7, 2009, Muslims attacked four Hindu families, vandalized deities and tried to occupy a cremation ground belonging to Hindus at Palash Upazila of Narsingdi District, on July 3rd. Ten persons, including women and children, were seriously injured in the attack which occurred at the houses of Dharendra and Monindra Chandra Barman at Charsindhu village. The perpetrators destroyed and threw into the river building material meant for construction of the cremation facility. They also looted cash, gold ornaments and mobile telephone worth Taka 150,000. The injured included Dharendra Chandra Barman, Anjali Rani Barman, Niyati Rani Barman, Hinruni Barman, Sunil Chandra Barman, Kalu Chandra Barman, Monindra Chandra Barman and Monindra Chandra Barman. Two of the victims were admitted to the local hospital.

31. On July 16, 2009, Muslim men stole valuables and desecrated a Kali temple at Gopalpur, Bogra District, according to July 20, 2009 report in the *Bhorer Kagaj* newspaper. The police have registered a case. It is alleged that the men broke open the iron-grill of the temple, cut the head of the Kali deity and stole valuable ornaments valued at Taka 6,000.

32. The *Ittefaq* of August 2, 2009 reported that arrests have been made in the murder of Ashish Sarkar (25), son of Madhav Sarkar of Mirzapur, Tangail district. The arrested were identified as Nazim (35), Faruque (27), Ali Hussain (25), Faruque (28) and Abdus Sattar (33) of Baisham Para,

Tangail district. It was reported that these five abducted Ashish Sarkar on July 1, 2009, murdered him and dumped his body in a pond. Police recovered the body five days after the murder and recovered the motor cycle belonging to Ashish from the house of Abdus Sattar.

33. On July 15, 2009, Justice Khondakar Musa Khaled and Justice Md. Azizul Hoque of the High Court Division of the Supreme Court of Bangladesh set free Kazi Shahidul Islam Rasel in connection with the abduction of a Hindu girl, Debasree Halder, 14, a student of Class X. Attorneys for the plaintiff argued that as the age of the girl on the date of abduction was determined based on her birth certificate (14 years, 6 months) she should be handed back to her parents. The High Court had an opportunity to verify the age of the girl but it did not do so.

Kazi Shahidul Islam Rasel along with his accomplices abducted Debasree Halder July 2, 2008 on way to her school at Chand Kati Bazar. At that time, Debasree was a student of Class X at the Jhalakati Government High School. Jhalakati police charged Kazi Shahidul Islam Rasel (20), Kazi Rokeya Begum (40), Aminul Islam Didar (25) and Sawpan Mridha (50). Rokeya Begum gave an undertaking to the police that she would produce the girl along with the principal accused, but never did so. The police then arrested Kazi Shahidul Islam Rasel on April 26, 2009 and a lower court sent him to custody. After being released on bail, Kazi Shahidul Islam, with the help of some local politicians put pressure on the parents of Debasree to acknowledge the forced marriage. The High Court ignored these facts as it passed the order.

34. In another case involving the abduction of a minor Hindu girl, the High Court passed a similar judgment. Mary Das, an 11 year old Hindu girl and

her cousin were going home on October 18, 2006 at Sadarghat Area in Chittagong District. The accused, Bashir and Md. Hanif, stopped the rickshaw in which they were traveling, and abducted Mary Das. Dayal Kanti Das, father of the victim, lodged a complaint against six Muslim men. The Double Mooring police found preliminary evidence of abduction. GHRD and BDMW also conducted an investigation. Shamsul Alam Khan, Chittagong Trial Judge, found the principal accused, Bashir Ahmed, guilty and sentenced him to a 14 year jail term. He acquitted the five others accused. GHRD and BDMW filed an appeal against the judgment before the High Court Division of the Supreme Court of Bangladesh on January 28, 2008. The High Court delayed the hearing of the custody case and the girl is still in the custody of the court. Justice Sayed Mahammad Dastigir Hossain and Justice Md.Raisuddin of the High Court instead allowed the release of Bashir Ahmed on bail on May 28, 2009.

