Home Office

Country Information and Guidance

Bangladesh: Opposition to the government

February 2015

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Bangladesh. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

Updated: 20 February 2015

1.1 Basis of Claim

1.1.1 Fear of persecution by either the state authorities or non state agents, for example members of opposing political parties or opposing factions within their own party due to the person's political affiliation or perceived political affiliation including in a role as a journalist or human rights defender.

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1.2 Summary of Issues

- Is the person's account a credible one?
- Is a political opponent, or a person perceived to be in opposition to the government, at risk of persecution in Bangladesh?
- Is there effective protection for an actual or perceived political opponent?
- Is an actual or perceived political opponent able to internally relocate within Bangladesh to escape that risk?

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1.3 Consideration of Issues

Is the person's account a credible one?

1.3.1 Decision makers must consider whether the material facts relating to the person's account of their political membership, or perceived political membership, opinions or activity, is reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

1.3.2 For further information and advice on this, see the Country Information section and the relevant section(s) of the Asylum Instruction on Assessing credibility and refugee status.

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Is a political opponent, or a person perceived to be in opposition to the government, at risk of persecution in Bangladesh?

1.3.3 Bangladesh is a parliamentary democracy. Direct elections in which all citizens, aged 18 or over, can vote are held every five years for the unicameral parliament. The major political parties in Bangladesh include the Awami League, the Bangladesh Nationalist Party (BNP), the Jatiya Party and the Jamaat-e-Islami (see Freedom of political expression and Annex A: Political organisations in the country information section).

1.3.4 Rallies and demonstrations are permitted by the government and occur regularly although there are occasions when political groups are prevented, by the authorities, from holding meetings and demonstrations during periods of political protest and unrest where there is fear of violence. Law enforcement agencies or ruling party activists are, at times, known to use force – sometimes deadly - to disperse demonstrations and to arrest protestors.

1.3.5 Ongoing high levels of politically motivated violence are perpetrated by the security forces and both opposition and government activists and student wings. In the run up to the January 2014 parliamentary elections, there were reports of over 500 deaths and more than 24,000 people injured, while arbitrary arrests, enforced disappearances, intimidation, the unlawful destruction of private property and economic disruption, were widespread. In January 2015, in the run up to, and on the anniversary of the 2014 elections, protests were banned. As of the end of January 2015, it was reported that 7,000 BNP activists had been arrested, and at least 27 people had been killed in clashes between the supporters of the ruling party, the Awami League and opposition supporters. Houses and shops of those identified as opposition supporters in northern Bangladesh have been demolished and hundreds of people, including women and children, have been internally displaced as a result of the crackdown. Internal conflicts within political parties also occurred, resulting in deaths and injuries (see 'Political situation since 2014 parliamentary elections' and 'Treatment of government critics and Political violence' in the country information section).

1.3.6 Harassment, arbitrary arrests, detention, enforced disappearances, extra-judicial killings and torture of opposition activists occurred throughout 2013/2014 and early 2015. A number of opponents were sentenced to death by the International Crimes Tribunal for war crimes committed during the 1971 war of independence. Rights activists claimed the trials were politically motivated. Civil rights groups have accused the government of using the Anti-corruption Commission (ACC) for politically motivated prosecutions. (see 'Treatment of government critics and Political violence' and 'War crimes tribunal' in the country information section).

1.3.7 Prosecution and punishment for criminal acts such as perpetrating violence can however amount to persecution if it involves victimisation by the authorities, for example because of the persons political opinion, and the consequences are sufficiently severe (see relevant section(s) of the Asylum Instruction on Assessing credibility and refugee status).

1.3.8 National security legislation as well as sedition and criminal libel laws, which can be applied broadly, are occasionally used to arrest and prosecute journalists and human rights defenders who are perceived to oppose the government. Punishment for sedition ranges from three years to life imprisonment. Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups. Police brutality toward reporters and photographers attempting to document political protests or other sensitive events remains a concern, as do occasional cases of arrest, detention, or custodial torture of journalists (see Journalists in the country information section).

1.3.9 Membership or support of groups opposed to the current government does not of itself give rise to a well founded fear of persecution in Bangladesh. Decision makers must assess claims made on the basis of the person's actual or perceived involvement in political opposition to the current government on the facts of the case, taking account of the nature of the applicant's claimed political activity or profile; and; the extent to which they may have come to the adverse attention of the authorities and the reasons for that; the level and nature of actual or perceived political involvement as well as their previous experiences in Bangladesh.

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Is there effective protection for an actual or perceived political opponent?

1.3.10 Whilst the there is a functioning criminal justice system, the effectiveness of the police is undermined by a lack of basic resources, including a lack of infrastructure, personnel, training and proper investigative equipment, inefficiency and endemic corruption. Despite measures to improve the police force and its service, through the Police Reform Programme, low wages, lack of education and poor working conditions contributed to a culture of corruption, and security forces commit serious abuses including torture to obtain confessions, enforced disappearances and extra-judicial killings with impunity. There have also been reports that the police often failed to prevent societal violence or protect members of religious minorities, political opponents, and women. The judiciary is highly bureaucratic, overburdened with a huge backlog of pending cases, has a limited number of trained judges and lawyers, is costly, and is subject to bribery, interference and political pressure, particularly at lower levels. (see Rule of law and the judiciary in the Country Information and Guidance. Bangladesh: Background information including actors of protection and internal relocation

1.3.11 Perceived political opponents whose fear is of serious harm at the hands of the state on account of their political opinion or activities and who have come to the attention of the authorities would be unable to avail themselves of protection from the authorities.

1.3.12 In cases based on fear of ill-treatment by members of opposing political parties or in fear of opposing factions within their own party, it is unlikely that effective protection would be available from the governing authorities. However an assessment of whether a person would be able to access assistance and protection must be carefully considered on the facts of the case. Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of effective protection) is likely to be repeated. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was. If the person did not seek the protection of the authorities, decision makers must assess why. (See relevant section(s) of the Asylum Instruction on Assessing credibility and refugee status).

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Is a political opponent able to internally relocate within Bangladesh to escape that risk?

1.3.13 Bangladesh's total land area is 130,168 sq km with an estimated population of 166,280,712. The law provides for freedom of movement within the country, except for the Chittagong Hills Tracts (CHT) and Cox's Bazar, and these rights are generally respected in practice (see Geography and demography in the Country Information and Guidance. Bangladesh: Background information including actors of protection and internal relocation).

1.3.14 Actual or perceived opposition political activists whose fear is of ill treatment/persecution at the hands of the state and who have come to the attention of the authorities would be unable to relocate to another area of Bangladesh to escape that threat.

1.3.15 In cases based on fear of ill-treatment by members of opposing political parties or in fear of opposing factions within their own party, the threat is likely to be localised and relocation to another area of Bangladesh may be viable depending on the nature of the threat from non state agents and the individual circumstances of the person, as long as it would not be unduly harsh to expect them to do so. Women, especially single women with no support network, are likely to be vulnerable and may be subjected to destitution.

