

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** BGD34262  
**Country:** Bangladesh  
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**Keywords:** Bangladesh – BGD34262 – State of Emergency – Caretaker Government – Bangladesh Nationalist Party – Awami League – Parliamentary Elections 29 December 2008 – Political Violence – False Cases

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**Questions**

- 1. Please provide an overview of the events leading to the most recent general election held in Bangladesh, the election results, and any significant events following the election.**
- 2. Please provide information on the current state of the two parties (BNP and AL), and the manner in which their respective candidates, members, and supporters conducted themselves in the 2 year period prior to the election, during the election, and the immediate aftermath of the election. Is there any information to indicate that BNP members and supporters have recently been subjected to intimidation, violence and mistreatment by members and supporters of the Awami League; is the situation likely to be different in cases of high profile BNP members?**
- 3. Is there any information to indicate that BNP members and supporters have recently been subjected to intimidation, violence and mistreatment by the police or security forces; is the situation likely to be different in cases of high profile BNP members?**
- 4. Please provide information on the recent situation in Dhaka for BNP members and supporters.**
- 5. Has the nature and the level of political violence in Bangladesh changed?**
- 6. Is there any information to suggest that false charges filed against political activists of one party by another party prior to the emergency rule are likely to have survived the political changes in Bangladesh over the last two years?**
- 7. Is there any information to suggest that cases filed against a BNP activist filed prior to 2001 are likely to be pursued by the newly elected AL government or any of its organs?**

**RESPONSE**

- 1. Please provide an overview of the events leading to the most recent general election held in Bangladesh, the election results, and any significant events following the election.**

Reports were found to indicate that following the declaration of a state of emergency in Bangladesh on 11 January 2007, and the installation of the military-backed caretaker government headed by Chief Adviser Fakhruddin Ahmed the following day, the Bangladesh Electoral Commission announced its intention to conduct a comprehensive review of the Bangladesh electoral roll, and to delay until late 2008 the parliamentary elections which had been originally scheduled for 22 January 2007. An International Crisis Group report from April 2008 indicates that in addition to conducting electoral reforms, the caretaker government attempted to marginalise Awami League leader Sheikh Hasina and Bangladesh Nationalist Party (BNP) leader Khaleda Zia from the political arena. As part of what became known as the “minus-two” strategy, both leaders were arrested on various corruption charges, Hasina on 16 July 2007 and Zia on 3 September 2007, after earlier attempts to force the two women into exile failed. Both leaders were subsequently released, Hasina in July 2008 and Zia in September 2008 (for information on the imposition of the state of emergency in Bangladesh and proposed electoral reforms see Freedom House 2008, ‘Freedom in the World: Bangladesh’ – Accessed 31 July 2008 – Attachment 1; International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, 28 April – Attachment 2; and ‘No B’desh polls ‘for 18 months’ 2007, *BBC News*, 5 April [http://news.bbc.co.uk/2/hi/south\\_asia/6529517.stm](http://news.bbc.co.uk/2/hi/south_asia/6529517.stm) – Accessed 19 January 2009 – Attachment 61; for information on the arrest and release of Hasina and Zia see International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, International Crisis Group website, 28 April, p. 21 [http://www.crisisgroup.org/library/documents/asia/south\\_asia/151\\_restoring\\_democracy\\_in\\_bangladesh.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/151_restoring_democracy_in_bangladesh.pdf) – Accessed 25 June 2008 – Attachment 2; ‘Former Bangladesh PM is released’ 2008, *BBC News*, 11 June [http://news.bbc.co.uk/2/hi/south\\_asia/7447772.stm](http://news.bbc.co.uk/2/hi/south_asia/7447772.stm) – Accessed 15 January 2009 – Attachment 9; and Mia, Salim 2008, ‘Ex-Bangladesh PM freed, says party will contest polls’, 11 September – Attachment 12).

According to media reports, the revision of the electoral rolls, from which up to 13 million fake voter identities had been purged, was completed in July 2008, and on 20 September 2008, Fakhruddin Ahmed announced that parliamentary polls would take place on 18 December 2008, followed closely by *upazila*, or sub-district, elections on 24 and 28 December. The election dates were revised after complaints and boycott threats by BNP leader Khaleda Zia; on 23 November, the parliamentary polls were re-scheduled to 29 December 2008, and the *upazila* polls to 22 January 2009. The state of emergency was lifted completely on 17 December 2008, and the ninth elections for Bangladesh’s National Parliament, the *Jatiyo Sangsad*, were held as scheduled on 29 December under tight security, with more than half a million police and security personnel deployed. The Awami League won by large majority, gaining 230 of 300 parliamentary seats, while the BNP won only 30. BNP ally Jamaat-e-Islami won two seats. Media reports were located to indicate that international observers, including the European Union Election Observation Mission, endorsed the election results, and despite initially disputing the credibility of the polls, Khaleda Zia conceded defeat. On 6 January 2009, Sheikh Hasina was sworn in as Bangladesh Prime Minister (for information on the electoral rolls and negotiations over election dates see Dummet, Mark 2008, ‘Bangladesh voters’ lists ‘ready’, *BBC News*, 22 July 2008 [http://news.bbc.co.uk/2/hi/south\\_asia/7519619.stm](http://news.bbc.co.uk/2/hi/south_asia/7519619.stm) – Accessed 19 January 2009 – Attachment 62; ‘JS polls on Dec 18’ 2008, *The Daily Star*, 21 September <http://www.thedailystar.net/story.php?nid=55807> – Accessed 9 January 2009 – Attachment 13; Dummet, Mark 2009, ‘BNP drops Bangladesh poll boycott’, *BBC News*, 20 November [http://news.bbc.co.uk/2/hi/south\\_asia/7740622.stm](http://news.bbc.co.uk/2/hi/south_asia/7740622.stm) – Accessed 16 January 2009 –

Attachment 17; and ‘JS elections on Dec 29, upazila on Jan 22’ 2008, *The Daily Star*, 24 November <http://www.thedailystar.net/story.php?nid=64700> – Accessed 16 January 2009 – Attachment 18; for information on the lifting of the state of emergency and on the conduct of the parliamentary elections on 29 December see Liton, Shakhawat 2008, ‘Emergency out, rights in’, *The Daily Star*, 17 December <http://www.thedailystar.net/story.php?nid=67449> – Accessed 7 January 2009 – Attachment 20; and Bangladesh votes under heavy security’ 2008, *The Age*, 29 December <http://news.theage.com.au/world/bangladesh-votes-under-heavy-security-20081229-76jh.html> – Accessed 7 January 2009 – Attachment 21; for reports of the parliamentary polls and the swearing in of the new Awami League administration see ‘Total seats won by political parties (unofficial)’ (Undated), Bangladesh Government web portal <http://123.49.39.5/result/report4.php?lang=en> – Accessed 14 January 2009 – Attachment 25; ‘Bangladesh election flawed: defeated PM’ 2008, Yahoo7News website, 31 December <http://au.news.yahoo.com/a/-/world/5239381> – Accessed 8 January 2009 – Attachment 27; ‘Accept polls results to strengthen democracy’ 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69530> – Accessed 8 January 2009 – Attachment 28; ‘Khaleda accepts defeat in ‘rigged’ Bangladesh poll’ 2009, *Daily Times*, 2 January [http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story\\_2-1-2009\\_pg20\\_1](http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story_2-1-2009_pg20_1) – Accessed 8 January 2009 – Attachment 29; and ‘Liton, Shakhawat & Tusher, Hasan Jahid 2009, ‘Hasina sworn in as PM’ *The Daily Star*, 7 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70372> – Accessed 12 January 2009 – Attachment 30).

Reports were located of numerous incidents of election-related violence occurring across Bangladesh in the wake of the parliamentary polls. A *Daily Star* article published on 2 January 2009 indicated that “[a]t least four people have been killed and over 150 injured in post election violence across the country so far”. A subsequent article published by *The New Nation* on 19 January 2009 indicates that according to media reports, “[a]t least 20 people have been killed and more than 1000 injured in different post-election violence across the country between supporters of the country’s two main political parties”, while also noting that according to police, “there have been four election-related deaths” since the December 29 election. For a more detailed discussion of election-related violence see Question Two and Question Five of this response (for the reports on election related violence discussed above see ‘50 hurt in post-polls violence’ 2009, *The Daily Star*, 2 January <http://www.thedailystar.net/newDesign/news-details.php?nid=69681> – Accessed 8 January 2009 – Attachment 55; and Rashid, Manumur 2009, ‘Stop violence for peaceful Upazila election’, *The New Nation*, 19 January <http://nation.ittefaq.com/issues/2009/01/19/news0019.htm> – Accessed 19 January 2009 – Attachment 92).

Media reports were located to indicate that owing to continuing incidents of post-election violence across Bangladesh, the *upazila* polls scheduled for 22 January 2009 would be held under heavy security. A article published by the *New Age* states that “[b]uoyed by their landslide victory in the 29 December general elections, the Awami League activists are dominating the campaigns for the upazila polls”, and that “[c]andidates nominated for the upazila polls by the BNP and its allies have reportedly withdrawn from the race fearing that the local polls may not be free and fair” (for reports on the *upazila* polls see ‘Upazila electioneering picks up steam’ 2009, *New Age*, 6 December <http://www.newagebd.com/2009/jan/06/front.html> – Accessed 16 January 2009 – Attachment 32; Liton, Shakhawat & Islam, Shariful ‘5 lakh-strong security to guard UZ polls’ 2009, *The Daily Star*, 8 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70501> –

Accessed 8 January 2009 – Attachment 33; and ‘Army to be deployed in UZ polls’ 2009, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70646> – Accessed 12 January 2009 – Attachment 34).

A review of source information is provided below under the following subheadings:

- [Background to the Caretaker Government and State of Emergency](#)
- [Preparations for Parliamentary Elections 2007-2008](#)
- [Conduct and Results of Parliamentary Polls 29 December 2008](#)
- [Events following Parliamentary Elections](#)
- [Upazila Elections Scheduled for 22 January 2009.](#)

### **Background to the Caretaker Government and State of Emergency**

A 2008 Freedom House report provides the following summary of the events surrounding the imposition of the state of emergency in Bangladesh on 11 January 2007:

Partisan disagreement over plans for January 2007 general elections led to heightened political tension and violence throughout 2006. The AL and its allies demanded reform of Bangladesh’s caretaker government (CG) system, in which a theoretically nonpartisan government takes power temporarily to oversee parliamentary elections. The AL, echoing local and international monitoring groups, also raised concerns regarding the conduct and impartiality of the Election Commission (EC) and the preparation of a new voter list. After three days of violent rallies over the proposed “chief adviser,” or head of the CG, President Iajuddin Ahmed appointed himself chief adviser, but the AL accused him of partisanship and objected to his dual role as president and CG head. In late November, the AL’s legal challenge to the president’s actions was stayed by the Supreme Court, leading to riots and claims that the higher judiciary had become politicized. In December, President Ahmed deployed the army to maintain law and order, and demonstrations at the presidential palace were banned. Meanwhile, the AL continued to call for nationwide strikes and threatened to boycott the elections unless their demands were met.

Faced with the possibility of an election that lacked both domestic and international credibility, the army on January 11, 2007, pressured the president to declare a state of emergency, cancel the elections, and resign as head of the CG. A new, military-backed CG, headed by technocrat Fakhruddin Ahmed, was appointed the next day, and it soon announced plans to tackle endemic corruption and prepare for new elections (postponed to an unspecified date, probably no sooner than the end of 2008). Under emergency regulations, freedoms of assembly and association were suspended, and controls were placed on the media. All political activity was banned, including indoor meetings, marches, and rallies; in addition, the right to appeal for bail was suspended. The state of emergency was indefinitely extended after it initially expired in May, and most restrictions remained in place through year’s end, although the ban on indoor political meetings was lifted in September (Freedom House 2008, ‘Freedom in the World: Bangladesh’ – Accessed 31 July 2008 – Attachment 1).

An International Crisis Group report published on 28 April 2008 provides a detailed discussion of the 2007-2008 state of emergency in Bangladesh (International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, 28 April – Attachment 2).

Question 1 of previous RRT *Research Response BGD32131* of 6 August 2007 refers to source material on the caretaker government and the circumstances in which the state of emergency was declared in Bangladesh in January 2007 (RRT Research & Information 2007, *Research Response BGD32131*, 6 August – Attachment 3).

## **Preparations for Parliamentary Elections 2007-2008**

According to a *BBC News* article published on 5 April 2007, the Bangladesh Electoral Commission announced that parliamentary polls initially scheduled for 22 January 2007 would be delayed for “at least 18 months” to allow for a review of the electoral roll and the promulgation of new election laws; an article published by *The Daily Star* on 16 July 2007 reports on an announcement by the Bangladesh Electoral Commission regarding its plan for an overhaul of voter rolls, indicating that “a voter list with photographs will be ready by October 2008 and the parliamentary poll will definitely be held by December of the same year” (‘No B’desb polls ‘for 18 months’ 2007, *BBC News*, 5 April [http://news.bbc.co.uk/2/hi/south\\_asia/6529517.stm](http://news.bbc.co.uk/2/hi/south_asia/6529517.stm) – Accessed 19 January 2009 – Attachment 61; Liton, Shakhawat, 2007, ‘Voter list by Oct ‘08, poll by Dec’, *The Daily Star*, 16 July <http://www.thedailystar.net/2007/07/16/d7071601011.htm> – Accessed 7 January 2009- Attachment 4).

An International Crisis Group report from April 2008 comments on efforts by the caretaker government in 2007 “to remove Sheikh Hasina and Khaleda Zia from politics and weaken their parties”, known as the “minus-two” strategy. The report states that after circumventing attempts to force them into exile, both Sheikh Hasina and Khaleda Zia were arrested on corruption charges (Hasina on 16 July 2007, and Zia on 3 September 2007), and provides background information on the circumstances of these arrests (International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, International Crisis Group website, 28 April, p. 21

[http://www.crisisgroup.org/library/documents/asia/south\\_asia/151\\_restoring\\_democracy\\_in\\_bangladesh.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/151_restoring_democracy_in_bangladesh.pdf) – Accessed 25 June 2008 – Attachment 2).

An International Crisis Group report from December 2008 states that on 19 August 2008, the Caretaker Government issued the Representation of the People Order 2008 (RPO), which sets out the framework for the conduct of elections in Bangladesh:

Following the cancelled January 2007 polls the CTG amended the electoral framework with the stated aim of encouraging competent and non-corrupt candidates and limiting the influence of illegal wealth. The changes were made without consultation; the parties, which demanded the release of their jailed leaders, saw the EC’s subsequent attempts to win their support as halfhearted. Once Sheikh Hasina and Khaleda Zia were released, agreement was reached on most aspects of the election framework, with the exception of the state of emergency and one controversial article provision.

...The RPO requires political parties to register with the EC to contest the elections; to date, 39 parties have registered. Criteria for registration include: instituting regular internal elections; reserving one third of leadership positions for women; severing ties with affiliated organisations such as student wings; and selecting candidates recommended by parties’ local committees. Party constitutions cannot contradict the state’s constitution and membership cannot be based exclusively on religion, race, caste, language or sex.

The Awami League and BNP initially objected to the demand to sever ties with their student wings but subsequently relented (International Crisis Group 2008, *Bangladesh: Elections and Beyond*, International Crisis Group website, 11 December, p. 3

[http://www.crisisgroup.org/library/documents/asia/south\\_asia/b84\\_bangladesh\\_elections\\_and\\_beyond.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/b84_bangladesh_elections_and_beyond.pdf) – Accessed 12 December 2008 – Attachment 5).

An article published by *The Daily Star* reports that on 12 May 2008, Caretaker Government Chief Adviser Fakhruddin Ahmed announced that parliamentary elections would be held in the third week of December 2008, and that the Caretaker Government would commence a “formal dialogue” with political parties regarding the elections from 22 May; a subsequent *BBC News* article published on 28 May 2008 reports that the BNP and Awami League had refused to enter into talks with the caretaker government unless their respective leaders, Khaleda Zia and Sheikh Hasina, were released from detention (‘JS polls in 3rd week of Dec’ 2008, *The Daily Star*, 13 May <http://www.thedailystar.net/story.php?nid=36307> – Accessed 16 January 2009 – Attachment 6; ‘Bangladesh parties decline talks’ 2008, *BBC News*, 28 May [http://news.bbc.co.uk/2/hi/south\\_asia/7423353.stm](http://news.bbc.co.uk/2/hi/south_asia/7423353.stm) – Accessed 14 January 2009 – Attachment 7).