August 2009

35. According to a *Daily Star* newspaper report on August 24, 2009, armed criminals picked up Nitai Chandra Das, 70, his cousin Shambhu Das, 50, Shambhu's wife, Kajol Rani Das, 42, her son Sajal, 14, and daughter Swarna, 8, Shambhu's brother, Mohabir Das, 45, his wife, Lakshmi Rani Das, 38, and her daughters, Beauty, 18, and Sweety, 12, from their homes at around 3:00 a.m. and locked them up in a nearby business premises. On information, police rescued them after eight hours and arrested four criminals including the owner of the business, Hossain Mohammad Babul. Police suspect the kidnapping had links to grabbing the piece of land on which the victims had an over 100-year-old building. These gangsters were involved in criminal activities including land grabbing in the area by using political clout of the ruling party, changing their political identities with the change of the government. Nitai Chandra Das, 70, said "Abductors are out to dislodge us from our ancestral house with forged

documents and involve us in cases. My ancestors were born and brought up in this building and we have been living here for over hundred years."

36. The *Sangbad*, August 9, 2009, reported that more than 20 Hindu families located in Kazir Hat and Keramatia villages in Feni district have fled because of continuous threats and attacks by local Muslims. Some of those who led these attacks include Jafar, Seraj, Younus, Saiful, Ripon, Sabuj, Selim and Nasir who regularly collected ransom from the approximately 20 Hindu families. These men were said to have collected Taka 45,000 from Netai Das of Keramatia. They also kidnapped a Class 8 Hindu girl from the Mangal Kandi High School as the Hindu families refused to pay the ransom. On a payment of Taka 15,000, the girl was later returned. Another girl, daughter of Balaram Das of Keramatia, was also kidnapped and a rape attempted. She was rescued on payment of Taka 25,000. It is reported that the house belonging to Raju Das was attacked several times, furniture and utensils broken and attempts made to abduct the women in the house. Younus, one of the alleged Muslims, openly declared that he would marry a Class VIII Hindu girl of Kali Bari studying in the Mongal Kandi High School. Since the police failed to come to the rescue of these families they fled leaving behind their ancestral properties.

37. According to the August 5, 2009 edition of the daily newspaper, *Amar Desh*, a group of Hindus from Barman Para village in Netrokona district, complained to the local administration as well as to their Member of Parliament of attacks against them. They have complained of torture, rape, kidnapping and land grabbing. A police complaint has been filed by Bimal Chandra Barman at the Durgapur police station.

38. The *Jugantor* of August 9, 2009 and the *Sangbad* of August 10, 2009 reported that hoodlums led by Hafizur Rahman Hafiz and his elder brother Azizur Rahman Aziz, Cultural Secretary of the Juba League (Youth Organization of Awami League) of Sherpur district, forcibly occupied land belonging to a Hindu, Surjya Kanta Debnath. The hoodlums demolished two shops and injured Debnath's daughter, Lipi Debnath. The Juba League leader denied the allegations but said the lands were bought by his father and uncle. Surjya Kanta claimed that the land was purchased from his maternal aunt, Khuki Bala, and as such he is the real owner. It was learnt that Hafizur Rahman was accused in the murder of Yousuf and Takan, president and secretary of the Nalitabari Chatra League respectively, in October 1999.

39. Mohana, a four month old Hindu baby girl, was abducted and killed on August 2, 2009. The dead baby was found the next morning in a nearby pond. A case lodged in this regard names Deen Islam Dinu (45), Seraj (40), Nurul Hoque (40), Shaheen (30) and Ali Akbar (45) as the perpetrators of the murder. The crime occurred in Bangnna village in Dhaka district, according to the *Daily Destiny* newspaper of August 4, 2009.

