

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information on the Awami League, including its leadership, policies and history.**
- 2. Is there evidence that members of the Chatra League are targeted by the BNP?**
- 3. Please provide any information on an Awami League leader named Al Tofaiel Ahmed.**
- 4. Are there any reports of an incident around June 1998 in which Awami League followers were thrown out of Dhaka University who then held protests and hunger strikes?**
- 5. Is there any information to indicate that the government discriminates in favour of businesses owned by BNP members or fails to protect businesses owned by people who are not BNP members?**
- 6. [Information deleted]**
- 7. What is the societal attitude towards divorce?**
- 8. Are there any reports of men who have relationships with married or divorced women being discriminated against or harmed?**

RESPONSE

- 1. Please provide information on the Awami League, including its leadership, policies and history.**

Political Handbook of the World: 2007 by A. Banks, T. Muller et al gives a brief history, policies and leadership of the Awami League as follows:

Awami League. A predominantly middle-class party organized in East Pakistan during 1948 under Sheikh Mujibur Rahman, the Awami (People's) League was, with Indian support, a major force in the drive for independence. Although formally disbanded by President Moshtaque AHMED in 1975, it remained the best-organized political group in the country and served as the nucleus of a Democratic United Front that supported the presidential candidacy of Gen. Mohammad Ataul Ghani OSMANI in June 1978.

During 1980 a major cleavage developed between a majority faction led by Abdul Malek UKIL and a right-wing minority faction led by Mizanur Rahman Chowdhury. The former elected Mujibur Rahman's daughter, Hasina Wajed, as its leader in February 1981, while Chowdhury accepted appointment as prime minister of the Ershad government in July 1986 and later joined Ershad's Jatiya Dal. Committed to socialism, secularism, and a "Westminster-style" parliamentary system, Sheikh Hasina's Awami League participated in the legislative balloting of May 1986 but boycotted most subsequent parliamentary proceedings (including the March 1988 poll) prior to the election of February 1991, at which it was runner-up to the Bangladesh Nationalist Party (BNP). In 1991 the Bangladesh KrishakSramikAwami League (Baksal), a left-wing faction that had broken away in 1984 under the leadership of Abdur RAZZAQ, returned to the parent organization. (In 1997 Baksal was reestablished by new leaders.) Following the ultimately successful campaign to bring about the resignation of the BNP government, the League emerged victorious from the June 1996 election and thus took office for the first time since 1975, with a plurality of 146 seats of the 300 elected, to which it added 27 of the 30 seats reserved for women and thereby achieved a majority. Its principal partner, the Jatiya Party, left the government in March 1998.

On June 16, 2001, a bomb exploded at an Awami League meeting, killing 22 and wounding some 100 others. Party leaders accused the BNP of involvement. At the October election the party suffered a devastating defeat, winning only 62 legislative seats. In December 2002 Sheikh Hasina was reelected party president. In addition, she heads a 14-party opposition "combine" that also includes the 11-party leftist alliance (see under the Left Democratic Alliance, below), the National Socialist Party (Inu), and the National Awami Party (NAP).

Leaders: Sheikh Hasina WAJED (Former Prime Minister and Party President), Abdul JALIL (General Secretary) (Banks, A., Muller, T. et al 2007, *Political Handbook of the World: 2007*, CQPress, p.96 – Attachment 1).

The UK Home Office describes the recent political scene of the country and the role played by the Awami League in it as follows:

- 2.1 Bangladesh is a parliamentary democracy with a non-executive president elected by parliament. Parliament and president are both elected for five years.
- 2.2 In the general election held in October 2001 and adjusting by-elections, the 'Four-Party' Alliance led by Khaleda Zia's Bangladesh Nationalist Party (BNP) won an overall majority, with 219 seats out of 300 (BNP - 195 seats; Jamaat-e-Islami - 17 seats; the Naziur Jatiya Party - 4 seats; and the Islami Oikya Jote – 3 seats). The main opposition party, the Awami League (AL) won 58 seats. International observers reported that the election was generally free and fair, but there were reports of election-related violence, ballot rigging and other election malpractice. The AL publicly refused to accept the result, however, and from 2001 to 2006 AL attendance in parliament was sporadic.
- 2.3 Political and terrorist violence has increased in recent years. In August 2004, 23 were killed in a grenade attack on an AL political rally in Dhaka where the AL's leader, Sheikh Hasina, was speaking. In January 2005, the former Finance Minister, Shah Kibria, was assassinated along with four colleagues and over 70 were injured in a grenade attack at an AL rally in north eastern Bangladesh. On 17 August 2005, there was a series of over 400 co-ordinated incendiary explosions throughout Bangladesh for which the militant Islamist group Jamatul Mujahedin Bangladesh (JMB) reportedly claimed responsibility. Two people were killed and over 100 injured.
- 2.4 The Government's five-year term of office came to an end in October 2006 and an interim caretaker government was due to take office for the period leading up to the general election scheduled for 22 January 2007. However, thousands of opposition protestors took to the streets as the Government and the AL failed to agree to who should lead

the Caretaker Government. Following violent clashes between supporters of the two main political parties, President Iajuddin Ahmed announced that he would personally assume the role of Chief Advisor of the Caretaker Government. A 14-party alliance led by the Awami League still did not accept President Ahmed's neutrality, however, and in January 2007 the 14-party alliance announced a boycott of the general election on the grounds that it would not be fair and that the voter list had been found to be flawed and out of date.

2.5 Against the background of serious differences between the BNP and the AL regarding the general election, political demonstrations and civil unrest, on 11 January 2007, President Iajuddin Ahmed declared a state of emergency and resigned his role as Chief Advisor of the Caretaker Government. The President further announced the postponement of the general election for an unspecified period to allow time for errors in the voter list to be rectified and to ensure that the elections would be 'free, fair and credible'. A curfew was imposed in Dhaka and more than sixty other cities and towns across Bangladesh which was lifted on 13 January 2007. On 12 January 2007, Fakhruddin Ahmed, a former governor of the Bangladesh Central Bank, who is widely regarded as politically neutral, was sworn in as the new Chief Advisor of the Caretaker Government.

2.6 On the same day, the Emergency Power Ordinance 2007 was introduced to give the authorities the power to restrict any activities deemed to be 'subversive to the state'; 'hampering the relations of Bangladesh with foreign countries'; or 'disrupting peace in any part of the country or creating enmity, hatred, or confrontations among different sections of society'. As a result, political parties were banned from holding meetings as were trade union activities including rallies and demonstrations, though some of these restrictions were lifted in September 2007. There has also been a degree of media censorship and self-censorship. In April 2007, the Chief Advisor stated the Caretaker Government's intention to hold the general election before the end of 2008 and the recently reconstituted Election Commission has deployed teams throughout the country to register individuals for a new voter list and national identity cards.⁶ (UK Home Office 2007, 'Operational Guidance Note: Bangladesh', UK Home Office website, 21 December <http://www.ind.homeoffice.gov.uk/sitecontent/documents/countryspecificasylumpolicyogns/bangladeshogn?view=Binary> - Accessed 4 January 2008 – Attachment 2).

The Awami League web home page gives its own history, policies and leadership details. For the full description, see '50 Years of Struggle and Achievements - Bangladesh Awami League' (undated), Bangladesh Awami League website http://www.albd.org/aldoc/50years_17.htm - Accessed 25 February 2008 – Attachment 3).

Other reports dealing with the League's policies, history and leadership include:

- U.S. Library of Congress 1989, *Bangladesh: A Country Study*. <http://countrystudies.us/bangladesh/97.htm> - Accessed 25 February 2008 – Attachment 4).
- 'Awami League' 2007, bangladesh.wetpaint.com website, 5 June <http://bangladesh.wetpaint.com/page/Awami+League> - Accessed 25 February 2008 – Attachment 5).

The RRT Research & Information has produced a number of reports on the Awami League - the treatment of its members/activists and its status in the current political scene in Bangladesh. They include:

- RRT Research & Information 2007, *Research Response BGD32033*, 17 July (Q1 Brief update on Awami League) – Attachment 6).
- RRT Country Research 2007, *Research Response BGD31628*, 7 May (DFAT advice on situation of Awami League) – Attachment 7).
- RRT Country Research 2007, *Research Response BGD31671*, 20 April (Update on Awami League (AL) – BNP – Chattra League – Chattra Dal – political situation) – Attachment 8).
- RRT Country Research 2007, *Research Response BGD31346*, 8 February (Q2 position of AL supporters/members, Q3 incidents of harm against AL supporters/members) – Attachment 9).

