

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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– False Charges

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**Questions**

- 1. Please provide an update on whether Bangladesh Nationalist Party (BNP) supporters have been subjected to intimidation, violence and mistreatment by members and supporters of the Awami League following the 2008 elections. Is the situation different for high profile BNP members?**
- 2. Please provide information on the recent situation in Laxmipur District for BNP members and supporters. Which party won the local elections?**
- 3. Is there any information to suggest that charges laid against BNP members prior to 2001 would still be active? Is the Awami League pursuing charges laid against BNP members prior to 2001 or has the Awami League announced its intention to do so?**
- 4. Please provide information on the current government's view of the Caretaker government's suppression of protests.**
- 5. Since the election of the Awami League government in 2008 have any persons been arrested for protests undertaken against the Caretaker Government prior to the election?**
- 6. What information is available on the Rapid Action Battalion (RAB) with regard to the question of whether it is now under the direction of the Awami League government in practice?**
- 7. Have the RAB mistreated any BNP supporters or activists since the election of the Awami League government (for reasons such as violating the ban on political activity under the Caretaker Government)?**
- 8. What information is available on the situation faced by BNP supporters – members or activists – who have returned to Bangladesh following the election?**

## RESPONSE

### **1. Please provide an update on whether Bangladesh Nationalist Party (BNP) supporters have been subjected to intimidation, violence and mistreatment by members and supporters of the Awami League following the 2008 elections. Is the situation different for high profile BNP members?**

Reports indicate that the election and immediate post-election period was marked by violence between supporters of both the victorious Awami League and the main opposition the Bangladesh Nationalist Party as well student groups associated with the major parties. Whilst a number of clashes were recorded and a handful of deaths occurred as a result of violence, the level of violence was considered by independent monitors to be relatively mild within the spectrum of Bangladeshi electoral politics, with polling relatively free of ballot-rigging and other irregularities. Apart from isolated clashes between the student groups at certain campuses (including intra-party factional disputes) there are relatively few reports of continued violence between supporters of the major parties having been recorded since the first weeks following Hasina's victory in December 2008. The US-based election observers the National Democratic Institute for International Affairs stated that:

On December 29, the people of Bangladesh went to the polls for the first time since 2001 to elect the members of their national parliament. Throughout the country, people voted enthusiastically and in large numbers. With a few exceptions, the elections were well-administered and took place in a peaceful environment, resulting in a credible electoral process that met international standards. A population that has been governed under an emergency order for the past two years is eager for a return to elected government...

For the most part, election officials were well-trained and ensured that the balloting and counting processes were carried out properly, and that voters were able to cast their votes secretly. The delegation also commends the political parties' presence and the collegial interactions between the agents of the two major parties at most polling sites. Nationwide, turnout was high, with an estimated 80 percent turnout...

NDI's pre-election assessment statement expressed concern about the role the military and security forces play on election day. Prior to the elections, the military had been tasked with providing the BEC assistance with the voter registration process, specifically for logistical reasons. The BEC indicated that the military would not be present at polling stations, but would be available to respond to specific incidents.

The pre-election concern regarding military involvement on election day did not materialize. Police and other security forces were present and engaged in maintaining a calm voting environment at all visited polling stations. Observers reported that security personnel, including the military, behaved professionally and interfered only when necessary. (National Democratic Institute for International Affairs, 2008, *Statement of the NDI Election Observer Delegation to Bangladesh's 2008 Parliamentary Elections*, 31 December –

<http://www.ndi.org/files/Final%20Statement%20-%202008%20Bangladesh%20Parliamentary%20Elections.pdf> – accessed 3 April 2009 – Attachment 1)

For a detailed analysis of the Bangladeshi elections and both pre- and post-election violence see a recent Research Response *BGD34262*. (RRT Research & Information 2009, *Research Response BGD34262*, 19 January – Attachment 2. See also 'One killed, 58 more hurt in post-polls violence in Bangladesh', 2009, Bangladesh Talk website (originally sourced from *The*

*New Age*), 3 January – <http://bangladeshtalk.blogspot.com/2009/01/one-killed-58-more-hurt-in-post-polls.html> – accessed 3 April 2009 – Attachment 3).