40. According to the *Samokal* newspaper of August 26, 2009, Harirampur police refused to record a case of abduction/sexual assault of a Hindu girl of Sultanpur village over the past two months. The victim's family then appealed to the Superintendent of Police, Manikganj for help. It is alleged that, on June 24, 2009, Sadhan Sarkar (35), Halem Uddin (34), Golap Shikder (25) and Eman Bepari abducted the girl, looted her gold ornaments and sexually assaulted her. The perpetrators fled when the

victim began shouting. The police interviewed the girl, visited the place where the assault occurred and demanded Taka 7000 to register the case.

41. The *Sangbad* reported, on August 27, 2009, that Muslims led by Nazrul Islam, local magistrate and police entered into the house of Moni Krishna Sen in Rangpur town with a view to dispossess four Hindu families. They threw belongings, utensils and entered the prayer room and destroyed the Durga deity. When neighbors intervened and asked for documents, the Magistrate did not offer any nor did the officers of Agrani Bank who had accompanied the Magistrate. Banamali Paul, President of Rangpur Puja Ujjapan Committee informed them that some powerful land-grabbers manufactured counterfeit documents, borrowed money from Agrani Bank mortgaging land that did not belong to them. Banamali Paul demanded that the criminals be prosecuted and the magistrate removed from office.

42. The daily *Jugantor* reported, on August 27, 2009, that ten Hindus were injured when they were attacked by members of the Awami League and Jubba League at Das Para in Feni District. It is alleged that on August 25th, 15-16 men led by Ripon, President of Fazilpur Union Awami League, threatened to kill Banamali Das. When they were challenged they attacked homes belonging to Hindus and beat up women and children. The villagers went on a protest and blocked the road leading to the village for three hours.

September 2009

43. Rupa Mandal, a 12 year-old girl from Paikgachha town, was first abducted by a young Muslim man after the family rejected his marriage proposal. On July 22, 2009 the man, Zohor Ali Morol, with the help of others kidnapped Rupa. Her mother learned that she was being held in a nearby building belonging to Jewel Fish Product Company. The company is allegedly owned by a member of Parliament and various police and government officials are shareholders. Rupa's mother, Shukkuli Rani Mandal, appealed to the Paikgachha police, who retrieved the girl but failed to lodge an official criminal complaint; instead they allegedly took a bribe from the kidnappers and released them.

Again, on July 27th, Rupa was taken by the same people to the same building. When police officers refused to intervene, local people helped to rescue her. The third time, on August 19th, Rupa was taken from her house to Zohor's house. Instead of filing a criminal case, Paikgachha police brought Zohor and his associates to the police station that day to negotiate. A number of officials allegedly got involved in the case, and a settlement was reportedly reached in writing: Zohor and others would pay a bribe to the police, Rupa would be returned and Zohor would find a Muslim girl to marry.

However, it was learned that the abductors later told the widow and her daughter that Zohor would go ahead with the marriage to Rupa regardless and that anyone that tried to stop him would be killed. At the mother's request a local Member of Parliament, Md. Sohrab Ali Sana, submitted a letter that she wrote to the Paikgachha police asking them to look into the allegations and arrange protection for the family.

On August 22nd, Zohor and his associates took Rupa from her home once again. Despite repeated requests for help and protection. Rupa's mother and sister, Krishna Mandal, were beaten by the kidnapers and the girl remains missing. Despite their previous failure to act, her mother again sought help from the Paikgachha police, and was directed to Sub Inspector Delwar Hossain. He allegedly told her not to disturb him again. However, she went straight to the Jewel Fish Product office after that to continue her search. She found SI Delwar there with his motorbike, directing the abduction of her daughter with Zohor in a boat from the adjacent river port.

Shukkuli Mandal lodged a complaint at the Special Tribunal for Women and Children Repression Prevention in Khulna, which sent an official order to the Paikgacha police. The court has ordered that the case be given to the Criminal Investigation Department (CID) for investigation, and the abducted girl be located and rescued. The Special Tribunal asked the police to submit their report by October 21, 2009. On September 10, 2009, the Khulna district police authority transferred Delwar Hossain, rather than subject him to investigation him for criminal offences. Shukkuli Mandal said that she has struggled to find the money for court fees and other costs.

