

15 December 2016 (COI up to 30 November 2016)

## **Bangladesh Query Response: Awami League (AL) and supporters of the Bangladesh National Party (BNP)**

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## Explanatory Note

This report presents country of origin information (COI) on Bangladesh up to 30<sup>th</sup> November 2016 on issues identified to be of relevance by UNHCR in refugee status determination for Bangladeshi nationals.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on **events**, which occurred between 2015 and 30 November 2016 and all sources were accessed in December 2016. Sources pre-dating the cut-off point for research were included to provide background information where necessary.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

## Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

### Databases

[European Country of Origin Information Network \(ECOI\)](#)

[Google](#)

[Relief Web](#)

[UNHCR Refworld](#)

### Sources

[Ain o Salish Kendra](#)

[Amnesty International](#) [Bangladesh pages]

[Armed Conflict Location & Event Date Project \(ACLED\)](#)

[Article 19](#)

[Asia Society](#)

[Asian Human Rights Commission](#) [Bangladesh pages]

[Asian Legal Resource Centre](#)

[Assessment Capacities Project \(ACAPS\)](#)

[Awami League website](#)

[Bangladesh Nationalist Party website](#)

[Brookings Institution](#)

[Carnegie Endowment for International Peace](#)

[Centre for Strategic and International Studies](#)

[CHR. Michelsen Institute \(CMI\)](#)

[CIA World Factbook](#) [Bangladesh pages]

[Council on Foreign Relations](#)

[Daily Observer](#)

[Daily Star](#)

[Dhaka Tribune](#)

[Education International](#)

[Foreign Affairs](#) (published by Council on Foreign Relations)

[Freedom House](#)

[Fund for Peace – Fragile States Index 2016](#)

[Global Coalition to Prevent Education from Attack](#)

[Heidelberg Institute for International Conflict Research](#)

[Human Rights Watch](#) [Bangladesh pages]

[The Independent](#) [Bangladesh]

[Institute for Economics & Peace – Global Peace Index 2016](#)

[Integrated Regional Information Networks \(IRIN\)](#) [Bangladesh pages]

[International Bar Association](#)

[International Commission of Jurists](#)

[International Crisis Group](#) [Bangladesh pages]

[International Federation for Human Rights](#) [Bangladesh pages]

[International Institute for Strategic Studies](#)

[Inter Press Service](#)

[The Jamestown Foundation](#) [Bangladesh pages]

[Minority Rights Group International](#)

[National Consortium for the Study of Terrorism and Responses to Terrorism \(START\) – Global Terrorism Database \(GTD\)](#)

[New Age](#)

[New Nation](#)

[Odhikar](#)

[Open Society Foundations](#) [Asia pages]

[Radio Free Europe/Radio Liberty](#)

[South Asia Terrorism Portal \(SATP\)](#)

[Transparency International](#)

[UK Foreign and Commonwealth Office](#)

[United Nations News Centre](#)

[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)

[Uppsala Universitet – UCDP Conflict Encyclopedia](#) [Bangladesh pages]

[United States Department of State](#)

[United States Institute of Peace](#)

## List of Acronyms

<b>AL</b>	Awami League
<b>BCL</b>	Bangladesh Chhatra League [AL student wing]
<b>BGB</b>	Border Guard Bangladesh
<b>BNP</b>	Bangladesh National(ist) Party
<b>CrPC</b>	Code of Criminal Procedure
<b>JAMAKON</b>	National Human Rights Commission of Bangladesh
<b>JCD</b>	Jatiyatabadi Chhatra Dal [BNP student wing]
<b>RAB</b>	Rapid Action Battalion

**1. How do supporters of the Awami League (AL) and supporters of the Bangladesh National Party (BNP) treat each other?**

**a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?**

According to Amnesty International, there has been a “long standing conflict between the governing Awami League party, led by Prime Minister Sheikh Hasina, and the opposition Bangladesh Nationalist Party (BNP), led by Begum Khaleda Zia. Both leaders have alternated in government since the early 1990s”.<sup>1</sup> Describing historical political violence the International Crisis Group noted that “In 14,000 incidents between 2002 and the end of 2013, including 369 days of hartals (strikes), more than 2,400 died and 126,300 were injured. Violence during strikes accounted for a quarter of the documented violence. The AL and BNP individually accounted for more than 40 per cent of the incidents against each other”.<sup>2</sup> Odhikar provides a breakdown of political violence from 2009 to March 2016<sup>3</sup>:



**Political Violence: 2001- 2016**

Year (c)	Killed	Injured	Total
2016 (Jan-March)	56	3200	3256
2015	197	8312	8509
2014	190	9429	9619
2013	504	24176	24680
2012	169	17161	17,330
2011	135	11,532	11,667
2010	220	13,999	14,219
2009	251	15,559	15,810
2008	50	3,185	3,235
2007	79	2,688	2,767
2006	374	21,265	21,639
2005	310	8,997	9,307
2004	526	6,235	6,761
2003	436	6,281	6,717
2002	420	8,741	9,161
2001	656	25,770	26,426
<b>Total</b>	<b>4573</b>	<b>186530</b>	<b>191103</b>

Year (s)	Due to intra party clash activists/ leader killed			Injuries: Intra party clash			Total Incidents of Intra Party clash		
	AL	BNP	Others	AL	BNP	Others	AL	BNP	Others
2016 (Jan-March)	17	0	0	1138	35	5	115	3	1
2015	40	2	0	3884	157	12	364	11	1
2014	43	2	0	4247	397	119	374	39	6
2013	28	6	0	2980	1592	68	263	140	3
2012	37	6	0	4330	1619	47	382	146	5
2011	22	3	1	3770	1234	20	340	104	4
2010	38	7	9	5614	1146	60	576	92	9
2009	38	2	0	6092	865	0	663	75	0
<b>Total</b>	<b>263</b>	<b>28</b>	<b>10</b>	<b>32055</b>	<b>7045</b>	<b>331</b>	<b>3077</b>	<b>610</b>	<b>29</b>

<sup>1</sup> Amnesty International, [Bangladesh: Human Rights Deteriorate as Political Violence Escalates](#), 20 January 2015

<sup>2</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, III. A. Party-backed Violence and Criminality p.4

<sup>3</sup> Odhikar, [Political Violence: 2001- 2016](#), March 2016

## 2015

The U.S. State Department report covering events in 2015 considered that “Politically motivated and intraparty violence remained serious problems”.<sup>4</sup> The International Crisis Group reported that “On 5 January [2015], the first anniversary of the deeply contested 2014 elections, the most violent in Bangladesh’s history, clashes between government and opposition groups led to several deaths and scores injured”.<sup>5</sup> According to Odhikar, “On January 5, 2015, in the presence of police, Awami League activists opened fire at a [BNP led] 20-Party Alliance rally which was preparing to bring out a procession with black flags, after a public meeting at Tebaria Hat in Natore district. Chhatra Dal [BNP student wing] leaders Rakib Hossain and Raihan Ali were seriously wounded and 15-20 more activists were injured”.<sup>6</sup> According to Amnesty International as of 20 January 2015 “At least 27 people have died during clashes between government and opposition supporters, arson attacks, or from shooting by security forces”.<sup>7</sup> The U.S. State Department report covering events in 2015 noted that “Political violence increased early in the year after the anniversary of the January 2014 elections. During nearly three months of a nationwide blockade and general strikes, more than 100 were killed and hundreds more maimed in burning of buses and other violence”.<sup>8</sup>

The Armed Conflict Location & Event Data Project (ACLED) reported that “In the days leading up to the one year anniversary of the January 2014 elections, violence against opposition parties and general political violence soared. High levels of violent partisan confrontation is due to inter-party clashes between the ruling Awami League (AL) and the opposition Bangladesh Nationalist Party (BNP), as well as intra-party infighting. These disputes and clashes often involve party student and youth wings”.<sup>9</sup>

The International Crisis Group explained in a February 2015 report that “Along with reliance on the security apparatus to counter dissent, the AL has used violent elements of its student and labour wings, the Chhatra League and Jubo League respectively, and other front organisations against the opposition, including in January 2015, in anticipation of and in response to BNP protests”.<sup>10</sup> It should also be noted that as reported on the BNP website, Jatiyatabadi Chhatra Dal [BNP student wing] operates according to its own constitution.<sup>11</sup>

ACLED further reported that “Marking the one-year anniversary of Bangladesh’s contested elections on 5 January, the opposition Bangladesh National Party (BNP), declared a transportation shutdown and general hartal (strike) to force the government to resign and elections to take place. The ruling Awami League’s (AL) decision two days earlier to confine BNP leader, Khaleda Zia (former prime minister), to her party’s headquarters in Dhaka, triggered violent clashes between AL and BNP activists. Opposition protests were accompanied by a rise in militia activity, including the launching

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<sup>4</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Executive Summary*

<sup>5</sup> International Crisis Group, [Mapping Bangladesh’s Political Crisis](#), 9 February 2015, *Executive Summary p. ii*

<sup>6</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, *paragraph 3*

<sup>7</sup> Amnesty International, [Bangladesh: Human Rights Deteriorate as Political Violence Escalates](#), 20 January 2015

<sup>8</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Section 1.a. Arbitrary or Unlawful Deprivation of Life*

<sup>9</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 1\); Real-time Analysis of Asian Political Violence](#), March 2015, *Bangladesh p.5*

<sup>10</sup> International Crisis Group, [Mapping Bangladesh’s Political Crisis](#), 9 February 2015, *V. B. 1. Unchecked criminality p.21*

<sup>11</sup> Bangladesh National Party website, [Constitution](#), undated [accessed 13 December 2016]

of a series of petrol bomb attacks against passengers travelling in buses and other vehicles, particularly trucks. About 200 people have been killed from burn injuries and thousands Injured”.<sup>12</sup>

For further individual incidents of BNP and AL violence during the January 2015 *hartal* (strikes), see:

- ❖ South Asia Terrorism Portal, [Bangladesh Timeline Year 2015](#), 2015

According to ACLED, reporting on trends between January and August 2015, “In Bangladesh, the political rivalry between the Bangladesh National Party and Awami League created an environment in which both parties, along with unidentified armed groups, targeted civilians in 212 recorded incidents”.<sup>13</sup> Reportedly, “Groups that participated in the most violence included the BNP and Awami League militias, the two groups responsible for feuding during the hartal [strikes]”.<sup>14</sup> Reporting on violence as a result of political rivalry, ACLED reported that “At its peak in February [2015], ACLED tracked 76 violent events targeting civilians. Only 34 events occurred in June, July, and August [2015] combined. Both the BNP and AL target civilians in order to contest the party in power (currently the AL), a common tactic that they have used for years”.<sup>15</sup>

In February 2015 New Age reported that “At least 15 people, including a Bangladesh Nationalist Party leader, were injured as Bangladesh Chhatra League [AL student wing] and Jatiyatabadi Chhatra Dal [BNP student wing] clashed in Sunamganj”.<sup>16</sup>

Odhikar reported that “On April 23, 2015 the Awami League supported Projonmo League attacked a human chain organised by Jatiyatabadi Sangskritik Jote [BNP supported cultural alliance] in protest of attacks on the motorcade of Khaleda Zia, in front of the National Press Club. Later on April 25, a group of 30-35 activists of the ruling party led by Amir Hossain, attacked a human chain at the same place, organised by Swadhinota Forum [a pro-BNP organisation] in protest of attacks on the motorcade of Khaleda Zia. During the attack BNP executive member and former parliamentarian, Khaleda Yeasmin, was beaten”.<sup>17</sup>

Also according to Odhikar, “On April 28, 2015 elections were held in Dhaka North, Dhaka South and Chittagong City Corporations. [...] The supporters of the ruling party attacked and even shot at BNP Chairperson Khaleda Zia’s motorcades several times, while she was campaigning for candidates”.<sup>18</sup>

In August 2015 the Bangladesh Independent reported that “At least 10 persons were injured in a clash between the Awami League (AL) and Bangladesh nationalist party (BNP) activists at Tebaria in Natore [...] the AL activists while moving towards the venue at around 6 pm beat a local Chhatra Dal [BNP student wing] activist. As the news of beating of the BNP man spread, a clash between AL and BNP activists broke out in the town’s Tebaria area”.<sup>19</sup>

The Daily Star reported that in August 2015, “A ward-level activist of Jubo Dal, youth front of BNP, was allegedly stabbed to death in broad daylight by miscreants in Chittagong city today. [...] The

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<sup>12</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 2\); Real-time Analysis of Asian Political Violence](#), May 2015, *Bangladesh* p.3

<sup>13</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 3\); Real-time Analysis of Asian Political Violence](#), August 2015, *Targeting civilians* p.6

<sup>14</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 4\); Real-time Analysis of Asian Political Violence](#), February 2016, *A Review: Violence in South and Southeast Asia 2015* p.3

<sup>15</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 3\); Real-time Analysis of Asian Political Violence](#), August 2015, *Targeting civilians* p.7

<sup>16</sup> New Age, [15 injured in BCL-JCD clash](#), 4 February 2015

<sup>17</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, *paragraph 80*

<sup>18</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, *paragraph 9*

<sup>19</sup> Independent, [10 hurt as AL, BNP clash](#), 31 August 2015



victim's elder brother, Md Wasim, alleged that local Awami League activists led by one Sohel swooped on Saidul".<sup>20</sup>

Odhikar, reporting on the September 2015 by-election in Dohar Upazila noted that "activists of Awami League, Jubo League and Chhatra League, led by Keraniganj Upazila Chairman, Shahin Ahmed, forcibly ousted the polling agents of the candidates supported by BNP and Independent candidates from different polling stations and intimidated voters".<sup>21</sup>

In November 2015 the Bangladesh Independent reported that "Four activists of Jatiyatabadi Chhatra Dal (JCD) [BNP student wing] were injured in an attack allegedly by Bangladesh Chhatra League (BCL) [AL student wing] men at Doshmail Bazar in Sadar upazila [...]. Locals said the BCL activists swooped on the JCD men around 5pm while they were going to join a programme marking BNP chairperson Khaleda Zia's jail release day. The attackers beat and hacked the JCD men activists, leaving four of the injured".<sup>22</sup> The same source noted on 23 November 2015 that "At least 10 people were injured in a clash between activists of Bangladesh Chhatra League (BCL) and Jatiyatabadi Chhatra Dal (JCD) on the Bishwanath Degree College campus in Bishwanath upazila".<sup>23</sup>

Odhikar, also reporting on the 2015 municipal elections stated that "In the wake of the government declaration for Municipality polls under political banners, violent attacks by supporters of the ruling party-nominated candidates took place on the candidates nominated by the main opposition (though not in parliament) BNP and other political parties, and on the independent candidates. The attack from the ruling party men came in the form of infringement of their right to electoral campaign, physical attack and even abduction. [...] The incidents of pre-election violence left two killed and 657 persons injured. Three persons were killed and 401 persons were injured on polling day while one was killed and 234 persons were injured in post-election violence".<sup>24</sup>

Furthermore with regards to violence in the lead up to the 2015 Municipality Elections and on polling day Odhikar noted that:

On December 10, 2015, the leaders and activists of the Bangladesh Chhatra League— BCL (the student wing of Awami League) attacked leaders and activists of the BNP who were returning home from an electoral campaign for the BNP nominated candidate of Monohardi Municipality in the Narshingdi District. Two of the BNP men were injured. Chhatra League activists also set fire to their motorcycles.