1.3.16 However in all cases careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Decision makers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

1.3.17 For further information on this see the Asylum Instruction on Internal Relocation and Country Information and Guidance. Bangladesh: Background information including actors of protection and internal relocation

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1.4 Policy Summary

- **Membership or perceived support of groups opposed to the current government does not of itself give rise to a well founded fear of persecution in Bangladesh, but may do so depending on the individual circumstances of the applicant.**
- **High levels of politically motivated violence are perpetrated by the security forces and both opposition and government supporters in Bangladesh. Actual and perceived opposition political activists, members and supporters may experience violence, harassment, arbitrary arrests, detention, enforced disappearances, extra-judicial killings, torture, destruction of property and forced displacement.**
- **Protection will not be available for persons who are at real risk of persecution by state agents. For persons at risk from non-state agents, dependant on the particular circumstances and profile of the person, the ability to access effective protection from the state of Bangladesh may be limited due to a poorly resourced, overburdened, inefficient police force and endemic corruption.**
- **Internal relocation to another area of Bangladesh may be an option but will depend on the nature and origin of the threat as well as the personal circumstances of the person. In cases based on fear of ill-treatment by members of opposing political parties or in fear of opposing factions within their own party the threat may be localised and the person may be able to relocate to an area where that localised threat does not exist as long as it is not unduly harsh to expect them to do so.**
- **Relocation is likely to be unreasonable for single women with no support networks and who have no real prospect of securing access to a livelihood.**
- **Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.**

For further information on making asylum decisions, see the Asylum Instruction on Assessing credibility and refugee status, the Asylum Instruction on Humanitarian Protection and the Asylum Instruction on Discretionary Leave.

For further information on certification, see the Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002.

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Section 2: Information

Updated: 4 February 2015

For information on Bangladesh's political system, see the Country Information and Guidance on: Bangladesh: Background information, including actors of protection, and internal relocation.

2.1 Freedom of political expression

2.1.1 The US Department of State reported in its Country Report on Human Rights Practices for 2013 that 'Bangladesh is a parliamentary democracy. Prime Minister Sheikh Hasina led the Awami League (AL) to victory in the 2008 parliamentary elections, which international and domestic observers considered free and fair, although with isolated irregularities and sporadic violence.' [1] Adding 'The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.' 'Human rights organizations alleged that the Special Branch of police, the National Security Intelligence (NSI), and the Directorate General of Forces Intelligence (DGFI) employed informers to conduct surveillance and report on citizens perceived to be critical of the government. The government also routinely conducted surveillance on opposition politicians.'[2]

2.1.2 The same report observed:

'Opposition parties boycotted parliament throughout the year but returned during the budget session and on certain other days to fulfil requirements for them to retain their seats. Opposition parties participated in standing parliamentary committees despite their absence from parliament.

'In some instances the government interfered with the right of opposition parties to organize public functions. It also manipulated the media to restrict the broadcasting of opposition political events.

'On November 2 [2013], the Supreme Court's High Court Division published a full judgment reaffirming its earlier verdict cancelling the registration of Jamaat [Jamaat-e-Islami – an Islamist party] as a political party with the Election Commission. Jamaat's appeal of this decision continued at year's end.' [3]

2.1.3 The Foreign and Commonwealth Office reported that 'Bangladesh's 10th parliamentary elections on 5 January 2014 were not contested by the former opposition 18-Party Alliance, including the Bangladesh Nationalist Party (BNP), due to concerns that free and fair elections could not be held in the absence of a neutral caretaker government. With over half the parliamentary seats uncontested, the Awami League won a second successive term. Twenty-one deaths were reported on polling day and over 100 school-based polling centres burnt down.'[4]

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[1] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Executive summary, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[2] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 3, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[3] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 3, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[4] UK Foreign and Commonwealth Office, A country case study update on Bangladesh which forms part or the 2013 Human Rights and Democracy Report., 16 October 2014 https://www.gov.uk/government/case-studies/bangladesh-country-case-study-update date accessed 30 January 2015

Restrictive legislation

2.1.4 The Bangladesh NGO Odhikar cited in its statement for International Human Rights Day 2014 that the Information and Communication Technology (ICT) Act, 2006 (amended in 2009 and 2013) has:

'curtailed the freedom of expression and the government is using this Act against human rights defenders, journalists and people who hold dissenting views. The government has approved the National Broadcasting Policy to control the media and curb freedom of expression, by imposing various restrictions and reserving power to misuse the policy on the pretext of "maintaining the standard" of news, programmes and advertisements in the electronic media. The Acting Editor of the daily Amar Desh, Mahmudur Rahman has been detained in jail for 20 months and the publication of the daily Amar Desh, operations of Diganta TV and Islamic TV are still barred. Meetings and assemblies are being prohibited and the voices of people who have alternative beliefs are being suppressed by sedition cases under the repressive Special Powers Act of 1974. The power to impeach the Supreme Court Judges has been given to the Parliament, depriving the judicial arm of the state to function independently. Furthermore, the Cabinet recently gave its final approval to the Foreign Donations (Voluntary Activities) Regulation Act, 2014 to control NGOs, including human rights organisations. This law, as it stands, will violate freedom of expression and association; and will control human rights and voluntary organisations; which is contrary to the Constitution of Bangladesh and the UN Declaration for Human Rights Defenders.' [5]

2.1.5 Freedom House stated in its Freedom on the Net 2014 – Bangladesh report, covering the period May 2013 – May 2014, that:

'In June 2013 Bangladesh saw its first sentence under the 2006 ICT [Information and Communication Technology] Act, which prescribed harsh sentences for ill-defined categories of online expression, when a university lecturer was condemned in absentia to seven years' imprisonment for threatening the prime minister on Facebook. In August, the authorities amended the act, making seven years the minimum possible jail term, while the maximum increased from 10 to 14 years. Police no longer need a warrant to make arrests under the act, and detained at least eight more internet users, human rights activists, and journalists for criticizing the government or offending Prime Minister Sheikh Hasina during the coverage period of this report.'[6]

2.1.6 Human Rights Watch's annual report covering 2014 noted that:

'The government introduced several measures aimed at cracking down on critics, continuing a trend from the previous year. In July, the government proposed the draft Foreign Donations (Voluntary Activities) Regulation Act, designed to regulate operations and funding for any group receiving foreign grants, including Bangladesh offices of foreign and international organizations. The draft law contains unnecessary, onerous, and intrusive provisions, with vague and overly broad language to control NGOs. In August, the government published a new media policy for all audio, video, and audio-visual content transmitted through any means which contains overly broad language aimed at significantly curtailing critical reporting. Several television and news outlets that were shut down in 2013 for critical reporting remained closed through 2014.' [7]

[5] Odhikar, International Human Rights Day 2014, Statement of Odhikar, 9 December 2014, http://odhikar.org/international-human-rights-day-2014/, date accessed 30 December 2014
[6] Freedom House, Freedom on the Net 2014 - Bangladesh, 4 December 2014, available at: http://www.refworld.org/docid/549025f00.html, date accessed 29 December 2014
[7] Human Rights Watch, World Report 2015: Bangladesh, 29 January 2015 http://www.hrw.org/world-report/2015/country-chapters/bangladesh?page=3 date accessed 30 January 2015

2.1.7 The US Department of State on Human Rights Practices 2013 further noted:

'There are no laws preventing women or minorities from voting or participating in political life. Women are eligible to contest any of the 300 directly elected seats in parliament, and an additional 50 seats are reserved for women. During the year there were 69 women in parliament, 19 directly elected and 50 chosen by political parties based on their proportional representation in parliament. Five women were full cabinet ministers, and three women served at the state ministerial level. Shirin Sharmin Chaudhury became the speaker of parliament on June 2 [2013]. There is no provision to reserve parliamentary seats for minorities.' [8] The leaders of the two main political parties – the Awami League and the Bangladesh Nationalist Party – are both women. (For further information on Bangladesh's political system, see the Country Information and Guidance on: Bangladesh: Background information, including actors of protection, and internal relocation.