The Asian Human Rights Commission submitted an urgent appeal for resolution of this case: Urgent Appeal Case: AHRC-UAC-119-2009
<http://www.ahrchk.net/ua/support.php?ua=UAC-119-2009>

44. The Bangladesh Minority Watch (BDMW), Dhaka received an appeal from Ajoy Kumar Dey and his wife Dolly Rani Dey of Narayanganj District alleging that their only son, Suvashish Dey, 17 was abducted on July 30, 2009 from their house and forcefully converted to Islam. They complained that the police neither assisted

in rescuing their son nor arrested any perpetrators. The Deys feared that Islamic fundamentalists are involved in the incident. They gave the name of the abductors as Md.Kayes (25), Md. Sabbir (28) and Sany (18). BDMW representatives submitted a petition and complaint to the Narayanganj police on September 4, 2009.

45. According to the daily *Bhorer Kagoj* of September 9, 2009, some unidentified men entered two temples in Khayerchara village and destroyed and desecrated Hindu deities on September 7th. The two temples are the Halder Matri Sarbajanin Durga Mandir, and the Raj Kumar Kali Mandir. It is believed that these attacks were meant to scare the Hindus and force them to leave the area, abandoning their homes and their lands.
46. According to the daily *Samakal* of September 12, 2009, Rabi Das (50), a Hindu, was traced two weeks after he was kidnapped. Rabi Das was admitted to the Mirzapur Kumudini Hospital at Tangail, and fighting for his life. Das, from Chamari Fatepur village, was kidnapped on August 28th, according to his son Rabi Das.
47. The daily *Alor Jagat* reported, on September 8, 2009 that Golak Chandra Mondal, a young Hindu businessman of Paikgacha Upazila was attacked by Abdullah, Mizan, Madhu Sheikh and six others. Mondal complained to the police and claimed that the attackers demanded Taka 50,000 from him, and that he had paid them Taka 5,500. Golak Mondal is in hiding fearing further attack.
48. *Samakal* newspaper reported on September 12, 2009 that Monoranjan Karmkar (42), a businessman of Pinngalkati Bazar was assaulted by some men, and was admitted to the Gournadi Upazila Hospital with serious injuries.

49. *Samakal* newspaper reported on September 12, 2009 that Bakta Roy, a Hindu businessman, was attacked by an activist of the Chatra League demanding money. Bakta Roy's business was damaged and looted when he refused to pay.

October 2009

50. The *Janakantha* newspaper reported on October 7, 2009 that a number of forced and fraudulent conversions of Hindu girls to Islam were carried out in the Joypurhat district. A sense of insecurity prevailed among the Hindus since the local administration failed to give adequate protection. Purnima Rani, daughter of Dulal Roy, went missing, and it was suspected that the abductor was related to a powerful Juba League Leader of Joypurhat. It is believed that the girl was lured and converted to Islam.

Similarly, Nabami Sarkar, daughter of Akhil Sarkar of Aimar Rasulpur village was abducted, as were Krishna Rani Prativa of Govindapur and Shika Debnath of Shaljune village. The police refused to register cases or tried to intimidate the complainants. As Hindus protested, the police finally produced Purnima Roy in court on October 1, 2009.

51. The daily *Manab Jameen* reported on October 18, 2009 that a Hindu woman was abducted and gang raped. The victim was admitted to the hospital in serious condition. Police said that six men entered the house of Sagar Das and took away his wife. Later, the victim was found unconscious and sent to the Pabna Sadar Hospital. The police arrested two alleged perpetrators, Majed Ali Maza (40) and Nur Mohammed (35).