On December 13, 2015, 10 BNP men, including Abdul Hye, the President of Munshiganj District unit BNP, who is also a former Member of Parliament (MP); and the local mayoral candidate from BNP, Iradat Hossain Manu were injured when leaders and activists of the Awami League (AL) and the Bangladesh Chhatra League (BCL) attacked them during an electoral campaign.

On December 20, 2015 ruling party (AL) men attacked the electoral campaign of Nasiruddin Ahmed, a BNP-nominated mayoral candidate for Tarabo Municipality in Narayanganj District. 15 people were injured during this incident.

On December 29, 2015 at around 8:00 pm, an altercation took place in front of the polling centre at the Nitarkandi Bangbandhu Governemnt Primary School in Bazitpur Municipality under Kishoreganj District, between the supporters of Anowar Hossain Ashraf who was a mayoral candidate and a younger brother of MP Afzal Hossain, affiliated to the ruling AL; and supporters of the BNP-nominated mayoral candidate, Ehesan Kufia. Three BNP activists, Azim, Mamun and Sadek were injured in the incident. The BNP-nominated mayoral candidate Ehesan Kufia alleged that armed supporters of the

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<sup>20</sup> Daily Star, [Jubo Dal activist killed in Ctg](#), 14 August 2015

<sup>21</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, *paragraph 10*

<sup>22</sup> Independent (Bangladesh), [10 hurt in BCL-JCD clash](#), 23 November 2015

<sup>23</sup> Independent (Bangladesh), [10 hurt in BCL-JCD clash](#), 23 November 2015

<sup>24</sup> Odhikar, [Municipality Elections 2015](#), 28 March 2016, *Election violence p.6*

AL-nominated candidate, Anowar Hossain Ashraf attacked the Nitarkandi Bangabandhu Government Primary School in the evening before the election day and started stuffing ballot boxes in favour of their own candidate. When the BNP men came to the school on hearing the news, they alleged that they came under attack from the AL activists.<sup>25</sup>

The same Odhikar report provides further details by municipality.

The Independent (Bangladesh) reported on 28 December 2015 that “Tension ran high with clashes between Awami League and BNP activists erupting in different parts of the country as campaigning for the forthcoming municipality elections drew to a close yesterday. Nearly 50 people were injured in the clashes among the political opponents”.<sup>26</sup>

Ain o Salish Kendra provided the following breakdown of political violence in Bangladesh in 2015:<sup>27</sup>

JANUARY - DECEMBER 2015

ASK DOCUMENTATION

Breakdown of Inter Party and Police Clashes

### Political Violence

Political Party & Program	Incident	Injured	Dead
AL-BNP	25	212	4
AL-Jamaat-Shibir	1	5	1
BNP-Jamaat -Shibir	1		1
Jasad-AL	3	32	1
Hartal country wide (4 day)	6	41	
Blockade (19 days)	76	227	24
Hartal & Blockade (66 days)	390	1861	78
<b>Inter Party Clash</b>			
AL-AL	226	2378	33
JP-JP	3	26	
BNP-BNP	6	58	
<b>Law Enforcing Agency's clashes with political parties</b>			
BNP-Police	11	177	1
Jamaat- Shibir-Police	4	38	
Awami League-Police	4	51	
BNP-Jamaat-Police	3	30	1
AL-BNP-Police	10	204	3
Leftiest - Police	4	75	
Violence in UP Election	1	30	2
Violence in City Corporation	22	150	
Violence in Municipal Election	68	716	4
Violence in By-Election	1	7	
<b>Total</b>	<b>865</b>	<b>6318</b>	<b>153</b>

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Noyadiganto, Daily Star, New Age, Dhaka Tribune and Ain o Salish Kendra (ASK)

<sup>25</sup> Odhikar, [Municipality Elections 2015](#), 28 March 2016

<sup>26</sup> Independent (Bangladesh), [50 hurt as poll violence continues](#), 28 December 2015

<sup>27</sup> Ain o Salish Kendra, [Political Violence : January-December 2015](#), 7 January 2016

## 2016

The Daily Star reported that in February 2016, “A Jatiyatabadi Chhatra Dal [BNP student wing] leader of Dhaka University was critically injured in an attack by some leaders and activists of Bangladesh Chhatra League [AL student wing] on the campus”.<sup>28</sup> In February 2016 New Age reported that “Some activists of Bangladesh Chhatra League of Jagannath University unit [...] allegedly beat up a leader of rival Jatiyatabadi Chhatra Dal, the Bangladesh Nationalist Party-backed student organisation, on the campus”.<sup>29</sup>

In March 2016 the Daily Star reported that “A Jatiyatabadi Chhatra Dal leader was killed early yesterday allegedly by members of the ruling Awami League over a feud centring on the upcoming union parishad polls in Pirojpur. The victim, Shamsul Haque Chhotto, 28, was organising secretary of the Nazirpur upazila unit of pro-BNP student body Chhatra Dal”.<sup>30</sup>

Also in March 2016 the Independent (Bangladesh) reported that “Ruling Awami League nominated candidate and his supporters attacked and injured BNP candidate and one of his supporters in Dhamshwar union of Daulatdpur upazil”.<sup>31</sup> The same source noted that during the third phase of the Union Parishad polls in April 2016, “In Pabna, BNP activist Emdad Hossain, 60, a resident of Bahadurpur village in Chatmohor upazila of the district, was killed and at least 10 others were injured in a post-election triangular clash among members of Border Guard Bangladesh (BGB), leaders and activists of Awami League and BNP. [...] In Chandpur, 25 people, including a policeman, were injured in separate clashes between the leaders and activists of local Awami League and BNP units during election to some 25 UPs in Faridganj and Hajiganj upazilas”.<sup>32</sup>

ACLED reported with regards to Union Parishad (local government) electoral violence in Bangladesh between March and June 2016 that (emphasis added):

Between March and June, local elections in Bangladesh and in West Bengal, India, led to a spike in political violence. Despite a long-standing history of electoral violence in both areas, the extent and pattern of violence, especially in Bangladesh, is considered unprecedented (Gulf Times 2016). [...]

The Union Parishad (Local Government, UP) elections were held in Bangladesh between March 22 and June 4, 2016. During the elections, 263 events of political violence and protest are recorded, averaging 25 events per week. In comparison, an average of 12 events per week occurred before and after the election period. [...]

**In Bangladesh, competition between the two main parties, the Bangladesh Awami League (AL) and the Bangladesh Nationalist Party (BNP) historically drives such violence. During the local elections this year, however, most of the violence took place between members of the same parties, and the majority within the AL.**

For the first time, UP elections were held along party lines. As a result, supporters of AL rebel candidates clashed with supporters of ruling AL candidates, with “renegades [...] challenging regular party aspirants” (The Times of India 2016).

**ACLED data shows that the ruling AL is involved in 70 of the 263 events, while the main opposition party, the BNP, is involved in only 13 events. Only 6 of these events were clashes between the two main parties, AL and BNP, while 21 events were clashes between members of the ruling AL. [...]**

In Bangladesh, Riots and Protests accounts for the majority of cases with a share of 65%, while Battles, Violence against Civilians, and Remote Violence account for only 18%, 16%, and 1%

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<sup>28</sup> Daily Star, [BCL attack sends JCD leader of DU to hospital](#), 28 February 2016

<sup>29</sup> New Age, [BCL men beat up JCD leader at JnU](#), 7 February 2016

<sup>30</sup> Daily Star, [JCD leader killed in Pirojpur](#), 10 March 2016

<sup>31</sup> Independent (Bangladesh), [BNP candidate, supporters hurt in attack](#), 28 March 2016

<sup>32</sup> Independent (Bangladesh), [Stray violence marks third phase UP polls; one killed](#), 24 April 2016

respectively (The News Today 2016). ACLED data suggest that at least 101 persons were killed during the violence (The News Today 2016).<sup>33</sup>

Also reporting on the March 2016 Union Parishad elections, the Daily Observer noted that “an injured man in a terrible violence between supporters of Awami League (AL) and BNP-backed chairman contenders at Adampur Bazar in Bahrapur Union under Dashmina of Patuakhali [...] succumbed to his injuries at Dhaka Medical College Hospital (DMCH). [...] With the death of the BNP activist, Shahjahan, the death toll rose to 25 centering the polls across the country and injury to several thousand, some with bullet wounds and in critical condition”.<sup>34</sup>

An April 2016 International Crisis Group report noted that “The political conflict between the AL and BNP has resulted in high levels of violence and a brutal state response”.<sup>35</sup> It also considered that “Since mid-2015, there has been a veneer of calm. The BNP contested mayoral elections in 234 municipalities in December, and, while alleging massive rigging, refrained from violent confrontation. It also avoided violence when marking the second anniversary of the disputed elections in January 2016”.<sup>36</sup>

The New Age reported that in May 2016 “Ruling Awami League-backed Chhatra League activists [...] set fire to two hostels of Rajshahi College in retaliation of an attack on one of their fellows allegedly carried out by BNP-backed Jatiyatabadi Chhatra Dal men. Police said Chhatra Dal activists beat Shahinur Rahman Shaheen, a BCL activist, over previous enmity. Later, in retaliation, BCL men went to Abdur Rouf and Mostofa Kamal Hostel and ransacked three rooms of the JCD men. At one stage, the agitated BCL men also set fire to the rooms, a witness said, preferring not to be named”.<sup>37</sup>

According to Odhikar’s report on the first 6 months of 2016, “The criminal activities of the student and youth wing (Chhatra League and Jubo League) activists of the ruling (Awami League) party increased across the country in these six months. They attacked leaders and activists of the opposition parties, government officials and ordinary citizens and are also engaged in internal conflicts among themselves for their vested interest”.<sup>38</sup>

The Daily Observer reported in July 2016 that “A group of Bangladesh Chhatra League (BCL) activists, the student wing of ruling Awami League, of Jagannath University (JnU) unit [...] allegedly beat up an activist of Jatiyatabadi Chhatra Dal (JCD) on the campus. The victim JCD man was identified as Mohiuddin Mahi, a seventh batch student of Psychology Department of the university”.<sup>39</sup>

In August 2016 the Daily Observer recorded that “An activist of Jatiyatabadi Chhatra Dal (JCD) of Jahangirnagar University (JU) unit was allegedly beaten up by some Bangladesh Chhatra League (BCL) men on the campus”.<sup>40</sup> Also in August 2016 New Age reported that “At least eight activists of Jatiyatabadi Chhatra Dal were injured [...] as the activists of Bangladesh Chhatra League, ruling party backed student organisation, attacked JCD’s rally on KP Basu Road in Jhenaidah”.<sup>41</sup>

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<sup>33</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 5\); Real-Time Analysis of Asian Political Violence](#), September 2016, *Special Focus Topic: Electoral Violence in West Bengal and Bangladesh* p.5

<sup>34</sup> Daily Observer, [Police yet to bring perpetrators of poll violence to book](#), 25 March 2016

<sup>35</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, *Executive Summary* p.2

<sup>36</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, *Executive Summary* p.4

<sup>37</sup> New Age, [BCL men set fire to Rajshahi College hostels](#), 18 May 2016

<sup>38</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *Executive Summary*

<sup>39</sup> Daily Observer, [BCL men beat up JCD activist at JnU](#), 20 July 2016

<sup>40</sup> Daily Observer, [JU BCL men beat up JCD activist](#), 4 August 2016

<sup>41</sup> New Age, [Eight injured as BCL men attack JCD rally in Jhenaidah](#), 25 August 2016

Odhikar noted with regards to the October 2016 Union Parishad elections that “In 48 Union Parishads under Noakhali District, activists of Awami League forcibly ousted polling agents of BNP candidates, from most of the polling centres and cast fake votes after snatching the ballot boxes. [...] Leaders and activists of Jubo League and Chhatra League forced the voters to vote for the Awami League candidates in Chor Martin Darul Ulum Madrassa polling centre, under Kamalnagar Upazila in Lakshmipur District. When the other candidates protested, Jubo League and Chhatra League activists attacked the BNP candidate Ali Ahmed”.<sup>42</sup> The same source further reported that “On October 21, 2016 activists of Chhatra League and Jubo League led by Sony, Ashraf and Mohammad Zahir attacked the Council of Ward unit BNP of Chorgazi Union under Ramgati Upazila in Lakshmipur District. During the attack 10 motorbikes were destroyed and three motorbikes were taken. At least 10 leaders and activists of BNP, including the Convener of Chorgazi Union unit BNP, Mir Farhad Hossain were injured during the attack”.<sup>43</sup>

Similarly the Daily Observer cited BNP senior joint secretary general Ruhul Kabir Rizvi as noting in October 2016 that “BNP leaders and activists were attacked and harassed in many UPs to discourage and intimidate voters so that they do not go to the voting centres. [...] ‘As per the information we’ve received so far from different areas, Jubo League and Chhatra League cadres have captured most polling stations and openly stuffing ballots in favour of their election symbol boat. Common voters are also not allowed to go to polling stations’”.<sup>44</sup>

Ain o Salish Kendra provided the following breakdown of political violence in Bangladesh between January and October 2016:<sup>45</sup>

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<sup>42</sup> Odhikar, [Human Rights Monitoring Report October 1 – 31, 2016](#), 1 November 2016, *paragraphs 6 and 8*

<sup>43</sup> Odhikar, [Human Rights Monitoring Report October 1 – 31, 2016](#), 1 November 2016, *paragraph 23*

<sup>44</sup> Daily Observer, [Widespread election frauds and terrorism in 31 UPs: BNP Observer](#), 31 October 2016

<sup>45</sup> Ain o Salish Kendra, [Political Violence : January-October 2016](#), 8 November 2016

*Political Violence*

## Breakdown of Inter Party and Police Clashes

Political Party & Program	Incident	Injured	Dead
AL-BNP	10	135	1
AL-Jamaat-Shibir	1		1
AL-BNP-Jamaat Shibir	1	5	
AL-JP	1	24	2
AL-Jashad	1	6	
AL-Jubadal	1	10	
Countrywide Hartal (6.5 day )	7	20	
<b>Internal Clash</b>			
AL - AL	81	940	16
Chittroleague-Chittroleague	20	105	2
Juboleague-Juboleague	3	20	1
Chittroleague- Juboleague	2	21	
AL- Juboleague	1	2	
AL- Chattroleague	1		
JP & Its affiliated organization	1	2	
BNP & Its affiliated organization	5	49	1
<b>Law Enforcing Agency's clashed with political parties</b>			
BNP-Police	1	5	
Jamaat- Shibir-Police			
Awami League-Police	2	8	
Chittroleague- Police	3	16	
BNP-Jamaat-Police			
AL-BNP-Police			
CPB-Bashad-Police	2	40	
Bam morcha-BCL-Police	1	50	
Violence in UP Election	699	9220	143
Violence in City Corporation Election			
Violence in Municipal Election	25	319	4
Violence in By-Election	1	8	
<b>Total</b>	<b>870</b>	<b>11005</b>	<b>171</b>

**Note:** Awami League-77, BNP-8, Gram Police-1, Police-1 and General pepole- 84 death in political violence.

**Source:** Prothom Alo, Ittefaq, Samakal, Sangbad, Noyadiganto, Daily Star, New Age, Dhaka Tribune and Ain o Salish Kendra (ASK)

