

JOINT STATEMENT TO SENATOR DAVID SHOEBRIDGE & SENATOR JANET RICE

জয় বাংলা

JOY BANGLA

7 August 2023

**Senator Janet Rice**

Shop 2-3, 26 Lygon Street  
Brunswick East VIC 3057

AND

**Senator David Shoebridge**

Level 2, 1A Lawson Square  
Redfern, NSW, 2016

Dear Senators,

**Senators' statements on Bangladesh - formal objections**

**Information flawed and politically motivated**

**Invitation to engage with Bangladesh diaspora and visit Bangladesh**

We the following members of Bangladeshi diaspora in Australia write to the Honorable Senators Janet Rice and David Shoebridge, to register our formal objections with them, on account of their ongoing campaign against the Government of Bangladesh by use of unsubstantiated information and language oxymoron to international diplomacy:

- i) Dr M Abul Hasnat (Milton),  
*President, Australia Awami League; and*
- ii) Muhammad Abdullah Al Noman,  
*General Secretary, Australia Jubo League*

**Prepared by**

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## Acknowledgement

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In the spirit of reconciliation, both the Australia Awami League and the Australia Jubo League, acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

The Australia Awami League and the Australia Jubo League gratefully acknowledge and express gratitude to the Commonwealth of Australia and its peoples for assistance and sympathy to the people of Bangladesh during the countrys' Liberation War of 1971.

Further, we thank both Senators Rice and Shoebridge for their concerns for the welfare of the People's Republic of Bangladesh and her people.

We note that both Senator Janet Rice and Senator David Shoebridge are leaders of the Australian Greens. On assumption that the Australian Greens have taken an interest in Bangladesh, we extend our thanks to the think tank and policy makers of the political party.

## Introduction

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We refer to Senator Shoebridge's recent questions at the Senate Foreign Affairs, Defence and Trade Legislation Committee on 1 June 2023 regarding sanctioning the Government of Bangladesh for alleged gross violations of human rights.<sup>1</sup>

We also refer to various statements in the context of asking questions in the Senate by Senator Rice between 2020 till now.

On close examinations of the aforementioned questions and statements by both Senators, it appears that there are striking similarities in the

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<sup>1</sup> Senator Shoebridge, *Proof Committee Hansard, Senate Foreign Affairs, Defence and Trade Legislation Committee Estimates*, Hansard, Commonwealth of Australia Parliament, 1 June 2023.

construction of wordings. Both Senators fashionably started with an opinion about Bangladesh Government, followed by their respective questions. For example,

**Senator Janet Rice on 28 October 2020:<sup>2</sup>**

- *Is DFAT aware of concerns by Amnesty International about human rights abuses in Bangladesh perpetrated by the government of Bangladesh?*
- *Has DFAT raised human rights violations with counterparts?*
- *What level have those concerns been raised at?*
- *Is DFAT aware of the reports of sexual violence against women, by figures linked to the Awami League?*
- *Have those issues been raised with counterparts?*

**Senator Janet Rice on 25 March 2021:<sup>3</sup>** asked the Department of Foreign Affairs and Trade—

- *Has the Australian Government made any representations in relation to the death of Mushtaq Ahmed?*
- *Will the Australian Government suggest to its counterparts that they should undertake an independent inquiry?*
- *Will the Australian Government advocate for the repeal of the Digital Security Act, which Amnesty International has noted is inconsistent with human rights laws?*

**Senator Janet Rice on 3 June 2021:<sup>4</sup>** In answering a previous QoN, the Department said:

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<sup>2</sup> Senator Rice, *Senate Standing Committees on Foreign Affairs, Defence and Trade, Budget Estimates 2020 - 2021, Question on Notice / Written*, Hansard, Commonwealth of Australia Parliament, 28 October 2020.

<sup>3</sup> *Ibid*, Topic: *Bangladesh – Mushtaq Ahmed*, Question on notice no. 74, 25 March 2021.

<sup>4</sup> *Ibid* 2, Question on Notice no 216, 3 June 2021.

*“In the context of Australia’s representations on 1 March and 11 March 2021, Australia recommended the Government of Bangladesh enforce constitutional provisions safeguarding freedom of expression, including by amending relevant provisions of the Digital Security Act ...”*

- *Has the Australian Government made subsequent representations?*
- *Amnesty International has highlighted significant concerns around the detention of journalist Rozina Islam.*
- *What steps has the Australian Government taken to advocate for her rights and ensure journalistic freedoms are not undermined?*

**Senator Janet Rice on 14 February 2022:<sup>5</sup>**

- *How is the Government raising concerns of abuses by Bangladesh police – in particular a trend of enforced disappearances increasingly committed by the Detective Branch of police – in the context of the formal cooperation between the Australian Federal Police and the Bangladesh police?*
- *How many times and at what level have concerns been raised and what was the response?*

