COUNTRY OF ORIGIN INFORMATION BULLETIN

BANGLADESH

STATE OF EMERGENCY LIFTED ON 17 DECEMBER 2008

GENERAL ELECTION HELD ON 29 DECEMBER 2008

21 JANUARY 2009

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

Contents

This Country of Origin Information Bulletin contains the most up-to-date publicly available information as at 16 January 2009.
         Older source material has been included where it contains relevant information not available in more recent documents.

Preface

i   This Country of Origin Information Bulletin (COI Bulletin) has been produced by the Country of Origin Service (COIS), UK Border Agency (UKBA). It is intended to provide further information on the lifting of the State of Emergency by the Caretaker Government in December 2008 and the results of the General Election of 29 December 2008. The Bulletin contains information available up to 16 January 2009. The Bulletin was issued on 21 January 2009.

ii   The Bulletin was prepared for background purposes for UKBA officials involved in the asylum/human rights determination process. It has been compiled from information obtained from a wide variety of recognised sources, which are referenced throughout. It does not contain any UKBA opinion or policy.

iii   The Bulletin is not intended to be a comprehensive survey. For a more detailed account, the relevant source documents should be examined directly. The Bulletin should be read in conjunction with the existing COI Report on Bangladesh.

iv   The Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the COI Bulletin are available in electronic form the relevant link has been included.

Country of Origin Information Service
UK Border Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

v   The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk   Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of the UKBA.

Summary and Background

Summary

1.   On 17 December 2008 the State of Emergency in Bangladesh, declared in January 2007, was lifted. Folllowing a general election on 29 December 2008, a democratically-elected government – that of the Awami League party under Sheikh Hasina – took over from the interim Caretaker Government that had remained in power since October 2006.

Background

2.   As detailed in the UK Border Agency (UKBA) Bangladesh COI Report dated 25 September 2008 (UKBA COI Report 2008), the Constitution provides for elections to 300 seats in the unicameral parliament, the *Jatiya Sangsad*, to be held every five years. A member of parliament for each constituency is elected by simple majority, on a 'first-past-the-post' basis.   The constitutional Head of State, the President, is elected by parliament for a five-year term and is, under normal circumstances, only a titular figurehead; executive power is held by the Prime Minister. Under the 13th amendment to the Constitution passed in March 1996, a non-party Caretaker Government takes office for a period of up to three months preceding each general election. It is led by a politically-neutral Chief Advisor – with the status of a prime minister – who runs the government with up to ten Advisors – in effect, government ministers – who are also not members of any political party. A Caretaker Government is primarily responsible for giving the Election Commission "all possible aid and assistance that may be required for holding the general election of Members of Parliament peacefully, fairly and impartially". **[1] (section 6, p49-50)**

3.   The five-year term of office of the last democratically-elected government, that of a Bangladesh Nationalist Party (BNP)-led coalition under Prime Minister Khaleda Zia, ended on 27 October 2006. An interim Caretaker Government took office; the President himself assumed the role of Chief Advisor after a candidate acceptable to both of the main political parties could not be found. A general election was scheduled for 22 January 2007; however, following a failure of the parties to agree on such issues as the composition of the Election Commission and the accuracy of the existing voters' roll – as well as the occurrence of mass street demonstrations, strikes and violent clashes involving rival political groupings – the President proclaimed a State of Emergency on 11 January 2007. He further declared that the general election would be postponed for an unspecified period to allow time for errors in the voters' list to be rectified and to ensure conditions for "free, fair and credible" elections. A new Caretaker Government was formed on 12 January 2007 under Dr Fakhruddin Ahmed, a former central bank governor who was generally recognised as being politically neutral. Many commentators expressed the view that the state of emergency had been implemented at the behest of the military and that the generals were, in effect, wielding ultimate power in the country. (UKBA COI Report 2008) **[1] (section 4, p27-31)**

4.   The Emergency Power Ordinance 2007, which was to remain in force for the period of the state of emergency, severely restricted political party activity, press freedom, freedom of assembly and certain other Constitutional rights.