52. *Samakal* reported on October 9, 2009 that Muslims, led by a man named Ibrahim, attacked the Shiva Kali Mandir in Sombag village, Dhaka District, on October 08. The attackers demolished the deities, looted valuables and injured ten people including the temple priest.
53. The Janakantha reported, on October 11, 2009, that serious tension prevailed at Patuakhali town when Anamika Saha, daughter of Netai Chandra Saha, was kidnapped on September 30 by Naseruddin (20) and Zamal Rana (22). Anamika, a student of Class 10, went to a shop nearby when the two young men abducted her. The victim along with one perpetrator, Md. Naseruddin Babu, was arrested on October 13th. The Chief Judicial Magistrate ordered that the girl be sent for medical examination.
54. The daily *Sangbad* reported, on October 24, 2009, that land-grabbers forcefully occupied the land and home belonging to a Hindu family at Chandshi in Barisal District. The victim, Ram Prasad Mondal, told newsmen that Nur Mohammad Mollah, Shafiqul Islam and Monir Hossain along with five or six others had assaulted his wife, sons and daughters on March 26, 2009 when he was away. Mondal and his family are now hiding in Dhaka fearing for their lives.
55. The daily *Sangbad* reported on October 7, 2009 that local leaders of the Awami League had forced the signatures on blank paper from Hindu fishermen at Laksmipur in Noakhali district. It is alleged that the Awami League Leader extorted money from Khokan Chandra Das and he also brought him to the Ramganj police station where he forced Das to sign on blank papers. Das has lodged a complaint against Md. Amir Hossain Khan, President of Ichapur Union Awami League, and also against

- Md.Chowdhury Meah, Dalal of Ramganj Police station. Das reported that he had land at Dhaka Mohammadpur and that Md. Amir Hossain Khan had been putting pressure to relinquish those lands. As Das did not agree, Khan sought the help of Abdul Khaleque, Sub Inspector of Police of Ramganj Police Station. Das was brought to the police station and made to sign the papers under duress.
56. Two Hindu families at Kalapara Upazila were to be evicted from their homes because of false cases filed by Hashem Sikdar, a Muslim of the same locality, according to the Janakantha newspaper, October 4, 2009. The Hindu families have submitted an appeal to the Prime Minister, Sima and Ruma, daughters of Makhan Lal, one of the victims, sought help from the police and the public.
57. According to Aiker Paribartan, October 21, 2009, Bijoy Krishna Dey, founding member of Amrita Lal Dey College and a reputed Hindu leader, was attacked by Faisal Bin-Islam on October 17th. Faisal Bin-Islam, ex-Sports Secretary of B.M. College, entered the house of Bijoy Krishna Dey and assaulted him without any provocation. Various civic organizations at Barisal town demonstrated against the hooliganism.
58. A Hindu Temple was desecrated and deities demolished at Dhamrai, near Dhaka on October 8th, according to the *Daily Samakal* of October 9th. At least ten people, including the temple priest were injured in the attack carried out on the Shiva Kali Mandir in Sombag village in Dhaka district. Mongal Chandra Mondal, who had led the local Hindus in renovating the temple, informed the police of the attack. According to the complaint, Muslims, led by a man named Ibrahim, attacked those working on the temple, broke the lock of the temple and demolished the deities. Mongal Chandra was injured in the attack.

November 2009

59. One person died due to burns as land grabbers set fire to the homes of three Hindu families at a village in Natore district on November 2nd, according to a November 4th report in the *Sangbad* newspaper. It was reported that the attackers blocked the doors and windows and sprinkled gasoline on the homes and lit them on fire. Raj Behari Ghosh (90) was sent to Rajshahi Medical College Hospital with severe burn injuries, and he later succumbed to the injuries. The homes that were attacked belong to Ratan Ghosh, Nripen Ghosh and Batbehari Ghosh. It is claimed that this attack was in response to a complaint to the police by Hindus who were attacked on October 24th by a Muslim group led by Sajedur Rahman Khan and Hasib. In that previous attack, 12 Hindu homes were damaged, belongings looted and a woman was sexually assaulted. Rafiqul Islam, the Superintendent of Police, Natore visited the village and assured victims that the perpetrators would be arrested.