An article published on 4 June 2008 in the *Daily Star* reports on information from anonymous sources that the caretaker government was negotiating to release Zia and Hasina on bail or parole “to ensure their participation in the ongoing dialogue with political parties”; an article published by *BBC News* on 11 July 2008 reports that Sheikh Hasina had been released from detention for eight weeks to travel overseas for medical treatment (‘Govt working on ways to ‘release’ 2 ex-PMs’ 2009, *The Daily Star*, 4 June <http://www.thedailystar.net/story.php?nid=39627> – Accessed 14 January 2009 – Attachment 8; ‘Former Bangladesh PM is released’ 2008, *BBC News*, 11 June [http://news.bbc.co.uk/2/hi/south\\_asia/7447772.stm](http://news.bbc.co.uk/2/hi/south_asia/7447772.stm) – Accessed 15 January 2009 – Attachment 9).

According to a *BBC News* article published on 22 July 2008, the Bangladesh Election Commission had announced that new voter rolls had been completed (Dummet, Mark 2008, ‘Bangladesh voters’ lists “ready”’, *BBC News*, 22 July 2008 [http://news.bbc.co.uk/2/hi/south\\_asia/7519619.stm](http://news.bbc.co.uk/2/hi/south_asia/7519619.stm) – Accessed 19 January 2009 – Attachment 62).

An article published in the *Daily Star* on 8 September 2008 reported that the BNP had decided to boycott talks with the Electoral Commission to negotiate the registration of the party for the scheduled parliamentary elections; in contrast, an article published in the *Daily Star* on 10 September 2008 reports that the Awami League had been participating in talks with the Electoral Commission (Liton, Shakhawat 2008, ‘BNP allies decide to boycott talks’ *The Daily Star*, 8 September <http://www.thedailystar.net/story.php?nid=53816> – Accessed 16 January 2009 – Attachment 10; ‘Hold JS polls first’ 2008, *The Daily Star*, 10 September <http://www.thedailystar.net/story.php?nid=54127> – Accessed 16 January 2009 – Attachment 11).

An article published by *Agence France-Presse* on 11 September 2008 reports that Khaleda Zia had been released on bail “after a year in prison on corruption charges”, and had “immediately said her party would contest elections to restore democracy in the emergency-ruled country (Mia, Salim 2008, ‘Ex-Bangladesh PM freed, says party will contest polls’, 11 September – Attachment 12).

An article published by *The Daily Star* reports that on 20 September 2008, caretaker government Chief Adviser Fakhruddin Ahmed “declared that the much anticipated ninth parliamentary election will be held on December 18 this year, and the polls to upazila parishads will be held in two phases on December 24 and 28” (‘JS polls on Dec 18’ 2008,

*The Daily Star*, 21 September <http://www.thedailystar.net/story.php?nid=55807> – Accessed 9 January 2009 – Attachment 13).

A *Reuters* article from 28 October 2008 reports a statement by “a key minister in the military-backed interim government” in Bangladesh indicating that in spite of pending criminal charges “[f]ormer Bangladeshi prime ministers Sheikh Hasina and Begum Khaleda Zia will face no legal obstacle to contesting December’s parliamentary election” (Ahmed, Anis 2008, ‘Bangladesh ex-PMs free to contest polls-minister’ *Reuters News*, 28 October – Attachment 14).

An article published on 6 November 2008 by *Agence France-Presse* reports that “[f]ormer Bangladeshi premier Sheikh Hasina Wajed returned home Thursday to lead her party in December parliamentary elections, after five months abroad having medical treatment” (Mia, Salim 2008, ‘Ex-Bangladesh PM returns home to contest polls’, *Agence France-Presse*, 6 November – Attachment 15).

On 17 November 2008, a *BBC News* article reported that the BNP leader Khaleda Zia had issued an ultimatum to the caretaker government, threatening that the BNP would boycott the elections scheduled for 18 December unless the caretaker government lifted the state of emergency within two days. The article also indicated that Zia had called for the elections to be postponed to allow an estimated 60,000 Bangladeshi Muslims who would be overseas on pilgrimage in December to vote (‘Ex-PM issues Bangladesh demands’ 2008, *BBC News*, 17 November [http://news.bbc.co.uk/2/hi/south\\_asia/7734148.stm](http://news.bbc.co.uk/2/hi/south_asia/7734148.stm) – Accessed 14 January 2009 – Attachment 16).

A *BBC News* article published on 20 November 2008 reports that BNP leader Khaleda Zia had announced that the BNP would take part in the elections scheduled for December, but continued to push for a 10-day delay in the polls, which had been agreed to “in principle” by the caretaker government (Dummet, Mark 2009, ‘BNP drops Bangladesh poll boycott’, *BBC News*, 20 November [http://news.bbc.co.uk/2/hi/south\\_asia/7740622.stm](http://news.bbc.co.uk/2/hi/south_asia/7740622.stm) – Accessed 16 January 2009 – Attachment 17).

According to a *Daily Star* article of 24 November 2008, the Bangladesh Election Commission announced on 23 November that the parliamentary elections had been rescheduled to 29 December 2008, and the *upazila* elections to 22 January 2009 (‘JS elections on Dec 29, upazila on Jan 22’ 2008, *The Daily Star*, 24 November <http://www.thedailystar.net/story.php?nid=64700> – Accessed 16 January 2009 – Attachment 18).

An article published by *BBC News* on 12 December 2008 reports that “[c]ampaigning has begun in Bangladesh’s upcoming general elections, with the interim government lifting all restrictions on political rallies” (‘Bangladesh poll campaign begins’ 2008, *BBC News*, 12 December [http://news.bbc.co.uk/2/hi/south\\_asia/7778898.stm](http://news.bbc.co.uk/2/hi/south_asia/7778898.stm) – Accessed 16 January 2009 – Attachment 19).

An article published by *The Daily Star* on 17 December 2008 reports that on that date, the state of emergency was lifted in Bangladesh in anticipation of the elections scheduled for 29 December 2008, stating that “[f]rom today, political parties and candidates will carry out electioneering for the December 29 general election without having to face any restrictions” (Liton, Shakhawat 2008, ‘Emergency out, rights in’, *The Daily Star*, 17 December

<http://www.thedailystar.net/story.php?nid=67449> – Accessed 7 January 2009 – Attachment 20).

### **Conduct and Results of Parliamentary Polls 29 December 2008**

An article published by *The Age* reports on the conduct of the parliamentary polls held on 29 December in Bangladesh, indicating that large numbers of police and army personnel were deployed to provide security for voters:

Bangladeshis have voted under tight security in their first elections since 2001, with a pair of former prime ministers and bitter rivals vying to reclaim power in the impoverished nation

...Hundreds of thousands of police and troops were deployed to avert clashes between rival supporters and feared attacks by Islamic extremists.

Long queues formed outside voting stations throughout Monday and, after polls closed, officials estimated the overall turnout was as high as 70 per cent.

...During voting, armed troops lined the streets of Dhaka, among 50,000 on alert nationwide, while 600,000 police officers were deployed nationwide to crack down on voter fraud or disruptions at the 35,000 polling booths.

A UN-funded digital electoral roll, which has eliminated 12.7 million fake names, appeared to have resolved many of the problems that have hit previous Bangladesh elections.

...The vote was monitored by 200,000 electoral observers, including 2,500 from abroad ('Bangladesh votes under heavy security' 2008, *The Age*, 29 December <http://news.theage.com.au/world/bangladesh-votes-under-heavy-security-20081229-76jh.html> - Accessed 7 January 2009 – Attachment 21).

An article published on *The Daily Star* website on 6 January 2008 provides a basic summary of the results of the 299 seats contested at the 29 December 2008 Bangladesh parliamentary elections, stating that the "AL-led grand alliance won a landslide victory":

AL-led grand alliance won a landslide victory in the recent parliamentary election winning 230 seats, while its major allies Jatiya Party, Jatiya Samajtantrik Dal, and Worker's Party won 27, 3 and 2 seats respectively. On the other hand the rival BNP-led alliance, which had ruled the country between 2001 and 2006, managed to win only 32 seats ('BNP to boycott cabinet's oath as Jamaat not invited' *The Daily Star*, 6 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70248> – Accessed 8 January 2009 – Attachment 22).

An article published by *The Daily Times* on 2 January 2009 provides a more detailed discussion of the election results:

A record 70.3 million people cast ballots in Bangladesh's general elections this week, an official said on Thursday, accounting for 87 percent of a possible 81 million voters. The winning Awami League party, lead by Sheikh Hasina Wajed, took almost half of the popular vote in Monday's election, gaining 48 percent of all votes, election commission spokesman SM Asaduzzaman said. The Bangladesh Nationalist Party (BNP), lead by her rival Khaleda Zia, won 32 percent, he added. The Awami League won 230 seats of a possible 300 while the BNP garnered just 29, under a system of directly-elected geographical constituencies. The Jatiya Party of ex-military dictator Hussain Muhammad Ershad, which won 27 seats, got seven percent of the vote, Asaduzzaman said. The country's biggest Islamic party Jamaat-e-

Islami, which was the third largest party in the last parliament with 17 seats, took only four percent of the popular vote and won two seats this time. In total 299 seats were contested in Monday's election, with the final seat to be contested in a by-election next month following the death of a candidate ('Bangladesh vote sees record 87 percent turnout' 2009, *The Daily Times*, 2 January [http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story\\_2-1-2009\\_pg20\\_2](http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story_2-1-2009_pg20_2) – Accessed 8 January 2009 – Attachment 23).

A report published by *The Daily Star* on 13 January 2009 reports that BNP candidate Mahbubuddin Khokan won the delayed parliamentary poll held in Noakhali electorate on 12 January 2009 (Hasan, Rashidul 2009, 'BNP triumphs in Noakhali polls', *The Daily Star*, 13 January <http://www.thedailystar.net/story.php?nid=71083> – Accessed 13 January 2009 – Attachment 24).

Documents located on the Bangladesh Government web portal ([www.bangladesh.gov.bd/](http://www.bangladesh.gov.bd/)) provide provides detailed results of the 9th Bangladesh parliamentary elections:

- For a breakdown of unofficial party-based results of the 29 December 2008 parliamentary election, see Attachment 25 ('Total seats won by political parties (unofficial)' (Undated), Bangladesh Government web portal <http://123.49.39.5/result/report4.php?lang=en> – Accessed 14 January 2009 – Attachment 25).
- For results for the individual seats contested in the 29 December 2008 parliamentary elections, see Attachment 26 ('Seatwise Candidates Elected' (Undated), Bangladesh Government web portal <http://123.49.39.5/result/report7.php?lang=en> – Accessed 14 January 2009 – Attachment 26).

### **Events following Parliamentary Elections**

An article published on the Yahoo7News website on 31 December 2008 reports that BNP leader Khaleda Zia had disputed the results of the election, claiming that "her party had evidence of rampant vote-rigging and that the high figures given by the Election Commission for voter turnout were false". The article speculated that Zia's "rejection threatens to throw the impoverished south Asian nation into fresh political uncertainty" ('Bangladesh election flawed: defeated PM' 2008, Yahoo7News website, 31 December <http://au.news.yahoo.com/a/-/world/5239381> – Accessed 8 January 2009 – Attachment 27).

An article published by *The Daily Star* on 1 January 2009 reports statements various observer groups on the elections endorsing the results of the election, including the head of the European Union Election Observation Mission to Bangladesh, who said that "with the exception of some minor technical difficulties, professionalism, transparency and credibility were the hallmarks of the elections" ('Accept polls results to strengthen democracy' 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69530> – Accessed 8 January 2009 – Attachment 28).

An article published on the *Daily Times* website on 2 January 2009 reports a statement by a BNP spokesman indicating that Khaleda Zia had subsequently "accepted her heavy defeat in the country's general election despite alleging the vote was rigged" ('Khaleda accepts defeat in 'rigged' Bangladesh poll' 2009, *Daily Times*, 2 January [http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story\\_2-1-2009\\_pg20\\_1](http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story_2-1-2009_pg20_1) – Accessed 8 January 2009 – Attachment 29).

An article published by *BBC News* on 7 January 2009 reports that Awami League Leader Sheikh Hasina was sworn in as Bangladesh Prime Minister on the evening of 6 January 2009. The same source also reports that 31 Members of Parliament were inducted as cabinet ministers at the same ceremony:

Awami League (AL) President Sheikh Hasina was sworn in as the country's new prime minister yesterday evening, marking a peaceful return to democracy.

...Thirty-one others were inducted into her council of ministers.

President Iajuddin Ahmed administered oath to the new head of government and her colleagues at a simple ceremony in Bangabhaban Darbar Hall.

...Fakhruddin Ahmed, whose around two-year term as chief adviser ended yesterday, said, "I wish the new government the best of luck."

Army Chief of Staff General Moeen U Ahmed said he expects everyone will cooperate with the government (Liton, Shakawat & Tusher, Hasan Jahid 2009, 'Hasina sworn in as PM' *The Daily Star*, 7 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70372> – Accessed 12 January 2009 – Attachment 30).

An article published by *The Daily Star* reports that Khaleda Zia and BNP parliamentarians elected at the 29 December polls were sworn into office on 15 January 2009. The article reports that Zia also "said her party deputies will attend parliament from its inaugural sitting and play a constructive role there" ('BNP pledges to work with govt for nation's progress' 2009, *The Daily Star*, 16 January <http://www.thedailystar.net/story.php?nid=71529> – Accessed 16 January 2009 – Attachment 31).

### **Upazila Elections Scheduled for 22 January 2009**

An article published by the *New Age* on 6 January 2009 provides background on the *upazila*, or sub-district, elections scheduled for 22 January 2009, noting that in the wake of the Awami League victory at the parliamentary polls, "the Bangladesh Nationalist Party is yet to start electioneering apparently in fear of reprisals":

Campaigns for the January 22 elections to 481 upazilas across the country has gained some momentum with the Awami League plunging into electioneering in the wake of its landslide victory in the general elections though the Bangladesh Nationalist Party is yet to start electioneering apparently in fear of reprisals.

A total of 8,131 candidates are contesting the upazila elections with 3,316 vying for the posts of chairman, 2,879 for vice-chairman and 1,936 reserved for women vice-chairmen.

Local leaders of BNP in different parts of the country said they were facing some 'strategic disadvantages' in electioneering in addition to the post-election violence which had already claimed lives of 10 people and injured 270 others. Candidates nominated for the upazila polls by BNP and its allies in some places have reportedly withdrawn from the race fearing that the local polls may not be free and fair.

Buoyed by the landslide victory in the December 29 general elections, the Awami League activists are dominating the campaigns for the upazila polls. They are trying to convince the

voters that they would not face any problems in implementing their electoral pledges as their party would be in power.

About the post-polls violence, election commissioner M Sakhawat Hussain on Sunday told reporters, 'Until December 31, the whole situation was under the Election Commission's control and peaceful. But troubles started on January 1 which he called unfortunate. 'The administration has to take necessary steps in this regard'.

...New Age correspondent in Khulna reported that BNP-led alliance candidates in the upazila elections were hesitating to start campaigns in different upazilas of the district fearing attacks from Awami League activists. A good number of BNP supporters have left their homes in the face of threats from the AL men, alleged local leaders of the BNP-led alliance.

A total of 40 candidates are in the race in nine upazilas of the district and the BNP-led alliance is backing one candidate for each of the upazilas.

'AL activists have been threatening our men across the district after their victory in the December 29 polls and we are in panic', said Shafiqul Alam Mona, Khulna district BNP general secretary ('Upazila electioneering picks up steam' 2009, *New Age*, 6 December <http://www.newagebd.com/2009/jan/06/front.html> – Accessed 16 January 2009 – Attachment 32).

An article published in *The Daily Star* on 8 January 2009 provides information on the security arrangements planned for the *upazila* elections, indicating that "[t]he government has decided to deploy over 500,000 security personnel across the country to ensure peaceful holding of elections in 481 upazila parishads on January 22", and noting that "EC Secretariat officials also said security arrangement for the upazila parishad elections will be as same as that of December 29 parliamentary election. They said around 50,000 army personnel were deployed in the parliamentary elections but there will be no deployment of army in the upazila polls" (Liton, Shakhawat & Islam, Shariful '5 lakh-strong security to guard UZ polls' 2009, *The Daily Star*, 8 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70501> – Accessed 8 January 2009 – Attachment 33).

However, a subsequent article published by *The Daily Star* on 10 January 2009 reports that the Election Commission, "apprehending deterioration in law and order during the election", had reversed its decision, and would deploy army personnel from 18 to 24 January to provide security during the upazila elections ('Army to be deployed in UZ polls' 2009, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70646> – Accessed 12 January 2009 – Attachment 34).