In its November 2016 human rights monitoring report, Odhikar noted that “According to information gathered by Odhikar, in November 2016, eight persons were killed and 327 persons were injured in political violence”.<sup>46</sup> The Daily Observer reporting on the November 2016 Union Parishad elections cited BNP joint secretary general Ruhul Kabir Rizvi as stating that “the ruling party men established their control over almost all polling stations in Barisal, Noakhali, Feni, Lalmonirhat, Thakurgaon, Patuakhali, Laxmipur, Narsingdi, Mymensingh, Brahmanbaria, Natore, Pirojpur, Shariatpur, Jessore and Manikganj districts. They ousted the agents of BNP candidates from the polling centres. He said the BNP leaders and activists were attacked and harassed in many UPs to discourage voters so that they do not go to the voting centres”.<sup>47</sup>

In its monthly human rights monitoring reports for July to November 2016 Odhikar reported that Leaders and activists of the Awami League at different levels, including Chhatra League and Jubo League, were involved in criminal activities, that Chhatra League and Jubo League activists were involved in several incidents of internal conflict linked to vested interest using political influence.<sup>48</sup>

<sup>46</sup> Odhikar, [Human Rights Monitoring Report November 1 – 30, 2016](#), 1 December 2016, *paragraph 1*

<sup>47</sup> Daily Observer, [Sporadic violence marks third phase of UP polls](#), 1 November 2016

<sup>48</sup> Odhikar, [Human Rights Monitoring Report July 1 – 31, 2016](#), 1 August 2016, *paragraph 8*

Odhikar, [Human Rights Monitoring Report August 1 – 31, 2016](#), 1 September 2016, *paragraph 2*

Odhikar, [Human Rights Monitoring Report September 1 – 30, 2016](#), 1 October 2016, *paragraph 2*

Odhikar, [Human Rights Monitoring Report October 1 – 31, 2016](#), 1 November 2016, *paragraph 2*

### Intra- party political violence

It should be noted that Odhikar has also reported internal violence within the respective parties; for example between January to June 2015 “22 persons were killed in the internal conflict of the Awami League while one person was killed in the internal conflicts of BNP. During this period 1478 persons were injured in the internal conflicts of Awami League while 69 persons were injured in conflicts within the BNP. In addition to that, there were 155 incidents of internal violence in the Awami League and six in the BNP recorded during this period”.<sup>49</sup> For the whole of 2015 these figures increased as follows: “3884 persons were injured in the internal conflicts of Awami League while 157 persons were injured in conflicts within the BNP. In addition, there were 364 incidents of internal violence in the Awami League and 11 in the BNP”.<sup>50</sup>

For example, reporting on violence between the AL and BNP youth wings during the City Corporation elections in Dhaka and Chittagong on April 28 2015 Odhikar noted that “Many incidents of internal altercation and casualties took place between Chhatra League [AL student wing] and Jubo League [AL Youth wing] activists as a result of criminalisation of politics. Activists of Chhatra League and Jubo League were also seen using firearms openly during clashes, which were also published in the daily papers”.<sup>51</sup> Odhikar reported “On May 13, 2015 Mosharraf Hossain, a Masters degree student of the Department of Criminology and Police Science at Mawlana Bhashani Science and Technology University, was killed in a violent altercation between the two groups of Chhatra League; over establishing supremacy in the University campus”.<sup>52</sup> Moreover, “On December 19, 2015 a violent altercation took place between supporters of two factions of the Kushtia Islami University unit Chhatra League, led by the university unit Chhatra League, President Saiful Islam and General Secretary, Amit Kumar and supporters of the university Chhatra League Vice-President, Mizanur Rahman. At least 10 people from both the groups were injured. Both groups used firearms and home-made weapons during the clash”.<sup>53</sup>

Moreover, “According to information gathered by Odhikar, from January to June 2016, 172 persons were killed and 7174 were injured in political violence. 218 incidents of internal violence in the Awami League and 10 in the BNP4 were also recorded during this period. 42 persons were killed and 2380 were injured in internal conflicts of the Awami League while three persons were killed and 110 were injured in conflicts within the BNP”.<sup>54</sup>

See Odhikar’s table of political violence from 2009 to March 2016 presented above at page 6 for further data on intra-party political violence.

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Odhikar, [Human Rights Monitoring Report November 1 – 30, 2016](#), 1 December 2016, *paragraphs 1-2*

<sup>49</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, *paragraph 1*

<sup>50</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, *paragraph 1*

<sup>51</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, *paragraph 2*

<sup>52</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, *paragraph 6*

<sup>53</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, *paragraph 6*

<sup>54</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *paragraph 1*

**b. Is there any information about AL members attempting to force BNP members to switch their allegiance to the AL?**

No specific COI was found on this point amongst the sources consulted within the research timeframe for this report. However sources did document AL members attempting to influence elections.

Odhikar, reporting on polling day for the 2015 municipality elections noted that “The voters and rival candidates alleged that agents of the ruling party candidate were publicly forcing voters to cast their votes for the AL candidate”.<sup>55</sup> Similarly with regards to February 2016 municipality elections it noted, “In Chorfashion Municipality, BNP nominated mayor candidate, Amirul Islam, alleged that voters were forced to cast their votes in favour of the Awami League nominated candidate”.<sup>56</sup> Odhikar noted with regards to the October 2016 Union Parishad elections that “Leaders and activists of Jubo League and Chhatra League forced the voters to vote for the Awami League candidates in Chor Martin Darul Ulum Madrassa polling centre, under Kamalnagar Upazila in Lakshmipur District. When the other candidates protested, Jubo League and Chhatra League activists attacked the BNP candidate Ali Ahmed. The members of the law enforcement agencies caught t[w]o attackers but later released them”.<sup>57</sup>

**c. Is there any information about AL members using threats, intimidation and/or violence against BNP members to obtain property (including land) from BNP members?**

No specific COI was found on this point amongst the sources consulted within the research timeframe for this report.

**2. Are AL members and BNP members both represented in all parts of the country?**

Election results

The CIA World Factbook explains that “The BNP and AL alternated in power between 1991 and 2013, with the exception of a military-backed, emergency caretaker regime that suspended parliamentary elections planned for January 2007 in an effort to reform the political system and root out corruption”.<sup>58</sup> The AL is led by Sheikh Hasina who has been Prime Minister since 6 January 2009.<sup>59</sup> The last parliamentary elections were held on 5 January 2014 (next to be held by January 2019), in which the AL-led Alliance won 79% of the votes by party, equating to 234 of 300 elected seats (50 other seats are reserved for women, “indirectly elected by the elected members by proportional representation vote using the single transferable vote method”).<sup>60</sup> The BNP, led by Khaleda Zia,

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<sup>55</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, paragraph 17

<sup>56</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, paragraph 9

<sup>57</sup> Odhikar, [Human Rights Monitoring Report October 1 – 31, 2016](#), 1 November 2016, paragraph 8

<sup>58</sup> CIA, [World Factbook: Bangladesh chapter](#), last updated 10 November 2016

<sup>59</sup> CIA, [World Factbook: Bangladesh chapter](#), last updated 10 November 2016

<sup>60</sup> CIA, [World Factbook: Bangladesh chapter](#), last updated 10 November 2016



boycotted the parliamentary elections.<sup>61</sup> According to the U.S. State Department this left “more than half of all seats uncontested and many more only nominally contested”.<sup>62</sup>

In 2016 Union Parishad (local government) elections were held in Bangladesh. The BNP reported the results as follows:

The Union Parishad elections were held in 6 phases in 4 thousand 103 UPs across the country. Results came out for 4 thousand 2 UPs, and for the rest 101 UPs, polls will be held later. Even though the results of this farcical election is completely irrelevant, the Election Commission announced that among chairman seats, the ruling party, the Awami League, won 2 thousand 661, Bangladesh Nationalist Party in 367, other parties (Jatyo Party, Jatyo Shomajtantrik Dol JSD, Jatyo Party-JP, Workers Party, Islami Andolon Bangladesh, Zaker Party and Jamiate Ulama e Islam Bangladesh) 60, and Independent candidates in 898, most of whom are rebel candidates of the Awami League. [...]

In this election, 31.29% of votes were secured by the Independent candidates. [...]

One of the largest party the BNP managed to secure only 18.98% votes, whereas the Awami League secured 45.46%, and the rest of the parties, namely Jatyo Party, Jatyo Shomajtantrik Dol JSD, Jatyo Paty JP, Workers Party, Islami Andolon Bangladesh, Zaker Party and Jamiat E Ulamai Islam Bangladesh) got 2.3% votes. These statistics provided by the EC are very hard to believe.<sup>63</sup>

Reporting a high number of uncontested victories, the same source further noted that “Election Commission sources said that 217 Awami League candidates won uncontested for the post of Chairman. The BNP Chairman candidates were absent in 554 UPs. Among these, in 102 UPs the BNP candidates’ lives were threatened, so they had to step back. In 188 UPs, they could not submit their nomination papers due to obstruction by the Awami League. In 59 UPs, they were forced to withdraw their nomination. In many places, their nomination papers were declared ‘Rejected’ by the Election Office. This shows the kind of adversity and helplessness faced by the BNP candidates”.<sup>64</sup>

### Size and structure of the parties

The Armed Conflict Location & Event Data Project describes the AL as secular and socialist and the BNP as having an Islamic orientation.<sup>65</sup> International Crisis Group describes the AL and BNP as the “the two largest parties” in Bangladesh.<sup>66</sup> Elucidating further the 2016 Bertelsmann Foundation report noted that:

Bangladeshi politics is dominated by two parties, the AL and the BNP, and is highly polarized. The political polarization is also based on ideological divisions concerning the historical roles of the two major political parties, but they do not differ much on their approach to politics. The level of polarization is so strong that the two political parties do not hesitate to play a game of destructive politics to pressure the government to fulfill their demands; they are even willing to risk the very existence of democracy in Bangladesh. The degree of voter volatility continues to fluctuate between 15% to 20%. This group comprises those who lack party affiliations and can make a difference to the support base of the two major party alliances.<sup>67</sup>

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<sup>61</sup> CIA, [World Factbook: Bangladesh chapter](#), last updated 10 November 2016

<sup>62</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, Section 3. Elections and political participation

<sup>63</sup> BNP, [Union Parishad Election 2016: A review](#), [undated], accessed 13 December 2016

<sup>64</sup> BNP, [Union Parishad Election 2016: A review](#), [undated], accessed 13 December 2016

<sup>65</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 2\); Real-time Analysis of Asian Political Violence](#), May 2015, Bangladesh p.3

<sup>66</sup> International Crisis Group, [Bangladesh government must step back from chaos](#), 8 April 2016

<sup>67</sup> Bertelsmann Foundation, [BTI 2016; Bangladesh Country Report](#), 2016, 5. Political and Social Integration p.12

The International Crisis Group explained in a February 2015 report that the AL and BNP have highly centralised structures but “Where the parties differ is at the lower tiers, where, unlike the AL, the BNP is not strongly organised. In a majority of districts, it lacks effective party committees and rarely conducts voter registration or membership drives”.<sup>68</sup>

Reporting with regards to clientelism in Bangladesh the 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) noted that:

Major political parties have strong organizations, operate in a hierarchical manner and follow well-planned command structures. They have student, youth, labor and women organizations as well as professional groups and cultural organizations. These groups play a vital role in interest aggregation and mobilization and help the party to provide political input for managing diverse interests. A culture of clientelism dominates all parties. Those who contribute money, provide muscle power or organize local-level support enjoy benefits when the party comes to power. These benefits include government contracts, access to jobs and business opportunities. The client groups help organize violence during blockades to help the political party to establish street superiority to pressure the government. They contribute to the volatile political situation. Clientelism is pervasive in Bangladesh, affecting administrative efficiency and governance and contributing to the further marginalization of the people at the bottom of the society. [...]

Because of the polarization and politicization of Bangladeshi society, most interest groups are organized along party lines. There are religious and ethnic minority groups that are affiliated with the two major political parties.<sup>69</sup>

### Support base of the parties

The 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) noted that “The two dominant parties have grassroots organization and each has the support of about 35% of electorate”.<sup>70</sup> In August 2014 CHR.Michelsen Institute (CMI) and the Centre for Policy Dialogue (CPD) published a working paper on the ‘Political Parties in Bangladesh’ which analysed, amongst others the party ideology, organisational structure, leadership, membership, support base, and factionalism of the AL, BNP, Jatiya Party and Jamaat.<sup>71</sup> According to the report the AL “which led the struggle for national liberation, self-describes itself as the ‘proliberation force’ in Bangladesh politics committed to promoting secular and social democratic values associated with the nation’s foundational principles: nationalism, democracy, secularism and socialism”<sup>72</sup>, compared to the BNP whose “ideological principles [...] can be drawn from the aims and objectives of the party as described in the party constitution which include: Bangladeshi nationalism, democracy, free market economy and ‘preserving the age old human values of the Bangladeshi people through the teaching of Islam, religion of the majority of Bangladeshi people and other religions’”.<sup>73</sup> The same source also noted that both the AL and the BNP also have “some associate organisations or front organisations” which are described as follows:

Bangladesh Awami League

Article 25 (a) of the constitution of the AL lists eleven associate organisations. They are Bangladesh Chhatra League, Bangladesh Mohila Awami League, Bangladesh Krishak League, Bangladesh Awami Jubo League, Bangladesh Jubo Mohila League, Awami Swechhashebok League, Jatiya Shramik League,

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<sup>68</sup> International Crisis Group, [Mapping Bangladesh’s Political Crisis](#), 9 February 2015, 1. *BNP Politics* p.10

<sup>69</sup> Bertelsmann Foundation, [BTI 2016; Bangladesh Country Report](#), 2016, 5. *Political and Social Integration* p.12

<sup>70</sup> Bertelsmann Foundation, [BTI 2016; Bangladesh Country Report](#), 2016, 5. *Political and Social Integration* p.12

<sup>71</sup> CMI/CPD, [Political Parties in Bangladesh](#), August 2014, 3.1 *Ideology*, p. 11

<sup>72</sup> CMI/CPD, [Political Parties in Bangladesh](#), August 2014, 3.1 *Ideology*, p. 11

<sup>73</sup> CMI/CPD, [Political Parties in Bangladesh](#), August 2014, 3.1 *Ideology*, p. 12

Awami Ainjibee Parishad and Bangladesh Tanti League. It is noted that the Bangladesh Chhatra League and Jatiya Shramik League are to be run according to their own constitutions.

Frequent newspaper reports highlight a lack of discipline in the functioning of many of these associate organisations. They are faction ridden and often use violent means to settle their disputes. [...]

In addition to organisational weakness, two of the associate organisations, Chhatra League and Jubo League, have earned a negative image for the party as their members frequently indulge in violent contestations to grab business tenders and extort money or to establish authority in various educational institutions. Though the AL president and other party leaders have many times lamented about the criminal activities of these associate organisations and the party president has tried to distance herself from these organisations, the AL central leaders have not been able to control the rent-seeking and violent behaviour of the members of these associate organisations.