60. Shewli Rani Sarkar (15) was kidnapped by some Muslim perpetrators on November 2nd in Serajganj district while she walked to her teacher's home for lessons. As per the complaint filed by the father, Chitta Ranjan Sarkar, the abductors threatened the victim with weapons, and fled with her in a van. The abductors are said to be Mamun Ahmed (26), Md. Siddique Hossain (25), Mintu Sheikh, Peerjada Azmal Hossain (35) and Mohammad Biblab (23), all from Sengati village. It is reported that local people demonstrated and barricaded roads on hearing of the kidnapping. The Global Human Rights Defense group (GHRD) has pursued the complaint and the police have lodged a case under section 7-30 of the Women and Children Repression Act. According to the father of the victim, Islamic fundamentalists are involved in forceful conversions of Hindu girls in the area.

61. According to the GHRD, a Hindu girl, Tulshi Das, was abducted on May 3, 2009 by Md. Shareef Meah, Ripon Meah, Mitun Meah and Md. Alamgir. The girl's father, Monoranjan Das, lodged a complaint with the police on May 7th and claimed that the police had not taken any action till November. The parents of the girl revealed to GHRD that the abductors threatened them against pursuing the complaint. The parents provided a birth certificate and other papers to prove that Tulshi was born on October 25, 1998. The GHRD is actively pursuing the issue with the police.
62. It is alleged that a Hindu widow's land was fraudulently grabbed by a Muslim official, Md. Mostafa Talukdar, former assistant to the Deputy Commissioner of Madaripur detected. The widow, Usha Rani Raha, lives in Hoglapatia village, Madaripur District, and cultivates the land belonging to her mother, Alanga Sundari Chakladar. Since her complaint to the police, Usha Rani has been receiving death threats, according to a GHRD report.
63. According to a report in *The Daily Sangbad*, November 24th, a Hindu temple was demolished and the property occupied in Hatbaria village, Jhenaidaha District. The temple structures, nearly 200 years old, were demolished and the attackers trucked in sand and mud to cover the occupied lands. A group of agitated villagers led by Khagendra Nath Das, Bidyut Kumar Das, Dulal Das, Kalipada Das and others submitted a memorandum to Sheikh Rafiqul Islam, the Additional Deputy Commissioner, Jhenaidaha. According to their complaint, the Ganga Tala Kali temple was destroyed by a group of people led by Bakul Munshi.

December 2009

64. According to the “Jugantor,” December 3rd, during a religious ceremony on December 2nd at the Panchabati Ashram, near Dhaka, in which hundreds of Hindu devotees from different parts of the country participated, a class 10 Muslim student named Mohammad Faisal entered the temple, and kicked the Radha Krishna deity, and began attacking other deities in the temple. Devotees successfully apprehended him. The police and local Awami League leaders intervened and the situation was brought under control. The police registered a case against Faisal.
65. According to the *Amar Desh* newspaper, December 2nd, some men led by Md. Shahidul Islam armed with country made weapons raided and looted paddy crop planted by Prodip Pal, on November 26th. His lands were in Bhaluka sub-district of Mymensingh district. It was reported that on the same night the attackers looted the vegetable crop belonging to Pal, valued between 25,000 and 30,000 Taka. The police had not taken any action for four days after the complaint was lodged.
66. The *Ittefaq*, December 19th, reported that consequent to the publication of the news of Tulshi Rani Das’ abduction, the girl was traced by the police on December 18th. The girl (12) was traced with the help of the local Member of Parliament, Meher Afroz Chumki, and Global Human Rights Defense (GHRD). The girl was produced before the Officer-in-Charge of Kaligonj police station wearing a *burkha* covering her face and body. It was reported that the police had not arrested the kidnapper, Md. Shareef. According to the girl, she was forcibly converted to Islam. Tulshi Rani was kidnapped on May 7, 2009 and because of a lack of effort by the police she had not been traced until the local M.P. and the GHRD stepped in.