The Caretaker Government (CTG) expressed its intention to combat the high incidence of corruption pervading Bangladeshi politics and business. In February-March 2007 the Government re-constituted and strengthened the Anti-Corruption Commission (ACC) and gave it new powers to investigate, arrest suspects and seize property; the ACC was to be assisted in its operations by a joint military-police task force. By October 2007, over 200 prominent politicians, civil servants and businessmen – and an unknown number of other people – had been arrested on suspicion of corruption-related activity, tax evasion or breach of the Emergency Power regulations; five special courts had been established to hear their cases. A further intensive wave of arrests took place in May-June 2008; amongst those detained were several political leaders and activists at district, sub-district and municipal level. In July 2007 the leader of the Awami League, Sheikh Hasina, was arrested and detained in custody on corruption (extortion) charges relating back to her term as Prime Minister from 1996 to 2001; the CTG had earlier attempted to prevent her from returning to Bangladesh from a trip abroad. Former Prime Minister and BNP leader Khaleda Zia was detained in September 2007, also on corruption-related charges; her son Tarique had been in prison, awaiting trial, since March 2007 and her other son had been detained for questioning. Hasina's trial commenced in December 2007, but was then adjourned. In June 2008, after the Awami League and the BNP had stated they would not take part in election-related discussions with the CTG while their leaders were in detention, Sheikh Hasina and then Khaleda Zia were released on bail. They both remained eligible for election to Parliament, not having been found guilty of any criminal offences. (UKBA COI Report 2008) **[1] (section 4, p29-30; 33-39)**

5.   The High Court, on 18 May 2008, declared valid a claim on behalf of the *Biharis* (or 'Stranded Pakistanis') that they were eligible to be registered as voters and thus become recognised as citizens of Bangladesh. The ruling was applicable to about 150,000 people; those Biharis who were minors when Bangladesh became independent in 1971, or were born in the country thereafter. (UKBA COI Report 2008) **[1] (section 4, p45 and section 22)**

State of Emergency lifted

6. The Election Commission had, since February 2008, been urging the Caretaker Government to lift, or at least partially lift, the state of emergency so as to allow political parties to start campaigning for the forthcoming general election, as well as for certain local elections which were to be held in April 2008. (*The Daily Star*, 6 February and 2 December 2008) **[3h] [3k]** In September 2007 the government had relaxed its ban on political party meetings – but this allowed for indoor meetings only to be held, and only within the Dhaka metropolitan area. (*The Daily Star*, 10 September 2007) **[3g]**

7. It was announced on 17 December 2008 that the President had signed an order terminating the state of emergency completely. (BBC News) **[10a]**

General Election of 29 December 2008

8.   The United Nations Development Programme (UNDP) noted in a press release of 11 January 2009: "Bangladesh's 9th parliamentary election is being hailed as the country's most transparent, credible, and peaceful election ever." **[8b]**

The Bangladesh Election Commission

9.   The Bangladesh Election Commission (BEC) is an independent Constitutional body, appointed by the President. (BEC, accessed 15 January 2009) **[2e]** In early-2007 the Caretaker Government took steps to reconstitute the Election Commission, replacing commissioners who were not seen by the Awami League and other parties as being politically neutral. On 4 February 2007 the President appointed Dr ATM Shamsul Huda, a career manager in the civil service, as Chief Election Commissioner for a five-year term; he would be assisted by two Commissioners. (UKBA COI Report 2008) **[1] (section 4, p40-42)** (BEC, accessed 15 January 2009) **[2c]** On 29 January 2008 the Caretaker Government approved the Election Commission Secretariat Ordinance 2008, making the Secretariat of the Election Commission independent of the Prime Minister's Office (then the Office of the Chief Advisor of the CTG). (*The Independent*, 31 January 2008) **[9a]**