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2.2 Freedom of assembly and association

2.2.1 The US Department of State 2013 reported 'The constitution provides for freedom of assembly and association, and the government generally respected these rights; however, there were instances of governmental action to limit freedom of assembly during periods of political protest and unrest.' [9]

2.2.2 Rallies were permitted by the government and they occurred regularly. Occasionally political groups were prevented by the authorities from holding meetings and demonstrations on the pretext of fear of violence. [10] The NGO Odihkar reported in its Annual Human Rights report for 2013:

'Several Opposition meetings have been cancelled under Section 144 of the Code of Criminal Procedure[11] to prevent clashes, after the ruling party called their own programmes on the same day. This use of law seems questionable as it is a way to shut down the voice of opposition. While abusing the imposition of Section 144 of the Cr.PC to stop meetings of the Opposition political parties from taking place, the Government has also been abusing its power by sending armed law enforcement agencies to stop the meetings. Beyond the obvious violation of freedom of assembly, such interruptions led to inappropriate use of force by law enforcers, including the use of pepper spray and weapons which cause serious damage and provoke confrontations and violence. According to Odhikar's statistics, in 2013, a total of 54 instances of the imposition of Section 144 of the Code of Criminal Procedure, by the local administration, were recorded across the country; mainly to stop political gatherings and rallies from occurring.' The report documented example incidents. [12]

[8] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 3, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[9] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 2b, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[10] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 2b, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[11] Code of Criminal Procedure 1898, Section 144, http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=20789, date accessed 23 December 2014

[12] Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 107, http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/, date accessed 21 November 2014

2.2.3 The US Department of State report on Human Rights Practices reporting on events in 2013 stated:

'... the government denied permission for the BNP [Bangladesh Nationalist Party] to hold rallies on May 6 and 14. On October 19, police banned all rallies in Dhaka but gave permission for a BNP rally on October 25 and several other occasions. The law authorizes the government to ban assemblies of more than four persons. According to ASK [Ain o Salish Kendra – an NGO], authorities used this provision at least 105 times from January through September. Occasionally, police or ruling party activists used force to disperse demonstrations.

'On May 5 and 6, the government employed security agencies to disperse thousands of Hefazat-e-Islami supporters forcefully during their "siege of Dhaka" protests. While the government initially granted permission for Hefazat to hold the rally, officials ordered the Hefazat supporters to leave Motijheel Square after their rally turned violent. The demonstrators did not leave voluntarily, and the government claimed 11 persons died in ensuing clashes between police and the conservative Islamic group. Most news outlets on the scene maintained the number of fatalities ranged from 10 to 16, including security personnel. HRW and Al-Jazeera reported at least 50 deaths, and Odhikar, in a June report, maintained 61 persons died during the two-day period from a variety of causes.

'Jamaat reported that the government severely hampered its ability to secure permits for rallies or processions throughout the year. Government officials also prohibited Jamaat leaders from meeting at the party's headquarters.' [13]

2.2.4 Freedom House reported in its Freedom in the World 2014 – Bangladesh report, covering 2013 events, that:

'The rights of assembly and association are provided for in the constitution, but the government is empowered to ban gatherings of more than four people, and it regularly exercised this provision in 2013. Nevertheless, many demonstrations took place during the year, including strikes and rallies called by the BNP, as well as protests both in favor of and opposing the war crimes trials. Authorities sometimes try to prevent rallies by arresting party activists, and protesters are frequently injured and occasionally killed during clashes in which police use excessive force. Dozens of pro-JI protesters were killed early in the year, while in May, several dozen activists belonging to the Hefazat-i-Islami religious group were killed by security forces in Dhaka following a day-long protest rally.' [14]

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2.3 The political situation since 2014 parliamentary elections

2.3.1 Jane's observed in its Sentinel Security Assessment that 'Despite having no representation in parliament, the BNP [Bangladesh Nationalist Party] is the actual opposition to the government. With 34 seats, the Jatiya Party leads the current opposition in parliament. However, this is only because the BNP, the ruling AL's traditional opponent, boycotted the January 2014 election after its demand for a neutral government to oversee the election was not met.'[15]

2.3.2 The Dhaka Tribune reported on 31 December 2014 that:

[13] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 2b, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[14] Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, Civil liberties, available at: http://www.refworld.org/docid/5417f39714.html, date accessed 29 December 2014

[15] Jane's Sentinel Security Assessment (subscription only), South Asia – Bangladesh, Internal affairs, updated 28 October 2014, Opposition prospects and programme, date accessed 23 December 2014

'The BNP-Jamaat alliance is still a 20-party unit. It comprises several parties who do not even have a registration with the Election Commission and very little or no organisational activities.

'Some of the leaders of these name-only parties, apparently displeased with the BNP, broke away from the alliance and formed a separate combine of their own named the National Democratic Alliance (NDA).

'However, as expected, apart from holding a press conference to announce their formation, there have not been any notable activities since its formation a few months ago.' [16]

2.3.3 The US Department of State on Human Rights Practices 2013 report cited 'While political affiliation was sometimes a factor in the arrest and prosecution of members of the opposition parties, the government did not prosecute individuals solely for political reasons.' [17]

2.3.4 ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation – provided a response on the 'Situation of members of the Bangladesh Nationalist Party (BNP); Charges against BNP members after elections in January 2014 for taking part in demonstrations against the government and the Awami League; internal flight alternative for members of the BNP', dated 3 April 2014. [18]

2.3.5 In a brief synopsis of the 2014's political events, the Dhaka Tribune reported 'Since the January election and until the last couple of months of 2014, BNP's activities were mainly limited to indoor discussions and press conferences. BNP's only visible outdoor programmes were its chief Khaleda Zia's once- or twice-a-month tours and accompanying rallies in districts outside Dhaka.' [19]

2.3.6 On the anniversary of the 2014 elections, it was reported that the leader of the BNP, Khaleda Zia, was blocked from leaving her offices by security forces, and all protests in Dhaka were banned. The police claimed that Zia was not detained but was being held for her own security.[20] Also reporting on the confinement of the BNP leader, The Guardian added on 5 January 2015 that 'BNP officials said at least 400 party supporters were arrested, including two senior party figures, ahead of the poll anniversary.'[21] On 6 January 2015, Mirza Fakrul Islam Alamgir, acting secretary general of the Bangladesh Nationalist Party (BNP) was arrested, a day after four BNP activists were killed in clashes with supporters of the ruling Awami League.[22]

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[16] Dhaka Tribune, Politics in 2014: Violence parenthesises peace, 31 December 2014, http://www.dhakatribune.com/bangladesh/2014/dec/31/politics-2014-violence-parenthesises-peace, date accessed 31 December 2014

[17] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 1e, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[18] ACCORD, Query response on Bangladesh: Situation of members of the Bangladesh Nationalist Party (BNP); Charges against BNP members after elections in January 2014 for taking part in demonstrations against the government and the Awami League; internal flight alternative for members of the BNP, 3 April 2014, http://www.ecoi.net/local_link/273679/389441_en.html, date accessed 29 December 2014

[19] Dhaka Tribune, Politics in 2014: Violence parenthesises peace, 31 December 2014, http://www.dhakatribune.com/bangladesh/2014/dec/31/politics-2014-violence-parenthesises-peace, date accessed 31 December 2014

[20] International Business Times, Bangladesh braces for 'backlash' after police lock opposition leader Khaleda Zia in office, 5 January 2015, http://www.ibtimes.co.uk/bangladesh-braces-backlash-after-police-lock-opposition-leader-khaleda-zia-office-1481854, date accessed 5 January 2015

[21] The Guardian, Bangladesh opposition leader urges supporters to defy protests ban, 5 January 2015, http://www.theguardian.com/world/2015/jan/05/bangladesh-opposition-leader-urges-supporters-to-defy-protests-ban, date accessed 5 January 2015

[22] Al Jazeera, Bangladesh arrests key opposition figure, 6 January 2015, http://www.aljazeera.com/news/asia/2015/01/bangladesh-arrests-key-opposition-figure-201516203331670988.html, date accessed 8 January 2015

2.4 Treatment of government critics and political violence

2.4.1 Freedom House reported in its Freedom in the World 2014 – Bangladesh report, covering 2013 events, that:

'The level of political violence in Bangladesh remains relatively high, and increased in the lead-up to national elections planned for January 2014; the human rights group Odhikar registered more than 500 deaths and more than 24,000 people injured as a result of inter- or intraparty clashes during 2013, a substantial uptick from the previous year.