67. The daily *Sangbad*, December 16th, reported that a powerful businessman from Muktagacha town in Mymensingh district had forcefully occupied lands belonging to Hindus. It was alleged that the victim, Ms. Raju Bala, had constructed a house on land she bought from one Mohammad Hossain in 1989. A neighbor, Abdus Sattar Saju, in connivance with political leaders belonging to the BNP-Jamat forcefully occupied the land belonging to Bala. In this connection, a written complaint was addressed to the Minister for Lands and Reforms who directed the Deputy Commissioner to take necessary action. Saju and local Muslim leaders have now begun to threaten Bala and her Hindu neighbors.

Appendix C

Islamic Extremist Groups in South Asia^{cccxcvi}

People's Republic of Bangladesh^{cccxcvii}

Militant Organization	Description
Jamaat-e-Islami (Jel)	Islamist political party that was part of the Bangladesh Nationalist Party (BNP) coalition that came to power in the 2001 election, and was involved in violent attacks on Hindu supporters of the opposition Awami party; Its ultimate goal is to create an Islamic state in Bangladesh.
Islami Chhatra Shibir (ICS)	Youth wing associated with Jel, and has contact with Muslim youth extremist groups around the world. ICS has been involved in political and religious violence, and has been implicated in a number of bomb blasts throughout Bangladesh; Islami also controls a number of <i>madrasas</i> across the country.
Islami Oikyo Jote (IOJ)	Small Islamist party, and was also part of the BNP coalition government; Has supported violence against Hindus.

Jama'atul Mujahideen Bangladesh (JMB) has been implicated in a number of suicide bomb blasts across Bangladesh; A number of its leaders were previously affiliated with JeI and ICS.

Harkat-ul-Jihad-al-Islami (HuJI-B) Largest militant Muslim organization operating in Bangladesh, and has an estimated 15,000 members, recruited primarily from *madrasas*; Involved in a number of attacks.

Islamic Republic of Pakistan^{CCCXCVIII}

Militant Organization	Description
Harakat-ul-Jihad-ul-Islami (HuJI)	Islamic extremist group trying to establish Islamic rule in Pakistan through violence; Accession of the Indian state of Jammu and Kashmir to Pakistan; Spread terror throughout India; Has affiliate in Bangladesh (HuJI-B)
Jundallah	Rejects democracy of even the most Islamic-oriented style; Establish Sharia law; Accession of the Indian state of Jammu and Kashmir to Pakistan
Khuddam ul-Islam	Accession of Indian state of Jammu and Kashmir to Pakistan; Radical Islamist state in Pakistan; “Destroy” India and the U.S.
Lashkar-e Jhangvi (LeJ)	Violently transform Pakistan into a Sunni state under the complete control of Sharia law; Declare all Shia as <i>kafirs</i> (infidels), and responsible for several attacks on Shias; Destruction of other religions, notably Hinduism, Judaism, and Christianity; Its leader is Muhammad Ajmal, alias Akram Lahori; The group has links to SSP, Taliban, HuM, JeM, Al Qaeda

Sipah-e Sahab Pakistan (SSP)

Violently transform Pakistan into a Sunni state under the complete control of Sharia law; Declare all Shia as *kafirs* (infidels), and responsible for several terrorist attacks on Shia civilians; Destruction of other religions, notably Hinduism, Judaism, and Christianity; SSP has links to LeJ, HuM, Taliban, JeM, Jel, and Jul; Its leader is Maulana Mujibur Rehman Inqilabi

Harkat ul-Mujahidin (HuM)

Targets Indian troops, civilians in the Indian state of Jammu and Kashmir, and Western interests; Masterminded the Kandahar hijacking of an Indian airlines in December 1999

Previously known as Harkat-ul-Ansar

Jaish-e-Mohammed (JeM)
(Army of Mohammed)