New Voters' List

10.   On 22 March 2007 the Election Commission announced that an entirely new voters' list (electoral roll) would be created to replace the existing one, which could no longer be relied on. This new computerised electoral roll would contain the details and the photographs of the estimated 80 million eligible voters, and would be prepared together with new national identity cards; this massive project would be implemented from August 2007 and would take about a year to complete. (UKBA COI Report 2008) **[1] (section 4, p40-42)** It was announced on 14 October 2008 that the final voters' list, comprising 81.1 million names with photographs, had been handed over to the Election Commission; fieldwork and voter registration had been completed in June 2008. (*The Daily Star*, 15 October 2008) **[3c]**

11.   The UNDP reported in a press release dated 25 December 2008:

"As Bangladesh gears up for its first parliamentary elections in seven years, a nationwide independent audit of the country's new digital voter list has concluded that all names on the roll are legitimate voters and nearly all eligible voters are on the list. This first ever computerized photo voter list in Bangladesh contains pictures of more than 80 million voters and took 11 months to compile. … The independent audit of the computer voter list, conducted by Washington-based International Foundation for Electoral Systems (IFES), consisted of two nationwide surveys sampling nearly 17,000 individuals of voting age across the country. It concluded that the list was compiled with a 'high degree of accuracy'. It verified that no 'ghost voters' were found on the 2008 photo voters list." **[8a]**

New electoral rules

12.   In April and May 2007 the Election Commission proposed a number of electoral reforms. (UKBA COI Report 2008) **[1] (section 4, p40-42)** Following consultations

with the political parties later in 2007, most of these proposals were given effect by the Representation of the People (Amendment) Ordinance 2008 (RPO 2008). They included, for example:

- a candidate may be disqualified from standing if, for example, they have been found guilty of a serious criminal offence (imprisonment of two years or more, including under the Emergency Power Rules), or defaulted on a loan;
- candidates' nomination papers must give details of their assets, sources of income and educational qualifications. Voters would have access to this information;
- in order to register to take part in elections political parties would be required, inter alia, to make their financial statements transparent, relinquish any affiliated professional organisations and not to discriminate in their Constitution regarding religion, race, caste, language or gender. (BEC, accessed 13 January 2009).**[2b]**

The Election 'Roadmap'

13.   On 15 July 2007 the Election Commission (EC) announced a comprehensive 'Roadmap' leading to the general election which, it said, would definitely take place before the end of 2008. It also set out proposed timing for local elections. (UKBA COI Report 2008) **[1] (section 4, p41)** Apart from setting a formal timetable for the new voters' list, registration of parties, delimitation and other key projects, the Roadmap made provision for the EC to conduct a dialogue with each of the political parties, between September and November 2007, on its proposals for electoral reform (see 'New electoral rules' above). (*The Daily Star*, 16 July 2007) **[3m]**

14.   The EC announced in April 2008 that it had re-drafted the boundaries of 133 constituencies to conform more closely with the findings of the 2001 national census. (*The Daily Star*, 30 April 2008) **[3j]**

15.   On 2 November 2008 the EC declared that the general election would take place on 18 December. (*The Daily Star*, 3 November 2008) **[3n]** However, following representations from the BNP and other parties, the EC announced on 24 November that the election would now be held on 29 December 2008, with nominations closing on 30 November. Local elections would take place early in 2009. (BBC News, 24 November 2008) **[10e]**

Political parties which contested the General Election

16.   The Election Commission required political parties to register by 20 October 2008 in order to take part in the general election. Over 100 parties applied for registration, but only 39 of those met the criteria laid down in the Representation of the People Ordinance 2008 and its amendments; 38 of these 39 parties actually fielded candidates. In addition, 148 individuals stood as independents. (*The Daily Star*, 1 January 2009) **[3a]** (RP2008 Ordinance) **[2b]**