'Harassment of the opposition was widespread in 2013, ranging from charges filed against senior BNP members to limitations placed on political activities, particularly rallies and processions. In March 2013, following a BNP rally that turned violent, nearly 200 opposition activists were arrested, including BNP acting secretary general Mirza Fakhrul Islam Alamgir. Of those detained, 154 faced charges, including several top leaders.

'Members of the JI [Jamaat-e-Islami] also faced pressure in 2013; police raided the party's headquarters in Dhaka following violent protests it organized countrywide in response to the Shahbagh protests calling for the death penalty for war criminals. A February 2010 Supreme Court decision effectively reinstated a ban on religious political parties. In August 2013, a high court ruled that the JI would be required to amend its charter to conform to the constitution and reregister in order to contest the 2014 national elections.' [23]

2.4.2 In April 2014, the Foreign and Commonwealth Office (FCO) reported in a Country case study on political violence in Bangladesh that:

'... the build-up to Bangladesh's 10th Parliamentary elections, held on 5 January 2014, was marked by deplorable levels of violence, intimidation, and economic disruption (enforced general strikes and transport blockades), as parties failed to reach consensus on electoral arrangements.

'NGOs suggest over 500 people lost their lives in political violence in Bangladesh in 2013, with many more seriously injured. 215 were reportedly shot dead by law enforcers.'[24]

2.4.3 Also in April 2014, Human Rights Watch reported on 'Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh', detailing:

'… violent protests by opposition activists who called for an election boycott. On numerous occasions, opposition party members and activists threw petrol bombs at trucks, buses, and motorized rickshaws. In some cases, opposition group members forced children to carry out the attacks. In response, the government unleashed a brutal crackdown. Human Rights Watch researchers documented how members of law enforcement agencies carried out extrajudicial executions, enforced disappearances, arbitrary arrests, and the unlawful destruction of private property.'[25]

[23] Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, Political rights, available at: http://www.refworld.org/docid/5417f39714.html, date accessed 29 December 2014
[24] Foreign and Commonwealth Office, A country case study on political violence in Bangladesh from the 2013 FCO Human Rights and Democracy Report, 10 April 2014, https://www.gov.uk/government/case-studies/country-case-study-bangladesh-political-violence, date accessed 23 December 2014
[25] Human Rights Watch, Democracy in the crossfire, 29 April 2014, http://www.hrw.org/reports/2014/04/29/democracy-crossfire, date accessed 29 December 2014

2.4.4 In a public statement dated September 2014, Amnesty International said that more than 100 deaths occurred during street violence around the 5 January 2014 Bangladesh elections, adding:

'The majority of these were killed in clashes between police and the opposition, or between opposition and government supporters. An unknown number were killed from bullet injuries reportedly after police opened fire on demonstrators who were often violent. Information on the number and the circumstances of these deaths has been difficult to obtain either because independent sources have not been able to verify these or their families have been afraid to provide testimonies...

'Furthermore, supporters of opposition parties were allegedly behind arson attacks on bus commuters which took place on days these parties had called for complete shutdown of services as part of their anti-government campaign. At least nine people were killed in such attacks, six of them in early December 2013.

'Amnesty International interviewed some of the family members of those killed, who claimed that the investigations were politicised – focussed more on indicting senior opposition politicians rather than identifying the perpetrators of attacks. Three families told Amnesty International that police did not even take statements from the victims while they were still alive, nor from their relatives with whom the victims had shared their recollection of events.'[26]

2.4.5 Odhikar reported 'According to information gathered by Odhikar, in 2013, 506 persons were killed and 24,176 injured in political violence. 263 incidents of internal violence in the Awami League and 140 in the BNP were also recorded during this period. In addition to this, 28 persons were killed and 2980 were injured in internal conflicts of the Awami League while six were killed and 1592 were injured in BNP's internal conflicts.' [27] Between January and October 2014, Ain o Salish Kendra (ASK) recorded 558 incidents of political violence in Bangladesh, resulting in 7,204 injuries and 137 deaths.[28] According to information gathered by Odhikar, 'from January to June 2014, 132 persons were killed and 5,224 injured in political violence. 163 incidents of internal violence in the Awami League and 13 in the BNP were recorded during this period. In addition to this, 18 persons were killed and 1,621 were injured in internal conflicts of the Awami League while two persons were killed and 129 persons were injured in BNP internal conflicts.'[29]

2.4.6 According to information gathered by Odhikar:

'a reported total of 108 persons were extra judicially killed, between January and June 2014. This means that on average, 18 persons were killed extra judicially every month. … Of the 108 persons who were killed extra-judicially, 12 were leaders-activists of BNP, three were activists of Awami League, 21 were activists of Jamaat Shibir, three were members of the Purba Banglar Communist Party (ML), two were members of the Sarbahara Party, one was activist of Jatiya Gonotantrik Party, one was member of New Biplobi Communist Party, two were ruling Awami League backed chairman candidates in the upazila poll, one was the agent of Awami League backed vice-chairman

[26] Amnesty International, Public Statement, Bangladesh: Stop enforced disappearances, torture and restrictions on freedom of expression, 2 September 2014, Introduction http://www.amnesty.org/en/library/asset/ASA13/006/2014/en/0a82676d-7b66-4d6b-8a22-010ddf311ecf/asa130062014en.html, date accessed 31 December 2014

[27] Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 191, http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/, date accessed 21 November 2014

[28] Ain o Salish Kendra (ASK), Incidents of Political Violence January to October 2014, 20 November 2014, http://www.askbd.org/ask/2014/11/20/political-violence-january-october-2014/, date accessed 23 December 2014

[29] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraph 33 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015

candidate, one was the wife of a rival chairman candidate of BNP, one was a member of Jamaat-ulMujahideen Bangladesh (JMB), two were businessmen, one was a garment worker, one was a welder, one was a day-labourer, one was a mason, one was a student, one was a driver, two were a contractor and his assistant, one was a journalist, one was a tea vendor, one was a petty entrepreneur, one person's profession could not be identified and 46 were alleged criminals.'[30]

2.4.7 Odhikar reported that 'During the first six months of 2014, seven persons were allegedly tortured to death. Among them it was reported that one was tortured to death by the RAB and six by the police.'[31] According to Amnesty International, 'Because torture is pervasive in Bangladesh, the exact number of those tortured is not known. Amnesty International's information indicates that torture is routinely committed during the interrogation period when the detainees are remanded in police custody. In fact all former detainees with whom Amnesty International has spoken in recent years have testified to being tortured or otherwise ill-treated when remanded in police custody. This would suggest that thousands of detainees are at risk of torture or ill-treatment every year. At least nine people died in police custody between January and July 2014, allegedly as a result of torture.'[32]

2.4.8 Odhikar frequently reported on internal political fighting in the Awami League and BNP, including in its student and youth wings. Such violence often resulted in death or injury.[33]

2.4.9 The South Asia Terrorism Portal compiled a Timeline of incidents, taken from news reports, that occurred during 2014/2015, which included acts of violence, extra-judicial killings and the arrests of opposition members and supporters.[34] The International Crisis Group CrisisWatch Database provided succinct monthly updates on significant situations of conflict or potential conflict in Bangladesh.[35]