A more recent response dated 26 March 2009; *BGD34637* provides reports of Awami League and BNP clashes, including student clashes, from mid to late January to late March 2009 and includes reports into the violence and voting irregularities surrounding the *upazila* (local sub-district) elections held in late January. These elections were marked by a number of relatively small-scale clashes between supporters of the major political parties with indications that those of the Awami League were attempting to assert its ascendancy by provoking incidents with BNP supporters and also by being implicated in voting irregularities at certain polling booths. Of note in this report also is reference to Sheik Hasina specifically stating her intent to ‘crack-down’ on political and student violence perpetrated by both the Awami League and the BNP in the wake of the *upazila* elections. (RRT Research & Information 2009, *Research Response BGD34637*, 26 March – Attachment 4. See also ‘Rajshahi Shibir files 3 more cases against 248 BCL men’, 2009, *The Daily Star*, 25 March - <http://www.thedailystar.net/newDesign/news-details.php?nid=81287> – accessed 3 April 2009 – Attachment 5)

Bangladeshi politics has been marred by a cycle of vindictiveness since it gained independence with victorious governments – both Awami League and BNP – regularly participating in systematic abuse of the judicial system to initiate charges against their political foes. The result has been the lodging of thousands of false charges in Bangladesh against political foes on all sides of politics. Despite numerous criticisms leveled at the outgoing Caretaker Government on a range of issues, one area which it pursued with vigour was the purging of obviously false and politically motivated charges of a relatively minor nature so as to reduce the crippling affect these have had on the Bangladeshi judicial system. Only major crimes such as the charges of serious corruption made against both Zia and Hasina were pursued under the caretaker regime. (Both were subsequently released from detention to contest the December elections). A Research Response from July 2008, *BGD33435*, specifically addresses the issue of ‘false charges’ and the manner in which they were considered by the Caretaker Government in Question 4 (RRT Research & Information 2008, *Research Response BGD33435*, 14 July – Attachment 6).

Although it is only early days for the new administration Hasina has so far resisted the opportunity to embark on a fresh round of politically motivated arrests as she attempts to convince the country and the broader international community that her government is committed to a stable, democratic and secular Bangladesh. The notable exception to this has been the charging of Zia’s son, Arafat “Koko” Rahman, on large-scale corruption charges. (Montero, D. 2009, ‘Bangladesh fights rampant corporate corruption’, *The Christian Science Monitor*, 1 April – <http://www.csmonitor.com/2009/0401/p06s15-wosc.html> – accessed 3 April 2009 – Attachment 8)

Another element that has been a major source of concern to the newly elected government has been the serious outbreak of violence with the mutiny of the Bangladesh Rifles (BDR) in late February. Whilst investigations are ongoing and the true cause and culprits behind the mutiny are yet to be identified, what is known is that on the last Wednesday of February 2009 a disagreement between a guard of the BDR and one of his officers led to a series of violent incidents. A two day siege ensued between the rank-and-file of the BDR and the Bangladeshi Army which took up positions outside the BDR compound. When the siege finally ended thousands of BDR troops had fled with an unknown quantity of weapons. Over 70 bodies,

some with evidence of horrific violence, were found in the compound. Most of the victims were BDR officers, including some of their family members. Whether this was an unplanned consequence of pent up BDR rank-and-file disaffection or a more concerted effort to destabilise the newly elected government and the state as a whole is yet to be discovered. If the latter it has failed thus far, as Hasina was able to form an at times uneasy but unified response to the tragedy, although recriminations and arrests continue. It is notable that amidst the arrests made in relation to the mutiny security forces have not hesitated to arrest suspects with well established links to the Awami League. (See for information on the BDR mutiny and immediate aftermath 'Bangladesh guard mutiny is over', 2009, *BBC News*, 26 February – [http://news.bbc.co.uk/2/hi/south\\_asia/7912392.stm](http://news.bbc.co.uk/2/hi/south_asia/7912392.stm) – accessed 3 April 2009 – Attachment 9; Lawson, A., 2009, 'Mutiny tests Hasina's mettle' *BBC News*, 27 February – [http://news.bbc.co.uk/2/hi/south\\_asia/7914406.stm](http://news.bbc.co.uk/2/hi/south_asia/7914406.stm) – accessed 3 April 2009 – Attachment 10; 'Bangladesh summons army to track down paramilitary rebels', 2009, *Zeenews.com*, 1 March – <http://www.zeenews.com/southasia/2009-03-01/511784news.html> – accessed 3 April 2009 – Attachment 11 and Sengupta, S, 2009, 'Bangladeshi Premier Faces a Grim Crucible', *New York Times*, 14 March – <http://www.nytimes.com/2009/03/14/world/asia/14bangla.html?pagewanted=1&r=2&em> – accessed 3 April 2009 – Attachment 12)

## **2. Please provide information on the recent situation in Laxmipur District for BNP members and supporters. Which party won the local elections?**

The Laxmipur district has four electoral divisions: Laxmipur 1, Laxmipur 2, Laxmipur 3 and Laxmipur 4. Since at least the 1991 general elections the Laxmipur electorates have been dominated by the BNP with the party's leader Begum Khaleda Zia contesting and winning Laxmipur 2 in both 1996 and 2001. The recent election has once again returned at least three BNP candidates with Laxmipur 4 still undecided. ('Results Lakhshmipur 2008', (undated), *The New Age* - <http://www.newagebd.com/election/maps.php?district=Lakshmipur&year=2008> – accessed 3 April 2009 – Attachment 13)

