

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** BGD31677  
**Country:** Bangladesh  
**Date:** 21 May 2007

**Keywords:** Bangladesh – Awami League – Bangladesh Nationalist Party – Jamaat-e-Islami – Homosexuals

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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**Questions**

- 1. Please provide information on the security situation for workers of the Awami League given the changed circumstances which currently affect the country. Are Awami League supporters being mistreated by BNP–Jamaat supporters, by the authorities, or by any other group?**
- 2. Please provide information on the situation in Bangladesh for homosexual men.**

**RESPONSE**

- 1. Please provide information on the security situation for workers of the Awami League given the changed circumstances which currently affect the country. Are Awami League supporters being mistreated by BNP–Jamaat supporters, by the authorities, or by any other group?**

Since a State of Emergency was declared on 11 January 2007 there have been widespread arrests of political party leaders and senior officials of the Awami League (AL), the Bangladesh Nationalist Party (BNP) and their affiliates, including *Jamaat-e-Islami* (Jamaat), on charges of corruption. The level of political violence has reportedly decreased significantly since the widespread clashes between AL and BNP/Jamaat during the last 2-3 months of 2006 (see sub-heading below: [AL-BNP clashes late-2006](#)). The General Elections which were scheduled to take place on 22 January 2007 were postponed and are currently envisaged to take place in 2008. The interim government leader is Fakhruddin Ahmed, a former head of the central bank, who succeeded Iajuddin Ahmed on 12 January 2007 (UK Home Office 2007, *Country of Origin Information Bulletin – Bangladesh*, 16 January – Attachment 1; ‘Bangladesh President Dr. Iajuddin favours election before the end of 2008’ 2007, *The Bangladesh Journal*, 9 May <http://www.bangladeshjournal.com/article/Bangladesh/130/> – Accessed 17 May 2007 – Attachment 2).

A ban on political activity remains in place at the time of writing, though several political officials including the US Ambassador to Bangladesh, Patricia Butenis, “have stressed the need for lifting the ban in the country so that the political parties can move towards reforms” (‘Butenis for lifting ban on political activities’ 2007, *The Daily Star*, 17 May <http://www.thedailystar.net/2007/05/17/d7051701085.htm> – Accessed 17 May 2007 – Attachment 3). Awami League (AL) President Sheikh Hasina returned to Bangladesh on 8 May 2007 – after the caretaker government lifted the ban on her return a week before – to a reported 20,000 supporters who lined the road from Dhaka airport. Hasina has also called for the government to lift the current ban on political activity and for elections to be held immediately (‘Crowds hail return of exiled Hasina’ 2007, *The Australian*, 8 May <http://www.theaustralian.news.com.au/story/0,20867,21690874-2703,00.html> – Accessed 17 May 2007 – Attachment 4). There still exists an arrest warrant for Hasina and other AL officials for their alleged involvement in the murder of five Jamaat workers in October 2006. On the same day a Worker Party activist was reportedly murdered and ten Jamaat activists face murder charges for their alleged involvement (‘Warrants issued against Hasina, Nasim and another in Jamaat workers murder case’ 2007, *United News of Bangladesh Limited*, 22 April – Attachment 5).

With regard to the current levels of political violence in Bangladesh, recent advice received from the Department of Foreign Affairs and Trade, Dhaka in May 2007 states that “[p]olitical persecution of opponents has been practised by both the BNP and the Awami League (AL) in the past but this has ceased under the State of Emergency”. The following pertinent extracts expound:

Under the State of Emergency, all power is vested in the Caretaker Government, which is backed by the military. Political persecution of opponents has been practised by both the BNP and the Awami League (AL) in the past but this has ceased under the State of Emergency, which has deprived all parties of the machinery of state which they used corruptly for political persecution and personal vendettas conducted in the name of politics.

The student wings of all the political parties face the prospect of an outright ban on their activities.

#### **E. What is the current level of political violence, including retaliation against opponents?**

Politically motivated violence has all but disappeared under the Caretaker Government. A survey of popular attitudes conducted recently by The Asia Foundation in all districts of Bangladesh found that levels of criminality, particularly extortion which was often conducted with impunity by politically-connected individuals, have fallen dramatically, with former practitioners either arrested, detained, fled or gone underground. Much of the so-called political violence was common criminality being conducted under the guise of politics.