2.4.10 In January 2015, the UN human rights office expressed its concern at the rising levels of political violence occurring across Bangladesh, and urged all political parties to show restraint. According to a press release issued by the Office for the High Commissioner on Human Rights (OHCHR):

'the current the bout of unrest began on 5 January [2015] when the opposition Bangladesh National Party, otherwise known as the BNP, called on its supporters to launch a transport blockade to mark the anniversary of last year's elections which the opposition had boycotted. The Government, for its part, imposed a ban on demonstrations and prevented senior members of the BNP from attending the protest. Since then, the UN agency explained, over a dozen people have reportedly been killed

[30] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraphs 3 and 8 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015
[31] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraph 5 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015
[32] Amnesty International, Bangladesh: Stop enforced disappearances, torture and restrictions on freedom of expression, 2 September 2014 http://www.amnesty.org/en/library/asset/ASA13/006/2014/en/eaa18316-ead1-44fb-80fb-1cc52f83613e/asa130062014en.pdf date accessed 30 January 2015
[33] Odhikar, Human rights monitoring report, Monthly reports, http://odhikar.org/category/reports/monthly/, date accessed 29 December 2014
[34] South Asia Terrorism Portal, Bangladesh Timeline Year 2014 and 2015, dated to 18 January 2015, http://www.satp.org/satporgtp/countries/bangladesh/timeline/index.html, and http://www.satp.org/satporgtp/countries/bangladesh/timeline/2014.htm date accessed 26 January 2015
[35] International Crisis Group, CrisisWatch Database – Bangladesh, updated monthly, http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7BC3F2C698-4DFE-4548-B5EA-B78C8D53B2BF%7D, date accessed 26 January 2015

and hundreds injured in ongoing clashes between supporters of the two parties, as well as with security forces. A number of opposition leaders have also been arrested.

'Amid the escalating violence, OHCHR said the "rampant use" of arson attacks on vehicles was "particularly disturbing," citing a recent incident in which a crowded public bus was set on fire, resulting in the immolation deaths of four people including one child. The same day, a senior BNP advisor was shot at and his car set on fire.'[36]

2.4.11 Reporting on the protests in January 2015, Human Rights Watch cited the authorities "indiscriminate use of force, arbitrary arrests, and [media] censorship".[37] Amnesty International reported on 20 January 2015 that 'At least 27 people have died during clashes between government and opposition supporters, arson attacks, or from shooting by security forces. 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.'[38] The BBC reported on 21 January 2015 that 'Bangladesh has arrested more than 7,000 opposition activists since the start of nationwide protests two weeks ago, ministers have said.'[39] The same source further reported that 'The authorities are considering a shoot-on-site policy for anyone involved in looting or other violent disturbances.' [40] The Asian Human Rights Commission, also reporting on 21 January 2015, noted that 'Since 15 January 2015, the Bangladesh government has deployed "Joint Forces", comprising the Rapid Action Battalion (RAB), Border Guards Bangladesh (BGB), and the police to conduct operations against the opposition. Houses and shops of those identified as opposition supporters in northern Bangladesh are ending up demolished. Hundreds of people, including women and children, have been internally displaced as a result of the crackdown.'[41] It further noted that 'hundreds of vehicles have come under arson attack, causing deaths and burn injuries to innocent passengers and motor-workers. More than two-dozen people have lost their lives; six of them died due to fire bombing of public transport. Many of the attacks are taking place in front of the police; however, the police are not arresting the perpetrators in all such incidents. There have been instances where local people have caught members of the ruling party's student and youth wings in possession of "petrol bombs"; the police have ended up releasing them without pressing any charges.'[42]

2.4.12 BBC News reported on 4 February 2015 that BNP opposition leader, Khaleda Zia, was charged with instigating an arson attack on a bus that killed seven people. Ms Zia was one of 56 people charged with firebombing the bus full of sleeping passengers in the town of Chauddagram, Cox's Bazar. The BNP denied the attack and condemned the violence.[43]

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[36] UN News Service, Bangladesh: UN rights office alarmed at 'deepening' political violence, 16 January 2015, available at: http://www.refworld.org/docid/54be12574.html, date accessed 26 January 2015
[37] Human Rights Watch, Bangladesh: Crackdown on Opposition, Media, 8 January 2015, http://www.hrw.org/news/2015/01/08/bangladesh-crackdown-opposition-media, date accessed 26 January 2015
[38] Amnesty International, Bangladesh: Human Rights Deteriorate as political violence escalates, 20 January 2015 http://www.amnesty.org/en/library/asset/ASA13/001/2015/en/848df3fb-5140-4c7e-8a56-8f8921afa5b7/asa130012015en.pdf date accessed 30 January 2015
[39] BBC, Bangladesh arrests 7,000 opposition activists, 21 January 2015 http://www.bbc.com/news/world-asia-30917345 date accessed 30 January 2015
[40] BBC, Bangladesh arrests 7,000 opposition activists, 21 January 2015 http://www.bbc.com/news/world-asia-30917345 date accessed 30 January 2015
[41] Asian Human Rights Commission, Government drive against opposition and citizens, 21 January 2015 http://www.humanrights.asia/news/ahrc-news/AHRC-STM-014-2015 date accessed 30 January 2015
[42] Asian Human Rights Commission, Government drive against opposition and citizens, 21 January 2015 http://www.humanrights.asia/news/ahrc-news/AHRC-STM-014-2015 date accessed 30 January 2015
[43] BBC News, Bangladesh opposition leader Khaleda Zia charged over arson attack, 4 February 2015, http://www.bbc.co.uk/news/world-asia-31127763, date accessed 6 February 2015

2.5 Student political groups and violence

2.5.1 Jane's reported:

'Almost every major political party has a student wing... The Bangladesh Chattra Dhal (BCD) is affiliated with the Bangladesh Nationalist Party (BNP), the Bangladesh Chattra League (BCL) is connected to the ruling Awami League (AL), and the ICS [Islami Chhatra Shibir] is associated with JI. These groups function in connivance with their affiliated parties and when their parties are in government, armed "student" groups become unchallenged perpetrators of human rights abuses, reportedly under the patronage of their party's politicians. The involvement of these armed groups in the political process is one of the major causes of political violence in Bangladesh. Political parties have routinely pledged, but failed, to disarm them. Fighting between rival student wings featured heavily during the political impasse in 2013 between the AL and BNP. Future disputes between the two major parties are very likely to include fighting between student wings.' [44]

2.5.2 The Dhaka Tribune reported on 31 December 2014 that 'The ruling Awami League's student front Chhatra League made headlines throughout the year... by taking part in abductions, mugging, extortion, tender manipulation, admission trade, assaulting teachers, attacking journalists, and so on. Reports show that over the last six months, Chhatra League got involved in factional clashes over 250 times and with other organisations over 150 times.'[45]

2.5.3 Freedom House reported on events in 2013 that 'While authorities largely respect academic freedom, research on sensitive political and religious topics is reportedly discouraged. Political polarization at many universities, including occasional clashes involving the armed student wings of the three main parties, inhibits education and access to services.' [46]

2.5.4 Odhikar reported on a number of violent clashes in 2013, particularly involving the youth wings and student wings of the ruling party. For example, 'On January 2, 2013 students of Rajshahi College joined a procession of Chhatra League [Student wing of Awami League] on the instruction of Chhatra League leaders. Chhatra League activists attacked the students entering residential halls, because they had returned without listening to speeches during the meeting that took place after the procession. Chhatra League activists broke the hands of Imdadul Huq, a Master's degree student of the Chemistry Department; and Mosaddek Hossain of the Philosophy Department.' [47]