**Senator Janet Rice on 14 February 2022:<sup>6</sup>**

- *Has Australia provided any assistance – training or resources – to Bangladesh’s notoriously abusive Rapid Action Battalion (RAB)?*
- *What kind of assistance?*

**Senator Janet Rice on 16 February 2022:<sup>7</sup>** asked the Department of Foreign Affairs and Trade —

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<sup>5</sup> Senator Janet Rice, Senate Standing Committee on Legal and Constitutional Affairs, Additional Estimates, Home Affairs Portfolio, *Program: Australian Federal Police, AE22-304 - Bangladesh*, Hansard, Commonwealth of Australia Parliament, 14 February, 2022.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid 2, *Topic: Bangladesh - Human Rights Abuses, Question on notice no. 92*, 16 February 2022.

- *Has the Australian government raised concerns with the Bangladesh government about well-documented allegations of abuses by the Rapid Action Battalion including enforced disappearances, extrajudicial killings, and torture? If so, at what level?*

**Senator Janet Rice on 16 February 2022:**<sup>8</sup> asked the Department of Foreign Affairs and Trade —

- *Has the Australian government raised concerns of reports of retaliation against human rights activists, their families, and families of victims of enforced disappearances following the announcement of US sanctions? If so, at what level?*
- *Has the Australian government raised concerns with the Bangladesh government over reports of abuses by security forces in the Chittagong Hill Tracts?*
- *What is the government of Australia doing to call for monitoring and accountability for abuses against indigenous groups in the hill tracts?*

**Senator SHOEBRIDGE on 1 June 2023:**<sup>9</sup>

- *My final questions are in relation to the situation in Bangladesh. A significant number of members of the Bangladeshi diaspora have raised with my office concerns about the human rights abuses of the Rapid Action Battalion. Is this a matter the Australian government has raised with the Bangladeshi government?*

...

- *It's now more than 18 months since the United States government issued sanctions against the leadership of the Rapid Action Battalion, citing more than 600 extrajudicial disappearances and murders that were attributed to*

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<sup>8</sup> Ibid 2, Topic: Bangladesh, Question on notice no. 53, 16 February 2022.

<sup>9</sup> Ibid 1.

*the RAB. Why has there been no similar action by the Australian government?*

...

- *Issues were raised by your department in relation to the capacity of Australia's Magnitsky sanctions to be applied to entities within a government, whether it's entities within the Iranian government committing notorious human rights abuses or in this case the Rapid Action Battalion in the Bangladesh government that's committing significant human rights abuses. Is there any work being done to review our laws to ensure organisations like that can be targeted under Magnitsky provisions?*

...

- *When these organisations are politically directed, notorious and clearly identifiable, surely there's a benefit in being able to list them so all of the senior members of those organisations can be targeted in a single listing? Surely there's a benefit in doing that, whether it's the RAB or—*

...

## **Our concerns**

Between 2020 and 2023, in forming those opinions, Senator Rice accused the Government of Bangladesh and the ruling political party Bangladesh Awami League of

- gross violations of human rights including sexual violence against women;<sup>10</sup>
- that a law enforcement agency of the Bangladesh Government is notoriously abusive;<sup>11</sup>

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<sup>10</sup> Ibid 2.

<sup>11</sup> Ibid 5.

- engaging in enforced disappearance, extrajudicial killings, and torture;<sup>12</sup> and
- violations of human rights of the indigenous populations and minorities;<sup>13</sup>

On 1 June 2023, Senator Shoebridge followed the examples of his fellow Green Senator Rice when asking questions.<sup>14</sup> In doing so, Senator Shoebridge went one step further than Senator Rice by

- advocating for imposing Australia's Magnitsky sanctions regime on Bangladesh; and
- comparing Bangladesh Government with the Iranian regime.

We observe that there is no evidence that either Senator Rice or Senator Shoebridge,

- have ever been to Bangladesh;
- engaged themselves with various competing factions of the Bengali diaspora in Australia; or
- even tried to educate themselves on the complex nature of the political history of Bangladesh before commenting.

## **Our objections**

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To understand the political landscape of Bangladesh, it is important to bring a number of relevant historical facts. We, hence, register our objections with the Senators in those contexts:

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<sup>12</sup> Ibid 7, Ibid 8.

<sup>13</sup> Ibid 8.

<sup>14</sup> Ibid 1.

1) On 15 August 1975, the founding father of Bengali nation Sheikh Mujibur Rahman was assassinated along with his entire family. At least 27 individuals including women and children were killed. The Commonwealth of Australia did not sanction the then undemocratic, unlawful murderous regime.

2) After those political murders in 1975, subsequent dictatorship of General Ziaur Rahman changed the constitution of Bangladesh to grant constitutional indemnity to those killings. Needless to say, that the Dictator did not have the mandate to form a government. From the piles of bodies, bloodshed and violence, a new political party was born under the martial-law of the Dictator. The name of that party is 'Bangladesh Nationalist Party (BNP)'. From that dictator, a second dictator then ruled the country for another nine years.