#### Bangladesh Nationalist Party (BNP)

BNP lists nine front organisations. These are: Jatiyatabadi Muktijoddha Dal, Jatiyatabadi Jubo Dal, Jatiyatabadi Mohila Dal, Jatiyatabadi Samajik Sangskritik Sangstha, Jatiyatabadi Krishak Dal, Jatiyatabadi Swechhashebok Dal, Jatiyatabadi Tanti Dal, Jatiyatabadi Olama Dal and Jatiyatabadi Matshyajibee Dal.

As the RPO [Representation of the People Order] prohibits establishment of any organisation as an affiliated body drawn from teachers or students of any educational institution or the employees or workers of any financial, commerce or industrial institutions, BNP lists two organisations, Jatiyatabadi Chhatra Dal and Jatiyatabadi Shramik Dal as associate organisations of the party which are to operate according to their own constitutions.

However, in practice these two organisations function very much as front organisations. The committee members are chosen by the BNP chairperson. Similar to the AL, BNP's associated student and labour organisations are perennially engaged in inter and intra-party violence. Their contestations too revolve around the same kind of issues such as grabbing business or land or extorting money or establishing authority in campuses of educational institutions. Newspaper reports indicate that the leadership of the Chhatra Dal is dominated not by students, but by middle aged people who are engaged in business or service or are full-time politicians.<sup>74</sup>

With regards to the parties' support base, the same source found that:

Similar to most parties in South Asia which appeal to and try to secure support across communities, classes and occupational groups, the major political parties in Bangladesh, especially AL, BNP and Jatiya Party are mostly 'catch all' parties (International IDEA 2007: 66). These are electoral parties, and hence they need to demonstrate that they represent all classes and groups, and not specific social groups. However, these 'catch all' parties still maintain some core group of supporters.

Of the four parties in this study, two, AL and BNP, have the widest support across the country. Each of these two parties had demonstrated nearly 30 per cent of vote share in the parliamentary elections held since 1991. No study has looked at the specific support base of the different political parties.

However, it is believed that AL, which is formally committed to secularism and pluralism, has greater support base among the religious and ethnic minorities. Traditionally, AL also drew support from the rural areas but in recent years the party has also picked up support from the urban middle classes and business groups.

BNP, in contrast, was founded with greater support from the urban and higher income groups, particularly civil and military bureaucracy and business community.<sup>75</sup>

With further regards to the AL support base, The Washington Post noted in a July 2016 article that "The Awami League has maintained power in Bangladesh since 2009 by creating a broad-based coalition of Bangladeshi nationalists, moderate Islamists and secularists. To keep its diverse support

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<sup>74</sup> CMI/CPD, [Political Parties in Bangladesh](#), August 2014, 3.2.3 Associate Organisations and Front Organisations of the Political Parties, p. 29

<sup>75</sup> CMI/CPD, [Political Parties in Bangladesh](#), August 2014, 3.4.2 Support Base of the Political Parties, p. 33/34

base intact, the Awami League has combined quasi-democratic elections with pervasive political repression”.<sup>76</sup>

**a. Do tensions between the two groups of political supporters exist in all parts of the country?**

Reporting on violence as a result of political rivalry in June, July and August 2015, the Armed Conflict Location & Event Data Project considered that “Both the BNP and AL target civilians in order to contest the party in power (currently the AL), a common tactic that they have used for years. This targeting is widespread throughout the country and not limited to the capital or any geographic region due to the nature of BNP and AL’s national political machines”.<sup>77</sup>

For the geographical location of illustrative incidents of BNP/AL violence, see above response to:

[1. How do supporters of the Awami League \(AL\) and supporters of the Bangladesh National Party \(BNP\) treat each other? a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?](#)

**3. What influence do the AL and BNP have within universities in Bangladesh?**

**a. Are there any groups supporting a particular political party at schools and universities?**

Describing the historical relationship between the AL and BNP student wings, an April 2016 International Crisis Group report explained that “Party-linked student and youth groups that played a key role in opposing authoritarianism before Bangladesh’s birth and during military rule have mostly served as coercive wings for their parties since the 1990s. They are used to expand influence and entrench control, often by force, over resources and turf, including on college campuses. They are also used to enforce *hartals* and other forms of street agitation. With student politics ‘becoming synonymous with thuggery in the last twenty years’, the BNP’s student wing, Jatiyatabadi Chhatra Dal, and youth wing, Juba Dal, and the AL’s student wing, the Bangladesh Awami Chhatra League, and youth wing, Juba League are also increasingly involved in violent criminal activities”.<sup>78</sup>

A January 2015 BD chronicle<sup>79</sup> article reporting on the number of casualties from independence (1972) to 2014 noted that “university campuses have become the alter upon which the victims of power politics are sacrificing their lives. Clashes between political factions often use modern and lethal weapons. These violent incidents have claimed the lives of some 147 students thus far. These terrible incidents of killing are primarily the result of establishing dominance in the campus and dormitories and controlling tender businesses. No incident of political killing in the university campuses has been tried yet”.<sup>80</sup> It identified the following 5 public university campuses where the

<sup>76</sup> The Washington Post, [Here’s how the Bangladesh government is making religious violence more likely](#), 21 July 2016

<sup>77</sup> Armed Conflict Location & Event Data Project, [Conflict Trends \(No. 3\); Real-time Analysis of Asian Political Violence](#), August 2015, *Targeting civilians* p.7

<sup>78</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, III. A. *Party-backed Violence and Criminality* p.4

<sup>79</sup> Cited on the Perspective website

<sup>80</sup> Perspective, [Public universities or battle grounds? 147 killed in five universities since liberation](#), January 2015

147 were killed “in political conflicts and clashes: University of Dhaka –74; University of Rajshahi – 27; University of Chittagong –24; Bangladesh Agricultural University-16; Jahangirnagar University – 6”.<sup>81</sup>

A 2015 Conflict Research Group report explained with regards to the organisation of AL and BNP student wings that:

These organisations, both from AL and BNP are organised with a hierarchy of committees, under a president and a general secretary, starting from the Central level committee to Union and Ward committees or to University, College and Student Hall committees. Both organisations are divided into factions rallying under different leaders. Many of these leaders became important politicians later, depending on their position in the student and youth movements, at the local, the regional or the national level.<sup>82</sup>

According to Odhikar’s annual report for 2015, “incidents of extortion, capturing tender bids, criminalisation in educational institutions and illegal occupation of hostels [Residential hall for the students in colleges and universities] in colleges and universities have been perpetrated by the front organisations [sic], including the ruling Awami League-backed Bangladesh Chhatra League and Jubo League; and the ordinary people and students have been victims of such violence”.<sup>83</sup>

The April 2016 International Crisis Group report further noted that:

Moreover, student and youth organisations also provide ruling parties a recruitment pool for state institutions, including law enforcement agencies, which commonly ignore their violence and criminality. If linked to government, such groups in effect operate above the law. Even without such links, they exercise significant influence, enhancing their party’s recruitment potential. The temptation of financial reward through extortion and other means also attracts students from economically deprived backgrounds to these groups.<sup>84</sup>

In February 2016 the New Age reported that “Bangladesh Nationalist Party-backed student organisation Jatiyatabadi Chhatra Dal got its 736-member full-fledged central committee on Saturday night. BNP chairperson Khaleda Zia approved the committee 16 months after she announced 153-member partial central committee with by Rajib Ahsan as president and Akramul Hasan as general secretary in October 2014. A release sent by Chhatra Dal office secretary Abdus Sattar also stated that Chhatra Dal committees for different units including Dhaka University, its halls, Jagannath University, Jahangirnagar University, Dhaka city north, south, east and west, Dhaka College, Titumir College, Tejgaon College, Kabi Nazrul Govt college, Bangla College, Sher-e-Bangla College, private university and Dhaka district units were also announced”.<sup>85</sup>

A July 2016 New Nation article explained that the Chhatra League operates in public universities, but was denied permission to begin activities at private universities:

[...] ruling party's student wing Bangladesh Chhatra League (BCL) has demanded permission to open their unit and start activities at all private universities for what they say curbing militant activities among students. It is known to all that BCL has destabilized all public universities where their muscle flexing and criminal activities made academic activities worst victims. The most worrying fact is that

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<sup>81</sup> Perspective, [Public universities or battle grounds? 147 killed in five universities since liberation](#), January 2015

<sup>82</sup> Conflict Research Group, [The Distribution of Political Violence in Bangladesh \(2002-2013\)](#), 2015 2.2.2 Student, youth and other wings p.18

<sup>83</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, *Political Violence: Intra Party Conflicts* p.5

<sup>84</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, III. A. Party-backed Violence and Criminality p.4

<sup>85</sup> New Age, [JCD gets 736-member full-fledged central committee](#), 7 February 2016

students who may have opinion that differ from the ruling party dominated student front may have difficulty to stay and run studies peacefully. It will essentially turn the private university campuses into battlegrounds of rival parties with physical safety of many at stake. Private universities have therefore denied such permission, although students rightly deserve constructive platform to express their views and join in creative activities for their career building.<sup>86</sup>

Reporting on the same development, in July 2016 the Daily Star cited Mirza Azam, who was a parliamentary standing committee member in the education ministry between 2009 and 2014 as stating that “most of about 40 private universities approved before 2005 were owned by the BNP-Jamaat men” and reportedly, since 2009, the ruling AL government approved over 40 private universities.<sup>87</sup>

In October 2016 the Daily Observer reported that “Strongly denouncing the attack on Sylhet college student Khadiza Akter reportedly by a BCL leader, BNP [...] alleged that the country's all educational institutions have been made 'Chhatra League's party offices'. In a statement, BNP Secretary General Mirza Fakhru Islam Alamgir said, ‘The entire country and all the educational institutions have also become a death valley due to continued terrorism, abduction, killing and extortion by the Chhatra League’.”<sup>88</sup>

For further illustrative incidents of AL and BNP student wing violence, see the above response to:

[1. How do supporters of the Awami League \(AL\) and supporters of the Bangladesh National Party \(BNP\) treat each other? a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?](#)

**b. Are students obliged to support one of the political parties upon entering university?**

The International Crisis Group explained in a February 2015 report that “The Chhatra League [AL student wing] and Jubo League [AL Youth wing] allegedly run extortion rackets within and outside campuses, often forcibly extracting donations for political activities, such as the annual commemoration of Mujib’s murder. Local chapters of the student wing compete, often violently, for campus control, while labour-wing factions quarrel equally violently. Such practices are also common among BNP and Jamaat student and other associated groups, but the scale of violence within AL factions is far higher, given the stakes involved in competition over state resources”.<sup>89</sup> Moreover, “The temptation of financial reward through extortion and other means also attracts students from economically deprived backgrounds to these groups”.<sup>90</sup>

A June 2014 New Age article provides some historical context with regards to Chhatra League university enrolment:

THE attempt by leaders and activists of the Chhatra League at meddling in the admission process in at least four colleges in Rajshahi, Khulna, Jessore and Lakshmipur on Tuesday and Monday is not

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<sup>86</sup> The New Nation, [Private varsities not place for student politics](#), 18 July 2016

<sup>87</sup> Daily Star, [BCL to form committees at all private universities](#), 16 July 2016

<sup>88</sup> Daily Observer, [Edn institutions now 'BCL offices', alleges BNP](#), 6 October 2016

<sup>89</sup> International Crisis Group, [Mapping Bangladesh's Political Crisis](#), 9 February 2015, V. B. 1. *Unchecked criminality* p.22

<sup>90</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, III. A. *Party-backed Violence and Criminality* p.4

unprecedented. The Awami League-backed student organisation has apparently made meddling in the process of admission to educational institutions and recruitment to government offices a habit of a sort since the AL-led government assumed office in January 2009, not to speak of its involvement in inter- and intra-party clashes on campuses of different educational institutions, often hampering academic activities and leading to the closure of such institutions for varying periods.

Money seems to have been the driving force behind such acts; the latest incidents have not been any exceptions. According to a report published in *New Age* on Wednesday, Chhatra League leaders took money from admission seekers and then tried to force their enrolment. What is a bit out of the ordinary is that the leaders apparently demanded that the admission seekers of their choice should be enrolled under a Chhatra League quota. The idea of a Chhatra League quota is not quite unheard of though. In March this year, a Dhaka University teacher and convener of the pro-AL 'Blue Panel' suggested that there need not be any 'other criteria than being a Bangladesh Chhatra League activist' for recruitment in government jobs.<sup>91</sup>

#### **4. Willingness or ability of the State to provide protection to individuals from political persecution**

The 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) considered that "The impunity enjoyed by ruling-party activists, particularly the members of the student wing, has created an environment of fear and illustrated the weakness of the state apparatuses".<sup>92</sup> The Asian Human Rights Commission considered in its annual report for 2015 on Bangladesh that "The Bangladeshis do not trust the country's police as far as the protection of people's property, dignity, or rights are concerned. The reputation of the police, as the main institution for law enforcement, remains at rock bottom due to several realities".<sup>93</sup> It further noted that:

The police have failed to prove their competence in the functions of complaint registration, investigation of ordinary criminal cases, and human rights violation cases. The citizens of the country observe that their police are not involved in providing protection to the people in general. Instead, the police have institutionally enslaved themselves to maintain the status quo of the existing power structure; they protect the political and financial elites of the society at the costs of people's lives, liberties, sweat, and assets.<sup>94</sup>

Odhikar's report on the first 6 months of 2015 reports with regards to the lack of accountability of law enforcement agencies that, "The government is abusing the law enforcement agencies in order to resist the opposition political parties. As a result, they are enjoying impunity. For this reason, many members of the law enforcement agencies have been engaged in unlawful activities".<sup>95</sup>

With regards to judicial resources the 2015 Asian Human Rights Commission report noted that:

According to a study of the Supreme Court, as of 31 March 2015 there were 3,098,569 cases pending with all the courts of Bangladesh. Of them, 15,383 were with the Appellate Division, 369,813 with the High Court, and 2,713,373 with the lower courts. According to the statistics, 4329 cases are being registered everyday while 3278 are being disposed of, and 1051 cases are being added to the backlogs daily. On average, 384,000 cases are being added to the backlog every year. Insufficient number of judges and other supporting human resources, inefficiency on the part of the judicial

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<sup>91</sup> *New Age*, [Chhatra League continues with marauding ways](#), 26 June 2014

<sup>92</sup> Bertelsmann Foundation, [BTI 2016; Bangladesh Country Report](#), 2016, 1. *Stateness* p.5

<sup>93</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 2

<sup>94</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 2

<sup>95</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, paragraph 49

officers and staffs, unprofessional intent of the judicial officers to uphold justice, unprofessional attitudes of lawyers and prosecutors, corruption in the judicial system, and the spree of fabricating cases by the police are allegedly responsible for the backlog and delay in adjudication of cases. The Judiciary either does not want to utilise, or does not know how to identify, its most efficient judicial officers to administer justice.<sup>96</sup>

Freedom House's annual report for 2015 stated that "The court system is prone to corruption and severely backlogged, with an estimated 2.3 million pending cases. Pretrial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. [...] Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police".<sup>97</sup> Similarly, the UK Foreign and Commonwealth's 2015 annual report considered that "An overloaded justice system and delays in processing through the courts contributed to a culture of violence where people take the law into their own hands".<sup>98</sup>

In January 2016 the UN Special Rapporteur on freedom of religion or belief published his Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh in which he noted that he "repeatedly came across assessments that constitutional provisions, legal norms and political reform agendas lack consistent implementation, in particular at the local level. This problem seems to affect various societal sectors, such as education, public welfare, religious affairs, property issues and even guarantees of physical safety by law enforcement agencies".<sup>99</sup>

A 2016 JAMAKON (National Human Rights Commission of Bangladesh) submission to the UN Human Rights Committee stated that "excessive delay in justice delivery system, political interference and corruption in judiciary create obstacle in ensuring right to fair trial. In particular, political interference in lower judiciary is a big challenge in their independent functioning. There is widespread allegation against the law enforcement agencies for extracting confessional statements with the use of force and torture in violation of legal norms. Absence of adequate legal aid to the poor litigants may vitiate fair trial principles".<sup>100</sup> Furthermore:

Realisation of equal protection of law requires access to justice for all. But access to justice remains a hollow promise to the vast majority of people of Bangladesh for many reasons. Prohibitive cost of litigation, inordinate delay in the courts, corruption in the justice delivery spheres, backlogging of cases, and complex procedural rules are few, if not exhaustive causes, which remain as obstacles to access to justice. Legal system continues to be inaccessible to economically and socially disadvantaged segments of society as they can not afford to pay lawyers to vindicate their rights, which itself constitutes a violation of human rights. Many poor people also live far away from centres providing legal services and have very few legal resources and facilities in their communities. The lack of human and physical resources, inadequate training, malfunctioning of systems can also restrict the access to justice to a significant extent.