2.5.5 Furthermore 'On July 11, 2013 police and Chhatra League activists attacked students who were protesting against the quota systems in all government services, including the Bangladesh Civil Service (BCS) examinations; and demanding revaluation of the results of the 34th BCS exam. Police shot tear gas shells, rubber bullets and live bullets at the protesters in front of the Dhaka University Central Library, Teachers Students Centre, Arts Faculty and Sir AF Rahman Residential Hall. Chhatra League activists also attacked them with sticks in front of the residence of the Vice-Chancellor. More than 100 students were injured in joint attacks by police and Chhatra League. Among them

[44] Jane's Sentinel Security Assessment (subscription only), South Asia – Bangladesh, Internal affairs, updated 28 October 2014, Opposition prospects and programme, date accessed 23 December 2014
[45] Dhaka Tribune, Politics in 2014: Violence parenthesises peace, 31 December 2014, http://www.dhakatribune.com/bangladesh/2014/dec/31/politics-2014-violence-parenthesises-peace, date accessed 31 December 2014
[46] Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, Civil liberties, available at: http://www.refworld.org/docid/5417f39714.html, date accessed 29 December 2014
[47] Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 198, http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/, date accessed 30 January 2015

Anwar, Sreejon, Inamul and Imran were admitted to Dhaka Medical College hospital with bullet injuries. Police arrested 20 persons from different areas in relation to this incident.'[48] Moreover, 'On December 12, 2013 at around 7.30 pm an activist of the student wing of Jamaat-eIslami Anwar (20) was shot dead when the police attacked a procession which was brought out after the execution of Jamaat-e-Islami Assistant Secretary General Abdul Quader Molla at Manoharganj, Comilla. The clash continued for about half an hour leaving 30 Shibir [Student wing of Jamaat-e-Islami] activists injured with bullets. Of the injured Anwar was pronounced dead after he had taken to Dhaka Medical College Hospital.'[49]

2.5.6 Odkikar reported that 'On February 10, 2014, Chhatra League leaders drove out 97 newly admitted students of Dhaka University from SM Hall. Chhatra League leaders told the students that they would not be allowed in the residential hall if they were not Chhatra League activists.'[50] It further notes that 'On May 5, 2014 Chhatra League activists beat a student named Rassel with bamboo rods on the assumption that he was a Shibir activist, at the Proctor's Office of the Jagannath University.' [51]

2.5.7 In an April 2014 report, Human Rights Watch noted that 'Many of the victims in the cases documented in this report were leaders and activists belonging to BNP, Jamaat, or their student wings. They were all male, ranging in age from 15 to 62. In some cases the authorities appeared to target the victims because of suspected involvement in specific crimes. In other cases, however, security forces appeared to seek out influential opposition district and sub-district-level leaders who might have been able to mobilize people to protest against the government and the holding of the elections.'[52] Human Rights Watch described a pattern of supposed 'crossfire' killings of opposition members in Bangladesh, reporting that 'Azharul Islam, a leader of the Bangladesh Nationalist Party's (BNP) student wing in Satkhira district, was killed on January 27, a day after his arrest for murder and for taking part in the pre-election violence, a police spokesman said. The police said he died in crossfire when he was leading the police to an opposition "hideout." Two members of Jamaat-e-Islami's student wing died in similar circumstances in Satkhira on January 26. The police said that Abul Kalam and Maruf died after receiving wounds during a gunfight a day after they were arrested. The police said that they were leading the Joint Forces to a place where other suspects were hiding when the security forces came under attack.'[53]

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2.6 Politically motivated cases

2.6.1 Odhikar reported:

'Like previous years, in 2013 the Government continued withdrawing cases branding them "politically motivated" despite massive criticism. The National Committee for Withdrawing Politically Motivated Cases had its 31st and last meeting before the 10th

[48] Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 124, http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/, date accessed 30 January 2015
[49] Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraph 235, http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/, date accessed 30 January 2015
[50] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraph 34 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015
[51] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraph 78 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015
[52] Human Rights Watch, Democracy in the crossfire, 29 April 2014, http://www.hrw.org/reports/2014/04/29/democracy-crossfire, date accessed 30 January 2015
[53] Human Rights Watch, Bangladesh: End Spate of Extrajudicial Killings, 27 January 2014 http://www.hrw.org/news/2014/01/27/bangladesh-end-spate-extrajudicial-killings date accessed 30 January 2015

Parliamentary Elections, on August 22, 2013, where the State Minister for Law, Advocate Qamrul Islam proposed dropping 277 more cases. Following the meeting, the State Minister for Law told reporters that out of total 277 cases — 166 are new cases and 111 are old cases — had been studied along with withdrawal recommendations. The Committee recommended the withdrawal of 72 out of the 277 cases, including at least 10 murder cases, mostly filed against leaders and activists of the ruling Awami League and its front organisations. Even though the Committee was formed in February 2009 to recommend withdrawal of "politically motivated" cases filed between 2001 and 2008, it went beyond its way in the last meeting and proposed dropping of at least two murder cases filed in 1988 and 1996 against Chhatra League [Awami League's student wing] men. The Committee recommended withdrawing 7,177 cases in five years against a total of 11,200 cases referred to it.

'The government action in withdrawing "politically motivated" cases is, indeed, a politically motivated action, as no case against people who are not activists belonging to the ruling alliance (mainly Awami League) has been withdrawn.' [54]

2.6.2 The US Department of State reported that in 2013 civil rights groups accused the government of using the Anti-corruption Commission (ACC) for politically motivated prosecutions. [55]

2.6.3 Deutsche Welle reported in September 2014 on charges of embezzlement against BNP leader, Khaleda Zia. The report noted:

'Zia and three of her aides are accused of embezzling more than half a million dollars from two charitable funds. The former premier could face life in prison if found guilty, according to prosecutors. The 69-year-old was charged just weeks after incumbent PM Sheikh Hasina was re-elected in a January 5 general election which the centre-right BNP and its 18 opposition allies boycotted and denounced as a farce. Zia and her co-defendants say the charges against them are politically motivated.'[56]

2.6.4 Khaleda Zia's appeal, which questioned the legality of a special court handling her corruption case, was rejected by the Supreme Court, paving the way for her to stand trial.[57]

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2.7 War crimes tribunal

2.7.1 The Freedom House 2014 report noted that:

'The International Crimes Tribunal (ICT) – established by the AL government in 2010 to prosecute those suspected of committing war crimes or other atrocities against civilians during the 1971 war of independence – started handing down verdicts in early 2013. In February, the tribunal sentenced Abdul Quader Mollah, leader of the Islamist Jamaat-e-Islami (JI) political party, to life imprisonment. The sentencing triggered increased tensions between JI supporters and a coalition of nationalist and secularist forces, who led a series of large-scale peaceful protests termed the "Shahbagh movement" in the

[54] Odhikar, Annual Human Rights Report 2013, 15 April 2014, paragraphs 172-173, http://odhikar.org/human-rights-report-2013-odhikar-report-on-bangladesh/, date accessed 21 November 2014
[55] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 4, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014
[56] Deutsche Welle, Khaleda Zia's graft trial possibly 'politically motivated', 23 September 2014, http://www.dw.de/khaleda-zias-graft-trial-possibly-politically-motivated/a-17948713, date accessed 5 January 2015
[57] Al Jazeera, Former Bangladesh PM Zia loses court appeal, 14 September 2014, http://www.aljazeera.com/news/asia/2014/09/former-bangladesh-pm-zia-loses-court-appeal-201491485815675587.html, date accessed 5 January 2015

capital of Dhaka. The protesters demanded that convicted war criminals receive the death penalty. Violent clashes between the two factions erupted when the tribunal handed down a death sentence to JI vice president Delwar Hossain Sayedee in late February, leading to the death of dozens of protesters, mostly at the hands of security forces. In September, Mollah's original life sentence was changed by the Supreme Court to the death penalty, prompting further protests by JI supporters; he was executed in December.'[58]