3) No sanctions were imposed on those regimes and that unconscionable legislation indemnifying the murders of 1975 would remain in the constitution of Bangladesh, until Awami League formed government in 1996.

4) Even prior to 1975, Bangladesh was born out of a bloody genocide in 1971. The perpetrators of those crimes against humanity, the war criminals were reinstated by the BNP's dictatorial regime. And once again, neither Australia, nor any other country for that matter, spoke against it. These war criminals were able form political parties, take part in elections, and even formed governments. This is something one cannot expect in any civilized country. For example, neither the NAZI party nor Al-Qaida or any other political group with identical beliefs but on different names would ever be able to



establish themselves lawfully in Australia, Germany, Israel, UK, or USA.

5) This culture of impunity in Bangladesh, over a period of many years, supported by the silence of the purported western conscience, hijacked Bangladesh's opportunity to heal.

6) When Awami League came to power, it did what it could to restore fundamental human rights within the secular ideology with which Bangladesh was born in 1971. For example, in today's Bangladesh, religious minorities are better protected, no bombs suddenly blast in innocent cultural events, and transgenders not only are recognized as equal citizens, but also, they are running for the upcoming parliament elections to be held in 2024.

7) It is worth mentioning that organizations like RAB were first created by the then BNP-led coalition government. During their ruling of Bangladesh, the then leader of the opposition Sheikh Hasina (the Prime Minister incumbent) was attacked multiple times with grenades, and bombs were planted in her public processions.

8) In total, the Honorable Prime Minister of Bangladesh Sheikh Hasina had survived 19 assassination attempts in four decades.<sup>15</sup>

9) We refer to Senator Shoebridge's reference to more than the "600 extrajudicial disappearances and murders attributed to the

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<sup>15</sup> Dipanjan Roy Chaudhury, *Bangladesh PM Sheikh Hasina had survived 19 assassination attempts in four decades*, The Economic Times, Sep 29, 2021, URL: <https://economictimes.indiatimes.com/news/international/world-news/bangladesh-pm-sheikh-hasina-had-survived-19-assassination-attempts-in-four-decades/articleshow/86616826/>.

RAB". We respectfully submit that the information is flawed. Firstly, the data were supplied by local non-government organisations (NGOs), who are close to or even run by the Opposition Bangladesh Nationalist Party (BNP) workers.<sup>16</sup> The BNP, for its part, has a blatant record of faking cases of human rights as validated through media reports and accounts from the country's known rights activists.<sup>17</sup>

- 10) Most of the individuals who were reported missing, were found to be alive and well.<sup>18</sup>
- 11) In addition, reports compiled by organisations such as Amnesty International are not credible. This is because, a) Amnesty International's data are collected from organizations run by BNP and its allied groups;<sup>19</sup> and b) there is evidence that Amnesty does not update their data once a supposedly missing person is found alive.<sup>20</sup>
- 12) Use of false and or fabricated information by the so-called human rights watchdog is nothing new. For example, Amnesty came under fire for posting images of Colombian police to quell national protests

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<sup>16</sup> Sahidul Hasan Khokon, *'Travesty of justice': Experts criticise errors in UN report on forced disappearances in Bangladesh*, India Today, Oct 7, 2021,  
URL: <https://www.indiatoday.in/world/story/experts-criticise-error-un-report-on-forced-disappearances-in-bangladesh-2007495-2022-10-02/>.

<sup>17</sup> Ibid.

<sup>18</sup> Bangladesh Awami League, *Enforced Disappearance - The Truth Unfolds Human Rights in Bangladesh*, Facebook, 15 December 2022,  
URL: <https://www.facebook.com/awamileague.1949/videos/897541658085566/>.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

in 2021, generated by artificial intelligence in order to promote their reports on social media – and has since removed them.<sup>21</sup>

13) For the past 60 years, Amnesty International has put its finger in the wound of human rights abuses in all shapes and forms around the world. But it's also faced widespread criticism for some of its opaquer actions.<sup>22</sup> Amnesty claims that it doesn't pursue political ideology or "support or oppose any government or system." However, its detractors say that is precisely what it is doing. There have been allegations of one-sided reporting, or a failure to treat threats to security as a mitigating factor.<sup>23</sup> Some of the strongest criticism pertains to its alleged foreign policy bias against either non-Western countries or Western-supported countries.<sup>24</sup>

14) The human rights watchdog is not free from human rights violation within itself. For example, a 'report published in 2019'<sup>25</sup> found that Amnesty International has a "toxic" working environment, with incidences of bullying, public humiliation, and discrimination.<sup>26</sup>

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<sup>21</sup> Luke Taylor, "Amnesty International criticised for using AI-generated images This article is more than 2 months old, Group has removed AI images used to promote their reports on social media, including fake photos of Colombia's 2021 protests", The Guardian, Wed, May 3, 2023, URL: <https://www.theguardian.com/world/2023/may/02/amnesty-international-ai-generated-images-criticism/>.