The government enacted the Legal Aid Services Act, 2000 which aims at legal aid to the poor litigants. But this Act remains largely unimplemented due to lack of awareness about the law and lack of institutional capacity to deliver the services.<sup>101</sup>

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<sup>96</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 10

<sup>97</sup> Freedom House, [Freedom in the World 2016 - Bangladesh](#), 24 May 2016

<sup>98</sup> UK Foreign and Commonwealth Office, [The 2015 Foreign & Commonwealth Office Report: Human Rights & Democracy](#), 21 April 2016 *Bangladesh* p.36

<sup>99</sup> UN Human Rights Council, [Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh](#), 22 January 2016, *paragraph 40*

<sup>100</sup> JAMAKON (National Human Rights Commission of Bangladesh), [JAMAKON Report to the UN Human Rights Committee](#), 2016 *paragraph 35*

<sup>101</sup> JAMAKON (National Human Rights Commission of Bangladesh), [JAMAKON Report to the UN Human Rights Committee](#), 2016 *paragraph 47*



Reporting on the prevention of electoral violence the United States Institute of Peace considered in a March 2016 report that “Weak security sectors in Bangladesh [...] contribute to violence”.<sup>102</sup>

An April 2016 International Crisis Group report explained with regards to police resources that:

The force, moreover, is grossly understaffed, with an estimated 161,000 officers serving a population of 160 million, roughly 1:1,000.86 Constables, with no investigative authority or training, and functions largely limited to patrols or guarding VIPs, are two-thirds of the force. The 40,000 officers with authority to investigate are overburdened: an officer typically investigates some fifteen cases a month.

Investigative capacity is also low. According to common practice in stations, the officer who records a complaint conducts the preliminary investigation and submits a charge sheet. Criminal cases largely depend on confessions to judicial magistrates under Section 164 of the CrPC [Code of Criminal Procedure]. Allegations are widespread that police misuse a fifteen-day CrPC remand provision to force confessions by torture and blackmail. Defendants often retract confessions in court, claiming duress. Prosecutors argue that police failure to produce credible witnesses also undermines convictions. Yet, witnesses will not come forth without an adequately resourced protection program. More importantly, the CrPC and Evidence Act should be amended to make forensic and documentary, rather than ocular, evidence the foundation of investigation.<sup>103</sup>

A June 2016 Joint written statement submitted to the UN Human Rights Council by International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse considered that the Bangladeshi justice system is “failing to protect fundamental freedoms”:

Successive governments have been accused of conducting extra-judicial executions, enforced disappearances and torture against opponents and critics with impunity. Police recruitment is partisan and inadequate; the prosecutorial system is underdeveloped; there is a lack of independence of the lower levels of the judiciary from the executive and the Supreme Court has been unwilling or unable to prevent executive interference and politicisation of justice. The failure of the state to uphold fundamental rights and freedoms allows extremist groups to spread fear and intolerance and to drive those with opposing views into self-censorship and/or exile through violent acts committed with virtual impunity.<sup>104</sup>

In an August 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that with regards to access to justice for state perpetrated violence, particular enforced disappearances that:

The process of seeking justice is encountered with numerous hurdles. The police refuse to register complaints that accuse the personnel of the law-enforcement agencies and paramilitary forces. Lawyers, those who practice in the Magistrate’s Courts, do not want to risk their life by helping the families of the disappeared victims in filing complaints against the law-enforcement agencies. Instead, both the police and the lawyers suggest that if the complaints are re-written by removing the names of the law-enforcement agencies and replacing “disappearances” by “kidnapping”, then the complaints might be registered, provided that adequate bribes are paid to the police. Credible

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<sup>102</sup> United States Institute of Peace, [Electing Peace: What Works in Preventing Election Violence](#), 14 March 2016

<sup>103</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, V B. Policing and Political Interference p.15

<sup>104</sup> International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse, nongovernmental organizations in special consultative status, the International Publishers Association, non-governmental organization on the roster, [Bangladesh: Urgent, concrete steps required to protect freedom of expression](#), 8 June 2016

investigation of the cases is impossible in the existing justice institutional system. And, thus, not a single case of disappearance has been investigated properly. Most victims are afraid to register complaints, as their families start facing constant surveillance, intimidations, and threats since their dear ones are disappeared by State agents. Apart from the intimidation, filling a case will open the window for the police and prosecutors to extort bribes that may make them bankrupt in the long run.<sup>105</sup>

**a. To what extent is the AL in control of the state apparatus, including the judiciary, law enforcement agencies and the security forces?**

The 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) described a “partisan influence over the civil administration –including law enforcing agencies”, as amongst the “principal causes for the continuing deterioration of law and order”.<sup>106</sup>

The Asian Human Rights Commission considered in its annual report on Bangladesh for 2015 that “Always, the ruling politicians and their powerful allies control the police from centralised and decentralised hierarchies. They control and influence the process of recruitment, posting, promotion, and rewarding of the police, preferring nepotism and corruption against merits and professional competence”.<sup>107</sup> Freedom House’s annual report for 2015 stated that amongst other issues, “political polarization” has “long undermined government accountability” and that “anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process”.<sup>108</sup>

The U.S. State Department report covering events in 2015 considered that “Authorities failed at times to maintain effective control over security forces”.<sup>109</sup> The same source further explained that:

Police, who fall under the jurisdiction of the Ministry of Home Affairs, have a mandate to maintain internal security and law and order. The Police Special Branch has immigration jurisdiction, while the Border Guard Bangladesh and coast guard--under the same ministry--enforce the country’s borders. The army, organized under the Prime Minister’s Office, is responsible for external security, but can be called to help with a variety of domestic security responsibilities when required “in aid to civil authority.” The army and ministry security forces maintained a significant presence in the Chittagong Hill Tracts (CHT) to monitor the 1997 CHT Peace Accord.

Civilian authorities maintained effective control over the military, and the government has mechanisms to investigate and punish abuse and corruption within the security forces. These mechanisms were not regularly employed, however. The government took steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption. Police basic training continued to incorporate instruction on the appropriate use of force as part of efforts to implement community-based policing.

Despite such efforts, security forces, including the RAB [Rapid Action Battalion], continued to commit abuses with impunity. Plaintiffs were reluctant to accuse police in criminal cases due to lengthy trial

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<sup>105</sup> Asian Legal Resource Centre, [BANGLADESH: Enforced Disappearances should not be taken for granted](#), 29 August 2016

<sup>106</sup> Bertelsmann Foundation, [BTI 2016: Bangladesh Country Report](#), 2016, 1. *Stateness* p.5

<sup>107</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 2

<sup>108</sup> Freedom House, [Freedom in the World 2016 - Bangladesh](#), 24 May 2016

<sup>109</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Executive Summary*

procedures and fear of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity.<sup>110</sup>

The International Crisis Group noted in a February 2015 report with regards to politicised justice within the law enforcement apparatus that “When in government, the AL (like the BNP) has tended to respond to civil agitation, even when grievances are legitimate, by using and strengthening the state’s coercive arm” and that “The RAB [Rapid Action Battalion] has come to symbolise heavy-handed, politically-motivated law enforcement”.<sup>111</sup> Further describing the RAB it noted that:

The AL had opposed its 2004 creation by the BNP government and called for its disbandment. Today, the 9,000-strong force, comprising fourteen battalions from the police, border and coast guards and other agencies, but especially the military, is the most prominent and feared security agency. It is headed by the police inspector general, but, circumventing the home ministry, personnel are administratively controlled by their parent institutions.<sup>112</sup>

In September 2016 Human Rights Watch issued a report on “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces’ which noted with regards to the RAB that:

Despite promises of accountability by a series of governments—including the last one led by the BNP, which created RAB in 2004; the subsequent military-backed caretaker regime; and the current government of the Awami League, in power since 2009—RAB continues to operate as a death squad with impunity. Although RAB is officially led by a senior police officer, in practice RAB is run by the military as the police are treated as subservient to the army. Human Rights Watch has called upon the government to disband RAB and replace it with a rights respecting civilian force.<sup>113</sup>

In December 2015 the Islamic Human Rights Commission submitted an Alternative Report on the Implementation of the International Covenant on Civil and Political Rights which considered that “It is clear that instead of strengthening and protecting its independence, Awami League governments have seen the judiciary as an effective tool with which to attack the political opposition. Successive Awami League governments have deliberately packed the higher levels of the judiciary with those lawyers closely affiliated with the ruling party. To date the Awami League has appointed scores of judges to the High Court Division of Bangladesh”.<sup>114</sup> The 2016 Bertelsmann Foundation report similarly noted that “Despite the official separation of the judiciary from the executive, some critical aspects of independence have yet to be achieved. Issues such as the basis of judicial appointments, security of tenure, and the ongoing patterns of political patronage and interference remain unaddressed”.<sup>115</sup>

An April 2016 International Crisis Group report considered that “Bangladesh’s law enforcement and judicial system is tasked with suppressing the Awami League (AL) government’s political rivals, while also countering criminality and violent extremism. Over-stretched, it is failing both to enforce the law and to stabilise the polity. Current law and order challenges are largely rooted in the intense

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<sup>110</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, Section 1.d. Role of the police and security apparatus

<sup>111</sup> International Crisis Group, [Mapping Bangladesh’s Political Crisis](#), 9 February 2015, IV. C. 2. The law enforcement apparatus p.16

<sup>112</sup> International Crisis Group, [Mapping Bangladesh’s Political Crisis](#), 9 February 2015, IV. C. 2. The law enforcement apparatus p.17

<sup>113</sup> Human Rights Watch, [“No Right to Live” “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces](#), 28 September 2016, I. Background: Security Forces Abuse and Lack of Accountability p.10

<sup>114</sup> Islamic Human Rights Commission, [NGO Alternative Report on the Implementation of the International Covenant on Civil and Political Rights \(Adoption of List of Issues\) 116th Session \(7 March 2016\); Bangladesh](#), 23 December 2015, AWAMI LEAGUE’S UNDERMINING OF INDEPENDENT JUDICIARY

<sup>115</sup> Bertelsmann Foundation, [BTI 2016; Bangladesh Country Report](#), 2016, 3. Rule of Law p.9

rivalry between the government and its political opposition, the Bangladesh Nationalist Party (BNP) and its Jamaat-e-Islami ally".<sup>116</sup> The same source explained with regards to Policing and Political Interference that:

A legal scholar noted that the AL and BNP have both relied on the law enforcement apparatus to strengthen their "right to rule" instead of the "rule of law". The police are widely perceived as politicised, corrupt and inept. Police recruitment and appointments are largely on partisan grounds, and parliamentarians regularly interfere in postings and transfers of officers in their constituencies. Most senior and midlevel positions are filled by officers who demonstrate allegiance to ruling parties and take their cues from the government of the day. While appointments and transfers of low-ranking officers up to inspector are done internally, the home ministry controls these, and promotions, for assistant superintendents and above.

Many top officials, such as the inspector general, the Dhaka police chief, national police spokesperson and heads of elite forces such as the RAB reportedly have direct links to the prime minister or her office. Senior officials also often influence investigations, driven by partisanship, nepotism or financial gain; public statements by the prime minister or ministers identifying or supporting suspected perpetrators hamper investigations, and charges are often politicised.<sup>117</sup>

In June 2016 the Asian Legal Resource Centre submitted to the UN Human Rights Council that "The law enforcement system is utterly coercive, lacking any system of checks and balances, and coupled with impunity, existing solely for the purpose of perpetuating the power of those at the helm in the ruling parties".<sup>118</sup> A further June 2016 submission by the same source to the UN Human Rights Council considered that "The governments of the day uses law-enforcement agencies and security forces to silence the opposition and any individual or groups that it wishes to eliminate for its own benefit. Integral to that purpose, the government also subjugates the judicial institutions so that there is no challenge that the Executive authorities are forced to face. By controlling the recruitment, promotion, and postings of judges, prosecutors, state attorneys, police and paramilitary officers, the Executive authorities make sure that everyone behaves the way the government wants".<sup>119</sup> Furthermore, "Substandard lawyers, lacking merit and efficiency, having allegiance with the ruling political camps, are recruited as prosecutors and fail to maintain the standards of fair trial".<sup>120</sup>

A November 2016 Minority Rights Group International report on the challenges facing religious minorities in Bangladesh noted with regards to access to protection that "At present, a recurrent problem is the failure of police to adequately investigate or even recognize allegations of rights abuses, including serious incidents such as physical assault or abduction, leaving victims and their families with no legal recourse. The persistent problem of impunity for those responsible for crimes such as land grabbing, intimidation and even murder has been an essential element in the continued abuse of minorities. [...] This problem is illustrated by the recurrence of targeted post-election unrest, a cycle that Bangladesh has so far failed to break".<sup>121</sup>

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<sup>116</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, *I. Introduction p. 1*

<sup>117</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, *V B. Policing and Political Interference p.14*

<sup>118</sup> Asian Legal Resource Centre, [BANGLADESH: Justice mechanisms require re-engineering](#), 3 June 2016

<sup>119</sup> Asian Legal Resource Centre, [Written statement\\* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status BANGLADESH: Democracy and competent justice mechanisms needed to stop extrajudicial executions](#), 2 June 2016

<sup>120</sup> Asian Legal Resource Centre, [Written statement\\* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status BANGLADESH: Democracy and competent justice mechanisms needed to stop extrajudicial executions](#), 2 June 2016

<sup>121</sup> Minority Rights Group, [Under threat: The challenges facing religious minorities in Bangladesh](#), 17 November 2016, *4.4 The problem of impunity and the status of rights implementation p.19*

## **b. Are law enforcement agencies and security forces affected by corruption?**

According to a March 2015 Asian Legal Resource Centre submission to the UN Human Rights Council, “Overwhelming politicised recruitment in law enforcement agencies, in all branches of the Judiciary, military and paramilitary forces, intelligence agencies, Election Commission, and civil bureaucracy have entangled public life in Bangladesh with inconceivable harassment and relentless repression. The subjugated institutions have learned to serve the ruling elites of the day allowing them to gain undeserved wealth, power, and privilege at the cost the vast majority of the people”.<sup>122</sup> Similarly, the Asian Human Rights Commission considered in its 2015 annual report on Bangladesh that:

The political and financial elites intervene in the process of complaint registration, criminal investigation, forensic examination, arrest and detention of persons, release from detention, fabrication of cases, and dropping of all charges, on a daily basis, across the country. This practice has contributed to embed a culture of impunity so deep that the judicial institutions act subjectively when the crimes of the law-enforcement agencies come to the courts for adjudication.