2.7.2 The same report stated that:

'Revisions in 2009 and 2011 to the International War Crimes Tribunal Act of 1973 and the current tribunal's procedural rules were intended to help meet international standards on issues such as victim and witness protection, the presumption of innocence, defendant access to counsel, and the right to bail. However, the trials conducted thus far have fallen short of these standards, with concerns raised regarding political interference, due process shortcomings, and inadequate protection given to witnesses and defense lawyers.' [59]

2.7.3 BBC News profiled the main defendants convicted at the Bangladesh war crimes tribunal.[60] As of 30 December 2014, 16 people had been convicted of war crimes. The BNP and Jamaat-e-Islami claimed the trials were politically motivated and aimed at eliminating opposition leaders, whilst rights groups claim the trials failed to meet international standards.[61]

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2.8 Journalists

2.8.1 Freedom House reported in its Freedom of the Press 2014 – Bangladesh that:

'Although the constitution provides for freedom of expression subject to "reasonable restrictions," the press can be constrained by national security legislation as well as by sedition and criminal libel laws, which are occasionally used to arrest and prosecute journalists. Sedition laws can be applied broadly, and in 2011, the 15th amendment to the constitution included language that equated criticism of the constitution with sedition. The punishment for sedition ranges from three years to life in prison. Journalists can also be arrested under the 1974 Special Powers Act – which allows detentions of up to 90 days without trial – for stories that are critical of government officials or policies, or they can be charged with contempt of court. The opposition-oriented daily Amar Desh has faced a barrage of legal and regulatory threats over the past several years. Acting editor and majority owner Mahmudur Rahman was arrested in April 2013 and held in custody during an investigation into charges of sedition and inciting religious tension through Amar Desh articles. He had spent 10 months in jail in 2010-11 on charges of harming the country's reputation and had also been charged with sedition in December 2012.'[62]

2.8.2 The same source further noted that:

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[58] Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, Overview, available at: http://www.refworld.org/docid/5417f39714.html, date accessed 29 December 2014
[59] Freedom House, Freedom in the World 2014 - Bangladesh, 8 September 2014, Civil liberties – Rule of law, available at: http://www.refworld.org/docid/5417f39714.html, date accessed 29 December 2014
[60] BBC News, Bangladesh war crimes trial: key accused, 24 November 2014, http://www.bbc.co.uk/news/world-asia-20970123, date accessed 29 December 2014
[61] Al Jazeera, Bangladesh sentences Islamist leader to death, 30 December 2014, http://www.aljazeera.com/news/southasia/2014/12/bangladesh-sentences-islamist-leader-death-201412307154641910 3.html, date accessed 2 January 2015
[62] Freedom House, Freedom of the Press 2014 - Bangladesh, 1 December 2014, available at: http://www.refworld.org/docid/54a1490515.html, date accessed 30 December 2014

'The year also saw a rise in legal cases accusing bloggers of blasphemy, and four bloggers were arrested in April [2013] on the grounds that they were hurting people's religious beliefs. All four were indicted under the amended ICT Act in September, facing imprisonment and stiff fines. They had been released on bail by year's end, but the case remained ongoing. … Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups. One journalist – a blogger who had written critically about Islamist groups and who had been listed as a target on a pro-Islamist website – was killed in 2013, according to the Committee to Protect Journalists. Physical harassment of the press also remained a concern. On a number of occasions during the year, journalists were harassed or attacked while trying to cover the ongoing protests engulfing the country; among them was a female journalist, assaulted by Islamist groups during a demonstration in April. Senior correspondent Sumon Mahbub of the news website bdnews24.com was deliberately hit by a car after covering Shahbagh protests in February. … Impunity is the norm for those who perpetrate crimes against journalists, and investigations of such crimes generally proceed slowly, if at all. … Police brutality toward reporters and photographers attempting to document political protests or other sensitive events remains a concern, as do occasional cases of arrest, detention, or custodial torture of journalists. Some journalists received threatening telephone calls from intelligence agencies seeking to prevent negative coverage. Criminal gangs and business owners also attempt to influence coverage through coercion or threats.'[63]

2.8.3 The US Department of State 2013 report noted:

'According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of government retribution. Although public criticism of the government was common and vocal, the media – particularly print media – depended on government advertisements for a significant percentage of their revenue. Consequently, the media had an incentive for self-censorship. The government in power, like its predecessors, issued new broadcast licenses to political supporters and denied them to political opponents. … Police subjected journalists to physical attack, harassment, and intimidation. According to Odhikar, while no journalists were killed, 144 were attacked or threatened from January through August [2013]. According to ASK, two journalists were killed, 39 were attacked or threatened by security forces, and another 234 were attacked or threatened by political parties, government officials, or criminals during the same nine-month period.' [64]

2.8.4 Odhikar reported that 'incidents of attacks on journalists occur during the time of gathering news/information or due to publishing reports. It has been alleged that in most cases, leaders and activists of the ruling party were involved in such incidents. From January to June 2014, according to information gathered by Odhikar, one journalist was killed, 50 were injured, 18 were assaulted, nine were threatened and 12 were sued.' [65] The report documented examples of such incidents.

2.8.5 In December 2014, the International Crimes Tribunal convicted journalist David Bergman on contempt charges for comments he made in three separate blog postings regarding legal proceedings before the ICT. [66] Human Rights Watch reported that 'The

[63] Freedom House, Freedom of the Press 2014 - Bangladesh, 1 December 2014, available at: http://www.refworld.org/docid/54a1490515.html, date accessed 30 January 2015

[64] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 2a, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[65] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraph 75-76 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015

[66] Human Rights Watch, Conviction of Journalist Chills Speech, 5 December 2014 http://www.hrw.org/news/2014/12/05/bangladesh-conviction-journalist-chills-speech

conviction of Bergman sends a chilling message to journalists and human rights defenders that the ICT will not tolerate fair criticism.'[67]

2.8.6 In January 2015, Amnesty International reported that:

'Harassment of media editors and executives covering stories not favoured by the authorities continues' and that the detention of the chairman of Bangladeshi TV channel Ekushey TV on 6 January on the accusation that the TV station had aired a programme in 2014 concerning prostitution, in which blurred images of some women were briefly shown has 'raised concern over the shrinking space for freedom of expression and freedom of peaceful assembly.'[68] It further noted that 'Amnesty International has frequently highlighted the shrinking of space for freedom of expression in Bangladesh in recent years. Newspapers and TV editors have been under severe pressure not to publish or broadcast the views of government critics. Those leaning towards the opposition parties are often obstructed from taking part in talk shows.' [69]

2.8.7 Freedom House's 2014 'Freedom on the Net' report noted that:

'Individuals have been subject to physical violence for online activity in Bangladesh. In March 2014, a mob attacked two teenagers in the city of Chittagong for allegedly posting blasphemous content on their personal Facebook accounts. Their attackers beat the two students in the street until police intervened, but the pair were subsequently arrested under the ICT Act and denied bail. One of the students wrote a blog and had criticized Jamaat-e-Islami and its student wing, and some bloggers speculated the blasphemy accusation came in retaliation for these comments or a personal enmity. Bloggers were also violently targeted in 2013. Before blogger Asif Mohiuddin was detained later in the year, armed assailants hospitalized him in January 2013 with serious stab wounds.'[70]

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2.9 Human rights defenders

2.9.1 The US Department of State 2013 report observed:

'A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups often sharply criticized the government, they also practiced some self-censorship. Government officials generally were not cooperative and responsive to their views.