Stated goal is the accession of the Indian state of Jammu and Kashmir with Pakistan and to take control of the Babri Masjid in Ayodhya, Amritsar and Delhi; Targets include Indian government/political leaders, and civilians; Has links to HuM, Pakistan's Inter-Services Intelligence, Taliban, Al Qaeda and several Sunni groups like SSP and LeJ; Its leader: Maulana Masood Azhar

Lashkar-e-Taiba (LeT)
(Army of the Righteous)

Stated goal is to restore Islamic rule over India, take control of Kashmir, and unionize the Muslim regions in countries that surround Pakistan; Considers India, Israel and the U.S. prime enemies; Attacks primarily in J&K and other parts of India, including the recent

terror attacks in Mumbai; Operates under the charity of Jamaat-ul-Dawa; Has links to Inter-Services Intelligence, Taliban, Al Qaeda, Al Muhajiraun, International Sikh Youth Federation and various international Islamist terrorist groups; Its leader is Hafiz Muhammad Saeed

Lashkar-e-Omar (LeO)
(Army of Omar)

A loose coalition of terrorist organizations: LeT, JeM, and LeJ; Believes in Islamic fundamentalism and fascism, hatred towards the West; Carried out attacks against Western targets and non-Muslims

Tehreek-e-Jaferia Pakistan (TJP)

Shia extremist group whose goal is to create a society based on “pure Islam” and protect the social, political and religious rights of Shiites; Also claims to fight against imperialism, and obtain Islamic egalitarianism and social justice; Has links to Pakistani Parliament and Iranian clergy; Its leader is Allama Syed Sajid Ali Naqvi

Tehreek-e-Nafaz-e-Shariat-e-Mohammadi

An extremist group whose goal is the militant enforcement of Islamic law (totalitarianism view), and transform Pakistan into a “Taliban style” country; It operates most of Swat Valley and neighboring districts, and has links to the Taliban; Its leader is Maulana Fazalullah

Small terrorist group whose members are Mohajirs

Nadeem Commando	(Muslims who left India in 1947); Its stated goal is to protect the rights of Mohajirs, and operates primarily in Karachi and Hyderabad; Terror tactics include random shootings of selected targets and staging violent incidents during political strikes; It has links to Muttahida Quami Movement Altaf (MQM-A)
Sipah-e-Muhammad Pakistan (SMP)	Shia extremist group, whose goal is to protect the Shiite community from Sunni extremist groups; Has links with Shia regime in Iran; Its leader is Ghulam Raza Naqvi and it is a rival of LeJ
"Army of Muhammad"	
Popular Front for Armed Resistance	Its goal is to advocate the secession of all Baluch regions from Pakistan; also involved in drug trafficking; Has links to Taliban
Muslim United Army	An umbrella group consisting of, "all the rightwing organizations including LeJ." Its stated goal is to organize groups against America and to launch a war against anti-Islam forces and non-Muslims; Its leader is Sheikh Ahmed

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^{cccxciii} Singh, R. (January 4, 2010). "Indian workers sold like cattle in Saudi Arabia: Stowaway," Times of India, <http://timesofindia.indiatimes.com/india/Indian-workers-sold-like-cattle-in-Saudi-Arabia-Stowaway/articleshow/5408084.cms>

^{cccxciv} "Bangladesh - The Vested Properties Return Act, 2001." Voice of the Asia-Pacific Human Rights Network. <http://www.hrdc.net/sahrdc/hrfeatures/HRF35.htm>

^{cccxcv} "Peace Process in Chittagong Hill Tracts." South Asia Forum for Human Rights. http://www.safhr.org/pdf/E_new2.pdf

^{cccxcvi} This list is not inclusive of all extremist groups in the subcontinent, but rather represents some of the more significant and dangerous organizations operating in the region.

^{cccxcvii} Bertil Lintner. "Bangladesh Extremist Islamist Consolidation" South Asia Terrorism Portal. <http://www.satp.org/satporgtp/publication/faultlines/volume14/Article1.htm>

^{cccxcviii} Data provided primarily by South Asia Terrorism Portal, which monitors terrorism in South Asia. http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/group_list.htm