Some salient results from the surveys conducted in February and March as follows:

- About 60 percent of respondents noted improved law and order was the predominant aspect of the current situation that provided assurances to the community;
- Almost 95 percent of respondents noted the virtual disappearance of politically patronised criminals in the community since the Caretaker Government assumed power, while 90 percent reported a decline in the incidence of criminal activities;

- Approximately 80 percent of respondents reported a considerable improvement in the behaviour and practice of the police (Department of Foreign Affairs and Trade 2007, *DFAT Report 636: RRT Information Request: BGD31628*, 3 May – Attachment 6).

On 17 January 2007 *BBC News* reported that the army, police and Rapid Action Battalion (RAB) had arrested at least 57 people in a nationwide operation:

A number of district-level leaders of BNP [Bangladesh Nationalist Party] and Awami League (AL) and of their front organizations, and some ward commissioners backed by the two parties were arrested yesterday as the army, police and Rapid Action Battalion (Rab) continued their anti-crime crackdown across the country, arresting at least 57.

...According to a home ministry news release, police and Rab arrested over 1,700 people including 44 persons who had already been convicted of crimes, 993 others facing arrest warrants, and 668 accused in different cases in the 24 hours preceding 6.00 p.m. yesterday.

They recovered 13 firearms, two other weapons, as many shutter guns, a pistol, three locally made guns, an airgun and 61 bullets. Eleven people were charged with illegal possession of firearms.

The army arrested 56 criminals form [sic] across the country since 10 January, the release added.

In Chittagong, army personnel picked up Dastagir Chowdhury, former deputy mayor of Chittagong City Corporation (CCC) who is also a former general secretary (GS) of Chittagong city unit BNP, and Shaykh Nurullah Bahar, GS of BNP-backed Bandar CBA, from their houses in Kadamtali and Chittagong port area respectively yesterday.

... Police later produced Dastagir and Nurullah with two previously arrested AL-backed ward commissioners of Chittagong City Corporation (CCC) – Mohammad Hossain Hiron and Md Aslam – before the court of chief metropolitan magistrate (CMM) of Chittagong. The court sent all the four to jail, rejecting their bail prayers ('Bangladesh Awami League, BNP leaders arrested in nationwide raids' 2007, *BBC Monitoring South Asia*, 17 January – Attachment 7).

### **AL-BNP clashes late-2006**

Set out below are a number of reports of clashes between AL activists and BNP/Jammat activists during November and December 2006. Widespread violence erupted in the lead-up to the planned elections in January 2007 which did not take place. AL reportedly threatened to boycott the polls and call a general strike, claiming that the chief election commissioner and his deputies were favourably linked to the BNP. The following pertinent attachments, appearing in chronological order, expound:

- On 14 November 2006, *United News of Bangladesh* reported that the "Mayor of Chittagong and Awami League leader ABM Mohiuddin Chowdhury has threatened of [sic] complete hartal in the port city" if police did not take action against BNP activists (4-party alliance) for allegedly attacking an AL rally (14-party alliance) in Chittagong ('Supporters of AL, BNP locked in clash in Chittagong City' 2006, *United News of Bangladesh Limited*, 14 November – Attachment 8).
- On 15 November 2006, *United News of Bangladesh* reported that at least eight AL activists were wounded in an attack by BNP activists in Comilla ('Eight AL activists

wounded in BNP attack on rally in Comilla' 2006, *United News of Bangladesh Limited*, 15 November – Attachment 9).