2. Is there evidence that members of the Chattra League are targeted by the BNP?

The Awami League and the BNP have been bitter rivals, fighting violent battles many of which have been carried out by their respective student wings, the Bangladesh Chhatra League (BCL) and the Jatiyatabadi Chhatra Dal (JCD). While no definitive information has been located that members of the Chattra League are targeted by the BNP, several reports indicate that they were involved in violence against each other. The violent clashes seem to have subsided since the January 2007 declaration of a state of emergency and the subsequent Emergency Power Ordinance 2007 banning political activities in the country.

Commenting on an attack of the BCL conference by the BNP activists, *New Age* states that:

The ruling BNP activists attacked the council session and conference of the Bangladesh Chhatra League, students wing [of] the opposition Awami League, and handed a Juba League activist over to the police after beating him at Banaripara in Barisal Friday morning. Sources said the Chhatra League planned the council session and the conference of the upazila after changing the date for several times in three years. A number of Chhatra League activists and leaders from the grassroots to district levels gathered at the Dak Bungalow crossing at Banaripara from the morning. The BNP activists, riding motorcycles, led by upazila BNP secretary Mir Shahidul Islam alias Signboard Shahid, attacked the Chhatra League people at about 11:00am. The Chhatra Dal activists tried again to assemble near the upazila land records office half an hour after; the BNP activists again chased them out of the area. The police play the role of on-lookers during the attacks, the Chhatra Dal activists said ('BNP men foil BCL confce' 2005, *New Age*, 28 May 'BNP men foil BCL confce' 2005, *New Age*, 28 May <http://www.newagebd.com/2005/may/28/nat.html> - Accessed 26 February 2008 – Attachment 10).

Another report comments that:

At least 20 people were injured in a series of clashes between Bangladesh Chhatra League and Jatiyatabadi Chhatra Dal at Bandarban Govt College here Saturday. Witnesses said the BCL and JCD workers locked into an altercation at noon over the presence of outsiders on the college campus. At one stage, the JCD activists attacked the BCL boys and drive them out of the campus. The BCL workers then attacked the college hostel and ransacked some rooms belonging to JCD men. They also attacked the office of local daily Sachitra

Moitri, owned by district BNP vice-president M Osman Gani, leaving one of its employees injured ('20 injured in BCL-JCD clash in Bandarban' 2006, *United News of Bangladesh Limited*, 16 September – Attachment 11).

In March 2007 *New Age* reported that Bangladesh Chhatra League activists on Friday ransacked at least 15 rooms of Jatiyatabadi Chhatra Dal activists and damaged valuables at Jagannath Hall of Dhaka University after the occurrence of a preceding clash. The Chhatra Dal activists, however, left the hall after Friday's clash of Chhatra League activists with Chhatra Dal, centring on the visit of a female friend of a Chhatra Dal activist to the hall. Two Chhatra League activists were injured in the incident ('BCL ransacks 15 rooms of DU hall' 2007, *New Age*, 18 March <http://www.newagebd.com/2007/mar/18/nat.html> – Accessed 2 November 2007 – Attachment 12).

The Bangladesh Awami League has prepared a list of atrocities committed against its supporters/members by BNP. It includes an incident where Arman aged 26, Vice-President of Student League, Ward No. 60 Dhaka City had his two eyes gouged out on 8 March 2002 by a BNP squad making him blind for life (For a full list, see Bangladesh Awami League – 'Political Repression and Torture' (undated), Bangladesh Awami League website <http://www.albd.org/gallery/political/gallery.htm> - Accessed 3 February 2004 – Attachment 13).

A report from the *United News of Bangladesh* comments that pro-BNP JCD activists allegedly attacked a Chhatra League procession on the DU [Dhaka University] campus Thursday, leaving some 50 people injured ('BCL-Protest' 2003, *United News of Bangladesh*, 1 August – Attachment 14).

