

Mumbai, March 29, 2015

*Justice Surendra Kumar Sinha,
Chief Justice of Bangladesh.*

Terrorism and Law

Mr. Chairman of the Session

Hon'ble Chief Justices, Judges, Lawyers

Excellencies, Ladies and Gentlemen,

Very good morning/afternoon to you all. It gives me an immense pleasure to be here amidst the galaxy of jurists and legal luminaries of the world. I express sincere thanks to the International Council of Jurists for its holistic approach and arranging this august gathering of the International Jurists.

Most formal definitions of terrorism have the following characteristics:

- i) a fundamental motive to bring social or political change;
- ii) generate a sense of fear by attacking the civilian targets; and
- iii) use of illegal force, explosives or weapons maneuvering the cheaper sentiments of the people on various feudal and religious issues.

Mr. Chairman

It is a very complex and challenging task to address the terrorism phenomenon. While condemnation of terrorist activities by the international community has been unanimous and unequivocal, the efforts so far taken to regulate or combat this phenomenon have been marred by differences of approach and poor competency of the affected countries. Terrorism is one of the threat against which the international community, above all the States must stand together to protect their citizens. It is very difficult to grasp the reasons as to why the people get prepared themselves for such crimes and terrorist activities, which certainly go against the entire humanity. So, the terrorism is considered as a daunting problem in today's world. Over the past months, the ISIS theater of savagery has featured the burning alive of Jordanian pilot, the mass slaughter of Egyptian (Christian) workers, as well as the destruction of antiquities, in addition to its established repertoire of beheading, stoning, limb amputation, and crucifixion. The need to put an end to the depravity that is ISIS is yet to be met with a concerted, deliberate effort capable of securing the result.

In Bangladesh, the risks and vulnerabilities created by terrorism have become a serious threat to our national life and the security. Terrorism has become a threat to the life, economy and political and religious pluralism in Bangladesh. Incidents of religious assassinations, political violence and bombing in public places sometime stun the entire nation.

Mr. Chairman

On 17 August 2005, around 500 bomb explosions occurred at 300 locations in 63 out of the 64 districts in Bangladesh. The bombs exploded within half an hour period starting from 11:30 a.m. A terrorist organization named Jama'atul Mujahideen Bangladesh (JMB), claimed responsibility for the bombings. The group, led by Shaykh Abdur Rahman and Siddiqur Rahman (also known as Bangla Bhai), is alleged to be affiliated with Al Qaeda, although this has not been proven. Another terrorist group, named Harkat-ul-Jihad al-Islami, was found associated with JMB in executing the co-ordinated attack. Following to those acts of bombings and gruesome acts both the groups have been banned by the Government of Bangladesh. The main perpetrators of the terrorist attacks and bombing namely- Bangla Bhai and Shaykh Abdur Rahman, were apprehended by the law enforcing agencies in early March 2006. On conclusion of the trial the Court found them guilty and sentenced them for the charge of murder and terrorist acts along with four other militants, and were executed by hanging in 2007. At all cost, the Bangladesh Government is fully committed to stop terrorism and decided to show zero tolerance to the perpetrators for the interest of the peace and tranquility of our public life.

The world needs to stop backward. Nobody wants that political protests take the form of destruction of assets and deadly arson attacks on human beings. Since January 6, 130 innocent people have died since the starting of the blockade program by a political alliance in Bangladesh. Political violence including petrol bombs attacks on people, torching or vandalising of vehicles and removal of fishplates from railway tracks has been resorted to as a measure of pressing the government to realize political demands. Though killing of the people by terrorist activities cannot be a political procession of deaths in arson attacks and any other violence – related incidents in the country continues for months together. Those who hurl petrol bombs on people and destroy peoples' assets do not have any share in politics and they, in no way, can be treated as political elements.

Despite the meshed and complex roles of religion and secularism in our country, Bangladesh is known to be a moderate and tolerant Muslim majority State— our government ever boast about being so. Avijit Roy, an author, blogger and humanist who wrote on promoting secular freedom and spoke openly about his religious beliefs, while returning home with wife from Boi mela was hacked to death by unidentified assailants on February, 26. Religious extremism in Bangladesh is increasingly becoming a challenging problem and is being recognised as a growing threat. This shocking tragedy once again brings to us a grim reminder of the tragedy that befell one of our great thinkers, Prof. Humayun Azad. This

tragedy of untold magnitude reminds us in clear terms that we are still living in an era of the worst form bigotry. Avijit wrote a status in his Facebook on October 14, 2014. "I do not have much faith in any religion, but many people around and close to me are Muslims. I have no abhorrence or repugnance for them. I rejoice with them in their moments of happiness. I feel pain when oppression befall them. I never hesitate to stand beside the Muslims in Palestine or Kashmir when they become victims of torture and oppression. I did that in the past, I will do that in future. This is the manifestation of my humanism."

Mr. Chairman

Terrorist acts are usually carried out by the extremist groups and even by lone individuals having cross border networks and support. So to move forward, we must address all forms and manifestations of terrorism in every corner of the world by operating a globally acceptable Security Mechanisms avoiding hegemonic interests. Today the entire humanity is standing at the crossroads- one leads to peace and the other leads to violence and uncertainty. Being a peace loving country, Bangladesh has always been fighting against terrorism in many fields including economic and financial areas to check money laundering, illicit drug trafficking etc.

In the National Parliament of Bangladesh Santras Birodh Ain (Ain no. XVI of 2009 was passed to deal with and punish the perpetrators, abettors and other accomplices including the fund-suppliers involved in the terrorist activities in the country. In 2013, the said law was amended in 2013, wherein a list of International Conventions , Instruments and Protocols have been incorporated under the 1st schedule of the law and violation of any provision of those conventions or instruments have been made punishable under the said Act. Under that law, the government has already banned 5 extremist groups or parties. The government has taken a good number of significant initiatives to expedite the trial of the cases pending in the Santras Daman Tribunals functioning in the district Courts. Some other stringent laws are also going to be made to punish the individuals and financial institutions responsible for supplying funds to the terrorist groups by money laundering or otherwise.

Mr. Chairman

The terrorist groups normally do not get any support from the society. For preparation of the bombs they try to exploit the technology and collect the raw materials from readily available chemical substances. Now, the world is standing on the volcano of terrorism. We all should be conscious regarding its extensive impacts and affects on the society. In general, the people want to live in peace and enjoy his life in a secured environment. They don't support any destructive activities. Besides, our next generation does not like such horrors and they want to lead a life having peace avoiding huff and buff. Bangladesh always supports the global war against the terrorism, but its ability to combat the terrorism is undermined by weak institutions, porous borders, and limited law enforcement capacity. Presently the government is trying hard by keeping no stone

untuned for reviving a sense of security amongst its own people, so that they can freely contribute to the national economy and political progress of the country.

Mr. Chairman

Without regional and international co-operation of the States and awareness of the international community it will not be possible to combat the menace of terrorist activities. Let us try to create an international consensus against the morbid and monster terrorist forces of all forms-

that tend to turn the countries into a strange world,

where bread is dear and blood is cheaper,

where crimes of all types flourish,

but cardinal and the logical virtues perish,

I am sure that our noble intentions and endeavours will take us to the desired goal through our concerted efforts to a better future, which is not only the demand for the present, but also the next generation.

I thank you Mr. Chairman and your esteemed organisation for inviting me here and wish this Conference a resounding success.

Thank you again for your patience and hearing me.

Justice Surendra Kumar Sinha
Chief Justice of Bangladesh.