17.   The two main political parties in Bangladesh are the Awami League (AL) and the Bangladesh Nationalist Party (BNP); between them, they secured over 80 per cent of the total votes cast in the 2001 parliamentary elections. (UKBA COI Report 2008) **[1] (section 3, p16-17)** Both maintained alliances with a number of

other parties to contest the 2008 election – the AL-led 14-party *Mohajot*, or 'grand alliance', and the BNP-led 'four party alliance'. (BBC News, 12 December 2008) **[10g]** The policies of the AL and BNP are broadly similar; yet there is said to be a mutual antipathy between their respective leaders, while rivalry between their supporters often erupts into violence. (UKBA COI Report 2008) **[1] (section 17)** The AL, in the words of M.B. Naqvi writing for *The Daily Star*, "is a legatee of Sheikh Mujibur Rahman's unabashed secular Bengali nationalism and his concept of socialist policies for Bangladesh". (Mujibur Rahman, Sheikh Hasina's father, was the country's founding Prime Minister.) **[3f]** Thus, the AL is secular in outlook and its economic policies, while market-orientated, tend to be interventionist. The BNP, on the other hand, is more free-market orientated and encourages growth led by the private sector; however, two of the parties that it is in alliance with, Jamaat-e-Islami and Islamic Oikkya Jote, proclaim Islamist policies. (Encyclopedia of the Nations, accessed 16 January 2009) **[11]** (Economist Intelligence Unit Country Profile 2008) **[7d] (p7-8)**

Results of the General Election

18.   The results (marked 'unofficial'), published on the website of the Bangladesh Election Commission (accessed 13 January 2009), were as follows:

	Number of seats	
Awami League-led 'grand alliance':		
Awami League	230	
Jatiya Party – Ershad	27	
Jatiya Samajtantrik Dal (JSD)	3	
Workers Party	2	262
BNP-led 'four-party alliance':		
Bangladesh Nationalist Party (BNP)	30*	
Jamaat-e-Islami	2	
Bangladesh Jatiya Party (BJP)	1	33
Liberal Democratic Party		1
Independent candidates		4
Total		300

*includes the result in Noakhali-1, declared 12 January 2009   **[2a]**

19.   Some notable comparisons with the results of the 2001 general election:

	2001 (Seats)	2008 (Seats)
Awami League	62	230
Bangladesh Nationalist Party (BNP)	193	30
Jamaat-e-Islami **	17	2
Islamic Oikkya Jote (IOJ)**	2	0

** Jamaat-e-Islami and IOJ are the principal Islamist political parties in Bangladesh and both were members of the BNP-led coalition government from 2001 to 2006.

[2a] [1] (Section 3)

Voter turnout

20.   70,3 million people cast their votes on 29 December 2008, representing 87.03 per cent of all registered voters. There were 35,158 polling stations. (*The Daily Star*, 6 January 2009) **[3b]**

Forthcoming by-elections

21.   The Election Commission confirmed on 4 January 2009 that by-elections would be held in at least six constituencies by the end of February 2009, mainly necessitated by the fact that certain candidates – including the main party leaders – had stood and won seats in more than one constituency on 29 December, as they were legally entitled to do. (bdnews24) **[6a]**

Reaction to the results

22.   The magnitude of the Awami League win came as a surprise to most commentators. One reason for the outcome, it was suggested, was that the AL – formerly seen as a traditionalist party – presented a pragmatic and forward-looking set of policies which appealed to younger and first-time voters, whereas the BNP and its allies reportedly conducted a more negative campaign. (Economist Intelligence Unit, 30 December 2008) **[7c]**

23.   BBC News reported on 30 December 2008 that BNP leader Khaleda Zia had said she rejected the results, telling reporters: "We have confirmed reports of rigging and other irregularities in many polling stations across the country…We are collecting details of more irregularities and will give them to the media and appropriate authorities over the next few days." **[10f]** Nevertheless, BNP officials confirmed on 7 January 2009 that their MPs would be attending the first session of the new parliament "for the sake of democracy, the country's interest and to continue the democratic process". (*The Daily Star*, 8 January 2009) **[10d]**