Another report by Amnesty International states that:

Amnesty International is deeply concerned about reported attacks on opposition activists by members of the ruling Bangladesh Nationalist Party (BNP) on 15 August 2005. Hundreds of Awami League supporters were reportedly injured as their gatherings were raided by the ruling party activists. The attackers were reportedly led by the local leaders of the BNP (Amnesty International 2005, *BANGLADESH: Alleged government complicity in physical attacks against opposition activists*, 18 August – Attachment 15).

3. Please provide any information on an Awami League leader named Al Tofaiel Ahmed.

While no information has been located on "Al Tofaiel Ahmed", a few references have been found to "Tofaiel Ahmed". *The Daily Star* refers to a "Tofaiel Ahmed" as an Awami League leader in its report on a public meeting addressed by Awami League (AL) President Sheikh Hasina in 2003. It was held in protest against the BNP-Jamaat alliance government plan to sell the country's gas resources to India ('Resist move to sell gas - Hasina tells Sylhet rally', 2003, *The Daily Star*, 12 April Sustainable Development Networking Programme website, <http://www.sdnbd.org/sdi/news/general-news/April-2003/12-04-2003/Political.htm> - Accessed 26 February 2008 – Attachment 16).

The Financial Express comments that a "Tofaiel Ahmed" was present as one of the party leaders in a December 2007 press conference where acting AL president Zillur Rahman was interviewed ('AL for nat'l unity to tackle post-cyclone situation, wants Hasina's release' 2007, *The Financial Express*, 3 December <http://www.thefinancialexpress->

bd.com/search_index.php?page=detail_news&news_id=18956 - Accessed 26 February 2008 – Attachment 17).

4. Are there any reports of an incident around June 1998 in which Awami League followers were thrown out of Dhaka University who then held protests and hunger strikes?

No report has been found that Awami League followers were thrown out of Dhaka University and then held protests and hunger strikes in around June 1998. However, one of the reports found of incidents in Dhaka University in 1998 refers to a gun battle between rival students, although it does not mention that AL followers were thrown out of Dhaka University and then held protests and hunger strikes. It refers to the BNP allegation that the government attempted to throw BNP supporters out of the University halls

Commenting on the gun battle, a 1998 *Dhaka Courier* article states that:

The most recent serious incident of gun battle in Dhaka University campus took place on the 22nd and 23rd of last month [April] in which one leader of the Awami League's student wing, Chatra League, was killed and several wounded. As a sequel, three University halls, inhabited by BNP sympathizers were occupied by Awami League's student cadre. The BNP alleged that the incident was a pre-planned and well-devised ploy of the government to denude the rest of the University halls of BNP supporters and that the occupation of the halls took place in collusion with the police.

The police was stated to have played the role of a silent spectator when the Awami student cadre attacked the three halls. Later, they flushed out Chatra Dal occupants of the halls, arrested over two hundred students from and outside the halls, according to BNP sources ('Gun battle in Dhaka University: Ill omen for all' 1998, *Dhaka Courier*, 2 May

http://groups.google.com/group/soc.culture.bangladesh/browse_thread/thread/8bf06b7c061a945b/d1ea33396ebb433f?#d1ea33396ebb433f - Accessed 27 February 2008 – Attachment 18).

Another report from *BBC* comments on the same incident as follows:

Police in Dhaka have stepped up security on the city's university campus following Thursday's gunbattle between rival student groups in which one student was killed and four others injured ('Armed police guard Dhaka university' 1998, *BBC*, 24 April http://amiabstractornot.highlyillogical.org/low/english/world/s/w_asia/newsid_82000/82636.stm – Attachment 19).

5. Is there any information to indicate that the government discriminates in favour of businesses owned by BNP members or fails to protect businesses owned by people who are not BNP members?

While no definitive information has been located that the government discriminates in favour of businesses owned by BNP members or fails to protect businesses owned by people who are not BNP members, a number of reports indicate that it may be due to the politicized bureaucracy and the prevalent corruption in society that the government favours or fails to protect a section of business against another.