It should be noted that at least one source reported the occurrence of Awami League supporters attacking BNP supporters and student groups in Laximpur during the polling period stating that:

In Laxmipur, BNP activist Rabiul was stabbed by AL activists at village Purba Jamirtali under sadar upazila when he was returning home Friday night. BCL activists attacked JCD supporters at Laxmipur Government College and ousted JCD president of the college unit Mamun and beat up JCD leader Khaled on Saturday. Three others were also injured in the attack. (Attachment 3)

## **3. Is there any information to suggest that charges laid against BNP members prior to 2001 would still be active? Is the Awami League pursuing charges laid against BNP members prior to 2001 or has the Awami League announced its intention to do so?**

No evidence has been found to indicate that charges against BNP members prior to 2001 are active or otherwise. The Awami League government has indicated that where necessary it would pursue BNP members accused of serious human rights abuses or other large-scale criminal charges such official corruption. No evidence has been found to suggest that relatively minor charges will be pursued. To date the newly elected government has shown

little energy for pursuing politically-motivated charges although it has laid charges against Zia's son 'Koko' for serious corruption (see above) and has taken efforts to begin bringing to trial those deemed to have committed war crimes during the war for independence in 1971 and during the military coup of 1975, in which 18 members of Sheik Hasina's family, including the then leader of Bangladesh and Hasina's father, Sheikh Mujibur Rahman, were slaughtered. Many have suspected that a number of older members of one of the BNP's political ally the *Jamaat e-Islami* will be implicated in any such war crime trials. (See for example Hossain, F., 2009, 'Bangladesh grounds suspected 1971 war criminals', *Taiwan News* online, 23 March - [http://www.etaiwannews.com/etn/news\\_content.php?id=900331&lang=eng\\_news](http://www.etaiwannews.com/etn/news_content.php?id=900331&lang=eng_news) – accessed 3 April 2009 – Attachment 14)

**4. Please provide information on the current government's view of the Caretaker government's suppression of protests.**

The recently elected Awami League government of Sheik Hasina was at the forefront of wide-ranging activities of protest against the actions of the previous Caretaker Government and most particularly in regards to its suspension of general elections and its imposition of emergency laws. (See for example Qu 2 in RRT Research & Information 2007, *Research Response BGD31346*, 2 February – Attachment 15).

**5. Since the election of the Awami League government in 2008 have any persons been arrested for protests undertaken against the Caretaker Government prior to the election?**

Since the election of the Awami League in December 2008 no information has been found indicating that those involved in protests against the former Caretaker Government have been arrested.

**6. What information is available on the Rapid Action Battalion (RAB) with regard to the question of whether it is now under the direction of the Awami League government in practice?**

**7. Have the RAB mistreated any BNP supporters or activists since the election of the Awami League government (for reasons such as violating the ban on political activity under the Caretaker Government)?**

The Rapid Action Battalion (RAB) was established in 2004 by the previous BNP government as an elite force of rapid response troops for anti-terrorism and major crimes. Since then both under the BNP and subsequent Caretaker Government the RAB established for itself an unenviable reputation for extra-judicial killings, torture and extra-judicial detention. (See for example 'Bangladesh: Elite Force, Torture, Kills Detainees', 2006, Human Rights Watch, 13 December – <http://www.hrw.org/en/news/2006/12/13/bangladesh-elite-force-tortures-kills-detainees> – accessed 24/03/09 – Attachment 16 and 'Bangladesh: End Wave of Killings by Elite Forces', 2008, Human Rights Watch, 10 August – <http://www.hrw.org/en/news/2008/08/10/bangladesh-end-wave-killings-elite-forces> – accessed 24/03/09 – Attachment 17)

As an established component of the states security apparatus, the RAB is now under the direction of the Awami League as the elected government. Whilst it remains to be seen

whether or not the RAB will be subject to any reforms under Hasina's regime, the RAB have been actively cooperating with the newly elected government in its attempts to arrest suspects implicated in the recent BDR mutiny, including those associated with the Awami League. A Research Response of 13 February 2009 discusses in detail the relationship and possible future of the relationship between Sheik Hasina, the Awami League and the RAB. (RRT Research & Information 2009, *Research Response BGD34417*, 13 February – Attachment 18)

No information has been found in the sources consulted indicated whether or not the RAB have been mistreating BNP supporters since the election of the Awami League in December 2008.

### **8. What information is available on the situation faced by BNP supporters – members or activists – who have returned to Bangladesh following the election?**

No information was found in the sources consulted regarding the treatment of BNP supporters, members or activists who returned to Bangladesh since the December 2008 general elections.