**2. Please provide information on the current state of the two parties (BNP and AL), and the manner in which their respective candidates, members, and supporters conducted themselves in the 2 year period prior to the election, during the election, and the immediate aftermath of the election. Is there any information to indicate that BNP members and supporters have recently been subjected to intimidation, violence and mistreatment by members and supporters of the Awami League; is the situation likely to be different in cases of high profile BNP members?**

An International Crisis Group report from December 2008 provides an analysis of the relative positions of the BNP and Awami League going into the parliamentary election campaign, stating that while the Awami League, "viewed as the frontrunner, is eager to contest the polls

promptly and with few preconditions”, in contrast, “[t]he BNP is in disarray”. Media reports were located to indicate that in the wake of its defeat at the 29 December polls the BNP was instigating significant internal changes (for information on the position of the Awami League and BNP going into the election, see International Crisis Group 2008, *Bangladesh: Elections and Beyond*, International Crisis Group website, 11 December, p.1

[http://www.crisisgroup.org/library/documents/asia/south\\_asia/b84\\_bangladesh\\_elections\\_and\\_beyond.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/b84_bangladesh_elections_and_beyond.pdf) – Accessed 12 December 2008 – Attachment 5; for information on mooted internal changes in the BNP see Habib, Wasim Bin 2009, ‘BNP front bodies to be dissolved, revamped: Khaleda’, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70636> – Accessed 12 January 2009 – Attachment 35).

Reports from the Department of Foreign Affairs and Trade from May and November 2007 provide information suggesting that the restrictions imposed under the caretaker government’s state of emergency had significantly inhibited the capacity of BNP and Awami League supporters to engage in politically motivated violence. A report by Bangladesh human rights NGO Ain O Salish Kendra provides statistics on politically motivated violence involving the BNP, Awami League, and other groups during 2007, indicating that 6 persons were killed and 1055 injured in 30 incidents of violence between political groups in Bangladesh during 2007, in addition to a further 98 injuries and 1 death caused in 8 intra-party clashes. Similar statistics for 2008 were not located in the sources consulted (for DFAT advice on politically motivated violence see Department of Foreign Affairs and Trade 2007, *DFAT Report 636: RRT Information Request: BGD31628*, 3 May – Attachment 65; and Department of Foreign Affairs and Trade 2007, *DFAT Report No. 723 – Bangladesh: RRT Information Request: BGD32419*, 1 November – Attachment 66; for statistics on politically motivated violence in 2007 see Hossain, S. & Siddiqi, D.M (eds) 2008, ‘Human Rights in Bangladesh 2007’ 2008, Ain O Salish Kendra website, p.32 [http://www.askbd.org/web/wp-content/uploads/2008/11/ASK\\_Human%20Rights%20Report\\_07.pdf](http://www.askbd.org/web/wp-content/uploads/2008/11/ASK_Human%20Rights%20Report_07.pdf) – Accessed 19 January 2009 – Attachment 63).

Information was located to indicate that members and supporters of the Awami League and BNP engaged in violent clashes during the lead up to the December 2008 parliamentary elections; reports published by the Election Violence Education and Resolution (EVER) project indicate that the organization had recorded 110 incidents of pre-election violence from 14 to 28 December in a selected range of 40 districts in which observation activities were conducted. The reports indicate that Awami League and BNP activists/supporters were participants in most of these incidents (Election Violence Education and Resolution (EVER) Project 2008 ‘Election Violence Report-1: Date Covered: 14-19 December 2008’, International Foundation for Electoral Systems website, 24 December [http://www.ifes.org/files/ElectionViolenceReport\\_1.pdf](http://www.ifes.org/files/ElectionViolenceReport_1.pdf) – Accessed 16 January 2009 – Attachment 39; Election Violence Education and Resolution (EVER) Project 2009 ‘Election Violence Report: Second Report Covering 20 – 28 December 2008’, International Foundation for Electoral Systems website, 5 January [http://www.ifes.org/files/ElectionViolenceReport\\_2.pdf](http://www.ifes.org/files/ElectionViolenceReport_2.pdf) – Accessed 16 January 2009 – Attachment 40).

Two basic types of reportage on election-related violence were identified in the source material consulted in the preparation of this response: on the one hand, reports were located of “clashes” between activists or supporters of different political parties (primarily the BNP and Awami League) in which no party is explicitly described as aggressor or victim; on the

other hand, reports were located of numerous violent incidents in which activists or supporters of one party are expressly identified as having attacked members or supporters of another party.

Media reports were located which refer generally to violent clashes between BNP and Awami League supporters in various locations around Bangladesh on and after the 29 December election ('One killed in polls violence' 2008, *The Daily Star*, 30 December <http://www.thedailystar.net/newDesign/news-details.php?nid=69287> – Accessed 8 January 2009 – Attachment 41; '3 killed in post-polls violence' 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009 – Attachment 42; '82 hurt in post-polls violence' 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69524> – Accessed 8 January 2009 – Attachment 43; and '2 killed, 15 hurt in violence' 2009, *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69813> – Accessed 8 January 2009 – Attachment 44).

Reports were also located which provide more specific information on alleged attacks conducted by Awami League supporters against BNP supporters, and by BNP supporters against Awami League supporters, during and after the parliamentary election. Various reports were located of numerous attacks conducted by BNP members, including a *Daily Star* article published on 31 December 2008, which reports that an Awami League supporter in Chittigong had been "stabbed to death allegedly by the BNP men", and another article of 5 January 2009 from the same source of 5 January 2009 which reports claims that an Awami League activist in Khulna had been stabbed to death by "local BNP activists", who had "made the attack following a feud over shrimp business" (for these examples see '3 killed in post-polls violence' 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009 – Attachment 42; and 'Post-election violence continues' 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70102> – Accessed 8 January 2009 – Attachment 46).

More extensive reports were located of numerous alleged attacks against BNP "supporters", "activists", and "polling agents", as well as candidates and local level party officials, many of which were attributed to Awami League supporters. A *Daily Star* report of 1 January states that "[a]t least 82 people, mostly the activists and supporters of BNP, were injured in post-election violence in 7 districts Tuesday night and yesterday", noting that Awami League activists had allegedly attacked and injured a BNP ward president in Kuliarchar; another article of 3 January 2009 from the same source reports on a fatal attack on a BNP polling agent in Comilla by unidentified assailants. A *Daily Star* article of 15 January 2009 reports claims by Khaleda Zia that "17 of her party leaders and workers have been killed so far in the AL's post-poll violence" (for these examples of attacks on BNP members see '82 hurt in post-polls violence' 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69524> – Accessed 8 January 2009 – Attachment 43; and '2 killed, 15 hurt in violence' 2009, *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69813> – Accessed 8 January 2009 – Attachment 44; for Khaleda Zia's claims see 'BNP pledges to work with govt for nation's progress' 2009, *The Daily Star*, 16 January <http://www.thedailystar.net/story.php?nid=71529> – Accessed 16 January 2009 – Attachment 31).

Media reports were located which indicate that in the wake of the parliamentary election, violence had also broken out on various university campuses in Bangladesh between members of student groups, including the Awami League affiliated *Bangladesh Chhatra League* (BCL), BNP affiliated *Jatiyatabada Chhatra Dal* (JCD), and Jamaat-e-Islami affiliated *Islami Chhatra Shibir* (ICS). The reports located focus on attacks by members of Awami League affiliated BCL against members of the JCD and ICS, and on violent in-fighting between factions of the BCL (for examples of BCL attacks on JCD and ICS members see ‘Tension mounts at RU amid BCL-Shibir face-off’ 2009, *The Daily Star*, 7 January <http://www.thedailystar.net/story.php?nid=70344> – Accessed 12 January 2009 – Attachment 50; and ‘Khulna Medical College closed’ 2009, *The Daily Star*, 11 January <http://www.thedailystar.net/story.php?nid=70835> – Accessed 12 January 2009 – Attachment 52; for examples of BCL in-fighting see ‘Post-election violence continues’ 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70102> – Accessed 8 January 2009 – Attachment 46; and ‘Five injured in BCL factional clash in Ctg’ 2009, *The Daily Star*, 14 January <http://www.thedailystar.net/story.php?nid=71259> – Accessed 14 January 2009 – Attachment 53).

A survey of source material is presented below under the following subheadings:

- [Current State of Awami League and BNP](#)
- [Conduct of Awami League and BNP Members/Supporters during State of Emergency](#)
- [Conduct of BNP and Awami League Members/Supporters during December 2008 Election Campaign](#)
- [Reports of “clashes” between BNP and Awami League during and after the Election,](#)
- [Reports of “attacks” conducted by BNP Members/Supporters](#)
- [Reports of “attacks” conducted against BNP Members/Supporters](#)

### **Current State of Awami League and BNP**

An International Crisis Group paper published on 11 December 2008 reports that the Awami League would enter the parliamentary election campaign from a more advantageous position than the BNP:

The political situation is complex and fragile. Bangladesh’s two largest political parties, the Awami League and the Bangladesh Nationalist Party (BNP), are approaching the election from opposite positions. The Awami League, viewed as the frontrunner, is eager to contest the polls promptly and with few preconditions. The BNP is in disarray. The party threatened to boycott if emergency laws barring many of its members from standing in the election were not rescinded (International Crisis Group 2008, *Bangladesh: Elections and Beyond*, International Crisis Group website, 11 December, p.1 [http://www.crisisgroup.org/library/documents/asia/south\\_asia/b84\\_bangladesh\\_elections\\_and\\_beyond.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/b84_bangladesh_elections_and_beyond.pdf) – Accessed 12 December 2008 – Attachment 5).

The same report provides a positive summary of the overall effect of the State of Emergency on the Awami League, indicating that the party had retained strength at both the central and local level:

The party’s central leadership remained cohesive during the emergency, despite what an Awami League leader labelled as “numerous attempts by external forces to split us from the inside”. At the local level too, it has weathered the emergency well, as demonstrated by its strong performance in the municipal elections, when it won eight of nine municipalities (although the BNP technically boycotted the polls). But party activists privately acknowledge

tensions simmering just below the surface. One explains, “Some leaders are afraid of Sheikh Hasina’s return. They’re worried they won’t get nominations for their disloyalty while she was in prison. It’s not one or two people that are afraid, it is a handful”. However, another says, “It is unlikely this housecleaning will happen before the elections, Sheikh Hasina needs all hands on deck to win”.

... Given the perception that it is the frontrunner, party insiders say the leadership has been willing to accommodate the CTG. A former Awami League minister suggested his party’s objections to the CTG’s position on the elections are “for public consumption and to demonstrate that the leaders still have some capacity to bargain with the government”(International Crisis Group 2008, *Bangladesh: Elections and Beyond*, International Crisis Group website, 11 December, p. 9 [http://www.crisisgroup.org/library/documents/asia/south\\_asia/b84\\_bangladesh\\_elections\\_and\\_beyond.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/b84_bangladesh_elections_and_beyond.pdf) – Accessed 12 December 2008 – Attachment 5).

The same International Crisis Group report provides a contrasting picture of the BNP, indicating that the party had been negatively affected by internal divisions, and by bans on many of its candidates from standing for office:

The emergency has hit the BNP harder than other parties. The government has attempted to bar 109 senior BNP leaders from standing for election, many of them former parliamentarians and the party’s preferred candidates. Internal divisions may also threaten the party at the polls. Abdul Mannan Bhuiyan, the party’s reform-minded and popular general secretary expelled for indiscipline, is standing as an independent; he and others like him may take their supporters with them. Taken as whole, “it easy to see why the BNP is hesitant about going to the polls. It [the BNP] sees the very existence of the party on the line”, suggests one foreign analyst.

... Worried at its electoral prospects, the BNP pushed for a postponement to enable it to regroup. A Bangladeshi analyst explains, “The corruption and criminality of the last BNP regime are still fresh in many Bangladeshis’ minds. The more distance the BNP can put between itself and its last administration, the better it believes it will do on election day”. But Hannan Shah, an adviser to the BNP chairperson, Khaleda Zia, suggests, “If the BNP just selects proper candidates acceptable to the people, we will sweep the elections”. BNP leaders have also made attempts to reconcile with former members like Bhuiyan to boost the BNP’s popularity. But national and grassroots leadership remain divided. Activists loyal to Khaleda Zia attacked a group of ex-BNP lawmakers, diminishing the prospects of reconciliation (International Crisis Group 2008, *Bangladesh: Elections and Beyond*, International Crisis Group website, 11 December, pp. 9-10 [http://www.crisisgroup.org/library/documents/asia/south\\_asia/b84\\_bangladesh\\_elections\\_and\\_beyond.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/b84_bangladesh_elections_and_beyond.pdf) – Accessed 12 December 2008 – Attachment 5).

Various local media reports were located which indicate that in the wake of its defeat at the December 29 polls, the BNP announced that it was instigating significant organizational changes:

- An article published by *The Daily Star* on 10 January 2009 reports that “BNP Chairperson Khaleda Zia yesterday said all committees of BNP and associate organisations would be dissolved and revamped through elections” (Habib, Wasim Bin 2009, ‘BNP front bodies to be dissolved, revamped: Khaleda’, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70636> – Accessed 12 January 2009 – Attachment 35).

- An article published by *The Daily Star* on 11 January 2009 reports statements by BNP Secretary General Khandaker Delwar Hossain indicating that the BNP had abandoned its “Four-Party Alliance”, and that “BNP and Jamaat-e-Islami will now work from their own standpoint” (‘BNP, Jamaat on their own now’ 2009, *The Daily Star*, 11 January <http://www.thedailystar.net/story.php?nid=70823> – Accessed 12 January 2009 – Attachment 36).
- An article published by *The Daily Star* on 14 January 2009 provides information on the condition of the BNP and its associated bodies, indicating that a lack of institutional organization had contributed to the party’s electoral defeat:

Nine of the 11 associate bodies that pump political lifeblood into the BNP have remained without valid committees for the last two to 12 years as the party ignored democratic practice within itself focusing only the top leadership instead.

Compelled by failure in the December 29 parliamentary election to reorganise itself, the BNP is now discovering how neglected its vital organs have been for a long time and realising that this shabby condition of these organs has contributed to the election debacle.

Not only that, the party has in fact failed to groom new leaders for its associate bodies, especially the important ones (‘Suman, Rakih Hasnet 2009, ‘9 out of 11 BNP bodies limping for years’, *The Daily Star*, 14 January <http://www.thedailystar.net/story.php?nid=71238> – Accessed 14 January 2009 – Attachment 37).

An article published by *The Daily Star* on 7 January 2009 on the selection of ministers for the new Awami League cabinet indicates that changes had been also been made in the Awami League following the party’s 2008 electoral victory, stating that “AL President Sheikh Hasina has left most of her senior party colleagues out of the cabinet and brought some surprise picks to run several important ministries” (‘Heartbreak for heavyweights’ 2009, *The Daily Star*, 7 January <http://www.thedailystar.net/story.php?nid=70376> – Accessed 12 January 2009 – Attachment 38).

### **Conduct of Awami League and BNP Members/Supporters during State of Emergency**

A report from the Department of Foreign Affairs and Trade of 3 May 2007 provides information indicating that the BNP and other political parties had a reduced capacity to engage in violence under the caretaker government:

#### **A. What is the current status and level of activity – formal and informal – of the political parties?**

At the time of writing, all political activity is banned under the prevailing State of Emergency. The Caretaker Government has indicated it may partially lift the ban in May 2007 but whether this transpires remains to be seen. Many leaders and senior officials of the political parties have been arrested and corruption charges are being prepared against them. The parties themselves remain extant, although factionalised and the question of their future leadership remains unclear.

... 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 (Department of Foreign Affairs and Trade 2007, *DFAT Report 636: RRT Information Request: BGD31628*, 3 May – Attachment 65).

RRT *Research Response BGD32545* of 8 November 2007 refers to extensive source material on the issue of politically motivated violence under the caretaker government, including a Department of Foreign Affairs and Trade report from November 2007 which provides the following assessment of political activity and violence in Bangladesh:

**D. What is the current status and level of activity – formal and informal – of the political parties?**

D. 6. The country continues to be under the State of Emergency. Further to information provided in refTel DA610391L, in September the Chief Adviser announced a partial lifting of the ban on indoor politics, which had been in place since March. However, restrictions remain with parties requiring approval from police for any political meeting. For meetings of more than 50 members, approval would be required from the Home Ministry. Political rallies and demonstrations remain banned. The lifting of these restrictions only applies in Dhaka, with the ban remaining in the rest of the country. The student groups of the parties have also been restricted in their level of activities under the State of Emergency provisions.

The Government has reiterated its determination to hold the national election by October 2008 and complete voter's registration by the end of July next year.