Referring to the issue, the Business Anti-Corruption Portal comments that:

Due to the long period of political turmoil both before and after the reintroduction of parliamentary democracy in 1991, the bureaucracy functions relatively unchecked by both the government and the civil society. Especially higher civil servants constitute a strong interest group. The bureaucracy remains somewhat politicized as regards recruitment and promotions, but lack of transparency and accountability seems to be the biggest problem. Civil servants have low income and few possibilities for advancement at the low levels, while the higher levels suffer from lack of accountability. As a consequence, bribes are common at lower levels, whereas favouritism and political pressure are more widespread at higher levels of the administration. There are no rules limiting the acceptance of hospitality for civil servants. Corruption and undue political influence are rampant in the Public Service Commission (see more under 'Public Initiatives') and recruitment to the civil service is thus neither fair nor transparent. Officials may obtain their jobs through corruption and are not necessarily chosen on the basis of merit and skills. Bribery in promotions is reported to be common in the public service ('Bangladesh Country Profile - The Political Climate: Background Information' 2008, Business Anti-Corruption Portal, <http://www.business-anti-corruption.com/normal.asp?pageid=49> - Accessed 27 February 2008 – Attachment 20).

In his paper 'Bangladesh: Corruption as People See It', Muzaffer Ahmad discusses how corruption affects the police, judiciary, public administration, education and other areas of society. Witnesses interviewed provide specific instances of how bribery changes the normal course of businesses (Ahmad, Muzaffer (undated), 'Bangladesh: Corruption as People See It', UNPAN website <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN004877.pdf> - Accessed 27 February 2008 – Attachment 21).

6. [Information deleted].

7. What is the societal attitude towards divorce?

8. Are there any reports of men who have relationships with married or divorced women being discriminated against or harmed?

While no in-depth study of the topics has been located, it appears that divorced women are generally stigmatized, shunned or suppressed in Bangladesh although a new more liberal attitude towards divorce has begun appearing in urban centres of the country. Given the new change in attitude towards divorce, it seems that men who have relationships with married or divorced women are not necessarily discriminated against or harmed in large cities although no definitive information has been located as to their treatment.

Discussing the status of Bangladeshi women in her paper *The new burqa in Bangladesh: Empowerment or violation of women's rights?*, Santi Rozario comments that "In a culture where unmarried and divorced women are stigmatised ..." referring to Bangladesh (Rozario, Santi 2006, 'The new burqa in Bangladesh: Empowerment or violation of women's rights?' 3 July <http://www.newcastle.edu.au/research/capstrans/documents/srwif2006.pdf> = - Accessed 27 February 2008 – Attachment 22).

In describing the traditional Bangladesh society, Zakir Hossain comments that:

The divorced, deserted and the widows of Bangladesh live a highly vulnerable life not only because of their gender but also because of the socio-cultural customs and flaws in the legal system specially related to the inheritance of property. These women are deprived of their rights to income, inherited property, proper living space and remain almost in social isolation in the male dominated society and trapped in a dependency relationship throughout their lives

(Hossain, Zakir (undated), 'A Participatory Action Research for Establishing Self-esteem and Rights of Widows, Deserted and Divorced Women (Project # 22)', Research Initiative Bangladesh website http://www.rib-bangladesh.org/p_details.php?p_no=22#top - Accessed 27 February 2008 – Attachment 23).

Commenting on the status of women and societal attitude towards divorced women, a 2001 Asian Development Bank publication states that:

By the time she reaches 50 years of age, one woman out of four in Bangladesh is expected to be either divorced or widowed. Sociocultural norms have discouraged remarriage for widows and divorced women, so they comprise 90 percent of the widowed and 94 percent of the divorced population....

The Constitution of Bangladesh grants equal rights to women and men in all spheres of public life [Article 28(1), 28(2), and 28(3)]. However, due to a variety of cultural factors as well as the misinterpretation of religion, women's human rights are often violated. Various laws have been enacted and amended to protect women's rights: the Muslim Family Laws Ordinance of 1961, the Muslim Marriage and Divorce Registration Act of 1974, the Dowry Prohibition Act of 1980, the Family Court Ordinance of 1985, and the Child Marriage Registration Act of 1992. However, often women are not conscious of their rights. This is particularly true of poor women...