<sup>22</sup> Rob Mudge, "Amnesty International: The good, the bad and the ugly?", Deutsche Welle (DW), May 28, 2021, URL: <https://www.dw.com/en/amnesty-international-the-good-the-bad-and-the-ugly/a-57680902/>.

<sup>23</sup> *Not all that glitters is gold*, Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> KonTerra (Wellbeing) Report, *Staff Wellbeing Review*, Amnesty International, Index Number: ORG 60/9763/2019, January 31, 2019, URL: <https://www.amnesty.org/en/documents/org60/9763/2019/en/>.

<sup>26</sup> Ibid 22.

15) Eminent British author and journalist Stephen Pollard, calling the organization utterly morally bankrupt, stated that

*“the central command of a hard left NGO produced propaganda that owes more to ideology than fact. Amnesty is a worthless, morally bankrupt sham that gives succour to terrorist states. The sooner it collapses under the weight of its own distortions, the better.”<sup>27</sup>*

16) Amnesty’s affection for some of the most brutal human rights violators of the world is well documented. Russia’s justification of attacking civilian infrastructures in Ukraine,<sup>28</sup> citing report by Amnesty,<sup>29</sup> and terrorist organization Hamas’s use of Amnesty in their propaganda,<sup>30</sup> are some examples.

17) Russia’s use of Amnesty International’s report is of particular interest. For example, AI’s report<sup>31</sup> referred to above was cited by the Russian Mission in Geneva twitted on 7 August 2022,

*“When a civilian 🏠 is used for military purposes, it turns into a legitimate target for a precision strike. Ukraine continues to do it, but now even @amnesty can’t handle it. Whenever MSM shows*

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<sup>27</sup> Stephen Pollard, *Amnesty is now utterly morally bankrupt*, The Telegraph, August 6, 2022, URL: <https://www.telegraph.co.uk/news/2022/08/06/amnesty-now-utterly-morally-bankrupt/>.

<sup>28</sup> Russian Embassy, UK, Twitter, August 5, 2022, URL: <https://twitter.com/RussianEmbassy/status/1555232968196726789/>.

<sup>29</sup> *Ukraine: Ukrainian fighting tactics endanger civilians*, Amnesty International, August 4, 2022, URL: <https://www.amnesty.org/en/latest/news/2022/08/ukraine-ukrainian-fighting-tactics-endanger-civilians/>.

<sup>30</sup> Hisham Qassem, Head of Hamas Media Portfolio Abroad, *Hamas hails Amnesty International report classifying occupation as an apartheid regime*, Hamas, February 1, 2022, URL: <https://hamas.ps/en/post/3897/Hamas-hails-Amnesty-International-report-classifying-occupation-as-an-apartheid-regime/>.

<sup>31</sup> Ibid 29.

*you photos of a destroyed 🇧🇩 school or hospital - always ask: "Who was inside?"."*<sup>32</sup>

18) This sets a dangerous precedent in world order when Amnesty International's report is being used to wage war crimes. Even the Russian President was not shy of his reliance on Amnesty International.<sup>33</sup>

19) This political bias of Amnesty is so clear that its neutrality is nothing but a myth. According to Hillel Neuer of UN Watch,

*"if Amnesty International had existed in the 1940s, there's little doubt they would have been issuing reports about how the resistance and partisans were "endangering civilians".*<sup>34</sup>

20) Amnesty's designation of BNP Chairperson Mrs Khaleda Zia as prisoner of conscience on account of her being the former Prime Minister of Bangladesh,<sup>35</sup> irrespective of her being a convicted criminal,<sup>36</sup> is thus another example of the human rights watchdog's political bias.

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<sup>32</sup> Russian Mission in Geneva, Twitter, August 8, 2022,

URL: [https://twitter.com/mission\\_russian/status/1555962879563669507?s=20/](https://twitter.com/mission_russian/status/1555962879563669507?s=20/).

<sup>33</sup> Darth Putin, Twitter, August 5, 2022,

URL: <https://twitter.com/DarthPutinKGB/status/1555487605663334401?s=20/>.

<sup>34</sup> Hillel Neuer, Twitter, Aug 8, 2022,

URL: <https://twitter.com/HillelNeuer/status/1556338254366089216?s=20/>.

<sup>35</sup> Amnesty International Public Statement, *Bangladesh: Guarantee access to health care and fair trial rights to detained former prime minister Begum Khaleda Zia*, Amnesty International, December 19, 2019.

URL: <https://www.amnesty.org/fr/documents/asa13/1444/2019/en/>.