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

9. There has been a marked reduction in the level of politically-motivated violence, including retaliation against opponents throughout Bangladesh since January when the current caretaker government was sworn in. Please see Cable attachment which presents trends on political killings and violence, and shows a significant reduction of such violence during 2007. Post would note that this information was collated by a local NGO Odhikar, which is one of the few NGOs regularly monitoring the human rights situation in Bangladesh. In absence of official government figures on the level of political violence, the Odhikar reports provide a useful reference.

10. The transformation of the political landscape and restriction on 'internal politics' during the State of Emergency period has led to very limited political activities and a significant reduction of politically motivated violence including retaliation against opponents (Department of Foreign Affairs and Trade 2007, *DFAT Report No. 723 – Bangladesh: RRT*

*Information Request: BGD32419, 1 November – Attachment 66; RRT Research & Information 2007, Research Response BGD32545, 8 November – Attachment 67).*

A report published by Bangladesh human rights NGO Ain O Salish Kendra reports that incidents of politically motivated violence decreased significantly in Bangladesh in 2007. The report indicates that 6 persons were killed and 1055 injured in 30 incidents of violence between political groups in Bangladesh during 2007, in addition to a further 98 injuries and 1 death caused in 8 intra-party clashes:

In a dramatic contrast to previous years, there was a significant reduction in deaths and injuries resulting from internecine political conflict among the major parties. This was not perhaps unexpected given the restrictions on political activities under the SoE. According to news reports, there were 38 incidents of such conflict, some seven persons were killed, and another 1,153 injured. Most of these incidents occurred in less than a fortnight, before 11 January 2007, when tensions were running especially high and when political activities were still ongoing (Hossain, S. & Siddiqi, D.M (eds) 2008, 'Human Rights in Bangladesh 2007' 2008, Ain O Salish Kendra website, p.32 [http://www.askbd.org/web/wp-content/uploads/2008/11/ASK\\_Human%20Rights%20Report\\_07.pdf](http://www.askbd.org/web/wp-content/uploads/2008/11/ASK_Human%20Rights%20Report_07.pdf) – Accessed 19 January 2009 – Attachment 63).

### **Conduct of BNP and Awami League Members/Supporters during December 2008 Election Campaign**

Two reports published by the Election Violence Education and Resolution (EVER) project (a joint initiative of Bangladesh NGO Odhikar and the International Federation for Electoral Systems) were located which provide information on incidents of violence in the lead-up to the December 2008 election. The project conducted election monitoring from in 40 districts in six divisions in Bangladesh from 14 December to 28 December 2008.

The EVER Project report covering 14 to 19 December 2008 notes that “[a] total of 42 incidents of election-related violence were recorded during this period”, reporting that supporters of the BNP or Awami League were actively involved in most of these incidents:

Supporters/activists of the Awami League and BNP were the most active participants in the violence that took place during this period. In 16 incidents, Awami League was directly responsible for the violence and also involved as secondary perpetrator in two incidents while BNP was directly involved in 14 incidents as perpetrator group and also responsible as secondary perpetrator in eight out of 42 incidents recorded during this period.

...Almost all of the violence recorded during this reporting period was perpetrated by supporters and activists of political parties in the country. In 94% of the recorded incidents, the perpetrator was a supporter of a political party and in some of the incidents a local level political party leader was also a perpetrator. As for specific political groups, supporters and leaders of the BNP were more often the perpetrators of incidents than supporters and leaders of the Awami League (Election Violence Education and Resolution (EVER) Project 2008 'Election Violence Report-1: Date Covered: 14-19 December 2008', International Foundation for Electoral Systems website, 24 December [http://www.ifes.org/files/ElectionViolenceReport\\_1.pdf](http://www.ifes.org/files/ElectionViolenceReport_1.pdf) – Accessed 16 January 2009 – Attachment 39).

The EVER Project report covering 20 to 28 December 2008 reports that 68 incidents of violence were recorded during this period. The report comments as follows on the involvement of BNP and Awami League supporters in these attacks:

Almost all of the violence recorded during this reporting period was perpetrated by supporters and activists of political parties in the country. Seventy two percent of the recorded incidents were perpetrated either by supporters or activists of the political parties, mostly AL and BNP. Out of all perpetrator types, 69% of perpetrators were supporters of a political party and in one incident, a local level political party leader was also a perpetrator. As for specific political groups, supporters and leaders of the Awami League were more often the perpetrators of incidents than supporters and leaders of the BNP (Election Violence Education and Resolution (EVER) Project 2009 'Election Violence Report: Second Report Covering 20 – 28 December 2008', International Foundation for Electoral Systems website, 5 January [http://www.ifes.org/files/ElectionViolenceReport\\_2.pdf](http://www.ifes.org/files/ElectionViolenceReport_2.pdf) Accessed 16 January 2009– Attachment 40).

A report published by *The Age* on 29 December 2008 reports on the lead-up to the election, noting that “[p]olice captured two dozen militants in recent days and seized explosives, grenades and bombs, but campaigning has been otherwise free of the widespread unrest seen in past elections (Bangladesh votes under heavy security’ 2008, *The Age*, 29 December <http://news.theage.com.au/world/bangladesh-votes-under-heavy-security-20081229-76jh.html>- Accessed 7 January 2009 – Attachment 21).

### **Reports of “clashes” between BNP and Awami League during and after the election**

Media reports were located which refer the involvement of Awami League and BNP supporters in numerous violent “clashes” in various locations around the country in connection with the 29 December parliamentary election:

- An article published by *The Daily Star* on 30 December 2008 reports on political violence on the day of the 29 December polls, including violent incidents involving BNP or “Four- Party Alliance” and Awami League, or “Grand-Alliance” supporters in various locations around the country. The report generally refers to several of these incidents as “clashes” between groups, rather than attacks by one group on another:

Our Noakhali correspondent reports: One person was killed and 15 others, including a woman and a policeman, were injured during several clashes between grand alliance and four-party alliance supporters in five constituencies of the district.

...Voting was suspended at Mati Mia High School polling centre in Noakhali-3 constituency around noon following clashes between supporters of BNP candidate Barkat Ullah Bulu and independent candidate Minhaz Ahmed Javed.

...Our Shariatpur correspondent reports: Ten people were injured in a clash between supporters of Awami League and BNP at Naria upazila of Shariatpur-2 constituency. All the injured, including eight Awami League supporters and two BNP supporters, were admitted to Shariatpur Sadar Hospital.

...Our Bhola correspondent reports: At least five people were injured in a clash between activists of four-party alliance and grand alliance at a polling centre in Charfashion of Bhola-4 constituency around 11:00am.

...Our Kushtia correspondent reports: Two people were injured, one critically, as BNP and Awami League supporters clashed at Doulatpur in Kushtia-1 constituency.

Sources say that local BNP leader Farazullah was taking a number of female voters to a Monurapur polling centre allegedly to cast fake votes. Awami League supporters

stopped them and a clash erupted. The injured, including Farazullah, were admitted to Kushtia Sadar Hospital.

Our Narayanganj correspondent reports: One person was injured in a clash between supporters of grand alliance and four-party alliance at Bailarkhandi Government Primary School in Araihasar of the district ('One killed in polls violence' 2008, *The Daily Star*, 30 December <http://www.thedailystar.net/newDesign/news-details.php?nid=69287> – Accessed 8 January 2009 – Attachment 41).

- An article published by *The Daily Star* on 31 December reports on politically-related “clashes” occurring on 30 December 2008:

At least 25 people were injured in separate post-election clashes between Awami League and BNP activists at different places in the capital yesterday, our staff correspondent reports.

... In Noakhali, at least 30 people were injured in two separate incidents of violence at Noakhali Sadar and Sonaimuri upazilas yesterday.

Of them, 20 people were injured when followers of local BNP leader Enam Mollah and AL leader Hafiz of Vatirtek Char Shulukia village of Noakhali Sadar upazila clashed over election results. Of them, 16 were admitted to Noakhali General Hospital.

At Bargaon village under Sonaimuri upazila, 10 people were injured in a clash between the AL and BNP activists ('3 killed in post-polls violence' 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009 – Attachment 42).

- An article published by *The Daily Star* on 1 January 2009 provides details of various incidents occurring on 30 and 31 December:

Our correspondent from Thakurgaon says: At least 15 people were injured in a post-election clash between AL and BNP supporters at Kalandiganj village in Tetulia upazila of Panchagarh district.

Tetulia police station OC Taherul Islam said they arrested eight persons in connection with the clash.

... Our correspondent from Satkhira reports: At least 14 people were injured in two separate clashes between the activists of AL and BNP at Hijaldi and Sonabaria in Kalaroa upazila ('82 hurt in post-polls violence' 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69524> – Accessed 8 January 2009 – Attachment 43).

- An article published by *The Daily Star* on 3 January 2009 reports that '[t]wo people died and 15 others were injured in separate incidents of violence across the country yesterday', and provides the following information on a clash in Magura between BNP and Awami League supporters

At least eight people were injured, six of them seriously, in a clash between supporters of BNP and AL at Kalukandi of Mohammadpur upazila in Magura Thursday evening.

Police and witnesses said armed AL and BNP supporters locked in a clash over establishing supremacy in the area, our Magura correspondent reports. Both groups attacked the houses of their rivals and looted valuables. They also destroyed six houses, according to police and locals.

Police, Rapid Action Battalion (Rab) and army personnel later reached the spot and brought the situation under control (‘2 killed, 15 hurt in violence’ 2009, *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69813> – Accessed 8 January 2009 – Attachment 44).

### **Reports of “attacks” conducted by BNP members/supporters**

More specific local media reports were located which referred to alleged “attacks” by BNP supporters on supporters of other political groups:

- An article published by *The Daily Star* on 31 December 2008 reports on politically-related violence which occurred on 30 December 2008, including the stabbing murder of an Awami League supporter in Chittagong, “allegedly by the BNP men”, and an attack by “activists of BNP-Jamaat” on Awami League supporters in Khulna:

At least three people were killed and 69 others injured in post-election violence in Chittagong, Pabna, Jessore, Noakhali and Dhaka yesterday.

Of the deceased, local Juba League leader Rahim Badsha, 26, of Bhatiary village under Sitakunda upazila of Chittagong district, was stabbed to death allegedly by the BNP men.

....Our staff correspondent in Chittagong reports: Police recovered the body of Rahim Badsha near his house yesterday morning.

Sources said a few men called Rahim, who was a polling agent of an AL candidate in Sitakunda area, out of his house early yesterday and stabbed him. Rahim died instantly.

Locals said Rahim might have been killed by his rivals following a brawl with them at a polling centre during Monday’s parliamentary elections.

...Our Khulna correspondent reports: At least seven supporters of Awami League were wounded as activists of BNP-Jamaat attacked them in Terokhada upazila of Khulna Monday night.

Terokhada police arrested two Jamaat activists in this connection (‘3 killed in post-polls violence’ 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009 – Attachment 42).

- An article published by the *New Nation* on 2 January 2009 reports that “BNP cadres allegedly attacked and injured two supporters of Awami League at Chechri Rampur village in Sadar upazila in Jhalakati”, referring to statements indicating that “a group of BNP activists attacked AL polling agents Kabir and Monir Hossain and stabbed them indiscriminately at 9am”( ‘100 BNP men injured in post-poll violence’ 2009, *The New Nation*, 2 January <http://nation.ittefaq.com/issues/2009/01/02/news0693.htm> – Accessed 12 January 2009 – Attachment 45).

- An article published by the *Daily Star* on 5 January 2009 on post-election violence reports that Awami League activist Parvez Hawlader was stabbed to death in Khulna; the article refers to claims that “local BNP activists made the attack following a feud over shrimp business” (Post-election violence continues’ 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70102> – Accessed 8 January 2009 – Attachment 46).
- An article published in the *New Age* on 10 January 2009 reports that according to police, “[a] 12-year-old girl, daughter of an Awami League leader, was raped and killed allegedly by BNP activists on Thursday at Gabgachhi of Sujanagar upazila in Pabna” (‘Daughter of AL leader raped, killed’ 2009, *New Age*, 10 January <http://www.newagebd.com/2009/jan/10/nat.html> – Accessed 13 January 2009 – Attachment 47).

### **Reports of “attacks” conducted against BNP Members/Supporters**

Media reports were located of “attacks” on BNP members and supporters in connection with the parliamentary election held on 29 December 2009, including attacks on supporters and “activists” of the BNP, as well as on local candidates, “polling agents”, and party officials. Numerous attacks were reported to have been conducted by Awami League supporters or activists; others were attributed to unknown assailants:

- An article published by *The Daily Star* on 30 December 2008 reports on the following incidents in which Awami League supporters allegedly attacked BNP supporters on 29 December:

Kawsar Alam Chowdhury Selim, a BNP polling agent at Lalmai High School under Comilla-8 constituency, was beaten up by supporters of the Awami League candidate, our Comilla correspondent reports.

...A group of supporters of Awami League attacked BNP agent Haji Babul Rana outside Sabera Subhan polling centre in Brahmanbaria-3. He was admitted to Brahmanbaria Sadar Hospital (‘One killed in polls violence’ 2008, *The Daily Star*, 30 December <http://www.thedailystar.net/newDesign/news-details.php?nid=69287> – Accessed 8 January 2009 – Attachment 41).

- An article published by *The Daily Star* on 31 December 2008 reports on politically-related violence against the BNP, including the alleged murder of a BNP “supporter” by unidentified “rivals”, and an attack on the home of a “local BNP leader” in Pabna:

...BNP supporter Mohammad Shaheb Ali, 38, of Boailmari village under Pabna Sadar upazila was hacked to death by rivals.

Union Parishad member (UP) member Tokai Member, 40, died of heart attack at the sight of his elder brother Abul Kalam Azad being assaulted allegedly by some AL activists at Udaypur in Sujanagar upazila of Pabna in the morning. Azad is a local BNP leader.

...Our correspondent in Pabna reports: Shaheb Ali was hacked to death allegedly by his rivals over a feud relating to the parliamentary polls.

...In Noakhali, at least 30 people were injured in two separate incidents of violence at

Noakhali Sadar and Sonaimuri upazilas yesterday.

...A correspondent in Benapole reports: Seven BNP activists were injured when AL activists at Jhikorgachha, Chowgachha, Sharsa and Manirampur upazilas of Jessore allegedly attacked them ('3 killed in post-polls violence' 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009 Attachment 42).

- An article published by *The Daily Star* on 1 January 2009 provides details of various localised incidents of violence allegedly perpetrated by Awami League members or supports against BNP supporters:

A correspondent from Kishoreganj reports: At least 20 to 30 AL activists attacked the houses of local BNP men in Kuliarchar and Katiadi upazilas Tuesday midnight and yesterday morning, leaving 12 injured.

The AL activists, led by Abul Mansur Rubel who is the younger brother of Kuliarchar upazila unit AL president Abul Hossain Liton, attacked the house of Nityalal Das, BNP president of ward no-3, at Daspara under Kuliarchar pourasava at about 5am.

The attackers ransacked the house of Nityalal and hacked him, leaving him critically injured. The group also beat up his mother, sister and wife as they tried to save Nityalal. The BNP leader was first taken to Zahurul Islam Medical College Hospital where he was shifted to Dhaka.

In another incident, six BNP men were injured by AL workers at Parbacharparatala village in Katiadi upazila Tuesday midnight.

Our Correspondent from Patuakhali reports: Over 20 BNP activists were injured when AL activists attacked them in Mirzaganj and Galachipa upazilas in the district. The AL cadres also ransacked several business establishments in different areas ('82 hurt in post-polls violence' 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69524> – Accessed 8 January 2009 – Attachment 43).

- An article published by the *New Nation* on 2 January 2009 reports that at least 10 people were injured after "AL activists allegedly attacked the house of local BNP leader Mizan Master at Dahia village in Singra upazila", noting that security forces intervened to stop the violence:

At least 100 people, the activists and supporters of BNP, were injured in post-election violence in seven districts yesterday.

Reports from different districts said over 20 people were injured in Patuakhali while 10 in Khulna, 12 in Kishoreganj, 14 in Satkhira, 15 in Thakurgaon, 10 in Natore and one at Jagangirnagar University.

In Natore, AL activists allegedly attacked the house of local BNP leader Mizan Master at Dahia village in Singra upazila yesterday evening, injuring at least 10 people.

On information, army and police rushed to the spot and brought the situation under control ('100 BNP men injured in post-poll violence' 2009, *The New Nation*, 2

January <http://nation.ittefaq.com/issues/2009/01/02/news0693.htm> – Accessed 12 January 2009 – Attachment 45).

- An article published by *The Daily Star* on 2 January 2009 reports on various incidents of election-related violence between Awami League and BNP supporters in early January 2009, including an alleged attack by Awami League supporters on a local BNP “organising secretary” in Shalika upazila:

At least 30 activists of BNP-led four-party were wounded in Pabna sadar, Sujanagar, Atghoria during the last 24 hours, UNB reports.