- On 18 November 2006, *United News of Bangladesh* reported a clash between AL and BNP activists in Jamalpur that reportedly left three AL supporters wounded. The clash began when BNP activists allegedly “pelted stones at the residence of AL leader Mirza Azam” (‘Clash AL-BNP clash leaves 3 persons wounded in Jamalpur’ 2006, *United News of Bangladesh Limited*, 18 November – Attachment 10).
- On 20 November 2006, *United News of Bangladesh* reported a clash between AL and BNP activists in Sirajganj which left around 35 injured (‘Over 35 activists injured in AL-BNP clash in Sirajganj’ 2006, *United News of Bangladesh Limited*, 20 November – Attachment 11).
- Also reported on 20 November 2006, a clash reportedly erupted between AL and BNP activists in Bogra when BNP supporters allegedly resisted AL workers “while trying to close down some shops at the local bus stand” (‘30 hurt in AL-BNP clash in Bogra’ 2006, *United News of Bangladesh Limited*, 20 November – Attachment 12).
- Also reported on 20 November 2006, in the town of Bagerhat “[w]itnesses said Awami League activists enforcing the blockade came under attack by BNP activists at about 11 am leading to the clash when both sides used brickbats, sticks and sharp weapons (‘AL-BNP clash leaves 12 wounded in Bagerhat’ 2006, *United News of Bangladesh Limited*, 20 November – Attachment 13).
- On 23 November 2006, clashes between AL and BNP activists were reported in Narsingdi, Cox’s Bazar and Jamalpur. In all three reports BNP activists were the alleged perpetrators (‘BNP attack on AL office leaves 10 wounded in Narsingdi’ 2006, *United News of Bangladesh Limited*, 23 November – Attachment 14; ‘30 injured in AL-BNP clash in Cox’s Bazar’ 2006, *United News of Bangladesh Limited*, 23 November – Attachment 15; ‘20 injured in AL-BNP clash in Jamalpur’ 2006, *United News of Bangladesh Limited*, 23 November – Attachment 16).
- On 24 November 2006, at least 50 people were reportedly injured in a clash between BNP and AL activists in Bhola. According to witnesses, “BNP workers attacked a ‘victory’ procession of the 14-party alliance” (‘50 hurt in AL-BNP clash in Bhola’ 2006, *United News of Bangladesh Limited*, 24 November – Attachment 17).
- On 29 November 2006, a clash between AL and Jamaat supporters reportedly left 35 injured in Sirajganj. Jamaat supporters allegedly attacked an AL meeting (‘AL-Jamaat clash leaves 35 injured in Sirajganj’ 2006, *United News of Bangladesh Limited*, 29 November – Attachment 18).
- On 5 December 2006, *United News of Bangladesh* reported that BNP activists attacked AL workers in two villages in Comilla. In a further incident, BNP activists “attacked and ransacked a house of local AL leader Hasan Ali at Atiti village leaving 12 injured” (‘BNP activist attack AL workers in Comilla; 22 injured’ 2006, *United News of Bangladesh Limited*, 5 December – Attachment 19).
- On 16 December 2006, a clash reportedly took place between AL and Jamaat activists in Pabna. Locals alleged the clash erupted when “Awami League processionists damaged a

Bejoy Mancha erected by Jamaat on the occasion of Victory Day” (‘10 hurt in AL-Jamaat clash in Pabna’ 2006, *United News of Bangladesh Limited*, 16 December – Attachment 20).

- On 21 December 2006, AL and BNP reportedly clashed in Munshiganj. According to the report, “[t]he clash took place when BNP activists defying hartal came in procession to file nomination papers on behalf of Mizanur Rahman Sinha” (‘25 people hurt in AL-BNP clash at Louhajang’ 2006, *United News of Bangladesh Limited*, 21 December – Attachment 21).
- On 23 December 2006, *United News of Bangladesh* reported that “a local Jamaat leader was killed and 20 people were injured in a fierce clash between Awami League and Jamaat activists at Hazarbigi Bazar in Shibganj upazila” (‘Jamaat leader killed in clash with AL in C’nawabganj’ 2006, *United News of Bangladesh Limited*, 16 December – Attachment 22).

See also *RRT Research Response BGD31671*, completed in April 2007, which provides a thorough background to the political relationship between AL and BNP including recent developments (RRT Country Research 2007, *Research Response BGD31671*, 20 April – Attachment 23).

## **2. Please provide information on the situation in Bangladesh for homosexual men.**

Homosexuality remains illegal in Bangladesh, punishable by life in prison, though this is reportedly rarely enforced. *BBC* correspondent, Roland Buerk, wrote in 2005 that “the condemnation from society of anyone found to be gay is deterrent enough for most to remain very firmly shut in the closet”. The following extracts from the UK Home Office’s 2007 report on Bangladesh elaborate further:

### **Lesbian, Gay, Bisexual And Transgender Persons**

23.01 In a *BBC News* report of 21 June 2005, Roland Buerk wrote: “Non-traditional sexuality of any kind is deeply frowned upon in Bangladesh which, although a relatively tolerant Muslim country, remains conservative in sexual matters. Laws dating from the British Raj era making sodomy a crime punishable by life in prison are still on the statute books. In reality they are rarely enforced. The condemnation from society of anyone found to be gay is deterrent enough for most to remain very firmly shut in the closet.” [20q] Afsan Chowdhury of *Himal Magazine* commented as follows in an article in 2004:

“Being gay in Bangladesh isn’t easy because society responds differently to sexuality in public and in private ... People involved with gay issues say that between 5 to 10 percent of the population is homosexual. That would mean at least 6 to 12 million Bangladeshis, more than the total population of many countries, prefer the same sex. Even if that estimate is considered to be on the higher side and is reduced by half, the number left would still be significant ... One of the reasons that homosexuality is treated so gingerly is that the country’s Criminal Code decrees sodomy (homosexuality or advocacy of the same) a crime which is punishable with a jail sentence ... Demonstration of homosexual tendencies for short periods is quite common in Bangladeshi society. Those practising it are not ostracised, although if caught, are ridiculed ... Male homosexuality is tolerated despite religious sanction. Yet divorce citing gay behaviour by any partner is not known.”