<sup>36</sup> *Former Bangladesh premier Khaleda Zia gets five years in jail for corruption*, bdnews24.com, February 8, 2018,

URL: <https://bdnews24.com/bangladesh/bangladesh-court-jails-khaleda-zia-for-five-years-on-graft-charges/>.

- 21) In what commonsense, any society must award an individual convicted of crimes with indulgences on account of his or her economic, political or social status?

Eddie Obeid case: a comparison

- 22) Former minister and member of the New South Wales Legislative Council, Mr. Eddie Obeid, is a 79 years old former Australian politician, and convicted criminal, who is serving prison time at present. Even Mr Obeid's legal team did not advance the contention of special treatment on account his age, economic, political or social history. If the international community should allow such facts and contentions advanced by Amnesty International about Bangladesh's former prime minister, or any other country for that matter, then these ideas of the rule of law in all countries of the world would collapse and the novelty of serving the people would no longer exist because then the world would see more criminals taking up political roles in order to protect themselves from probable future prosecutions.

- 23) Following the finding of corruption, Mr. Obeid's Medal of the Order of Australia for his services to ethnic welfare, was cancelled by the Governor-General in 2014.<sup>37 38</sup>

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<sup>37</sup> Giselle Wakatama, *Disgraced Eddie Obeid stripped of Order of Australia medal in wake of ICAC corruption findings*, ABC News, December 16, 2014,  
URL: <https://www.abc.net.au/news/2014-12-16/eddie-obeid-stripped-of-order-of-australia-medal/5970690/>.

<sup>38</sup> Governor-General and Commander-in-Chief, *Cancellation of award of the Order of Australia in the General Division made to Mr Edward Moses Obeid*, Gazette - C2014G02071, December 16, 2014,  
URL: <https://www.legislation.gov.au/Details/C2014G02071/>.

24) As a state minister and Member of the Legislative Council, Mr Obeid's entitlement to use the honorific "The Honorable" for life, despite Mr Obeid argued for its retention, the then NSW Premier Mike Baird recommended to Governor David Hurley that the honorific be removed; which was authorized effective from December 2014.<sup>39</sup>

25) We respectfully ask the Senators to examine the questions,

a) why is it acceptable for Amnesty International to advocate for one convicted-criminal-former-politician in one country and not do so for another in a different country?

b) if the Senators are convinced of the bias of Amnesty International, would they be willing to make public statements that they withdraw their reference to reports made by Amnesty International?

*alternatively,*

c) would the Senators kindly enlighten the Bangladesh diaspora, what standard they followed before deciding to disrepute Bangladesh Government for all these years without verification and referencing to the fabricated data published by these politically biased NGOs?

*and*

d) demand sanctions against Amnesty International for engineering false propaganda worldwide, leading to disruptions in world order and facilitating civilian casualties?

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<sup>39</sup> Ibid 35.

## Judiciary in Bangladesh

26) Despite her many limitations, thanks to the Awami League government, Bangladesh excelled in judicial reforms in recent years. Judiciary is independent and often rules against the government. As a matter of fact, it was the very creators of BNP and the military dictators who were instrumental in destroying the judiciary in Bangladesh since 1975 onwards. If not for them, Bangladesh still stands as one of the monumental champions of human rights among nations.

27) For example, Bangladesh is one of the very few countries in the world where independence was declared by means of legal activism.<sup>40</sup> The Bengalis were the first people in the world to have recognized the will of the people as supreme<sup>41</sup> and exercised their legitimate right to self-determination<sup>42</sup>, enshrined in the International Covenant of Civil and Political Rights (ICCPR). Even during the most critical time of the nation in 1971, Bangladesh fought for her independence under the command of a civilian government.

28) For example, Bangladesh was the first country in the world to enact legislations on international criminal law, and the first country among humanity to introduce the statutory concept that 'rape' is a form of war crimes, and crimes against humanity and genocide.

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<sup>40</sup> *"Proclamation of Independence"*, Mujibnagar, Bangladesh, 10 April 1971.

<sup>41</sup> *"We the elected representatives of the people of Bangladesh, as honour bound by the mandate given to us by the people of Bangladesh whose will is supreme duly constituted ourselves into a Constituent Assembly"*, Proclamation of Independence, Mujibnagar, Bangladesh, 10 April 1971.

<sup>42</sup> Ibid 30.



29) For example, long before the provisions of international criminal law in Rome Statute that came into effect in 2001, which now guards humanity from unspeakable horrors of various forms of war crimes, and prosecutes them, these statutory provisions enshrined in the '*International Crimes Tribunal Act 1973*'.

### Women and minority rights in Bangladesh

30) We refer to Senator Rice's statement in the context of asking questions in the Senate on 28 October 2020 regarding "*sexual violence against women, by figures linked to the Awami League*".<sup>43</sup>

31) We are deeply saddened by such suggestive statements by Senator Rice. The Awami League is the torch bearer of women and minority rights in Bangladesh. At no stage, the party promotes violence of any form against women and to the contrary, it is Bangladesh Awami League, who not only welcomes women's participation in politics, administration and governance.