Locals said cadres of Awami League and its front organisations attacked the BNP-Jamat activists and vandalised their homes and businesses.

Alliance sources claim that more than 1,000 activists and local leaders went into hiding to escape the wrath of AL cadres.

...Helaluddin 42, a pro-BNP teacher of Benga-Beroil College in Magura sadar upazila was critically injured when AL supporters attacked him at Batikadanga village of Magura municipality.

AL supporters also attacked and injured BNP organising secretary of Dhaneswargati union committee, Ashraful Islam Asha, at Singra bazaar in Shalikhah upazila.

... AL cadres in Kuliarchar upazila injured at least 11 BNP activists in separate attacks over the last two days, a correspondent from Kishoreganj has reported (‘50 hurt in post-polls violence’ 2009, *The Daily Star*, 2 January <http://www.thedailystar.net/newDesign/news-details.php?nid=69681> – Accessed 8 January 2009 – Attachment 55).

- An article published by *The Daily Star* on 3 January 2009 reports allegations by BNP Office Secretary Rizvi Ahmed that Awami League activists had “abducted Rajib, son of Jessore’s Abhaynagar BNP Organising Secretary Alauddin, and clobbered his legs with hammer” (‘Attack on BNP men continues, alleges Rizvi’ 2009, *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69839> – Accessed 9 January 2009 – Attachment 56).
- Another article published by *The Daily Star* on 3 January 2009 reports on post-election violence, including a fatal attack on a BNP polling agent in Comilla by unidentified assailants, and information on attacks on BNP supporters by unidentified assailants:

Meanwhile, a polling agent of BNP injured in a post-election violence on Monday at Hajatkhola of Comilla died early yesterday, UNB reports.

Shamsul Haque, a teacher of Hajatkhola High School who worked as a polling agent at a local centre, came under attack of miscreants while returning home after counting votes in the evening.

Shamsul was admitted to Mamoni Hospital in the town where he died after three days of fight for life (‘2 killed, 15 hurt in violence’ 2009, *The Daily Star*, 3 January

<http://www.thedailystar.net/story.php?nid=69813> – Accessed 8 January 2009 – Attachment 44).

- An article published by the *Daily Star* on 5 January 2009 on post-election violence reports that the mother of a Kuliarchar BNP ward President had died “after she was wounded in a post-polls attack allegedly by local Awami League (AL) cadres”. The article also refers to attacks on two BNP “supporters” in Mymensingh, and an attack on a local BNP leader in Shibalay (Post-election violence continues’ 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70102> – Accessed 8 January 2009 – Attachment 46).
- An article published by *The Daily Star* on 12 January 2009 reports that a “BNP activist” and “alleged drug trader” was murdered by “unidentified criminals” in Kushtia; the article refers to a statement by police indicating that the deceased had a “strong rivalry” with a group led by “an Awami League (AL) adherent”. The article refers to a statement by a local BNP official claiming that “the incident was not a political one, but the killers got political shelter”, and to another statement by BNP Office Secretary Ruhul Kabir Rizvi alleging that the deceased “was a BNP activist who fell victim to the post-election violence unleashed by Awami League cadres” (‘BNP man killed in Kushtia’ 2009, *The Daily Star*, 12 January <http://www.thedailystar.net/story.php?nid=70672> – Accessed 12 January 2009 – Attachment 58).
- Another article published by *The Daily Star* on 12 January 2009 reports that “[a]t least 25 people were injured in a clash between the supporters of Awami League and BNP over the possession of shops at Beelmaria Bazar in Lalpur of Natore district yesterday” The article states that “[a]ccording to police and eyewitnesses, a group of 35 to 40 criminals led by a local Chhatra League leader Khokan went to occupy forcibly the Tailor and Clothing Store of Gias Sarder at Beelmaria Bazar”, and that when Gias, “the brother of Beelmaria union BNP President Abul Kashem Bharat” attempted to resist, “the criminals attacked him and ransacked his shops and others belonging to BNP men” (‘25 injured in AL-BNP clash at Lalpur’ 2009, *The Daily Star*, 12 January <http://www.thedailystar.net/story.php?nid=70973> – Accessed 14 January 2009 – Attachment 48).
- An article published by *The Daily Star* on 12 January 2009 reports that “[p]ro Awami League bus owners backed by party cadres yesterday forcibly occupied the office of the district Bus Minibus Owners’ Association in Natore, which was dominated by pro-BNP bus owners earlier” (‘AL men occupy office from BNP in Natore’ 2009, *The Daily Star*, 12 January <http://www.thedailystar.net/story.php?nid=70907> – Accessed 14 January 2009 – Attachment 49).
- A *Daily Star* article of 16 January 2009 reports that “[u]nidentified criminals” had killed Jubu Dal local leader Matiur Rahman Babu in Pabna. The article reports claims by the victim’s father, described as the “president of Kolma union BNP”, that “[i]t was a planned murder and part of the on-going tortures on BNP activists across the country” (‘Rajshahi Jubo Dal leader murdered’ 2009, *The Daily Star*, 16 January <http://www.thedailystar.net/story.php?nid=71548> – Accessed 16 January 2009 – Attachment 59).

- It may be of interest to note an article published on 31 December in *The Daily Star*, which reports that the Rapid Action Battalion had confiscated 28 “improvised grenades”, and arrested two alleged members of the Jama’atul Mujahideen Bangladesh (JMB), following the discovery of an aborted assassination plot against BNP leader Khaleda Zia in Comilla on 23 December 2008 (‘28 ‘grenades’ seized, 2 JMB men held’ 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69405> – Accessed 8 January 2009 – Attachment 60).

### **BNP Commentary on Politically Motivated Violence**

Media articles were located which reproduced claims by BNP officials that BNP members were being targeted by Awami League supporters in the wake of the 29 December Parliamentary elections:

- An article published on 3 January 2009 by *The Daily Star* reports that BNP Office Secretary Rizvi Ahmed had claimed that Awami League activists were “attacking leaders and activists of the BNP and its associate organisations”; Ahmed also “criticised Inspector General of Police Nur Mohammad who on Thursday termed the incidents of violence across the country ‘isolated’ and said ‘during a period when power is being transferred from one government to another, such type of incidents are not uncommon’” (‘Attack on BNP men continues, alleges Rizvi’ 2009, *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69839> – Accessed 9 January 2009 – Attachment 56).
- An article published by the *Daily Times* on 4 January 2009 reports claims by the BNP spokesman Rizvi Ahmed that “at least 1,000 party supporters and officials had been attacked and injured”, but notes that “[t]here was no independent confirmation of the BNP claim” (‘Two killed in Bangladesh post-election violence’ 2009, *The Daily Times*, 4 January [http://www.dailytimes.com.pk/default.asp?page=2009\01\04\story\\_4-1-2009\\_pg20\\_2](http://www.dailytimes.com.pk/default.asp?page=2009\01\04\story_4-1-2009_pg20_2) – Accessed 6 January 2009 – Attachment 68).
- An article published by the *Daily Star* on 6 January reports a statement by BNP Secretary General Khandaker Delwar Hossain alleging that “the AL cadres have resorted to violence across the country in their same old style”. The article also refers to claims that an unidentified Awami League leader had filed a defamation case against BNP official Rizvi Ahmed by “because Rizvi has been giving information about attacks on BNP leaders and activists to the media” (‘Delwar protests killing of party activist’ 2009, *The Daily Star*, 6 January <http://www.thedailystar.net/story.php?nid=70275> – Accessed 12 January 2009 – Attachment 69).
- An article published by *The Daily Star* on 10 January 2009 reports that BNP Secretary General Khandaker Delwar Hossain had claimed that “13 people were killed and innumerable others injured by the Awami League activists since the day after the December 29 elections”, and that the “[g]overnment is patronising the criminals who are torturing the BNP men and common people across the country” (‘BNP criticises home minister’s comment’ 2009, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70648> – Accessed 12 January 2009 – Attachment 70).

- An article published by *The Daily Star* reports that on 15 January 2009, Khaleda Zia “alleged that 17 of her party leaders and workers have been killed so far in the AL’s post-poll violence (‘BNP pledges to work with govt for nation’s progress’ 2009, *The Daily Star*, 16 January <http://www.thedailystar.net/story.php?nid=71529> – Accessed 16 January 2009 – Attachment 31).

### **Student Violence following Parliamentary Election**

Reports were located of several recent violent incidents at educational institutions in various locations in Bangladesh involving members of student organizations of the Awami League affiliated student group the *Bangladesh Chhatra League* (BCL), the BNP affiliated student group the *Jatiyatabadi Chhatra Dal* (JCD), and the Jamaat-e-Islami affiliated *Islami Chatra Shibir* (ICS). The reports located focus on alleged attacks conducted by members of the BCL against other student groups:

- An article published by the *Daily Star* on 5 January 2009 on post-election violence reports that “[t]ension ran high on the Rajshahi University campus as [Awami-aligned] BCL activists drove away [Jamaat-aligned] Islami Chhatra Shibir (ICS) activists from Shaheed Ziaur Rahman and Shah Mukhdum halls yesterday (Post-election violence continues’ 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70102> – Accessed 8 January 2009 – Attachment 46).
- An article published by *The Daily Star* on 7 January 2009 reported that members of the BNP-affiliated Jatiyatabadi Chhatra Dal (JCD) had left the campus of Rajshahi University after [Awami-aligned] BCL activists had staged a showdown on the campus yesterday and started hunting for Jatiyatabadi Chhatra Dal (JCD) leaders and activists (‘Tension mounts at RU amid BCL-Shibir face-off’ 2009, *The Daily Star*, 7 January <http://www.thedailystar.net/story.php?nid=70344> – Accessed 12 January 2009 – Attachment 50).
- An article published by *The Daily Star* on 10 January 2009 reports that members of the [Awami-aligned] BCL had attacked members of the Jamaat-e-Islami affiliated Islami Chhatra Shibir (ICS) at Rajshahi University of Engineering and Technology, noting that after BCL members had “allegedly beat up Shibir Ruet unit president Tabiur Rahman and general secretary Zahidul Islam with iron rods and bamboo and hockey sticks”, members of the two groups had “regrouped themselves and locked in a two hour-long clash, which continued till 3:00am. Both the groups used wood sticks, brickbats, and iron rods during the clash”. The article indicates that “[a] huge number of police and Rapid Action Battalion (Rab) later rushed to the campus and brought the situation under control” (‘Ruet BCL men oust Shibir’ 2009, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70650> – Accessed 12 January 2009 Attachment 51).
- An article published by *The Daily Star* on 11 January 2009 reports that at Khulna Medical College, “at least seven persons were injured, four of them critically”, after members of the [Awami-aligned] BCL tried to “set a room of Shibir leaders on fire at a hall of the college”. The article notes allegations by Shibir members that “a group of policemen were on duty during the attack but did not take any step to control the situation” (‘Khulna Medical College closed’ 2009, *The Daily Star*, 11 January

<http://www.thedailystar.net/story.php?nid=70835> – Accessed 12 January 2009 – Attachment 52).

Reports were also located of violent incidents connected to in-fighting between factions of the Awami League affiliated BCL in the wake of the December 2008 election:

- An article published by the *Daily Star* on 5 January 2009 on post-election violence reports that “[a] tense situation was prevailing at the Shahjalal University of Science and Technology yesterday as rival factions of Bangladesh Chhatra League, student wing of AL, engaged in a series of clashes to establish supremacy on the campus” referring to witness statements indicting that “BCL activists of the two rival groups being armed with rods and sticks chased and counter-chased one another on the campus” (‘Post-election violence continues’ 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/newDesign/news-details.php?nid=70102> – Accessed 8 January 2009 – Attachment 46).
- An article published by *The Daily Star* on 14 January reports that “[f]ive students were injured during a clash between two rival factions of [Awami-aligned] Bangladesh Chhatra League (BCL) at Chittagong Polytechnic Institute yesterday afternoon” (‘Five injured in BCL factional clash in Ctg’ 2009, *The Daily Star*, 14 January <http://www.thedailystar.net/story.php?nid=71259> – Accessed 14 January 2009 – Attachment 53)
- An article published by *The Daily Star* on 16 January refers to another factional clash at Rajshahi University, reporting that “[a]t least 10 students, including the correspondents of two dailies, were injured during a clash between two factions of [the Awami-aligned student movement] Bangladesh Chhatra League (BCL) at Rajshahi University over establishing supremacy on the campus yesterday” (‘BCL factions clash at RU: 2 journos beaten’ 2009, *The Daily Star*, 16 January <http://www.thedailystar.net/story.php?nid=71554> – Accessed 16 January 2009 – Attachment 54).

**3. Is there any information to indicate that BNP members and supporters have recently been subjected to intimidation, violence and mistreatment by the police or security forces; is the situation likely to be different in cases of high profile BNP members.**

A report published by the International Crisis Group on 28 April 2008 provides general information on the arrest and detention of political activists in 2007 and early 2008:

In the first hours of the emergency, the military imposed a countrywide curfew and raided Awami League and BNP politicians’ homes, arresting 2,552 individuals on “various charges”. Between 2 and 5 February 2007, security officials arrested another 10,000.

...As the campaign progressed, the Joint Forces cast a wider net. “Anyone deemed to be a political threat to the caretaker government is threatened or arrested”, said a foreign official. In its first months, the anti-corruption drive netted over 100,000 people. Some sources put the number of arrests closer to 200,000. According to Odhikar, a leading Bangladeshi human rights organisation, in the first year of emergency rule 440,000 people were arrested, only 239,480 of whom had arrest warrants issued against them. Many were subsequently released, but neither the government nor independent monitors can give exact numbers.

...By late 2007, the wave of arrests caused enough public discontent to prompt a government rethink. A senior army officer admitted the anti-corruption drive had turned into a “witch-hunt” to “settle political and personal scores: the government is targeting the corrupt, but doing nothing to deal with corruption...it’s a witch-hunt without a strategic vision”.

...Special courts established under emergency provisions are trying 222 senior officials and 1,000 associates who were arrested and charged by the NCC. Trials are speedier than in regular courts and closed to the public. The courts also hand down harsher sentences. There are not enough special courts to deal with the flood of cases, and more are being created. Lt.-Gen. Masud Uddin Chowdhury, the NCC head, is concerned they will be unable to try all the cases before the emergency is lifted ahead of elections in December 2008.

...There are numerous allegations that the CTG has violated due process during the anti-corruption drive and even used torture. There are also charges that intelligence officers are acquiring shares in private companies in return for releasing their owners from prison. Senior UN officials and Western diplomats privately agree the government has held many people indefinitely without charge, but their public response has been muted (International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, International Crisis Group website, 28 April, pp. 17-19

[http://www.crisisgroup.org/library/documents/asia/south\\_asia/151\\_restoring\\_democracy\\_in\\_bangladesh.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/151_restoring_democracy_in_bangladesh.pdf) – Accessed 25 June 2008 – Attachment 2).

Question 2 of *RRT Research Response BGD32346* of 23 September 2007 refers to the following October 2007 Department of Foreign Affairs and Trade advice regarding the profile of persons “targeted” by the Caretaker Government. While solicited in reference to Awami League supporters, the DFAT advice indicates more generally that the Caretaker Government had focused on arresting “senior political leaders”:

5. There is no evidence to suggest that the current caretaker government has targeted low profile political figures, including members of Awami League, for reasons only of their political party membership. The government’s main targets have been senior political leaders and their acquaintances, influential businessmen and senior government officials who were engaged in large-scale corruption and misuse of power. Arrests have been on the basis of corruption rather than political party membership (Department of Foreign Affairs and Trade 2007, *DFAT Report No.702 – Bangladesh: RRT Information Request: BGD32346*, 3 October – Attachment 71; RRT Research & Information, 2007, *Research Response BGD32346*, 23 September – Attachment 72).

Subsequent reports were located which indicate that in the wake of the May 2008 declaration that parliamentary elections were to be held in December of that year, the Caretaker Government engaged in mass arrests of political activists, including Awami League and BNP supporters. A report published by Human Rights Watch on 5 June 2008 reports on “mass, arbitrary arrests” by security forces under the caretaker government:

Using emergency rules put in place in 2007, Bangladesh’s military-backed interim government has arrested at least 12,000 persons since May 28, 2008. The arrests follow the breakdown of prospects for negotiations between the government and the two main political parties, the Awami League and the Bangladesh Nationalist Party, over planned national elections in December. Many of those arrested are local-level political party leaders and activists. Human Rights Watch expressed concern about the health and safety of the detainees, given massive prison overcrowding and well-documented patterns of torture and mistreatment of detainees.