23.02 According to the International Lesbian and Gay Association (ILGA) website, accessed on 4 October 2006, same-sex male and same-sex female relationships are both deemed to be illegal. Section 377 of the Penal (Criminal) Code provides: “Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may be extended to ten years, and shall also be liable to fine”. ILGA has quoted the following from a statement made by a Bangladeshi lawyer to the Swedish Embassy in Dhaka: “You will notice that the words ‘homosexual’ or ‘homosexuality’ have not been used in the statute. The instances of prosecution under this section [are] extremely rare. In my twenty years of law practise, I have not known or heard of a case where a person has been prosecuted for or convicted of homosexuality under the aforesaid section. Such a prosecution in fact would be extremely difficult, if not impossible, for lack of witness or evidence.”

23.03 Commenting on the situation of lesbians in Bangladesh, journalist Richard Ammon noted in June 2006: “The fate of virtually all Islamic women here is marriage and motherhood. Anyone stepping outside that frame by expressing independence or, far worse, as a lesbian, renders herself un-marriageable and sets her on a likely course of rejection and social derision.” (GlobalGayz.com) Afsan Chowdhury of Himal Magazine had observed in 2004 that lesbianism “is kept a secret fearing loss of marriage prospects. And marriage, after all, is society’s idea of a woman’s ultimate nirvana ... Society frowns upon single women, and the social pressure to marry – doesn’t matter who to – is intense. Most succumb to it, despite their sexual preferences, and end up miserably knotted ... The tolerance level for lesbians is very low in Bengali society.” (UK Home Office 2007, *Bangladesh Assessment*, 26 February, Section 23 – Attachment 24).

The US Department of State’s 2006 report on Bangladesh states the following with regard to homosexuality and the lack of information available due to victims’ desire for anonymity:

Homosexual acts are illegal; however, in practice the law is rarely invoked. The law states that “whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.”

There were a few informal support networks for homosexual men, but organizations to assist lesbians were almost non-existent.

Incidents of attacks on homosexuals were difficult to track because victims’ desired confidentiality and local human rights groups did not monitor this area, but they were known to occur. Government safeguards in this area were nonexistent. There were few studies on homosexuality in the country, and information was difficult to collect. According to one report by Human Rights Watch (HRW) in 2002, homosexual men were subject to harassment and rape by police and local criminals without proper methods of recourse, due to societal discrimination. HRW also found that homosexual men often faced threats of extortion. According to HRW considerable official and societal discrimination existed against those who provided HIV prevention services and against high-risk groups likely to spread HIV/AIDS (US Department of State 2007, *Country Report on Human Rights Practices for 2006 – Bangladesh*, 6 March – Attachment 25).

On 16 April 2003, the *Sydney Star Observer*, an Australian gay & lesbian newspaper, published an article regarding the situation for homosexual practice in Bangladesh and the unusual opinions on the causes of homosexuality provided by two alleged ‘experts’ in Dhaka. The pertinent extracts follow:

Quite a lot is known about homosexual practice in Bangladesh, thanks to the work of an Australian gay man, Professor Gary Dowsett, who wrote a research paper, *Men Who Have Sex With Men In Bangladesh*, as part of an HIV-related research project.

...All this, he notes, has nothing to do with western “gay identity”, although this is now also starting to appear.

Until recently homosexuality was almost never spoken about in public.

...Dr Safiul Azam, associate professor of Sociology at Dhaka University, went on to say homosexuality was increasing at the rate of 3.5 percent a year.

Dr Azam’s explanation for this was arsenic contamination of the drinking water supply. “With a steady injection of arsenic in their blood stream over a week, 94 percent of African mice invariably lost the ability to distinguish between cheese on mouse traps and those on plain white paper.”

The connection between cheese discernment in mice and homosexuality was apparently too obvious to explain.

... Another Daily Star writer took the view that homosexuality resulted from the pernicious effects of Indian movies.

“Girls these days are watching Hrithik Roshan movies and naturally that makes them want guys to be all six feet tall and good dancers,” the writer claimed.

“Their expectations are just way too high for the average Bangladeshi.

“Many of us have reluctantly resorted to this ‘alternative’ lifestyle with similarly frustrated male friends because of their hard luck in getting a decent date.”

... Recently the United States granted political asylum to a Bangladeshi gay man who was, he said, threatened with stoning by Islamic fundamentalists.