32) We take this opportunity to inform Senator Rice on the significant advancements of women's empowerment during the period of Awami League in power:

- removal of statutory requirement of mentioning both parents when obtaining birth certificates, identity documents, passports etc;
- transgenders are now eligible for identity documents with their sexual orientations;
- transgenders are now also eligible for public services, access to education at all levels, government jobs including the defense

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<sup>43</sup> Ibid 2.

forces, and run for elections (there have been reports of transgenders running for public offices already);

33) We do not deny that sexual violence occurs in Bangladesh. However, when this unfortunate happens, effective legal protections are available. When this occurs, the accused can be subject to criminal prosecution as an individual. To link such incidents with the Awami League, as if it is a party policy to engage in systematic sexual violence against women in Bangladesh begs the following questions:

- Sexual violence against women (SVAW) is a world-wide problem that occur more in some countries than the others. Given the history of Bangladesh and her 170 million population in a very small territory, occurrences of SVAW are higher, irrespective of which party is in power. Why then particularly name targeting Awami League particularly?
- What is Senator Rice's agenda?
- Who is the Senator's client?

34) We impress upon Senator Rice to prove that the Awami League, as a political party or the current Government of Bangladesh is engaged in systematic sexual violence against women, as implied by the Senator.

35) Alternatively, we invite Senator Rice to make a correction to her statement referred to in the Parliament.

### The bloody birth of BNP: a terrorist organization

36) In her journey among mankind, Bangladesh's collective sense of nationhood was tempered with from time to time. It was this group

of people, the illegitimate, murderous, undemocratic dictatorship that gave birth to the political ideology called Bangladesh Nationalist Party (BNP). To achieve their goals, they did not hesitate to commit mass murders, incite racial hatred, even falsified history of the country. During their time in power, grenades used to be thrown at peaceful public assemblies. In one such attack, the wife of a former president of Bangladesh was killed among many others. Investigations later revealed how the then BNP led coalition government contaminated law-enforcement agencies with selected individuals tasked with assassinating not only the Awami League Chief Sheikh Hasina, but also its entire intellectual think tanks. Mrs Khaleda Zia's eldest son was found to be one of the chief architects of these terrorist criminal enterprises.

37) We respectfully ask the Honorable Senators, whether they are aware that, 'Rapid Action Battalion (RAB)', was the creation of the then BNP-led government?

38) Further, BNP was found to meet the legal threshold of a terrorist organization by the Federal Court of Canada. In the matter of *Gazi v Canada*,<sup>44</sup> His Honor Brown J observed at [42],

*The Applicant alleges that the BNP disavows violence; however, I am far from persuaded on this point. He points to the BNP's Constitution which, while containing vague references to anti-people activity, underground political organizations and armed cadres, does not in fact contain any express disavowal of violence. The Applicant points to disciplinary actions having been taken against party members for disobeying the BNP Constitution, but while evidence of expulsions are in the record, the reasons for those expulsions are not, therefore they do not support the*

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<sup>44</sup> *Gazi v Canada (Citizenship and Immigration)*, 2017 FC 94, 42.

*Applicant's point. Moreover, only a handful of expulsions are reported, a number which pales in comparison with the number of violent incidents and hartals cited by the Officer. In my view, the proffered evidence of expulsions does not assist the Applicant.*

39) This view, that the BNP to be an organization that engages in terrorism, is also supported by a number of other Canadian courts. For example: *SA v Canada (Public Safety and Emergency Preparedness)*,<sup>45</sup> *Kamal v Canada (Immigration, Refugees and Citizenship)*,<sup>46</sup> and *Alam v Canada (Citizenship and Immigration)*.<sup>47</sup>

40) We submit that the Australian counter-terrorism laws are very similar to the Canadian ones. As such, both in terms of the Australian municipal statute and common law precedence, BNP and his allies are terrorist organizations, not to mention the party's strategic partner Jamaat-E-Islami is a party that promotes terrorism worldwide and was engaged in war crimes, crimes against humanity and genocide.

41) We respectfully ask why the Honorable Senators are using such a sacred venue as a platform to advocate for a terrorist organization such as the BNP?

### The Americans

42) The Senators heavily depended on US reports. In deed the Americans are trying to educate us on democracy and human rights lately. They also imposed a number of sanctions on Bangladesh government organizations. The Awami League is in power since 2008. If the data provided by the US Government agencies about Bangladesh are to be

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<sup>45</sup> *S.A. v Canada (Public Safety and Emergency Preparedness)*, 2017 FC 494.

<sup>46</sup> *Kamal v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 480.