The police, ultimately, enjoy impunity as long as they serve the ruling elites. The police are sure of their job-security if they keep their political masters satisfied. As a result, the entire institution has lost its “chain of command” and has instead a “chain of corruption”. [...]

Policing in Bangladesh to the police is: more case, more arrests, more torture, and more money through bribery. Unsatisfactory payment or failure to pay demanded amount of money brings extended detention, fabricated cases, permanent disability, or extrajudicial death, without the personnel who commit these crimes suffering any repercussions.<sup>123</sup>

The same source further considered that “The 'independence' of Bangladesh's Judiciary is still an illusion. [...] The recruitment, elevation, promotion, and posting of Judges of all branches mostly take place from a political perspective so that the ruling political party of the day benefits from the process”.<sup>124</sup>

Freedom House’s annual report for 2015 stated that “Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. [...] Bangladesh was ranked 139 out of 168 countries and territories surveyed by Transparency International’s 2015 Corruption Perceptions Index. Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process”.<sup>125</sup> The same source stated that “Politicization of the judiciary remains an issue despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias. Harassment of witnesses and the dismissal of cases following political pressure are also of increasing concern”.<sup>126</sup> Furthermore, “Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police”.<sup>127</sup>

The 2016 Bertelsmann Foundation report noted that “Corruption remains an endemic problem in Bangladesh, permeating all levels of society. [...] Misuse of public office for personal gain, nexus

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<sup>122</sup> Asian Legal Resource Centre, [BANGLADESH: Government promotes extrajudicial executions to silence political dissent](#), 3 March 2015, paragraph 6

<sup>123</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 3

<sup>124</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 8-9

<sup>125</sup> Freedom House, [Freedom in the World 2016 - Bangladesh](#), 24 May 2016

<sup>126</sup> Freedom House, [Freedom in the World 2016 - Bangladesh](#), 24 May 2016

<sup>127</sup> Freedom House, [Freedom in the World 2016 - Bangladesh](#), 24 May 2016

between politicians, law enforcement authorities and businessmen and bribery have become political norms".<sup>128</sup>

The U.S. State Department report covering events in 2015 considered that "government took steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption" but "Despite such efforts, security forces, including the RAB, continued to commit abuses with impunity. [...] The inspector general of police continued to train police to address corruption and create a more responsive police force. No assessment of the training's effect on corruption within the police force was available".<sup>129</sup>

The same source further noted "Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases. [...] The law provides for the right to a fair trial, but the judiciary did not always protect this right due to corruption and weak personnel and institutional capacities. Judges received base pay from 29,200 taka (\$365) to 39,600 taka (\$495) per month, depending on qualifications. Prosecutors' low monthly retainer of 3,000 taka (\$37.50) plus 200 taka (\$2.50) per hour spent in court led some to accept bribes to influence the outcome of a case. [...] The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. [...] The government subjected the judiciary to political pressure [...] and cases involving opposition leaders often proceeded in an irregular fashion".<sup>130</sup>

A February 2016 Asian Legal Resource Centre submission to the UN Human Rights Council stated that "Widespread, deep corruption and political servitude of judges are the two defining characteristics of the Bangladesh Judiciary".<sup>131</sup>

An April 2016 International Crisis Group report considered that "The police are widely perceived as politicised, corrupt and inept. [...] Senior officials also often influence investigations, driven by partisanship, nepotism or financial gain; public statements by the prime minister or ministers identifying or supporting suspected perpetrators hamper investigations, and charges are often politicised".<sup>132</sup> Furthermore, "Executive interference in the judiciary is rampant. While ruling party members and supporters in effect remain above the law, with the police often refusing to file complaints against them, some use their political influence to push cases through the system for a price. Judges are harassed by prosecutors and have been transferred or threatened with administrative action by law ministry officials for granting bail to opposition activists or giving perceived adverse rulings in politically-sensitive cases".<sup>133</sup>

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<sup>128</sup> Bertelsmann Foundation, [BTI 2016; Bangladesh Country Report](#), 2016, 1. *Stateness* p.5

<sup>129</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Executive Summary* and *Section 4. Corruption and Lack of Transparency in Government*

<sup>130</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Section 1.e. Denial of Fair Public Trial* and *Section 4. Corruption and Lack of Transparency in Government*

<sup>131</sup> Asian Legal Resource Centre, [Written statement\\* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, ASIA: Situation of human rights defenders in China, Thailand, and Bangladesh](#), 19 February 2016

<sup>132</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, V *B. Policing and Political Interference* p.14

<sup>133</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, D. *Judicial Challenges*, 1. *Politicisation of the judiciary and provision of justice* p.18

In June 2016 Transparency International Bangladesh issued the results of its 2015 National Household Survey 2015 on Corruption In Service Sectors. The report concluded that “The sectors that occupy the top position in term of incidence of corruption include passport services (77.7%), law enforcement agencies (74.6%), education (60.8%), BRTA (60.1%), land administration (53.4%), judicial services (48.2%), health (37.5%)”.<sup>134</sup> With regards to corruption in law enforcement agencies the report found (original emphasis):

The total size of the sample as calculated by adding samples from all strata i.e. 64 districts and Dhaka and Chittagong cities stands at 15,840. [...]

**Services received:** The survey shows that 9.9% of the surveyed households received services from different law enforcement agencies. Among them, the largest portion (65.6%) received services from police stations, followed by the Traffic Police (17.2%) and Special Branch (13.8%). Another 7.3% of the households received services from other agencies such as Highway Police, CID, Ansar, RAB, Detective Branch, check post police, Court Police or local camp police.

**Victims of corruption and irregularities:** Among the households that received service from this sector, 74.6% were victims of corruption - from rural areas 74.3% were victims of corruption while for urban service recipients it was 75.2%. Giving bribe was the major type of corruption as faced by 65.9% households, followed by misdemeanour or intimidation (6.5%), filing false cases against them (5.3%), arresting without any valid reason (2.6%), negligence in filing GD or FIR (2.2%), submission of false charge sheet (2.2%), delay in police verification or giving false information in verification (1.7%) and harassment or delaying service (1.0%). [...]

**Corruption by agencies:** The largest number of households became victim by traffic police (84.4%), followed by special branch (78.5%) and other agencies (81.2%). The least number of households faced corruption from Police Stations (70.5%).

**Percentage and amount of bribe:** Among the households that received services from the law enforcement agencies, the highest (79.6%) bribed the traffic police followed by Special Branch (74.2%). The lowest (60.0%) paid bribes to police stations. [...]

Of the households that paid bribes to the law enforcement agencies, the highest amount paid is to the police stations (on average Tk 7,697) followed by traffic police (Tk 2,823). The lowest amount they paid on average is to the Special Branch (Tk 942). Other agencies were paid an average of Tk 5,493. [...] Percentage of bribes according to services: The bribe paying households gave the highest amount for traffic related services (77.7%), followed by Vehicle requisition and Car detention (76.3%), for getting police verification/ clearance certificate (74.5%), and for filing FIR or case (73.7%). The least bribe was paid for security related service (19.1%). Moreover, bribe had to be paid for arrest (69.7%), GD (61.9%), investigation (55.9%), charge sheet related (48.4%), verbal complaint (39.7%) and other services (52.5%). The highest amount of bribe was paid for charge sheet related services (Tk 17,492 on average) and the lowest amount was paid for police verification/ clearance (Tk 945 on average). [...] Reasons for paying bribe: Among the households that had to pay bribes in this sector, 77% informed that they paid the bribe ‘because otherwise they would not get the service’. Other reasons for giving bribes include receiving service on time (28.1%), getting service legally (19.5%), getting service illegally (12.9%), getting service before the stipulated time (1.5%) and other reasons (8.2%).<sup>135</sup>

Also in June 2016 the Asian Legal Resource Centre submitted to the UN Human Rights Council that “In Bangladesh, due to a long history of the Judiciary being under the thumb of the Executive and the timely reminders that are made available for compliance with the corrupt and slavish practices, the basic notion of “independence” has not been cultivated within the Judiciary. The grooming of judges and lawyers is such that the judicial officers see themselves as servants of the government in power and thus complying with the wishes of the Executive’s is ‘normal’”.<sup>136</sup> The same source further noted that “The fate of the registration of a complaint depends on the unlawful whims of the

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<sup>134</sup> Transparency International Bangladesh, [Corruption In Service Sectors: National Household Survey 2015](#), June 2016, 4. Conclusion and Recommendations p.46

<sup>135</sup> Transparency International Bangladesh, [Corruption In Service Sectors: National Household Survey 2015](#), June 2016, 3.2 Law Enforcement Agencies p.21-23

<sup>136</sup> Asian Legal Resource Centre, [BANGLADESH: Justice mechanisms require re-engineering](#), 3 June 2016

police; even though complaints can be lodged with Magistrate Courts, as such Courts do not have any intention of upholding the principles of fair trial, they let the police to play games with the complaints. As it is the same police that possess statutory authority over the process of crime investigation, the system is torturous, coercive, and having an in built chain of corruption from top to bottom. Incorporating modern scientific technologies and well-equipped forensic medicine system, such as DNA profiling infrastructures that are easily accessible, into crime investigation has been deliberately made a low priority in successive governments in Bangladesh”.<sup>137</sup>

In an August 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre submitted to the UN Human Rights Council with regards to enforced disappearances that:

The justice institution has been contributing to make itself dysfunctional and incapable of upholding justice. In reality, the justice institution facilitates the process of creating authoritarian rulers in Bangladesh. The long-cherished practice of politicized recruitments, elevations, and promotions in the justice institutions, particularly the Judiciary as a whole, the Prosecution and State Attorney system, and law-enforcement agencies, in successive tenures, has brought the institutions to their worst state in the history of the country. Now, most of the Judges, State-Attorneys, Prosecutors, and Police officers are the direct beneficiaries of the incumbent authoritarian government. So, these beneficiaries want to maintain the status quo for their own individual interests, while very few of them, who believe in the principles of justice and are interested to uphold the norms, merely survive with high degree of demoralization, fearing the consequences that may go beyond their ability to manage in the given condition.<sup>138</sup>

In September 2016 Human Rights Watch issued a report on “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces’ which noted that of the people interviewed for the report “Many admitted that their family members had paid bribes to obtain bail, prevent additional human rights abuses in custody, or ensure medical treatment”.<sup>139</sup> Similarly, Odhikar, reporting on a June 2016 special drive across the country to arrest ‘extremists’ in which 15,576 people were detained noted that “In some districts, allegations were found against police that they threatened people with arrest if they refused to pay them, during the operation in houses belonging to the leaders and activists of opposition parties. [...] Police were also alleged to have been asking for money for the release of arrestees”.<sup>140</sup>

In a September 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that “The policing system of Bangladesh maintains the century-old practice of arresting people on ‘suspicion’. The police and the paramilitary forces, such as the Rapid Action Battalion (RAB) and Border Guards Bangladesh (BGB), routinely arrest and detain. Following the commission of an ‘offence’, the police are reluctant to collect admissible evidence regarding the crimes concerned. Instead, they randomly arrest people at their will and later show the detainees ‘arrested’ in criminal cases. A detainee can be implicated in one or more criminal cases depending on the bargains of bribery, political affiliation, and intervention in the process. Torture is inseparable from arrest and detention in the country”.<sup>141</sup>

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<sup>137</sup> Asian Legal Resource Centre, [BANGLADESH: Justice mechanisms require re-engineering](#), 3 June 2016

<sup>138</sup> Asian Legal Resource Centre, [BANGLADESH: Enforced Disappearances should not be taken for granted](#), 29 August 2016

<sup>139</sup> Human Rights Watch, [“No Right to Live” “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces](#), 28 September 2016, *Summary p. 2-3*

<sup>140</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *paragraph 30*

<sup>141</sup> Asian Legal Resource Centre, [BANGLADESH: UN can assist government reform justice institutions to protecting people from arbitrary detention](#), 1 September 2016



**c. Do law enforcement agencies, including the police, fulfil their role regardless of the political affiliation of civilians?**

Reporting on political violence following the January 2015 transport blockades, Amnesty International considered that “Authorities have not launched impartial and thorough investigations into these attacks; instead, they have simply put the blame on opposition leaders and supporters”.<sup>142</sup> The International Crisis Group noted in a February 2015 report with regards to politicised justice within the law enforcement apparatus that “Several human rights activists and crime reporters alleged that officers regularly took bribes from detained political workers in return for release and that those who failed to pay might be tortured or even killed”.<sup>143</sup>

Odhikar, reporting on the September 2015 by-election in Dohar Upazila noted that activists of Awami League, Jubo League and Chhatra League “forcibly ousted the polling agents of the candidates supported by BNP and Independent candidates from different polling stations and intimidated voters. BNP supported candidate Sirajul Islam and independent candidate Mehbub Karim said that they did not get any assistance from RAB [Rapid Action Battalion], BGB [Border Guard Bangladesh] or the police in this regard”.<sup>144</sup> With regards to the February 2016 municipality elections the same source noted that “On March 20, 2016 during the poll, in Brahmanbaria Sadar Municipality, incidents of ballot stuffing occurred in the polling booths in the presence of police and Ansar [an auxiliary force] members”.<sup>145</sup>

The Asian Human Rights Commission considered in its annual report for 2015 on Bangladesh that “The police do not have any overall goal or intention of providing or assisting the process of justice for the citizens at large. For example, the police fabricate and facilitate the process of fabrication of enormous number of criminal cases against the political opposition and the critics of the government to satisfy the ruling party of the day”.<sup>146</sup>

In a January 2016 article the United States Institute of Peace, identifying a number of weaknesses in Bangladesh’s electoral process, noted that “Elements of the country’s police and army operate as political militias rather than provide nonpartisan security. Allegations of extrajudicial killings, arbitrary arrests, and opposition harassment damage the legitimacy of the democratic process. Efforts should be made to ensure a nonpartisan security sector”.<sup>147</sup>

Odhikar reporting on the human rights situation in the first 6 months of 2016 noted “The members of law enforcement agencies are enjoying impunity due to the government practice of using the law enforcement agencies against its political opponents. As a result, they have come to believe that they are above the law”.<sup>148</sup> In its August 2016 human rights monitoring report Odhikar noted that “Members of the ruling Awami League party and its various branches are getting away with

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<sup>142</sup> Amnesty International, [Bangladesh: Human Rights Deteriorate as Political Violence Escalates](#), 20 January 2015

<sup>143</sup> International Crisis Group, [Mapping Bangladesh’s Political Crisis](#), 9 February 2015, IV. C. 2. *The law enforcement apparatus* p.17

<sup>144</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, *paragraph 10*

<sup>145</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *paragraph 10*

<sup>146</sup> Asian Human Rights Commission, [Asia Report 2015: Bangladesh](#), 2015, p. 2