Reported violence

24.   Serious violence accompanied the 2001 general election; at least 140 people were killed in feuding between AL and BNP supporters during the run-up to the election, voting had to be suspended in several constituencies owing to violence, and unrest continued after the results were announced – including an outburst of serious, systematic attacks on the minority Hindu community. (UKBA COI Report 2008) **[1] (section 21, p105-106)**

25.   The Caretaker Government stated that it would not permit the same to happen in 2008 and, from 18 December, it tightened security throughout the country. On election day over 600,000 police and army personnel were deployed, half of them at the 35,000 polling stations. (BBC News, 17 December 2008) **[10a]**

26.   However the Dhaka-based human rights NGO, Odhikar, reported on 15 January 2009 that six people had been killed and 206 injured in post-election violence in different parts of the country. Incidents mainly involved supporters of the AL and BNP and their allied parties. **[5a]** In a "rare gesture of political goodwill", leaders of the AL, BNP and Jamaat-e-Islami in the district of Khulna

set up a joint meeting to discuss the post-election violence and then appealed to their supporters to exercise restraint. (*The Daily Star*, 13 January 2009) **[3l]**

International observer reports

27.   According to a BBC News article of 30 December 2008, the general election was monitored by some 200,000 observers, including 2,500 from abroad. **[10b]**

28.   The UNDP, in a press release of 11 January 2008, stated:

"The High-Level Panel established by UN Secretary-General Ban Ki-Moon for the elections consisting of senior UN officials and election experts said that the Election Commission had conducted the polls with credibility and fairness, pointing to the very high voter turnout and the large participation by minorities. Over 200,000 national and 500 international election observers deployed on Election Day returned similar verdicts: the election was peaceful, transparent, and credible, setting a high democratic standard." **[8b]**

29.   The Asian Network for Free Elections (ANFREL), which deployed 70 observers around the country, reported that the election was conducted credibly and it did not believe isolated breaches of the electoral laws affected the overall polling process. (United News of Bangladesh, 31 December 2008) **[4d]** The Commonwealth Observer Group told a press conference that they did not find any evidence to justify the BNP's claims of serious irregularities. (UNB, 31 December 2008) **[4e]** Similarly, the European Union Election Observation Mission did not find evidence of 'election manipulation' as alleged by the BNP; they reported that the general election was free, fair and transparent and was held in a peaceful atmosphere, with high turnout. (*The Daily Star*, 1 January 2009) **[3i]**

Additional women MPs

30.   In May 2004 a Constitutional amendment increased the number of seats in Parliament from 300 to 345, with the additional 45 seats being reserved for women. The additional women MPs are selected in proportion to each party's support at the general election. (UKBA COI Report 2008) **[1] (section 3, p18 and section 25)** This, in effect, will further increase the Awami League's dominance in the new parliament.

The new Government

31.   Awami League leader Sheikh Hasina was sworn in as Prime Minister on 6 January 2009. (BBC News, 6 January 2009) **[10c]** In selecting members of her cabinet, she overlooked many in the party's 'old guard' in favour of generally younger, 'bolder' appointments – which included four women and three members of ethnic minorities – in an attempt to build what *The Daily Star* described as "a bold, new and gender sensitive face of Bangladesh's government". No members of the new cabinet have faced corruption charges. The Prime Minister stated that her government's first priorities were to bring down the prices of essential consumer commodoties and to maintain law and order. (*The Daily Star*, 7 and 12 January 2009) **[3d] [3e]**

References to source material

The Home Office is not responsible for the content of external websites.