Society discourages women from initiating divorce and even when marriages are registered, the women or her relatives do not seek to have delegation of authority for divorce. In Hindu law, there is no provision for divorce. As in Common Law, divorce is allowed and men can divorce their wives on the ground of adultery alone, but a Christian woman has to prove adultery and other matrimonial offenses. In Islamic law, a mother is not regarded as the legal guardian of her children. In case of divorce, she is entitled to custody of her son until he reaches the age of seven years, which is extended to puberty in the case of her daughter. Hindu law also considers the father to be the natural and legal guardian of the person and property of the minor child. The court decides on the custody, maintenance, and guardianship of the Christian minor after the death of the father, who is considered to be the natural guardian. However, the court under any religion may appoint any person or mother of the minor child as a guardian if the father is proved to be unfit ('Women in Bangladesh: Country Briefing Paper' 2001, Asian Development Bank, August – Attachment 24).

In a review of 'Divorced Women in Bangladesh: Psycho-Social and Economic Conditions' by Neaz Ahmed, the reviewer comments that:

The phenomenon of divorce in Bangladesh is not universal. Even though, the problem of divorced women is not found in all religious community. According to law, Muslim husband has unilateral power of divorcing wife. But women do not have such types of power. In fact, women's power of divorce usually depends on men's wishes. At the same time, Hindu law does not allow divorce, but separation existed. The problem of divorced women is severe in almost all classes in Bangladesh. The process of divorce also expedites the psychological problems of divorced women. They do not get economic support from the others particularly government and non-government organizations. They do not get even enough psychological support from the family members (Ahmed, Neaz 2007, 'Divorced Women in Bangladesh : Psycho-Social and Economic Conditions', A.H. Development Pub., Dhaka <https://www.vedamsbooks.com/no53832.htm> - Accessed 27 February 2008 – Attachment 25).

However, addressing the newly emerging trend in Bangladesh, especially in large cities of the country, *New Age* states that

Asia today is evolving like never before and a lot of things are happening in this region starting from technological revolutions to educational growth. From women empowerment to an ever-more liberated attitude towards divorce and second marriages, the society is positively shedding its monolithic label. And on top of that, many social roles that were for too long burdened under the pressure of absurd ideology are now being redefined not with a peripheral mood but with an open one.

It's true that such drastic changes are taking place due to exposure to foreign cultures via the media and eventually, traditional roles within the Asian family are now under question and scrutiny paving way, if not for total than partial change.

Some of the symbols that represent these changes are observed inside the homes of urban families in Dhaka and these are: greater awareness about the importance of higher education, a shift from large families to 2-by-4 ones, increase in household standards, long-distance marriages (the marriage [akht] is read by the bride and groom via a telephonic conversation), living together without the bonds of matrimony, remarrying with kids already on both sides, etc....

Bangladesh, being a part of Asia-Pacific, also falls under this new family style some how or the other and if we dig deep, we will see all the underlying trends that reveal the Bangladeshi urban family leaning irrevocably towards Domestic Democracy...

We now see a lot of middle-aged men in Dhaka helping out their wives in cooking, doing the bazaar, but most importantly, managing the kids and taking them out to fast-food joints and entertainment zones – spending 'quality time' to break emotional barriers... Fortunately, what was never practiced in our society is now happening ('The changing urban family of Dhaka' 2005, *New Age*, 4 - 10 March
http://www.newagebd.com/2005/mar/04/mar04/xtra_inner5.html - Accessed 28 February 2008 – Attachment 26).

While acknowledging the difficulty in changing societal norms regarding marriage and divorce, Niels-Hugo Blunch and Maitreyi Bordia Das comment in their publication 'Changing Norms about Gender Inequality in Education: Evidence from Bangladesh' that there have been small changes in the attitudes to divorce (Blunch, Niels-Hugo & Das, Maitreyi Bordia 2007, 'Changing Norms about Gender Inequality in Education: Evidence from Bangladesh', World Bank project, November http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/11/15/000158349_20071115162530/Rendered/INDEX/wps4404.txt - Accessed 28 February 2008 – Attachment 27).

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Non-Government Organisations

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

Amnesty International website <http://www.amnesty.org/>

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MRT-RRT Library Catalogue

List of Attachments

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