<sup>147</sup> United States Institute of Peace, [Preventing Violent Extremism through Inclusive Politics in Bangladesh](#), 14 January 2016

<sup>148</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *paragraphs 26*

committing various offences due to the fact that the police are explicitly or impliedly assisting them and not the victims. This makes such crimes human rights violations as well”.<sup>149</sup>

In a September 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that “Having any political affiliation may determine the fate of the detainee at different stages of the process. For example, if someone is affiliated to the ruling political party, the detainee may be lucky to get an influential leader to intervene in his/her favour. Such intervention will be very effective for the detainee’s quick release from police custody, prior to being produced before a Magistrate or being transferred to a prison. The fate would be just the opposite for a detainee who may have affiliation with the opposition party, or have no affiliation with any political group. The pro-opposition or a-political detainees will rarely get bail without approaching the Supreme Court. As a matter of fact, the Attorney General has been pro-actively halting the release of the detainees, despite the Supreme Court’s orders, doing so by sending electronic messages to the prison authority claiming, ‘the State plans to appeal against the release order’”.<sup>150</sup>

In October 2016 Human Rights Watch reported that “Bangladeshi authorities should immediately release three children of opposition leaders convicted of war crimes who were forcibly disappeared and have been illegally detained since August 2016. [...] Bangladesh law enforcement authorities have a long history of politically motivated arrests and disappearances, including detaining people and then denying that the person is in custody”.<sup>151</sup> Describing the enforced disappearance of Humam Quader Chowdhury, a senior member of the BNP, the same source noted that “Immediately after the arrest, his mother tried to file a general diary complaint, the standard first report of transgressions filed with the police, but the police said they would need permission ‘from above’ to accept the report”.<sup>152</sup> Also in October 2016 the Independent (Bangladesh) reported that “Neither law enforcers nor the party has taken any action against two leaders of Bangladesh Chhatra League (BCL), associate student body of the Awami League (AL), who were seen carrying firearms during a clash in the capital’s Gulistan area”.<sup>153</sup>

In its November 2016 human rights monitoring report, Odhikar noted that “Leaders and activists of the Awami League at different levels, including Chhatra League and Jubo League, are involved in criminal activities due to the absence of an accountable government created as a result of controversial elections. The volume of such criminalisation has reached a level where they are now attacking ordinary people and citizens belonging to minority communities. The Chhatra League and Jubo League were involved in several incidents of internal conflict which were linked to vested interest; and mainly occurred using political influence. In almost all cases, they got away with their criminal activities”.<sup>154</sup>

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<sup>149</sup> Odhikar, [Human Rights Monitoring Report August 1 – 31, 2016](#), 1 September 2016, paragraph 33

<sup>150</sup> Asian Legal Resource Centre, [BANGLADESH: UN can assist government reform justice institutions to protecting people from arbitrary detention](#), 1 September 2016

<sup>151</sup> Human Rights Watch, [Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders’ Sons Detained in August, But Government Pretends Not in Custody](#), 12 October 2016

<sup>152</sup> Human Rights Watch, [Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders’ Sons Detained in August, But Government Pretends Not in Custody](#), 12 October 2016

<sup>153</sup> Independent (Bangladesh), [No action against two gun-toting BCL leaders](#), 29 October 2016

<sup>154</sup> Odhikar, [Human Rights Monitoring Report November 1 – 30, 2016](#), 1 December 2016, paragraph 2

#### d. State treatment of (perceived) BNP members

According to the Assessment Capacities Project's politics and security overview, "Bangladesh's political environment is tense. The Awami League has ruled Bangladesh since 2008, when elections ended two years of interim military rule. Since winning disputed elections in 2014, the government has responded with an increasingly heavy hand to challenges from its main rival, the Bangladesh National Party (BNP)".<sup>155</sup>

Amnesty International explained that in 2015, "the BNP announced plans for protest rallies from 5 January to mark its opposition to the outcome of those elections, calling on the government to resign and for new elections to take place. Government supporters also began preparing for counter rallies. Police banned all rallies, saying this was to prevent violent clashes between government and opposition supporters. In response, the BNP called on its supporters to observe an indefinite nationwide blockade on cars and buses until the ban was lifted. In addition, police cordoned off the office the BNP leader, Begum Khaleda Zia for more than two weeks from 3 January".<sup>156</sup> The same source described that "At least two people were reported killed on 7 January when police opened fire on BNP supporters in the southern district of Noakhali. [...] Opposition leaders have been detained arbitrarily in what appears to be solely for the peaceful exercise of their right to freedom of assembly. Detective Branch of Police took Mirza Fakhru Islam Alamgir, BNP's Acting Secretary General, into custody on 6 January".<sup>157</sup>

The U.S. State Department report covering events in 2015 reported on political violence during nearly three months of the nationwide blockade and general strikes noting that "Thousands of arrests of BNP activists and allegations of extrajudicial killings, deliberate shootings in the leg by police, and claims of torture accompanied the violence".<sup>158</sup> According to Human Rights Watch, in response to the BNP violent protests, "the government cracked down on opposition members, naming hundreds of them as suspects in violent attacks".<sup>159</sup> Furthermore "Security forces were responsible for serious abuses, including arbitrary arrests, torture, enforced disappearances, and killings".<sup>160</sup>

The Islamic Human Rights Commission reported that "On January 6, 2015 Mirza Fakhru Islam Alamgir, the acting secretary general of the BNP, was arrested as he left the press club in Dhaka, for allegedly organising a protest the previous day that led to the deaths of four people and dozens of injuries. Two activists were shot dead in clashes between activists from the ruling party and security forces. Another two died the same day at the hands of security forces. Several other BNP leaders have been arrested as well. The authorities have also targeted media perceived to be sympathetic to the opposition".<sup>161</sup> Odhikar reported that "On January 13, 2015 a team of Detective Branch (DB) police arrested BNP's Information and Research Secretary, Habibur Rahman Habib from outside the

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<sup>155</sup> Assessment Capacities Project, [Bangladesh: Politics and Security](#), last updated 18 October 2016

<sup>156</sup> Amnesty International, [Bangladesh: Human Rights Deteriorate as Political Violence Escalates](#), 20 January 2015

<sup>157</sup> Amnesty International, [Bangladesh: Human Rights Deteriorate as Political Violence Escalates](#), 20 January 2015

<sup>158</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Section 1.a. Arbitrary or Unlawful Deprivation of Life*

<sup>159</sup> Human Rights Watch, ["No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces](#), 28 September 2016, *Summary p. 5*

<sup>160</sup> Human Rights Watch, ["No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces](#), 28 September 2016, *Election-Related Political Violence p. 12-13*

<sup>161</sup> Islamic Human Rights Commission, [NGO Alternative Report on the Implementation of the International Covenant on Civil and Political Rights \(Adoption of List of Issues\) 116th Session \(7 March 2016\); Bangladesh](#), 23 December 2015, *CRACKDOWN AGAINST POLITICAL OPPOSITION AND MEDIA*

studio of Channel 24, after he had taken part in a talk-show. In that talk-show, Habibur Rahman Habib had criticized the government strongly for confining BNP Chairperson Khaleda Zia".<sup>162</sup>

Freedom House's annual report for 2015 stated that "Ruling party harassment of the opposition BNP and JI parties remained widespread in 2015. Many BNP party leaders were imprisoned, under house arrest, living in hiding or exile, or facing serious legal charges that could bar them from office. [...] A monthlong series of mass opposition protests, hartals (strikes), and transport blockades in early 2015 left more than 60 dead and dozens of others injured; more than 10,000 opposition activists were temporarily detained, and BNP leader Khaleda Zia was confined to the party headquarters for more than a month".<sup>163</sup> For further incidents of BNP arrests following the January 2015 strikes, see:

- ❖ South Asia Terrorism Portal, [Bangladesh Timeline Year 2015](#), 2015

The U.S. State Department report covering events in 2015 considered that "While political affiliation at times appeared to be a factor in the arrest and prosecution of members of the opposition parties, the government did not prosecute individuals solely on political charges".<sup>164</sup> The same source further noted that "The government generally permitted rallies, but on occasion it prevented political groups from holding meetings and demonstrations. [...] During the protracted election anniversary turmoil in March, authorities permitted AL processions in celebration of a national cricket team victory but refused to allow similar BNP events".<sup>165</sup> Moreover, "The government subjected the judiciary to political pressure [...] and cases involving opposition leaders often proceeded in an irregular fashion".<sup>166</sup>

The South Asia Terrorism Portal reported that in March 2015, "In Chandpur District, a clash between pro-BNP Chhatra Dal activists and Police left at least five people injured at Chittalekha intersection".<sup>167</sup> Human Rights Watch reported that:

State abuses took a more sinister turn on March 10, 2015, when BNP spokesperson Salahuddin Ahmed was abducted from a friend's apartment where he had been in hiding. Witnesses said the abductors identified themselves as members of the Detective Branch, while other witnesses reported RAB vehicles in the area. In May, Ahmed was found in India and charged by Indian authorities with illegal entry. He sought protection from the United Nations refugee agency (UNHCR), saying he had been abducted by unknown gunmen and feared for his life if returned to Bangladesh. Several other BNP supporters remain disappeared. For example, 19 BNP supporters were picked up by security forces in front of witnesses in a two week period from November 28 to December 11, 2013, during election-related protests. None of them have been returned. In 2012, BNP leader Elias Ali went missing, and the authorities have failed to determine his fate.<sup>168</sup>

According to a March 2015 Asian Legal Resource Centre submission to the UN Human Rights Council, "the Bangladesh government is abusing the country's political crisis. It has escalated arbitrary deprivation of the right to life through extrajudicial executions targeting political opposition.

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<sup>162</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, paragraph 55

<sup>163</sup> Freedom House, [Freedom in the World 2016 - Bangladesh](#), 24 May 2016

<sup>164</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, Section 1.3. Political prisoners and detainees

<sup>165</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, Section 2.a. Freedom of Speech and Press

<sup>166</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, Section 1.e. Denial of Fair Public Trial and Section 4. Corruption and Lack of Transparency in Government

<sup>167</sup> South Asia Terrorism Portal, [Bangladesh Timeline Year 2015](#), 2015, 1 March 2015

<sup>168</sup> Human Rights Watch, ["No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces](#), 28 September 2016, *Election-Related Political Violence* p. 12-13

Enforced disappearance has become a common phenomenon for the public. Often, bodies of political activists, who were picked up by the Detective Branch (DB) of the Police, are found with bullet wounds several days after their disappearance. As a result, almost every day, the law enforcement agencies circulate the stories of 'gun battles' after killing detainees. Several victims of such extrajudicial murder have been found to be non-political persons, and the law-enforcing agencies have killed them for their family's failure to pay the demanded sum of money".<sup>169</sup> Furthermore, "Since January 2015, more than 15,000 activists of the opposition have been arrested and detained in prison. All the victims have alleged being tortured in custody. In several cases, the police have arrested the wives, siblings, or parents, when the targeted opposition leader was not found at home".<sup>170</sup>

According to Odhikar, "104 persons were extra judicially killed, between January and June 2015. [...] 19 were leaders-activists of BNP".<sup>171</sup> Of 26 persons that died in detention, one was reportedly affiliated to the BNP, "On May 3, 2015 a convicted prisoner of the BDR Mutiny and former MP of BNP, Nasiruddin Pintu died in Rajshahi Medical College Hospital. His family alleged that Pintu was killed intentionally by being deprived of proper Treatment".<sup>172</sup> In its annual report for 2015 Odhikar noted that "Of the 185 persons who were killed extra-judicially, 20 were leaders-activists of BNP and its affiliated organisations; 15 were activists of Jamaat-Shibir and its affiliated organisations; four were leaders-activists of Awami League".<sup>173</sup>

Reporting on enforced disappearances of BNP affiliates and BNP youth wing (Jubo Dal) members in 2015 the same source noted:

On January 14, 2015 at around 3:00 pm, men claiming to be members of the Joint Forces conducted an operation in Mithapukur in Rangpur District and picked up Al-Amin Kabir (35), his wife Beauty Begum (30) and housemaid Moushumi (30) from their house. Al-Amin's cousin Tariqul Islam informed Odhikar that a bus was set on fire at the Mithapukur area during the ongoing blockade, on January 13, 2015. Due to this incident, on January 14, 2015 at around 2:30 pm, men from the Joint Forces wearing RAB, BGB and police uniforms, conducted an operation in their area. They attacked Al-Amin's house at around 3:00 pm; vandalized the home; dragged Al-Amin to the courtyard, tied his hands and legs and beat him severely. Al-Amin's wife Beauty and their domestic help stepped forward to save him. But they were also picked up in the car with Al-Amin. Al-Amin was a court typist and was a BNP supporter. The whereabouts of the three persons are still unknown even after six months. [...]

On February 12, 2015 at around 1:00 am, Nur Alam, General Secretary of Pallabi Thana unit Jubo Dal, was taken away from his elder brother's house in Gazipur by approximately 10 plain clothed armed men claiming to be members of a law enforcement agency. On February 26, Nur Alam's wife, Rina Alam, alleged in a press conference at the Dhaka Reporters Unity, that while taking her husband away from the house, the armed men told her to contact Joydevpur Police Station in the morning. She contacted the police station, hospital and DB police office but could not find Nur Alam. Since then, his whereabouts remain unknown.

Joint Secretary General of BNP and former Deputy Minister Salah Uddin Ahmed was allegedly picked up by members of the law enforcement agency from a house in Sector-3 at Uttara, Dhaka. Salah Uddin's wife Hasina Ahmed informed Odhikar that Salah Uddin was operating party programmes in hiding at a residence belonging to a relative in Uttara.<sup>58</sup> She said that security guard and caretaker of the house, Akhtaruzzaman told her that on March 10, 2015 at around 10:10 pm, two RAB cars and

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<sup>169</sup> Asian Legal Resource Centre, [BANGLADESH: Government promotes extrajudicial executions to silence political dissent](#), 3 March 2015, paragraph 16

<sup>170</sup> Asian Legal Resource Centre, [BANGLADESH: Government promotes extrajudicial executions to silence political dissent](#), 3 March 2015, paragraph 19

<sup>171</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, paragraphs 12 and 18

<sup>172</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, paragraph 41

<sup>173</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, paragraph 28

two police cars came and parked in front of the house and blocked the road for a while. Later some men in plain clothes claiming to be the members of law enforcement agencies, entered the house forcibly and took Salah Uddin Ahmed away in blindfolds.<sup>174</sup>

On November 20, 2015 Mozaffar Hossain, President of Rangpur Metropolitan unit BNP and the Vice President of the Central Committee of Jatiyabadi Muktijoddha Dal, was picked up by a group of men in plainclothes, claiming to be members of RAB, from his house in Rangpur. . On November 24, 2015, RAB-13 claimed that Mozaffar Hossain was arrested from Mohendra Nagar area of Lalmonirhat district.<sup>128</sup> Later he was produced before the Court after showing him as arrested under Section 54129 of the Cr. P.C.<sup>175</sup>

With regards to deaths in detention of BNP youth wing (Jubo Dal) and volunteer wing (Sechchasebak Dal) activists in 2015 the same source noted that:

On February 2, 2015 at around 4:00 am, Assistant Sub Inspector Tasneem of Monirampur Police Station, under Jessore District brought the bodies of two Jubo Dal activists, Yusuf Ali and Liton, to the Jessore Medical College Hospital. Police claimed that both had died in a road accident while they were preparing to throw petrol bombs. Yusuf's father Abdul Aziz said that at around 12:30 am on February 2, 2015 a group of men claiming to be police picked up Yusuf from their house. Yusuf's mother Rowshan Ara said that she went to Monirampur Police Station in the morning to search for her son. Rowshan Ara claimed that police killed her son after taking him; and were now staging a 'drama'. [...]