### **List of Sources Consulted**

#### Internet Sources:

#### **Non-Government Organisations**

Human Rights Watch website – <http://www.hrw.org/>

Odhikar website – <http://www.odhikar.org/>

National Democratic Institute for International Affairs – [www.ndi.org](http://www.ndi.org)

#### **International News and Politics**

BBC World News website – <http://news.bbc.co.uk/>

*The Christian Science Monitor* website – [www.csmonitor.com](http://www.csmonitor.com)

*New York Times* website – <http://www.nytimes.com/>

#### **Region Specific Links**

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

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

*Zeenews.com* website – [www.zeenews.com](http://www.zeenews.com)

Bangladesh Talk website – [www.bangladeshtalk.blogspot.com](http://www.bangladeshtalk.blogspot.com)

*Taiwan News* online – [www.etawainnews.com](http://www.etawainnews.com)

#### **Search Engines**

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

#### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

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



## List of Attachments

1. National Democratic Institute for International Affairs, 2008, *Statement of the NDI Election Observer Delegation to Bangladesh's 2008 Parliamentary Elections*, 31 December – <http://www.ndi.org/files/Final%20Statement%20-%202008%20Bangladesh%20Parliamentary%20Elections.pdf> – accessed 3 April 2009
2. RRT Research & Information 2009, *Research Response BGD34262*, 19 January
3. 'One killed, 58 more hurt in post-polls violence in Bangladesh', 2009, Bangladesh Talk website (originally sourced from *The New Age*), 3 January – <http://bangladeshtalk.blogspot.com/2009/01/one-killed-58-more-hurt-in-post-polls.html> – accessed 3 April 2009
4. RRT Research & Information 2009, *Research Response BGD34637*, 26 March
5. 'Rajshahi Shibir files 3 more cases against 248 BCL men', 2009, *The Daily Star*, 25 March – <http://www.thedailystar.net/newDesign/news-details.php?nid=81287> – accessed 3 April 2009
6. RRT Research & Information 2008, *Research Response BGD33435*, 14 July
7. Deleted.
8. Montero, D. 2009, 'Bangladesh fights rampant corporate corruption', *The Christian Science Monitor*, 1 April – <http://www.csmonitor.com/2009/0401/p06s15-wosc.html> – accessed 3 April 2009
9. 'Bangladesh guard mutiny is over', 2009, *BBC News*, 26 February – [http://news.bbc.co.uk/2/hi/south\\_asia/7912392.stm](http://news.bbc.co.uk/2/hi/south_asia/7912392.stm) – accessed 3 April 2009
10. Lawson, A., 2009, 'Mutiny tests Hasina's mettle' *BBC News*, 27 February – [http://news.bbc.co.uk/2/hi/south\\_asia/7914406.stm](http://news.bbc.co.uk/2/hi/south_asia/7914406.stm) – accessed 3 April 2009
11. 'Bangladesh summons army to track down paramilitary rebels', 2009, *Zeenews.com*, 1 March – <http://www.zeenews.com/southasia/2009-03-01/511784news.html> – accessed 3 April 2009
12. Sengupta, S, 2009, 'Bangladeshi Premier Faces a Grim Crucible', *New York Times*, 14 March – [http://www.nytimes.com/2009/03/14/world/asia/14bangla.html?pagewanted=1&\\_r=2&em](http://www.nytimes.com/2009/03/14/world/asia/14bangla.html?pagewanted=1&_r=2&em) – accessed 3 April 2009

13. 'Results Lakhshampur 2008', (undated), *The New Age* - <http://www.newagebd.com/election/maps.php?district=Lakshampur&year=2008> – accessed 3 April 2009
14. Hossain, F., 2009, 'Bangladesh grounds suspected 1971 war criminals', *Taiwan News* online, 23 March - [http://www.etaiwannews.com/etn/news\\_content.php?id=900331&lang=eng\\_news](http://www.etaiwannews.com/etn/news_content.php?id=900331&lang=eng_news) – accessed 3 April 2009
15. RRT Research & Information 2007, *Research Response BGD31346*, 2 February
16. 'Bangladesh: Elite Force, Torture, Kills Detainees', 2006, Human Rights Watch, 13 December – <http://www.hrw.org/en/news/2006/12/13/bangladesh-elite-force-tortures-kills-detainees> – accessed 24/03/09
17. 'Bangladesh: End Wave of Killings by Elite Forces', 2008, Human Rights Watch, 10 August – <http://www.hrw.org/en/news/2008/08/10/bangladesh-end-wave-killings-elite-forces> – accessed 24/03/09
18. RRT Research & Information 2009, *Research Response BGD34417*, 13 February.