<sup>47</sup> *Alam v Canada (Citizenship and Immigration)*, 2018 FC 922.

accepted, then where was US silent all those years about Bangladesh? Why the sudden criticism of Bangladesh Government that started only in the last few years? Is it because of the Bangladesh's refusal to act against Russia in favor of the Americans?

43) Well, the USA has never been just and fair to the Bengalis. For example,

- the United States of America is directly complicit to the genocide of the Bengalis in 1971;
- the US deployed the largest nuclear arsenal<sup>48</sup> in it's NAVY, USS Enterprise,<sup>49</sup> with an order to nuke,<sup>50</sup> in the Bays of Bengal in 1971, if Bangladesh was going to be liberated;
- the US had direct advance knowledge of the brutal assassination of our founding father in 1975<sup>51</sup> and even interacted with the coup plotters<sup>52</sup> and therefore, the US is largely responsible for the unfortunate situation Bangladesh found herself throughout history;
- as such, the US had been largely responsible for the culture of impunity that developed in Bangladesh.

44) Where was USA and its concerns on human rights, when BNP created 'Rapid Action Battalion'?

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<sup>48</sup> **The Enterprise carried enough**, Hans Kristensen, "*Declassified: US Nuclear Weapons at Sea*", Federation of American Scientists report #1, 2016.

<sup>49</sup> **The Enterprise would**, Henry Kissinger, *White House Years*, New York, Simon and Schuster, 2<sup>nd</sup> Ed, 2011, 1505 – 1506.

<sup>50</sup> **Nixon authorized Tissot**, Srinath Raghavan, *1971: A Global History of the Creation of Bangladesh*, Cambridge, Harvard University Press, 2013, 254.

<sup>51</sup> B. Z. Khasru, *The Bangladesh Military Coup and the CIA Link*, New Delhi, Rupa Publications India, 2014.

<sup>52</sup> *Ibid.*

- 45) Perhaps, the following would be helpful to demonstrate that even the Australians are not immune from American culture of impunity from their blatant disregard of the law:

*Senator SHOEBRIDGE: When was Foreign Affairs first notified that the United States embassy in Canberra had advised Australia's chief of Defence that they would not work with Australian special forces because of concerns about serious human rights violations? When was Foreign Affairs first notified?*

*Ms Adams: I don't have any knowledge of those issues. I don't think it involved the Department of Foreign Affairs and Trade.*

*Dr Sawczak: My understanding from the testimony that CDF gave was that the defence attaché at the US embassy got in touch with Defence about that directly. I have no knowledge of DFAT having been involved in that information exchange.*

*Senator SHOEBRIDGE: The US legislation refers to 'gross violations of human rights'. Would it be usual for that to never come across the desk of Foreign Affairs, to go straight from the US embassy to the chief of Defence? Would matters as serious as that never cross the desk of Foreign Affairs?*

*Ms Adams: That is a broad statement. I think the case that we're talking about was a Defense to Defence communication.*

*Senator SHOEBRIDGE: Surely the United States telling Australia, one of its closest allies, that it will not work with one of its most high-profile military units because of credible allegations about gross violations of human rights is a matter that goes to the heart of the relationship between Australia and the United States. You are saying that it has never come across the desk of Foreign Affairs?*

**Ms Adams:** *I don't have anything to add to what we've said.*

**Senator SHOEBRIDGE:** *Wouldn't you expect the United States embassy to raise it with your department or your minister rather than just go straight to a member of the Australian military?*

**CHAIR:** *I think the secretary has already provided you with a response to that broad line of questioning. I will draw your attention making your questions more relevant to the budget papers before us. I think the secretary probably couldn't be any clearer in what she has provided.*

**Senator SHOEBRIDGE:** *You don't consider it at all irregular? A communications from the United States embassy, instead of going through your department, even the Prime Minister's office or the defence minister's office, has gone straight to the head of Australia's military. In your experience, or is it irregular or regular behaviour for the US embassy to directly communicate with our military without going through you?*

**Ms Adams:** *I am not in a position to characterise it in any particular way. I think the US-Australia alliance is very broad. There are a lot of direct communication lines with agencies that don't all go through DFAT. This is a matter that has been communicated from Defense to Defence.*

**Senator SHOEBRIDGE:** *To be clear, it went from the United States embassy to the head of Australia's military, entirely bypassing Foreign Affairs. That is not irregular. That is your evidence, Ms Adams?*

**Dr Sawczak:** *Senator, as CDF noted in the budget estimates committee earlier this week, the communication was from the Defense attache referring to, as I understand the Leahy laws, a statutory provision in the US in relation to potential impediments to defence cooperation or use of government funds towards that*

*end. It's not unusual at all for that contact to be from the US defense representative at the embassy, which represents the entirety of the US government, directly to Defence.*

46) We submit that if the United States wishes to engage with the Government of Bangladesh, or any other government for that matter, respect to the sovereignty of all parties in equal terms is a legitimate expectation, a sentiment clearly expressed by Senator Shoebridge himself.