The man also reported being raped by police, forced into electroshock treatment and ordered by his family to enter into an arranged marriage (Carr, A. 2003, ‘Why gay men flee Bangladesh’, *Sydney Star Observer*, 16 April [http://www.ect.org/news/2003-4-16\\_sydneygay.html](http://www.ect.org/news/2003-4-16_sydneygay.html) – Accessed 11 May – Attachment 26).

## **List of Sources Consulted**

Department of Foreign Affairs and Trade

### Internet Sources:

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### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. UK Home Office 2007, *Country of Origin Information Bulletin – Bangladesh*, 16 January.
2. ‘Bangladesh President Dr. Iajuddin favours election before the end of 2008’ 2007, *The Bangladesh Journal*, 9 May <http://www.bangladeshjournal.com/article/Bangladesh/130/> – Accessed 17 May 2007.
3. ‘Butenis for lifting ban on political activities’ 2007, *The Daily Star*, 17 May <http://www.thedailystar.net/2007/05/17/d7051701085.htm> – Accessed 17 May 2007.
4. ‘Crowds hail return of exiled Hasina’ 2007, *The Australian*, 8 May <http://www.theaustralian.news.com.au/story/0,20867,21690874-2703,00.html> – Accessed 17 May 2007.
5. ‘Warrants issued against Hasina, Nasim and another in Jamaat workers murder case’ 2007, *United News of Bangladesh Limited*, 22 April. (FACTIVA)
6. Department of Foreign Affairs and Trade 2007, *DFAT Report 636: RRT Information Request: BGD31628*, 3 May.
7. ‘Bangladesh Awami League, BNP leaders arrested in nationwide raids’ 2007, *BBC Monitoring South Asia*, 17 January. (FACTIVA)
8. ‘Supporters of AL, BNP locked in clash in Chittagong City’ 2006, *United News of Bangladesh Limited*, 14 November. (FACTIVA)
9. ‘Eight AL activists wounded in BNP attack on rally in Comilla’ 2006, *United News of Bangladesh Limited*, 15 November. (FACTIVA)
10. ‘Clash AL-BNP clash leaves 3 persons wounded in Jamalpur’ 2006, *United News of Bangladesh Limited*, 18 November. (FACTIVA)
11. ‘Over 35 activists injured in AL-BNP clash in Sirajganj’ 2006, *United News of Bangladesh Limited*, 20 November. (FACTIVA)
12. ‘30 hurt in AL-BNP clash in Bogra’ 2006, *United News of Bangladesh Limited*, 20 November. (FACTIVA)
13. ‘AL-BNP clash leaves 12 wounded in Bagerhat’ 2006, *United News of Bangladesh Limited*, 20 November. (FACTIVA)
14. ‘BNP attack on AL office leaves 10 wounded in Narsingdi’ 2006, *United News of Bangladesh Limited*, 23 November. (FACTIVA)
15. ‘30 injured in AL-BNP clash in Cox’s Bazar’ 2006, *United News of Bangladesh Limited*, 23 November. (FACTIVA)



16. '20 injured in AL-BNP clash in Jamalpur' 2006, *United News of Bangladesh Limited*, 23 November. (FACTIVA)
17. '50 hurt in AL-BNP clash in Bhola' 2006, *United News of Bangladesh Limited*, 24 November. (FACTIVA)
18. 'AL-Jamaat clash leaves 35 injured in Sirajganj' 2006, *United News of Bangladesh Limited*, 29 November. (FACTIVA)
19. 'BNP activist attack AL workers in Comilla; 22 injured' 2006, *United News of Bangladesh Limited*, 5 December. (FACTIVA)
20. '10 hurt in AL-Jamaat clash in Pabna' 2006, *United News of Bangladesh Limited*, 16 December (FACTIVA)
21. '25 people hurt in AL-BNP clash at Louhajang' 2006, *United News of Bangladesh Limited*, 21 December. (FACTIVA)
22. 'Jamaat leader killed in clash with AL in C'nawabganj' 2006, *United News of Bangladesh Limited*, 16 December. (FACTIVA)
23. RRT Country Research 2007, *Research Response BGD31671*, 20 April.
24. UK Home Office 2007, *Bangladesh Assessment*, 26 February, Section 23.
25. US Department of State 2007, *Country Report on Human Rights Practices for 2006 – Bangladesh*, 6 March.
26. Carr, A. 2003, 'Why gay men flee Bangladesh', *Sydney Star Observer*, 16 April [http://www.ect.org/news/2003-4-16\\_sydneygay.html](http://www.ect.org/news/2003-4-16_sydneygay.html) – Accessed 11 May.