...The government has rejected suggestions that the arrests are politically motivated, claiming that it was a planned sweep against criminality. Political parties and human rights groups have alleged that arrests are being carried out to pave the way for pro-government candidates to be elected in upcoming local and national elections.

The crackdown started just days after the Awami League and the Bangladesh Nationalist Party declared that they would boycott a government-initiated dialogue aimed at developing a roadmap for parliamentary elections in December and sustainable reforms of the country's troubled political institutions. To take part in the dialogue, the parties demanded the release of their leaders, Sheikh Hasina and Khaleda Zia, who are currently detained on corruption-related charges. The parties also stated that they may organize mass movements to secure their release (Human Rights Watch 2008, 'Bangladesh: End Mass Arrests, Release Detainees, Human Rights Watch (HRW) website, 5 June <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=484cee93c> – Accessed 10 June 2008 – Attachment 73).

An article published by *The Daily Star* on 1 June 2008 reports on the May 2008 arrests, stating that “[o]ver 200 people including 33 district and upazila level top leaders of Awami League, BNP and their front organisations, municipality and union parishad chairmen and transport leaders were arrested as of yesterday during a sudden crackdown by the joint forces starting Friday midnight”. The article provides the names and political offices of some of the detainees from the BNP and Awami League, including various local area party Presidents, Secretaries, and Chairmen and activists ('Sudden crackdown on political leaders, workers' 2008, *The Daily Star*, 1 June <http://www.thedailystar.net/story.php?nid=39174> – Accessed 23 June 2008 – Attachment 74).

Previous RRT *Research Response BGD33436* of 25 June refers to extensive source material on mass arrests in Bangladesh in May and June 2008 (RRT Research & Information 2008, *Research Response BGD33436*, 25 June – Attachment 77).

A paper published by the Asian Legal Resource Centre on the arrests conducted by Bangladesh security forces refers to reports that many detainees have been subjected to torture and assault while in detention:

Astounding numbers of persons have been arrested since the State of Emergency began. The unconvincing response of the government to these allegations has been to deny that they have space to detain this number of persons. Bangladesh already has a well-documented track record of serious over-crowding in its prisons. Persons are arrested en-masse in order to intimidate, and, in general, are not detained for long periods.

An example of the scale of the problem is the four-week crackdown that started on May 28, 2008, resulting in the arbitrary arrest and detention of more than 50,000 Bangladeshis. During this, the Inspector General of Police (IGP) admitted to the media, on June 9, 2008, that the police have to use the emergency laws, as these do not permit bail, therefore avoiding courts releasing suspects. The ALRC notes that courts typically release suspects when there is no evidence against them. The IGP also admitted that an average of 1,667 persons have been being arrested in the country each day since the beginning of the emergency. The detention of so many individuals, even for relatively short periods, is leading to severe overcrowding in the country's prisons. Reports indicate that most persons arrested are subjected to some form of ill-treatment, including beatings, and that torture is also being used on a significant number of detainees, during which the police extract money or confessions (Asian Legal Resource Centre 2008, *Bangladesh: Prolonged State of Emergency threatening the judiciary and human rights defenders' ability to work*, Asian Legal Resource Centre website, 21 August

Advice from the Department of Foreign Affairs and Trade of 17 July 2008 provides information on the arrest of BNP members, including “high-profile” members of the party leadership:

**A. Please provide an update on the situation regarding the detention of BNP members, in the context of the continuing state of emergency in Bangladesh.**

A number of senior members and law-makers from the Bangladesh Nationalist Party (BNP) still remain in jail after being arrested as part of the current broad anti-corruption drive of the Caretaker Government. High profile members include the former Prime Minister, Begum Khaleda Zia (BNP Chairperson), and her two sons, Tarique Rahman and Arafat Rahman.

In mid-May, the Dhaka court issued arrest warrants against another twelve senior BNP members accused in a graft case that included former Finance Minister, M Saifur Rahman, a senior leader of the pro-reform faction of the BNP; expelled BNP Secretary General, Abdul Mannan Bhuiyan; and other ex-ministers including Amir Khasru Mahmud Chowdhury, MK Anwar, and M Shamsul Islam. Mr Bhuiyan, Mr Anwar, and Mr Islam are currently in jail while Mr Rahman and Mr Chowdhury remain abroad having absconded before they could be detained.

A fresh round of mass arrests began at the end of May 2008. The timing was interesting, occurring just after the two major political parties (BNP and AL) threatened to boycott dialogue sessions with the Caretaker Government unless their leaders were freed. Open source material suggested that over 25,000 people were arrested in a month long period including petty criminals, grassroots leaders and activists of different political parties including the BNP, all of whom were alleged to be involved in criminal activity regardless of their political affiliation (Department of Foreign Affairs and Trade 2008, *DFAT Report: 850 – RRT Information Request BGD33475*, 17 July – Attachment 76;

A report published by Human Rights Watch in February 2008 provides general information on the mistreatment of detainees by security forces under the Caretaker Government, stating that “[t]orture has also been used to punish and intimidate peaceful critics of the interim government and de facto military rule”:

Torture has been perpetrated by law enforcement officials, paramilitary groups, and the army regardless of which government has been in power.

...The military-backed interim government, which was appointed on January 12, 2007, has no better record than its predecessors regarding torture. In its popular public campaign against corruption, the interim government has routinely used torture to extract confessions from criminal suspects or to gain information against those charged with corruption.

Torture has also been used to punish and intimidate peaceful critics of the interim government and de facto military rule.

...One reason torture remains rampant is the use of emergency rule by the interim government for more than a year. This gives unprecedented powers to already abusive military, paramilitary, and police forces.

...These broad emergency powers, which were purportedly put in place to end violent demonstrations and to enable the government’s anti-corruption drive, deprive people of legal

protections and due process rights including the right to a fair trial. The emergency regulations have also facilitated arbitrary arrests of a wide range of government critics, peaceful protesters, and political party members. Although exact figures are unavailable, tens of thousands of people have been arbitrarily arrested under emergency rule (Human Rights Watch 2008, 'The torture of Tasneem Khahlil: How the Bangladesh military abuses its power under the state of emergency', HRW website, February <http://hrw.org/reports/2008/bangladesh0208/bangladesh0208web.pdf> – Accessed 15 February 2008 – Attachment 78).

A news article published by Human Rights Watch on 10 August 2008 reports on alleged abuses by the Rapid Action Battalion (RAB) and police in Bangladesh, including the alleged extrajudicial killing of Moshiul Alam Sentu, , described as “an activist in the student wing of the Bangladesh Nationalist Party”:

The military-backed interim government should take prompt action to end a wave of unlawful killings by Bangladesh’s elite crime-fighting force, Human Rights Watch said today. Since June 1, 2008, officials from the elite Rapid Action Battalion (RAB) and the police have killed at least 50 individuals under suspect circumstances.

...After strong national and international criticism of the Rapid Action Battalion for its poor human rights record, RAB killings decreased in 2007 and early 2008. However, this trend has been abruptly broken in recent months and the number of killings has surged, Human Rights Watch said.

For example, around 7 p.m. on July 15, RAB officers in Dhaka arrested Moshiul Alam Sentu, an activist in the student wing of the Bangladesh Nationalist Party. When Sentu’s mother contacted a RAB officer shortly afterwards, he assured her that her son would not be mistreated. Around 4 a.m. the following day, eyewitnesses observed RAB officers dumping Sentu’s body in a paddy field in Barisal city, south of Dhaka. The body had two bullet wounds in the chest and another in the leg. Sentu’s neck was severely bruised and possibly broken, as was his left hand, indicating possible torture. The RAB later stated that it took Sentu to Barisal to recover a cache of hidden arms and that he was killed in crossfire as the RAB team was attacked by his associates (Human Rights Watch 2008, 'Bangladesh: End Wave of Killings by Elite Forces' Human Rights Watch website, 10 August <http://www.hrw.org/en/news/2008/08/10/bangladesh-end-wave-killings-elite-forces> – Accessed 9 January 2009 – Attachment 79).

Reports published by Bangladesh human rights NGO Odhikar were located which provide statistics on the number and political affiliation of persons alleged to have been extrajudicially killed by government security forces during the state of emergency in 2007 and 2008:

- A report published by Odhikar on 1 January 2008 reports that “[s]ince 1 January to 31 December 2007, a reported number of 184 people have allegedly been extrajudicially killed by law enforcement agencies”, and notes that “[o]f the 184 people reported extra-judicially killed, 8 people were members of the Bangladesh Nationalist Party (BNP)” and that “5 were members of the Awami League” (Odhikar 2008, 'Human Rights Concerns 2007: Odhikar Report On Bangladesh', Odhikar website, 1 January, pp. 16 & 18 [http://www.odhikar.org/documents/hr\\_report\\_2007.pdf](http://www.odhikar.org/documents/hr_report_2007.pdf) – Accessed 29 February 2008 – Attachment 80).
- A report published by Odhikar on 1 October 2008 provides information on extrajudicial killings under the caretaker government during the nine months from

January to September 2008. The report indicates that of 116 persons allegedly killed extra-judicially by various Bangladeshi security forces from January to September 2008, one persons had affiliations with the Awami League, and two with the BNP (Odhikar 2008 'Nine Months Human Rights Report On Bangladesh: January-September, 2008' Odhikar website, 1 October

[http://www.odhikar.org/documents/Jan-Sep08\\_report.pdf](http://www.odhikar.org/documents/Jan-Sep08_report.pdf) – Accessed 9 January 2009 – Attachment 81).

- While not specifying the affiliations or actions of those killed, a report published by Odhikar on 12 December 2008 reports that during the 23 months to date of the State of Emergency in Bangladesh, “319 people have been killed by legally constituted forces”, noting that “256 people were allegedly killed in ‘crossfire’ and 38 people were allegedly tortured to death while in custody” (Odhikar 2008, ‘Human Rights Report: 23 Months of State of Emergency in Bangladesh’, Odhikar website, 12 December [http://www.odhikar.org/documents/23months\\_report.pdf](http://www.odhikar.org/documents/23months_report.pdf) – Accessed 9 January 2009 – Attachment 82).

#### **4. Please provide information on the recent situation in Dhaka for BNP members and supporters.**

##### **Election Results in Dhaka**

A page located on the Bangladesh Government web portal ([www.bangladesh.gov.bd/](http://www.bangladesh.gov.bd/)) provides a breakdown of election results in each seat contested in the Bangladesh parliamentary elections on 29 December 2008. The document identifies twenty Dhaka electorates, and indicates that candidates from the Bangladesh Awami League were successful in eighteen seats; Awami League electoral allies the Bangladesh Workers Party and the Jatiya party each won one of the remaining two seats (‘Seatwise Candidates Elected’ (Undated), Bangladesh Government web portal <http://123.49.39.5/result/report7.php?lang=en> – Accessed 14 January 2009 – Attachment 26).

##### **Recent Political Violence in Dhaka**

The following reports were located of politically related violence occurring in Dhaka in late December 2008 and early January 2009 in connection with the 29 December 2008 parliamentary elections:

- A election monitoring report published by the Odhikar Election Violence Education and Resolution (EVER) project, covering the period from 14 to 24 December 2008 in 40 districts in Bangladesh, including eight districts in Dhaka Division (Gazipur, Munshigonj, Narayanganj, Mymensingh, Rajbari, Kishoregonj, Tangail and Netrokona), reports that 202 people were injured in 74 incidents in the 40 districts monitored, including 47 persons injured in 13 incidents in Dhaka division. The report notes that “Chittagong and Dhaka divisions have the highest number of incidents possibly because they are the two main cities in the country” (‘Statement on Election Violence: Dates Covered: 14-24 December 2008’ (undated) Odhikar website, [http://www.odhikar.org/election/Statement\\_EV\\_final.pdf](http://www.odhikar.org/election/Statement_EV_final.pdf) – Accessed 9 January 2009 – Attachment 83).
- An article published by *The Daily Star* on 31 December 2008 reports that “[a]t least 25 people were injured in separate post-election clashes between Awami League and BNP activists at different places in the capital yesterday” (‘3 killed in post-polls

violence' 2008, *The Daily Star*, 31 December

<http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009  
Attachment 42).

- An article published by *The Daily Star* on 1 January 2009 reports allegations by BNP Office Secretary Rizvi Ahmed of attacks by Awami League activists against BNP supporters and refers to an alleged attack on a BNP office in Dhaka by Awami League “activists”, stating that “BNP candidate for Dhaka-16 barrister Rafiqul Islam Chowdhury Mia alleged that AL activists captured the ward-92 BNP office” (Hasan, Rashidul 2009, ‘Send in rigging info’ *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69512> – Accessed 8 January 2009 – Attachment 84).

### **Recent Student Violence in Dhaka**

Reports were also located of several recent violent incidents at Dhaka University involving members of the Awami League affiliated student group the *Bangladesh Chhatra League (BCL)*, the BNP affiliated student group the *Jatiyatabadi Chhatra Dal (JCL)*, and the Jamaat-e-Islami affiliated *Islami Chatra Shibir (ICS)*:

- An article published by *The Daily Star* on 3 January 2009 reports that members of the *Bangladesh Chhatra League (BCL)* had occupied the rooms of *Jatiyatabadi Chhatra Dal (JCD)* members on the campus of Dhaka University. The article reports claims that “a few former BCL leaders, who were not on the campus during the last seven years because of the dominance by JCD-student wing of BNP, have returned to campus with a good number of outsiders and firearms” (Ahammed, Rakib 2009, ‘BCL captures DU rooms ignoring Hasina’s directive’ *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69800> – Accessed 9 January 2009 – Attachment 85).
- An article published by *The Daily Star* on 3 January 2009 reports that police had raided Dhaka University and arrested two Bangladesh Chhatra League (BCL) activists, but had not recovered any firearms (‘2 BCL men held, 9 DU halls raided’ 2009, *The Daily Star*, 3 January – Attachment 86).
- An article published by *The Daily Star* on 10 January 2009 reports that “[a]t least five activists of Bangladesh Chhatra League (BCL), student wing of Awami League (AL) were injured in a factional clash at Muktiyodhha Ziaur Rahman Hall of Dhaka University (DU) in the early hours of yesterday”, and that police had subsequently arrested six Bangladesh Chhatra League (BCL) members (‘5 hurt as BCL factions fight at DU Zia Hall’ 2009, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70651> – Accessed 12 January 2009 – Attachment 87).
- An article published by *The Daily Star* on 15 January 2009 reports that the *Jatiyatabadi Chhatra Dal (JCD)* at Dhaka University had “alleged that after the political changeover, JCD men and general students are being beaten up and repressed by Bangladesh Chhatra League (BCL) leaders and activists in different institutions” and threatened to “take the struggle onto the streets from January 18” if a series of measure to rectify the situation is not implemented (‘JCD demands congenial atmosphere on campus’ 2009, *The Daily Star*, 15 January

<http://www.thedailystar.net/story.php?nid=71352> – Accessed 15 January 2009 – Attachment 88).

- According to a *Daily Star* article of 18 January 2009, “Bangladesh Chhatra League (BCL) activists yesterday beat up a Jatiyatabadi Chhatra Dal (JCD) man on the Dhaka University campus” (‘DU JCD man beaten by BCL activists’ 2009, *The Daily Star*, 18 January <http://www.thedailystar.net/story.php?nid=71855> – Accessed 19 January 2009 – Attachment 64).

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## **5. Has the nature and the level of political violence in Bangladesh changed?**

Various reports were located providing preliminary figures on the number of persons killed and injured in election related violence in late December 2008 and early January 2009 in Bangladesh. On 2 January 2009 a *Daily Star* article reported that “[a]t least 4 people have been killed and 50 injured in post-election violence across the country so far”; an article published by *The New Nation* on 19 January 2009 reports that according to media sources, “[a]t least 20” people had been killed and “more than 1000 injured”. In comparison, an *Amnesty International* report of 23 December 2008 notes that “[t]housands of people were left injured and more than 150 killed” in campaigning for the 2001 parliamentary elections and “at least 35 people were killed and hundreds injured” in political violence in late 2006/early 2007 in connection with the postponed parliamentary elections initially scheduled for 22 January 2007. It should be noted that at the time of this response, the campaign for the 22 January 2009 *upazila* elections was underway; an article published by *The Daily Star* on 15 January 2009 refers to statements by the Bangladesh Election Commissioner, who reportedly “expressed his dissatisfaction over the law and order situation ahead of the January 22 *upazila* parishad elections as post-polls violence still continues in the country” (for reports on casualties from 2008/2009 political violence see ‘50 hurt in post-polls violence’ 2009, *The Daily Star*, 2 January <http://www.thedailystar.net/newDesign/news-details.php?nid=69681> – Accessed 8 January 2009 – Attachment 55; Rashid, Manumur 2009, ‘Stop violence for peaceful *Upazila* election’, *The New Nation*, 19 January <http://nation.ittefaq.com/issues/2009/01/19/news0019.htm> – Accessed 19 January 2009; for information on casualties during previous election campaigns see Amnesty International 2008, ‘Bangladesh: Elections present risks and opportunities for human rights’, Amnesty International website, 23 December <http://www.amnesty.org/en/library/asset/ASA13/011/2008/en/7d137e48-d119-11dd-984e-fdc7ffcd27a6/asa130112008en.html> – Accessed 9 January 2009 – Attachment 89; for comments on fears of further violence in connection with the *upazila* elections, see ‘EC warns against influencing *upazila* polls’ 2009, *The Daily Star*, 15 January <http://www.thedailystar.net/story.php?nid=71405> – Accessed 15 January 2009 – Attachment 94; and ‘*Upazila* electioneering picks up steam’ 2009, *New Age*, 6 December <http://www.newagebd.com/2009/jan/06/front.html> – Accessed 16 January 2009 – Attachment 32).