47) United States is a country known to have waged wars of aggression on other countries,<sup>53</sup> assassinated or plotted to assassinate leaders of other countries<sup>54</sup> as it saw fit, and more importantly, the US deliberately allowed the Genocide of the Bengalis to take place in 1971 and tried to destroy our sense of nationhood by setting the assassins loose on our founding father as well as his entire family and other prominent leaders such as our first Prime Minister Tajuddin Ahmed.

48) We respectfully ask the Senators the following questions:

- Why is it fair that the Senators would rely on the information given by another country, namely the United States, whose international bullying of other countries knows no bound?
- It is clear from Senator Shoebridge's questioning in the Senate that United States does not give a damn about respecting Australia's sovereignty. Given the fact that history of

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<sup>53</sup> For example, Iraq, Laos, Vietnam etc.

<sup>54</sup> *Alleged Assassination Plots Involving Foreign Leaders, An Interim Report of the Select Committee to Study Governmental Operations With respect to Intelligence Activities*, United States Senate, Report No 94-465, November 20, 1975.



American interference of Bangladesh had always been self-serving, why should we believe that the US somehow respects the sovereignty of Bangladesh and wishes us well after all these years of ill-treatments?

- Would the Senators be willing to make a statement at the Commonwealth Parliament asking the US Government to right the wrongs it did to Bangladesh, *firstly*, by acknowledging, *secondly*, by apologizing, *thirdly*, by initiating a prosecution of war crimes committed by the Pakistanis in Bangladesh in 1971, and *fourthly*, prosecuting its own citizen, particularly former Secretary of State Mr Henry Kissinger, for being complicit to crimes against humanity in Bangladesh in 1971?

#### Isolationism policy of the Australian Greens Party

49) We condone all violations of human rights in any part of the world, including Bangladesh. At the same time, we also note that no country in this world is perfect. As for Bangladesh, given the limitations the country has, her imperfections would be much higher than others. However, Bangladesh is trying her best to overcome, despite her many shortcomings.

50) Bangladesh is Australia's friend. Without helps from Australia, many achievements of today's Bangladesh might not have happened. The sanctions advocated by the Senators would traumatize that friendship between these countries. We submit that international sanctions regime should be the last resort before severance of relationship in international diplomacy.

51) The irrevocable harm inflicted by the derogatory language used by the Senators about the Government of Bangladesh in the

Commonwealth Parliament is historical. We respectfully ask the Senators, what objective do they achieve by their apparently targeted isolation tactic of Bangladesh? Can this political culture of isolationism bring equality, justice and the rule of law among nations?

Invitation to engage with Bangladesh diaspora and visit Bangladesh

- 52) It was spectacularly clear that the Senators engaged in dis-reputing a foreign government without knowing them well. Bangladesh's politics is complex. It will be hard to understand that nation by sitting in a far distant land. It will be impossible to understand Bangladesh without knowing her.
- 53) We invite the Senators to engage with all sides of the Bangladesh diaspora in Australia.
- 54) We also invite the Senators to visit Bangladesh to see the country for themselves.
- 55) We submit that it will take time for the nation of Bengali to heal from her past wounds and it would be counterproductive to isolate her during this process. However, if it is the policy of the Australian Greens to generate hatred towards Bangladesh Awami League, the Petitioner respectfully asks that it be said so.

**Conclusion**

The people of Bangladesh are emotional beings. The Bengali people are proud of their cultural identity and sacrificed immensely for it. However, the Bengali peoples, while welcome friendship with other nations, they also reject bullying from superpowers, and, are determined to maintain their right to exist

as a secular and free nation in the world. As the first Prime Minister of the People's Republic of Bangladesh, Tajuddin Ahmed, stated in his first radio broadcast after forming government in April 1971,

*"... as long as the sun will shine in the sky and the moon and the stars will decorate the heavens, Bangladesh (Bengali homeland) will remain free".<sup>55</sup>*

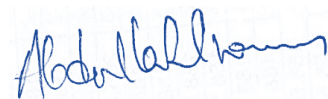
We, the authors of this submission are Australian citizens of Bangladesh origin. We respect and acknowledge the parliamentary sovereignty of the Commonwealth of Australia.

Before concluding, as Australian citizens, in exercising our constitutional right to freedom of speech, we respectfully ask the Senators, whether the Australian people gave them the mandate to act as malicious propaganda instruments against foreign governments?

Faithfully yours,



**Dr M Abul Hasnat (Milton)**  
*President*  
Australia Awami League



**Muhammad Abdullah Al Noman**  
*General Secretary*  
Australia Jubo League

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<sup>55</sup> Tajuddin Ahmed, Prime Minister, People's Republic of Bangladesh, The Dubois County Herald, Indiana, USA, April 14, 1971, page 24.