'The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare (MSW). Local and international NGOs working on sensitive topics, such as human rights, indigenous people, Rohingya refugees, or worker rights, faced both formal and informal governmental restrictions. HRW, Odhikar, and international NGOs that provide assistance to Rohingya refugees reported numerous credible instances in which the government impeded their work, either by

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date accessed 30 January 2015

[67] Human Rights Watch, Conviction of Journalist Chills Speech, 5 December 2014 http://www.hrw.org/news/2014/12/05/bangladesh-conviction-journalist-chills-speech date accessed 30 January 2015

[68] Amnesty International, Bangladesh: Human Rights Deteriorate as political violence escalates, 20 January 2015 http://www.amnesty.org/en/library/asset/ASA13/001/2015/en/848df3fb-5140-4c7e-8a56-8f8921afa5b7/asa130012015en.pdf date accessed 30 January 2015

[69] Amnesty International, Bangladesh: Human Rights Deteriorate as political violence escalates, 20 January 2015 http://www.amnesty.org/en/library/asset/ASA13/001/2015/en/848df3fb-5140-4c7e-8a56-8f8921afa5b7/asa130012015en.pdf date accessed 30 January 2015

[70] Freedom House, Freedom on the Net 2014 - Bangladesh, 4 December 2014, available at: http://www.refworld.org/docid/549025f00.html, date accessed 30 January 2015

canceling projects or subjecting them to restrictive operating requirements that often resulted in a temporary or permanent cessation of their work. These groups also claimed that intelligence agencies monitored them. The government sometimes restricted international NGOs' ability to operate through delays in project registration, cease-and-desist letters, or visa refusals.' [71]

2.9.2 Odhikar spoke of the organisation's suppression at speaking out against human rights violations:

'On August 10, 2013, the Secretary of Odhikar, Adilur Rahman Khan was picked up by plain clothed DB police men and later shown arrested, for conducting a fact finding mission on extrajudicial killings. Adilur and Odhikar's Director ASM Nasiruddin Elan were detained in jail for 62 days and 25 days respectively; and since then Odhikar and human rights defenders associated with it, are constantly under surveillance and being harassed by various security forces of the government. From 2014, the NGO Affairs Bureau, which is under the Prime Minister's Office, has stopped the release of funds to Odhikar's on-going human rights related projects.' [72]

2.9.3 Odhikar reported in its report for January-June 2014 that 'The present government refuses to take heed of the criticisms or opinions given or published by any institution, organisation or any individual towards the government or any of its institution. Rather the government becomes extremely attacking and it tries to link those organisations or individuals to 'militants' by any means; hold them in contempt by filling cases and cause harassment in various other ways. Human rights organisations and human rights defenders have become the main target of the government in this regard…'[73]

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[71] US Department of State, Country Report on Human Rights Practices 2013 – Bangladesh, 27 February 2014, Section 5, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220388, date accessed 20 November 2014

[72] Odhikar, International Human Rights Day 2014, Statement of Odhikar, 9 December 2014, http://odhikar.org/international-human-rights-day-2014/, date accessed 30 December 2014

[73] Odhikar, Six - Months Human Rights Monitoring Report, 1 July 2014, paragraph 86 http://www.omct.org/files/2014/07/22773/hr_report_jan_june_2014_en.pdf date accessed 30 January 2015

Annex A: Political organisations

Jane's Sentinel Security Assessment[74] provided the following profiles on Bangladesh's main political parties:

Awami League (AL)

Political stance: The AL is a secular, centre-left political party. The country's oldest party, it was established in 1949 and was at the forefront of campaigning for East Pakistan's independence. Since taking power in 2009, its major focus has been improving relations with India and curtailing the influence of religion in politics. In October 2009, the government banned the non-violent proselytising Islamist group, Hizb ut-Tahrir, for its anti-government stance, and has encouraged constitutional amendments banning religious-based parties. The party is dominated by Sheikh Hasina Wajed, who has led the party since 1981.

Support base: It is currently by far the largest political force in Bangladesh after sweeping the January 2014 parliamentary election with 230 seats. However, the result is skewed by the fact that the election was boycotted by the opposition. With only an estimated 10% turnout, the current AL government lacks international legitimacy. The party is also riven by opposing factions at the local level, which has often translated into violence, particularly in universities.

Recent history: The party has lost considerable support in 2013 following widespread protests against the conviction of Islamist leaders on war crimes charges, the collapse of the Rana Plaza factory in which almost 1,200 were killed, and because of its confrontational approach to the opposition during the political impasse over the January 2014 election. Potential future leaders: Sajeeb Wajed.

Bangladesh Nationalist Party (BNP)

Political stance: The BNP follows a broad centre-right policy combined with an Islamic and nationalist ideology. It was founded in 1978 by the country's first military ruler, General Zia ur-Rahman (husband of its current leader, Khaleda Zia) and was designed to help create a support base for Zia. It has tended to define itself primarily in opposition to the AL, with a fierce personal rivalry between Zia and Sheikh

Support base: The party fared extremely poorly in the December 2008 elections, winning only 30 of 300 seats, but it has arguably recovered from that position. Local election results in early 2014 and inputs from IHS sources in Bangladesh suggest that the party has enough to pose a challenge to the AL in an election. Recent history: The BNP led the boycott of the January 2014 election and therefore has no representation in parliament.

Potential future leaders: Tarique Rahman

Jatiya Party

Political stance: The National (Jatiya) Party was created in 1986 by General Mohammad Ershad to win popular support for his regime following a bloodless coup in 1982. It split into three factions over the following decade, with Ershad's faction repositioning itself as a centre-left party in alliance with the AL. It has stated its desire to contest independently in the forthcoming election.

Support base: The party won 27 seats during the parliamentary election in January 2014. A dispute with the AL, which the party has previously been allied to, means that the Jatiya Party forms the opposition in parliament.

Recent history: The 83-year-old Ershad has floated around Bangladeshi politics for decades with little realistic possibility of leading a government, and his party's membership of the AL's

[74] Jane's Sentinel Security Assessment (subscription only), South Asia – Bangladesh, Internal affairs, updated 28 October 2014, Opposition prospects and programme, date accessed 23 December 2014

governing alliance since 2008 is unlikely to boost its popularity given the divisiveness of the AL's crackdown on Islamist parties and the accompanying violence.

Jamaat-e-Islami Bangladesh (JIB)

Political stance: The party was formed in 1979, and - in contrast to the AL, which supported a Bengali identity - it called for a union of all Muslim-dominated areas in India and Pakistan. It supported Pakistan during the 1971 war, and was subsequently banned once Sheikh Mujib came to power. The AL has long maintained that the party has links with Pakistan's Inter-Services Intelligence (ISI).

Support base: It was one of the BNP's coalition allies, securing 18 seats in the 2001 election. However, the JIB won only two seats in the December 2008 election, indicating the electorate's disenchantment with more radical Islamist ideals. However, the party's significant presence in the domestic non-governmental organisation (NGO) sector and its nationwide influence over commercial organisations and educational institutions mean that JI sympathy is not exclusive to its regular vote base.

Recent history: The party faces an existential threat under the AL government, which is pushing for its complete political ban. In November 2013, the party was banned from taking part in the January 2014 election by the Bangladesh Election Commission (BEC). Moreover, in 2013, nine members of the party's senior leadership, including its head, were charged with war crimes allegedly committed during Bangladesh's war of independence in 1971. Almost all of them were convicted and now await the result of the appeal process. A former assistant secretary-general, Abdul Quader Mullah, was executed on 12 December 2013 following his conviction.

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