Varied preliminary analysis and commentary on political violence occurring in connection with the 29 December 2008 parliamentary elections was located. An article published by *The Economist* on 7 January 2009 compared the elections favourably against earlier polls, stating that it had been “a successful election, largely free of the violence, intimidation and massive vote-buying that marked its predecessors”, while a statement published on 4 January 2009 on the website of Bangladesh human rights NGO Ain O Salish Kendra expresses “grave concern over the incidence of attack on leaders, workers and supporters of different political parties

by their rivals at different parts of the country since after December 29 parliamentary election” (see ‘Unguided democracy’ 2009, *The Economist*, 7 January [http://www.economist.com/world/asia/displaystory.cfm?story\\_id=12883575](http://www.economist.com/world/asia/displaystory.cfm?story_id=12883575) – Accessed 9 January 2009 – Attachment 95; and ‘ASK’s Concern over Post Election Violence’ 2009, Ain O Salish Kendra website, [http://www.askbd.org/web/?page\\_id=924](http://www.askbd.org/web/?page_id=924) – Accessed 8 January 2009 – Attachment 97).

A review of source information is presented below under the following subheadings:

- [\*Politically Motivated Violence during Previous Election Campaigns\*](#)
- [\*Politically Motivated Violence during 28 December 2008 Elections\*](#)
- [\*Politically Motivated Violence after the 29 December 2008 Election\*](#)
- [\*Commentary by Bangladesh Government Officials on Recent Political Violence\*](#)
- [\*Commentary by NGOs and Media on Recent Political Violence\*](#)
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### **Politically Motivated Violence during Previous Election Campaigns**

A media briefing published by Amnesty International on 23 December 2008 provides a useful summary of election-related violence in Bangladesh in 2001 and 2006/2007, indicating that “[t]housands of people were left injured and more than 150 killed in these clashes during the three-month period of election campaigning” for the 2001 polls, and “[f]rom late October 2006 to early January 2007, in the run up to the postponed general elections, at least 35 people were killed and hundreds injured during clashes between rival political groups” (Amnesty International 2008, ‘Bangladesh: Elections present risks and opportunities for human rights’, Amnesty International website, 23 December <http://www.amnesty.org/en/library/asset/ASA13/011/2008/en/7d137e48-d119-11dd-984e-fdc7ffcd27a6/asa130112008en.html> – Accessed 9 January 2009 – Attachment 89).

### **Politically Motivated Violence during 28 December 2008 Elections**

Numerous reports were located which provide information on the number of persons killed and injured in political related violence, and on the effectiveness of security arrangements, in the lead-up to the election and on the day of the polls:

- Two reports published by the Election Violence Education and Resolution (EVER) project provide information to indicate that it recorded 110 incidents of violence during its pre-election monitoring activities in 40 districts in six divisions in Bangladesh from 14 December to 28 December 2008 (Election Violence Education and Resolution (EVER) Project 2008 ‘Election Violence Report-1: Date Covered: 14-19 December 2008’, International Foundation for Electoral Systems website, 24 December [http://www.ifes.org/files/ElectionViolenceReport\\_1.pdf](http://www.ifes.org/files/ElectionViolenceReport_1.pdf) – Accessed 16 January 2009 – Attachment 39; Election Violence Education and Resolution (EVER) Project 2009 ‘Election Violence Report: Second Report Covering 20 – 28 December 2008’, International Foundation for Electoral Systems website, 5 January [http://www.ifes.org/files/ElectionViolenceReport\\_2.pdf](http://www.ifes.org/files/ElectionViolenceReport_2.pdf) Accessed 16 January 2009– Attachment 40).
- An article published by *The Daily Star* on 30 December 2008 reports that “[o]ne person was killed and over 50 others were injured in election-related violence across the country during yesterday’s ninth parliamentary elections”, and that “[s]everal people were arrested yesterday and the day before in connection with electoral code of conduct violation, criminal acts and trying to cast fake votes. At least 22 bombs

were also recovered” (‘One killed in polls violence’ 2008, *The Daily Star*, 30 December <http://www.thedailystar.net/newDesign/news-details.php?nid=69287> – Accessed 8 January 2009 – Attachment 41).

- An Odhikar report published on 31 December 2008 provided a positive assessment of the security situation for the elections on 29 December 2008:

The security environment was found to be stable. On election day, necessary security arrangements were made by the government and the Election Commission as to enable the citizens to exercise their right to franchise without any fear. Incidents of violence had not been recorded in any of the observed constituencies during election observation.

...Despite the prevalence of election related violence during the campaign period in a number of constituencies, the voter turn out in 56 constituencies was full and festive. People had come out in full force to fulfil their duty as citizens and they had contributed the most in making the election free, fair and peaceful. The large turn out of young, first time voters and female voters proved again that the people of Bangladesh still believe in democracy.

...On election day two hundred eighty local mobile observers visited nearly 560 polling centres, representing rural, urban and industrial areas across the country to observe the elections. On election day, mobile teams observed polling centers and reported their findings in the prescribed ‘election day observation forms’. Some irregularities were found in various polling stations, as mentioned.

In general, the atmosphere in and around the 560 polling centres covered by Odhikar were festive and relatively peaceful. Initiatives of the government contributed to the safe and stable environment on the polling day. Combined efforts to uphold law and order by members of the civil service and the various security forces, including Police, RAB, Army, Bangladesh Rifles and the Village Defence Force, also encouraged voters to participate actively in the elections, although isolated cases involving the intimidation of voters and negligence of Presiding Officers were reported in some areas.

...Despite certain irregularities, violence and some cases of post-election incidents of death, it is difficult to raise any major allegations against the way the elections were conducted (Odhikar 2008, ‘9th Parliamentary Election Observation Report’, Odhikar website, 31 December, pp. 4, 9

[http://www.odhikar.org/election/Election\\_Observation\\_Report\\_Odhikar.pdf](http://www.odhikar.org/election/Election_Observation_Report_Odhikar.pdf) – Accessed 9 January 2009 – Attachment 90).

- A preliminary report on the 29 December elections by the Election Working Group (EWG) (which describes itself as “a non-partisan, 32-member national coalition of civil society organizations that share a common commitment to free and fair elections and good governance in Bangladesh”) is generally positive about security provisions and levels of violence on the day of the polls:

On the basis of its comprehensive election observation findings, EWG concludes that the Ninth Parliamentary Elections held on December 29, 2008 were credible elections, consistent with international standards of freedom, fairness, and transparency. EWG is confident that the election results represent the clear will of the Bangladeshi electorate

...Although there is no evidence of systemic violence, there were on occasional reports of confrontation between rival party activists resulting in the temporary suspension of proceedings in some polling centers.

...The security environment at polling centers was significantly improved from previous parliamentary elections. Minor incidents of intimidation were noted by EWG observers, but these only escalated to violence in rare occasions. Voter expressed confidence in the security of polling centers and adjacent areas. Of particular significance, members of ethnic and religious minority communities that have historically faced particular security challenges expressed confidence in casting their votes without fear, intimidation, or pressure. Law enforcement officials present in polling centers and polling booths generally discharged their security functions in a neutral manner.

● **Isolated incidents of violence:** EWG observers noted several minor incidents of violence involving clashes between rival political factions. In some cases, the disruption was sufficient to prompt election officials to suspend polling until law enforcement officials restrained or otherwise dispersed those involved in violence (Election Working Group 2008, 'Bangladesh Ninth Parliamentary Elections: December 29, 2008 – Preliminary Election Observation Report', Asia Foundation website, 29 December, pp. 2, 10-11 <http://www.asiafoundation.org/resources/pdfs/EWGObservationReport.pdf> – Accessed 9 January 2009 – Attachment 91).

### **Politically Motivated Violence after the 29 December 2008 Election**

Media reports were located which provide information on the level of politically motivated violence occurring in Bangladesh in the wake of the 29 December election:

- An article published by *The Daily Star* on 31 December 2008 reports that “three people were killed and 69 others injured” in election-related violence in various locations across Bangladesh, including Chittagong and Jessore, on 30 December 2008 (‘3 killed in post-polls violence’ 2008, *The Daily Star*, 31 December <http://www.thedailystar.net/story.php?nid=69422> – Accessed 6 January 2009 Attachment 42).
- A report published by Odhikar on 31 December reports that four persons were killed and around 200 injured in election-related violence which occurred from 29 to 31 December 2008 (‘9th Parliamentary Election Observation Report’ 2008, Odhikar website, 31 December, p. 10 [http://www.odhikar.org/election/Election\\_Observation\\_Report\\_Odhikar.pdf](http://www.odhikar.org/election/Election_Observation_Report_Odhikar.pdf) – Accessed 9 January 2009 – Attachment 90).
- An article published by *The Daily Star* on 1 January 2009 reports that “[a]t least 82 people, mostly the activists and supporters of BNP, were injured in post-election violence in seven districts Tuesday night and yesterday” (‘82 hurt in post-polls violence’ 2009, *The Daily Star*, 1 January <http://www.thedailystar.net/story.php?nid=69524> – Accessed 8 January 2009 – Attachment 43).
- An article published by *The Daily Star* on 2 January 2009 reports that “[a]round 50 people were injured in post-election clashes between the Awami League (AL) and the

BNP supporters at different parts of the country during the last 24 hours”, and that “[a]t least four people have been killed and over 150 injured in post election violence across the country so far” (‘50 hurt in post-polls violence’ 2009, *The Daily Star*, 2 January <http://www.thedailystar.net/newDesign/news-details.php?nid=69681> – Accessed 8 January 2009 – Attachment 55).

- An article published by *The Daily Star* on 3 January 2009 reports that “[t]wo people died and 15 others were injured in separate incidents of violence across the country yesterday” (‘2 killed, 15 hurt in violence’ 2009, *The Daily Star*, 3 January <http://www.thedailystar.net/story.php?nid=69813> – Accessed 8 January 2009 – Attachment 44).
- An article published in *The Daily Star* on 4 January 2009 reports on continuing election-related violence, stating that “[a]t least 71 people were wounded in post-election clashes between the supporters of Awami League (AL) and BNP and its front organisations over the last two days as more reports pour in of violence across the country (‘71 injured as post-election clashes on’ 2009, *The Daily Star*, 4 January <http://www.thedailystar.net/story.php?nid=69950> – Accessed 9 January 2009 – Attachment 57).
- An article published by *The New Nation* on 19 January indicates that according to media reports ‘[a]t least 20 people have been killed and more than 1000 injured in different post-election violence across the country between supporters of the country’s two main political parties” while noting that according to police “there have been four election-related deaths” since the December 29 election (Rashid, Manumur 2009, ‘Stop violence for peaceful Upazila election’, *The New Nation*, 19 January <http://nation.ittefaq.com/issues/2009/01/19/news0019.htm> – Accessed 19 January 2009 – Attachment 93).

### **Commentary by Bangladesh Government Officials on Recent Political Violence**

Reports were also located which refer to commentary by police and security officials on recent election-related violence in Bangladesh:

- An article published on the *Daily Times* website on 2 January 2009 reports on comments by security officials warning of the possibility of continuing election related violence:

Officials have, meanwhile, warned that post-poll violence was still possible after a ban on political activity was lifted on Thursday.

“Security to Sheikh Hasina is a top priority,” the head of the elite Rapid Action Battalion (RAB) security force, Hasan Mahmud, said, adding that more than 50,000 troops deployed for the election would stay in position. Election Commissioner Shakhawat Hossain said voters should be cautious about public celebrations.

“They should not go around being very jubilant. So far so good, but there were incidents of violence that happened in the last election in 2001” (‘Khaleda accepts defeat in ‘rigged’ Bangladesh poll’ 2009, *Daily Times*, 2 January

[http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story\\_2-1-2009\\_pg20\\_1](http://www.dailytimes.com.pk/default.asp?page=2009\01\02\story_2-1-2009_pg20_1) – Accessed 8 January 2009 – Attachment 29).

- An article published by *The Daily Star* on 2 January 2009 refers to the following comments by Inspector General of Police Nur Mohammad playing down the level of political violence in Bangladesh after the parliamentary elections:

Talking to reporters, Nur Mohammad said that after the election no massive clashes or violence has taken place so far. However sporadic incidents have taken place at different parts of the country, he said.

He however pointed out that many of these incidents had no political connections, and added that during a period when power is being transferred from one government to another, such type of incidents are not uncommon ('50 hurt in post-polls violence' 2009, *The Daily Star*, 2 January <http://www.thedailystar.net/newDesign/news-details.php?nid=69681> – Accessed 8 January 2009 – Attachment 55).

- An article published by the *Daily Times* on 4 January 2009 reports police statements regarding recent election-related violence in Bangladesh, indicating an increase in violence after a ban on political rallies was lifted:

At least two people have been killed and more than 20 injured in numerous post-election clashes between supporters of Bangladesh's two main parties, police said on Saturday. The violence between activists of the victorious Awami League and its rival Bangladesh Nationalist Party (BNP) came after an election ban on rallies was lifted on Thursday ('Two killed in Bangladesh post-election violence' 2009, *The Daily Times*, 4 January

[http://www.dailytimes.com.pk/default.asp?page=2009\01\04\story\\_4-1-2009\\_pg20\\_2](http://www.dailytimes.com.pk/default.asp?page=2009\01\04\story_4-1-2009_pg20_2) – Accessed 6 January 2009 – Attachment 68).

- A subsequent article published by Pakistan-based website *The News International* on 6 January 2009 reports on statements by Bangladesh police indicating that since the election on 29 December, there had been "51 incidents of poll-related violence, in which supporters of the winning Awami League party clashed with those from the rival Bangladesh Nationalist Party (BNP)", and that "at least four people have been killed and 71 injured in political violence" ('Four killed in Bangladesh post-poll violence' 2009, *The News International*, 5 January <http://www.thenews.com.pk/updates.asp?id=64138> – Accessed 8 January 2009 – Attachment 93).
- An article published by *The Daily Star* on 15 January 2009 reports statements by the Bangladesh Election Commissioner, who "said some quarters are trying to influence the upazila parishad elections", and "expressed his dissatisfaction over the law and order situation ahead of the January 22 upazila parishad elections as post-polls violence still continues in the country" ('EC warns against influencing upazila polls' 2009, *The Daily Star*, 15 January <http://www.thedailystar.net/story.php?nid=71405> – Accessed 15 January 2009 – Attachment 94).

### **Commentary by NGOs and Media on Recent Political Violence**

An article published by *The Economist* on 7 January 2009 described the December 2008 parliamentary election in Bangladesh as "a successful election, largely free of the violence, intimidation and massive vote-buying that marked its predecessors" ('Unguided democracy' 2009, *The Economist*, 7 January

[http://www.economist.com/world/asia/displaystory.cfm?story\\_id=12883575](http://www.economist.com/world/asia/displaystory.cfm?story_id=12883575) – Accessed 9 January 2009 – Attachment 95).

A summary report by NGO Ain O Salish Kendra (described as “a national legal aid and human rights organization, established in 1986”) on human rights in Bangladesh in 2008 gives a positive summary of the end of the State of Emergency and the conduct of parliamentary elections:

The political landscape in 2008 shifted dramatically at the very end of the year. After nearly two years of a State of Emergency (SOE) under a military-backed caretaker government (CTG), during most of which several fundamental rights were suspended and in which political activity banned, the Emergency was lifted on 17 December. Much anticipated and twice-postponed parliamentary elections finally took place on 29 December in a peaceful atmosphere, with a large turnout of voters (‘Human Rights In Bangladesh 2008: Dashed Hopes, Receding Horizons, New Frontiers – Summary’ (Undated) Ain O Salish Kendra website [http://www.askbd.org/web/wp-content/uploads/2009/01/human\\_rth\\_rpt.pdf](http://www.askbd.org/web/wp-content/uploads/2009/01/human_rth_rpt.pdf) – Accessed 9 January 2009 – Attachment 96).