On January 16, 2015 Sechchasebak Dal [Volunteer wing of the BNP] leader, Mohan Bepai Molla died in Dhaka Medical College Hospital during treatment, under the supervision of the jail authority. The brother-in-law of the deceased, Mohammad Alamin claimed that on January 12, 2015 police of Shah Ali Police Station arrested Mohan under a criminal case and beat him in the police van. Mohan was tortured the whole night in the police station. After he was produced before the Court, the Court sent him to jail. However, his physical condition did not improve and he was taken to Dhaka Medical College Hospital by the jail authorities on January 16, where he died.<sup>176</sup>

Odhikar reported that "On August 8, 2015 a BNP activist named Toiyab Ali Mintu (28) was allegedly shot in his leg after being arrested and severely beaten by police at Monirampur Police Station in Jessore. While under treatment in hospital, Mintu said that police started beating him in the vehicle on way to the police station. Police broke three of his fingers at the police station. Later he was shot in his left leg and taken to the hospital".<sup>177</sup>

Moreover "On October 8, 2015 a Chhatra Dal [Student wing of BNP] leader, Rabiul Islam Nayan (26) was allegedly shot in the leg by police in a residential hotel at Moghbazar in Dhaka".<sup>178</sup> Odhikar, also reporting on the 2015 municipal elections stated that "According to media reports, law enforcement agencies arrested many leaders and activities of the opposition political parties under the guise of blanket arrest, across the country ahead of the elections. In many of the municipalities, the ruling party men attacked houses of the opposition parties' leaders and activists and forced them to leave their constituency or to refrain from electoral activities".<sup>179</sup>

It should also be noted that as reported by Minority Rights Group International "On 18 November [2015], the Bangladesh Supreme Court rejected the death sentence appeal petitions of Ali Ahsan

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<sup>174</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, paragraphs 45-47

<sup>175</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, paragraph 42

<sup>176</sup> Odhikar, [Six-Months Human Rights Monitoring Report](#), 1 July 2015, paragraphs 22 and 27

<sup>177</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, paragraph 31

<sup>178</sup> Odhikar, [Annual Human Rights Report 2015 : Odhikar Report on Bangladesh](#), 16 November 2016, paragraph 35

<sup>179</sup> Odhikar, [Municipality Elections 2015](#), 28 March 2016

Mohammed Mujahid of the Jamaat-e-Islami party and Salahuddin Qader Chowdhury of the BNP, both of whom were charged with genocide for their role in killing Hindus, among other charges. Both were subsequently hanged on 22 November, despite accusations that the trials were politically motivated and allegations of procedural misconduct, including arbitrary limiting of witnesses".<sup>180</sup>

The U.S. State Department noted with regards to 2015 local election violence that:

The December 30 local elections were preceded by months of arrests and other actions against opposition political figures. Polling was largely free and fair, with observers reporting irregularities in approximately 8-12 percent of polling places. There were some incidents of violence between political rivals, but regular voters were not the targets.<sup>181</sup>

In December 2015 the Islamic Human Rights Commission submitted an Alternative Report on the Implementation of the International Covenant on Civil and Political Rights which considered that the Awami League's "tenure has been characterised by a witchhunt against the opposition, particularly the Jammata-e-Islami and the Bangladesh National Party".<sup>182</sup>

## 2016

Odhikar reporting on the human rights situation in the first 6 months of 2016 noted "There are allegations against law enforcement agencies that extract information in the name of interrogation in remand through torture. It was learnt that torture was inflicted mainly on political opponents to suppress them after arrest and as a way to extort money. Some incidents are as follows: On February 16, 2016 Anwar Hossain Mahbub (45), Joint Secretary of Ward 23 unit BNP of Dhaka South City Corporation, who was detained in jail, died in Dhaka Medical College Hospital. His relatives claimed that Anwar was severely tortured by police during remand after being arrested under a politically motivated case on January 15, 2016".<sup>183</sup> The same report noted that "Of the 74 persons who were killed extra-judicially, three were leaders-activists of BNP".<sup>184</sup>

An April 2016 International Crisis Group report noted that "The political conflict between the AL and BNP has resulted in high levels of violence and a brutal state response. The government's excesses against political opponents and critics include enforced disappearances, torture and extra-judicial killings. Police tasked with targeting the government's rivals and an overstretched justice system compelled to prosecute opposition leaders and activists now also face a renewed threat from violent extremists. [...] Politicising the police and using elite forces, particularly the Rapid Action Battalion (RAB), to silence political dissent, are laying the seeds of future violence".<sup>185</sup> Furthermore, "the AL government continues to deny the opposition legitimate avenues for participation and dissent. In 2015, it suspended some 500 BNP-backed local government representatives and replaced them with pro-AL officials. Thousands of criminal cases have been lodged against opposition members and

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<sup>180</sup> Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016 Events of 2015](#), April 2016

<sup>181</sup> U.S. State Department, [Country Reports on Human Rights Practices for 2015: Bangladesh](#), 13 April 2016, *Section 3 Elections and Political Participation*

<sup>182</sup> Islamic Human Rights Commission, [NGO Alternative Report on the Implementation of the International Covenant on Civil and Political Rights \(Adoption of List of Issues\) 116th Session \(7 March 2016\); Bangladesh](#), 23 December 2015

<sup>183</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *paragraphs 24-25*

<sup>184</sup> Odhikar, [Six-Month Human Rights Monitoring Report 2016](#), 24 October 2016, *paragraph 23*

<sup>185</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, *Executive Summary p.2*

activists. At least eight top BNP leaders were arrested in 2015. Zia and her son, BNP Vice Chair Tarique Rahman, face corruption and other criminal charges that could imprison them for life”.<sup>186</sup>

A June 2016 Joint written statement submitted to the UN Human Rights Council by International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse noted that “Recent years have seen a serious decline in respect for freedom of expression and the associated rights of freedom of association, assembly and of religion or belief in Bangladesh, a member of the United Nations Human Rights Council. Deeply entrenched and widening political differences between the ruling Awami League, the opposition Bangladesh Nationalist Party and their allies are contributing to a government crackdown on freedom of expression, with Bangladesh’s vibrant civil society also under attack”.<sup>187</sup> According to Odhikar’s July 2016 human rights monitoring report, “Of the 15 persons who were killed extra-judicially, one was an activist of BNP”.<sup>188</sup>

Reporting on the terrorist attack in Dkaka in July 2016 that killed 20 people the International Federation for Human Rights summarised the government’s response thus:

Sadly, no such investigations nor judicial proceedings have taken place for the numerous attacks against activists and religious minorities in the past year. Instead, under the guise of “preventing the emergence of militancy” in Bangladesh, the Bangladesh security forces executed a wave of mass arrests two weeks ago that resulted in the detention of over 15,500 people in just seven days. However, only a small fraction of those arrested two weeks ago were suspected ‘militants’, and there were many reports of regular civilians being detained without a warrant and forced to pay bribes in exchange for their release. In addition, members of the political opposition and human rights activists are currently in prison or constantly threatened for speaking out against violations or being critical of the regime. The government has also recently put forth increasingly restrictive laws in the name of national security that severely restrict fundamental freedoms and target human rights defenders and dissenting voices.<sup>189</sup>

Similarly Minority Rights Group International considered that “The launch in June 2016 of a nationwide crackdown on militants following a series of attacks, including the murder of a senior policeman’s wife, appeared to signal a shift towards a more concerted response against extremist organizations – yet the operation, which reportedly led to thousands of arrests, was also criticized by civil society groups for widespread allegations of police abuse and corruption, while BNP and Jamaat-e-Islami activists accused authorities of using the round-up to specifically target them”.<sup>190</sup>

Human Rights Watch’s September 2016 issued a report on “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces’ which noted that:

This report documents a spate of alleged “kneecappings”—deliberate shootings of detainees, typically in the lower leg—and other unlawful shootings by Bangladeshi security forces since 2013. Several

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<sup>186</sup> International Crisis Group, [Political Conflict, Extremism and Criminal Justice in Bangladesh](#), 11 April 2016, *Executive Summary p.3*

<sup>187</sup> International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse, nongovernmental organizations in special consultative status, the International Publishers Association, non-governmental organization on the roster, [Bangladesh: Urgent, concrete steps required to protect freedom of expression](#), 8 June 2016

<sup>188</sup> Odhikar, [Human Rights Monitoring Report July 1 – 31, 2016](#), 1 August 2016, *paragraph 23*

<sup>189</sup> International Federation for Human Rights, [Terrorist attack in Bangladesh: the government must respond with justice and rule of law](#), 4 July 2016

<sup>190</sup> Minority Rights Group, [Under threat: The challenges facing religious minorities in Bangladesh](#), 17 November 2016, *4.1 The slide towards extremism p.16*



opposition party supporters, including members of the Bangladesh Nationalist Party (BNP) and Chhatra Shibir, the student wing of Jamaat-elslami, said that police in Bangladesh deliberately shot them after detaining them, then falsely claimed that they were shot in self-defense or during violent protests. Other people we spoke with said they were shot in public while attending or passing by anti-government demonstrations. [...]

Most of the people interviewed for this report were unwilling to be identified, fearing legal retribution, as almost all are facing criminal cases. Others feared arbitrary arrest, disappearance, torture, or extrajudicial killing—abuses that are all too common in Bangladesh, particularly against opposition party members.<sup>191</sup>

In a September 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that “Arbitrary detention is also unavoidable prior to any political rally or public protest. The law-enforcement agencies detain a large amount of activists, supporters of the opposition parties, as well as ordinary citizens, to silence the society, fearing a people’s uprising against a repressive government”.<sup>192</sup>

Odhikar noted in its October 2016 human rights monitoring report “Of the 19 persons who were killed extra-judicially, one was a leader of the youth wing of BNP”.<sup>193</sup>

In October 2016 Human Rights Watch reported that “Bangladeshi authorities should immediately release three children of opposition leaders convicted of war crimes who were forcibly disappeared and have been illegally detained since August 2016. [...] Bangladesh law enforcement authorities have a long history of politically motivated arrests and disappearances, including detaining people and then denying that the person is in custody”.<sup>194</sup> It described the case of Humam Quader Chowdhury, a senior member of the BNP and son of Salahuddin Quader Chowdhury, a former leader of the BNP (who was executed in November 2015 following his conviction for war crimes):

On August 4, 2016, he was pulled out of his car and arrested while traveling with his mother to a courthouse to attend a hearing. His mother said that several men in civilian clothing forced Chowdhury into another vehicle. They were surrounded by other armed men in uniform.

The family had previously reported that on several occasions security force members had harassed and threatened security staff at the family home. Staff members eventually quit out of fear. Several family members went into hiding as a result of the repeated threats and intimidation. Humam Chowdhury had not been allowed to leave Bangladesh for the last seven years and had been turned back with no explanation at the airport each time he tried to leave.

The family has had no news of Humam Chowdhury’s whereabouts. Immediately after the arrest, his mother tried to file a general diary complaint, the standard first report of transgressions filed with the police, but the police said they would need permission “from above” to accept the report. A well-placed diplomatic source told the family that the government had confirmed that it was holding Humam Chowdhury and that he had not been harmed. Another source told them that he was being held by the Detective Branch’s counterterrorism unit. The family is clinging to this information and rumors for hope that he is alive and well.<sup>195</sup>

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<sup>191</sup> Human Rights Watch, [“No Right to Live” “Kneecapping” and Maiming of Detainees by Bangladesh Security Forces](#), 28 September 2016, *Summary p. 2-3*

<sup>192</sup> Asian Legal Resource Centre, [BANGLADESH: UN can assist government reform justice institutions to protecting people from arbitrary detention](#), 1 September 2016

<sup>193</sup> Odhikar, [Human Rights Monitoring Report October 1 – 31, 2016](#), 1 November 2016, *paragraph 20 (2)*

<sup>194</sup> Human Rights Watch, [Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders’ Sons Detained in August, But Government Pretends Not in Custody](#), 12 October 2016

<sup>195</sup> Human Rights Watch, [Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders’ Sons Detained in August, But Government Pretends Not in Custody](#), 12 October 2016

Reporting on the same case Amnesty International stated that “To date, the authorities in Bangladesh have continued to deny their role in the deprivations of liberty. This is despite several witness testimonies pointing to the involvement of security forces in the arrests. Credible sources have told Amnesty International that the men have been moved between different security agencies, including the police, the Rapid Action Battalion (a police unit widely implicated in human rights abuses), and the Directorate General of Forces Intelligence (the military intelligence agency), but their current whereabouts are unknown”.<sup>196</sup>

In its November 2016 human rights monitoring report, Odhikar noted that “Police claimed that a man named Anisur Rahman (38), a leader of Jatiyatabadi Shramik Dal [Labour wing of BNP], was killed in a ‘gunfight’ between two groups of criminals at Begaritola area under Monirampur Upazila in Jessore District in the early morning of November 2, 2016. Anisur Rahman’s brother Azizur Rahman claimed that police arrested his brother and took him to the Office of the Detective Branch of Police on October 30, 2016. At that time, police demanded one million Taka in exchange for his brother’s release. He could not give the money; so the police shot his brother dead”.<sup>197</sup> Furthermore, “On November 12, 2016 Gausul Azam Dolar (48), General Secretary of Gaibandha District unit BNP, died at Gaibandha Sadar Hospital while he was incarcerated. President of Gaibandha District unit BNP, Anisuzzaman Khan Babu alleged that Gausul Azam Dolar died due to torture in custody and negligence by the prison authorities. [...] Of the 21 persons who were killed extra-judicially, one was an activist of the BNP”.<sup>198</sup>

A November 2016 Minority Rights Group International report stated that “the AL government’s heavy-handed stifling of dissent – including ‘enforced disappearances, torture and extrajudicial killings’ – has only served to further impede the country’s shrinking democratic space, with civil society and journalists operating in an increasingly restricted environment”.<sup>199</sup> The same source further noted that:

The activities of the International Crimes Tribunal (ICT), set up by the AL in 2009 to try those accused of carrying out human rights abuses during the war for independence, has become increasingly politicized as many of those charged are associated with the opposition BNP or Jamaat-e-Islami.<sup>200</sup>

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<sup>196</sup> Amnesty International, [Bangladesh: Whereabouts of three men subjected to enforced disappearance must be disclosed](#), 5 October 2016

<sup>197</sup> Odhikar, [Human Rights Monitoring Report November 1 – 30, 2016](#), 1 December 2016, paragraph 12

<sup>198</sup> Odhikar, [Human Rights Monitoring Report November 1 – 30, 2016](#), 1 December 2016, paragraphs 15 and 19

<sup>199</sup> Minority Rights Group, [Under threat: The challenges facing religious minorities in Bangladesh](#), 17 November 2016, 1. Introduction p.3

<sup>200</sup> Minority Rights Group, [Under threat: The challenges facing religious minorities in Bangladesh](#), 17 November 2016, 3.1 Hindus p.7