A subsequent statement published on 4 January 2009 on the website of the Ain O Salish Kendra expresses “grave concern” over incidents of violence occurring in Bangladesh after the 29 December 2008 election:

Ain o Salish Kendra (ASK) expresses grave concern over the incidents of attack on the leaders, workers and supporters of different political parties by their rivals at different parts of the country since after December 29 parliamentary election.

According to information collected by ASK in last few days, several people were killed in post-election violence in different places of the country. Many leaders and workers of different parties have been injured while the condition of many is said to be critical. Besides, mischievous incidents like, attacks and setting fire on houses and shops are also taking place. Review of the news published in different newspapers show that in most places the workers and supporters of the defeated parties are being the subject to violence by the workers or supporters of the winning party or alliance. Again, in many places the workers and supporters of the winning party are also falling victims to the losing party. We apprehend that the continuation of such incidents will have impact on deteriorating law and order situation of the country.

The situation reminds us the massive violence experienced just after the 2001 national election which catalyzed in creating chaotic and disorderly situation nation wide and worsened the human rights situation. ASK thinks that the administration should take effective measures to stop the recurrence of post election violence (‘ASK’s Concern over Post Election Violence’ 2009, Ain O Salish Kendra website, 4 January [http://www.askbd.org/web/?page\\_id=924](http://www.askbd.org/web/?page_id=924) – Accessed 8 January 2009 – Attachment 97).

An article published by *The News International* on 12 January 2009 reports that “analysts both here and abroad warn that a still-polarised electorate and a deep legacy of corruption have the potential to unleash the sort of violent confrontation that forced the military to step in two years ago”:

‘To prevent a return to the winner-takes-all style of politics, the government will have to reach out to the opposition and try to work with it for the next five years,’ said Michael Shaikh, a senior analyst from the Brussels-based International Crisis Group (ICG).

‘The challenge for the two main parties is to manage this temptation for revenge.’ This is Hasina’s second stint at the premiership after ruling between 1996 and 2001.

... ‘There is a danger with any government that has an absolute majority,’ said Manzoor Hasan, director of BRAC University’s Institute of Governance Studies in Dhaka.

‘The possibility is that it will steamroll the opposition and do whatever it wants to do.’

Unlike previous elections, the December 29 polls were largely peaceful, but police say there have been four election-related deaths since then, with media reporting at least 11 dead.

‘If the violence spins out of control, the military could step in again and it is unlikely to do another softly-softly state of emergency. Martial law is more likely next time,’ Shaikh said (‘Democracy still fragile in post-election Bangladesh’ 2009, *The News International*, 12 January [http://www.thenews.com.pk/daily\\_detail.asp?id=156636](http://www.thenews.com.pk/daily_detail.asp?id=156636) – Accessed 13 January 2009 – Attachment 98).

**6. Is there any information to suggest that false charges filed against political activists of one party by another party prior to the emergency rule are likely to have survived the political changes in Bangladesh over the last two years?**

**Approach of 2001-2006 BNP Government to pre-2001 charges against BNP members**

Previous RRT *Research Response BGD16579* of 29 March 2004 refers to various sources which suggest that the BNP government in power in Bangladesh from 2001 to 2006 may have dismissed a significant number of criminal cases which had been lodged against BNP members or supporters during the previous 1996 to 2001 Awami League administration. A US State Department report from 2003 refers to statements by various members of the BNP administration regarding politically motivated court cases, including claims by Law Minister Moudud Ahmed that “the AL government had filed 17,000 political cases and harassed about 425,000 opposition activists during its rule between 1996 and 2001”, and a statement by Home Minister Altaf Hossain Chowdhury on 3 March 2002, indicating that “since coming to power in October 2001, the Government had released 11,706 persons detained in 960 politically motivated cases filed under the previous Government (US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Bangladesh*, 31 March – Attachment 99; RRT Country Research 2004, *Research Response BGD16579*, 29 March – Attachment 100).

An article published by *The Independent* on 1 November 2003 refers to allegations by then Awami League general secretary Abdul Jalil, who claimed that some trials conducted under the BNP administration “were not held impartially”, alleging that “the alliance government had rewarded many charge-sheeted accused persons belonging to the BNP and its ally Jamaat-e-Islami by releasing them from charges of murder, rape and arms cases “(‘STA being used politically: Jalil’ 2003, *The Independent*, 1 November <http://www.independent-bangladesh.com/news/nov/01/01112003pl.htm> – Accessed 25 March 2004 – Attachment 101).

An article published on 2 January 2004 by WMRC Daily Analysis reports that in the preceding two years, “more than 70,000 people have had criminal charges against them overturned”, and refers to a local media report that “most of those cleared are affiliated with the ruling Bangladesh National Party (BNP)”. The article also notes that in some

circumstances, local judges had refused to withdraw cases in spite of directions from the Home Ministry:

It has emerged that more than 70,000 people have had criminal charges against them overturned in the past two years after the Home Ministry found their cases to be politically motivated. According to a report in local newspaper, The Daily Star, most of those cleared are affiliated with the ruling Bangladesh National Party (BNP), prompting accusations that the move is heavily politicised. The majority of those involved were charged during the previous four-year rule (1996-2000) of the now-opposition Awami League (AL). Shortly after assuming power in late 2001, the BNP initiated proceedings to review these cases, setting up a succession of panels, which have become increasingly government biased.

The final of these committees enlisted the involvement of those in charge of local districts, local MPs and local BNP leaders, all of whom made recommendations to the review committee overseeing the process.

This has prompted some disagreement, with a number of local judges refusing to withdraw charges despite Home Ministry rulings (Mills, Elizabeth 2004, 'Thousands Cleared of Politically Motivated Criminal Charges in Bangladesh', WMRC Daily Analysis, 2 January – Attachment 102).

### **Approach of Caretaker Government to extant Criminal Cases**

Question Four of previous RRT *Research Response BGD33435* refers to source information on the approach of the Caretaker Government to the issue of politically motivated cases lodged under previous BNP and Awami League administrations. A December 2007 report from the Department of Foreign Affairs and Trade features information to indicate that some cases filed under the 1996 to 2001 Awami League administration were still pending, and along with cases filed during both the prior (1991 to 1996) and subsequent (2001 to 2006) BNP administrations, were being reviewed by the caretaker government:

According to a senior legal official, the current Caretaker Government has been reviewing cases filed during the periods of previous governments, including both the BNP (1991-1996 and 2001-2006) and the Awami League (1996-2001), with the view to identifying those cases which have been either politically motivated or filed under false pretences. Where a case has been determined to be politically motivated or false, the charges may be dropped.

Faced with a significant backlog of cases (43,000 cases in Dhaka alone during 2006, according to the US State Department), the Caretaker Government has been attempting to prioritise cases and bring the more serious ones to trial (Department of Foreign Affairs and Trade 2007, *DFAT Report No. 744 – Bangladesh: RRT Information Request: BGD32651*, 5 December – Attachment 103; RRT Research & Information 2008, *Research Response BGD33435*, 14 July – Attachment 104).

No explicit information was located in the sources consulted regarding the survival of court cases lodged under prior governments at the time of the handover of power to the Awami League administration by the Caretaker Government in January 2009. Reports were located to suggest that the Caretaker Government had a faced a large backlog of cases, and had struggled to deal with new cases lodged during its tenure:

- A report from the Department of Foreign Affairs and Trade of 3 October 2007 refers to a Bangladesh Government report which placed the number of pending cases in magistrate's courts as at 28 February 2007 at 484,832:

The laying of false charges or complaints has been a widely prevalent occurrence/practice in Bangladesh. According to a report submitted by the Bangladesh Government to the Bangladesh Supreme Court on 15 April 2007, the number of cases pending with the magistrate's courts across the country as at 28 February 2007 was 484,832. While it is not possible to determine the percentage of these cases which may be false, it illustrates the extent to which some cases may be held up in the backlog before being brought to trial (Department of Foreign Affairs and Trade 2007, *DFAT Report No.519 – Bangladesh: RRT Information Request: BGD32346*, 3 October – Attachment 71).

- A report published by the International Crisis Group on 28 April 2008 provides information to suggest that the Caretaker Government was struggling to expedite the trial of “222 senior officials and 1,000 associates” arrested and charged by the National Coordination Commission on Combating Corruption and Crime (NCC) during the State of Emergency, and indicated that NCC head Lt.-Gen. Masud Uddin Chowdhury “is concerned they will be unable to try all the cases before the emergency is lifted ahead of elections in December 2008” (International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, International Crisis Group website, 28 April, pp. 17-18 [http://www.crisisgroup.org/library/documents/asia/south\\_asia/151\\_restoring\\_democracy\\_in\\_bangladesh.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/151_restoring_democracy_in_bangladesh.pdf) – Accessed 25 June 2008 – Attachment 2).

**7. Is there any information to suggest that cases filed against a BNP activist prior to 2001 are likely to be pursued by the newly elected AL government or any of its organs?**

**Attitude of Current Awami League government to politically motivated cases**

Limited information was located regarding the intentions of the current Awami League government with regard to outstanding “politically motivated” charges and court cases. Reports were not located in the sources consulted to indicate that Awami League representatives had publicly expressed an intention to expedite or re-investigate any outstanding charges laid against BNP members during the 1996 to 2001 Awami League administration. Recent media reports were located indicating that in the wake of the 29 December 2008 election, members of the new Awami League government and its electoral allies had expressed an interest in investigating incidents in which BNP members had allegedly committed offences against Awami League members during the 2001-2006 BNP administration, as well as re-investigating cases lodged against Awami League members during the same period:

- An article published by *The Daily Star* on 5 January 2009 reports comments by Awami League leader and Bangladesh Prime Minister Sheikh Hasina, indicating her intent to reinvestigate alleged abuses of Awami League supporters during the BNP administration from 2001-2006:

Awami League President Sheikh Hasina last night said incidents of torture by BNP-Jamaat supporters on Awami League leaders and workers after the 2001 general election and cases filed at that time would be reinvestigated and legal actions taken against the perpetrators (‘Don’t follow tit-for-tat policy’ 2009, *The Daily Star*, 5 January <http://www.thedailystar.net/story.php?nid=70147> – Accessed 9 January 2009 – Attachment 105).

- Similarly, an article published by *The Daily Star* on 10 January 2009 reports a statement by Awami League spokesperson Syed Ashraful Islam indicating that the government “will initiate investigations and trial of the killings of 21,000 Awami League (AL) men during the BNP-Jamaat coalition regime between 2001 and 2006”. The article also indicates that Syed Ashraful Islam expressed doubt “about the fate of the investigation into such huge number of incidents”, suggesting that the police and public prosecution in Bangladesh are “weak and inefficient” (‘Move for probe, trial of killings’ 2009, *The Daily Star*, 10 January <http://www.thedailystar.net/story.php?nid=70683> – Accessed 12 January 2009 – Attachment 106).
- An article published by *The Daily Star* on 6 January 2009 report comments by Awami League spokesperson Syed Ashraful Islam that a “probe would be conducted into the allegations and cases filed against the AL men during the tenure of the BNP-Jamaat coalition government between 2001 and 2006 and steps would be taken accordingly” (‘Stern action for post-poll violence’ 2009, *The Daily Star*, 6 January <http://www.thedailystar.net/story.php?nid=70241> – Accessed 12 January 2009 – Attachment 107).
- An article published by *The Daily Star* on 13 January 2008 reports demands made by Sheikh Shahidul Islam, Secretary General of the Awami-League allied Jatiya Party, for the “formation of a commission to reveal the real picture of corruption, militancy and terrorism during the tenure of the BNP-led four-party alliance government” (‘Form body to unearth graft during BNP-led alliance govt’ 2009, *The Daily Star*, 13 January <http://www.thedailystar.net/story.php?nid=71099> – Accessed 13 January 2009 – Attachment 108).

### **Information on Judicial Reforms undertaken by Caretaker Government**

An article published in *Strategic Insights* in June 2007 reports that in January 2007, the Caretaker Government in Bangladesh began a process of formally separating the Judiciary from the control of the Executive:

Through a government notification issued on January 16, 2007, the Caretaker Government began the process of separating the Judiciary from the administrative control of the Executive. This was a delayed implementation of a Supreme Court ruling of December 1999 that ruled that the independence of the Judiciary could not be maintained if it remained an arm of the Executive. Political parties supported this position while in opposition, but quickly took a different stand when elected to power. Though done without much public debate, the decision has enjoyed widespread public support.

...The Judiciary is the only institution which could gain popular respect, power and influence in the ongoing crisis in Bangladesh. The erstwhile linkages with politicians and prolonged patronage of the Executive are so deep-rooted that independence of the Judiciary would be a long drawn process (Kumaraswamy, P.R. & Datta, S. 2007, ‘Democracy in Bangladesh: From Fragility to Collapse?’, *Strategic Insights*, vol.6, no.4, June <http://www.ccc.nps.navy.mil/si/2007/Jun/kumaraswamyJun07.pdf> – Accessed 30 July 2007 – Attachment 109).

A report published by the International Crisis Group on 28 April 2008 states that the separation of the judiciary from the executive was formalised on 1 November 2007, but

identifies that “pervasive corruption” and a lack of trained judges and funds “have prevented a full separation”:

On 1 November 2007, an amendment to the Criminal Procedure Code Ordinance came into effect formally separating the judiciary from the executive. The move is an attempt to depoliticise court rulings and end the influence of the office of the prime minister (chief adviser) in all judicial proceedings. This followed a decision by the chief justice of the Supreme Court, in accordance with Article 22 of the constitution mandating the independence of the judiciary. Pervasive corruption in the lower ranks of the judiciary and a lack of staff and adequate funds have prevented a full separation. The CTG has at least acknowledged the problem of massive staff shortages and has created an additional 655 magistrate posts to deal with backlog of about 400,000 cases. However lawyers say that more and better trained judges are needed (International Crisis Group 2008, *Restoring Democracy in Bangladesh*, Asia Report no.151, International Crisis Group website, 28 April, p. 15 [http://www.crisisgroup.org/library/documents/asia/south\\_asia/151\\_restoring\\_democracy\\_in\\_bangladesh.pdf](http://www.crisisgroup.org/library/documents/asia/south_asia/151_restoring_democracy_in_bangladesh.pdf) – Accessed 25 June 2008 – Attachment 2).

## **List of Sources Consulted**

### Internet Sources:

#### **Search Engines**

Google <http://www.google.com/>

Hakia search engine <http://www.hakia.com/>

SiloBreaker search engine <http://www.silobreaker.com/>

#### **Region Specific Links**

*Independent Bangladesh* website <http://www.independent-bangladesh.com/>

*New Age* website <http://www.newagebd.com/>

*The Daily Star* website <http://www.thedailystar.net/>

*The Independent* website <http://www.theindependent-bd.com/>

*The News Today* website <http://www.newstoday-bd.com/>

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*The Economist* website <http://www.economist.com/>

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## **Non-Government Organisations**

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Amnesty International website <http://www.amnesty.org/>  
Freedom House <http://www.freedomhouse.org/template.cfm?page=1>  
International Crisis Group website <http://www.crisisgroup.org/home/index.cfm?>  
Asia Foundation <http://www.asiafoundation.org/>  
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Asian Centre for Human Rights website <http://www.achrweb.org/>  
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Columbia International Affairs Online website <http://www.ciaonet.org/>  
Human Rights Congress for Bangladesh Minorities <http://www.hrcbm.org/>  
International Crisis Group website <http://www.crisisgroup.org/home/index.cfm>  
Asian Human Rights Commission <http://www.ahrchk.net/index.php>  
Odhikar website <http://www.odhikar.org/>  
Bangladesh Hindu Bouddha Christian Oikya Parishad website <http://www.bhbcop.org/>  
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Election Working Group Bangladesh website <http://www.ewgbd.org/>  
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## **Government Organisations**

Immigration and Refugee Board of Canada website [http://www.irb-cisr.gc.ca/en/index\\_e.htm](http://www.irb-cisr.gc.ca/en/index_e.htm)  
UK Home Office Country of Origin Information Service website  
[http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)  
Centre for Contemporary Conflict <http://www.ccc.nps.navy.mil/>  
Bangladesh Government web portal <http://www.bangladesh.gov.bd/>

## **Databases:**

FACTIVA (news database)  
BACIS (DIAC Country Information database)  
REFINFO (IRBDC (Canada) Country Information database)  
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)  
RRT Library Catalogue

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