[1] **Country of Origin Information Service, UK Border Agency**
Bangladesh COI Report dated 25 September 2008
http://www.homeoffice.gov.uk/rds/country_reports.html

[2] **Bangladesh Election Commission** (website)
http://www.ecs.gov.bd/English/
a Total seats won by political parties (unofficial) **(Accessed 13 January 2009)**
http://123.49.39.5/result/report4.php?lang=en
b Representation of the People (Amendment) Ordinance 2008 **(Accessed 13 January 2009)** http://www.ecs.gov.bd/MenuExternalFilesEng/236.pdf
c Chief Election Commissioner and Election Commissioners
http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter_MenuID=8&ByDate=0&Year= **(Accessed 15 January 2009)**
d Electoral roll with photograph **(Accessed 15 January 2009)**
http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter_MenuID=48&ByDate=0&Year=
e Constitution of Bangladesh: Part VII (Elections) **(Accessed 15 January 2009)**
http://www.ecs.gov.bd/English/QLTemplate1.php?Parameter_QLSCat_ID=33&ByDate=0&Year=

[3] ***The Daily Star*, Dhaka**
http://www.thedailystar.net/archive.htm **(Accessed 12 January 2009)**
a Double blow: 1 January 2009
b No confusion over high turnout: 6 January 2009
c List of 8.11cr voters handed over to EC
d Hasina sworn in as PM: 7 January 2009
e Sheikh Hasina's cabinet: Gutsy but risky: 12 January 2009
f A Pakistani viewpoint: 18 December 2006
g Ban on indoor politics relaxed: 10 September 2007
h EC wants politics ban to go by March: 6 February 2008
i Observers find no irregularities: 1 January 2009
j 133 constituency boundries changed, Dhaka gets 20 seats: 30 April 2008
k Emergency to be lifted before polls: 2 December 2008
l Parties unite to stop post-poll violence: 13 January 2009
m Voter list by Oct '08, poll by Dec: 16 July 2007
n EC declares polls fixture: 3 November 2008

[4] **United News of Bangladesh (UNB News Agency)**
(Accessed via Thomson-Reuters DataStar)
a Private Homes Raided for 'Immorality', 28 March 2008
b Two More Executions for Homosexual Conduct, 22 November 2005
c The issue is torture, 31 March 2008
d Dec 29 election conducted with credibility: ANFREL: 31 December 2008
e Commonwealth Observer Group finds no evidence to justify BNP's claim of election under a blueprint: 31 December 2009

[5] **Odhikar, Dhaka**
Reports and news releases by subscription:
a Human Rights Report 2008, dated 15 January 2009.

[6]   **BDNews24.com website**
a   By-elections in Feb, DCC poll in March: 4 January 2009

[7]   **Economist Intelligence Unit (EIU)**
         Reports and news releases by subscription:
a   Bangladesh Country Report: December 2008
b   Bangladesh politics – Emergency rule lifted: 17 December 2008
c   Bangladesh politics – Awami win: 30 December 2008
d   Bangladesh Country Profile 2008

[8]   **United Nations Development Programme (UNDP)**
         http://www.undp.org.bd/index.php?cal=c **(Accessed 16 January 2009)**
a   Bangladesh electronic photo voter list gets excellent rating from international
         audit team: 25 December 2008
b   Professionalism, transparency and credibility: UNDP supports Bangladesh's
         return to democracy: 11 January 2009

[9]   *The Independent* **(Dhaka)**
         http://www.independent-bangladesh.com/
a   Govt frees EC secretariat: 31 January 2008

[10]   **BBC News**
         http://news.bbc.co.uk/
a   Bangladesh lifts emergency rule: 17 December 2008
b   Hasina wins Bangladesh landslide: 30 December 2008
c   Democracy returns in Bangladesh: 6 January 2009
d   BNP to join parliament on first day: 12 January 2009
e   Bangladesh election is deferred: 24 November 2008
f   Khaleda Zia rejects 'rigged' poll: 30 December 2008
g   Bangladesh poll campaign begins: 12 December 2008

[11]   **Encyclopedia of the Nations**
         www.nationsencyclopedia.com
         Bangladesh: Politics, government and taxation. **(Accessed 16 January 2009)**
         http://www.nationsencyclopedia.com/economies/Asia-and-the-
         Pacific/Bangladesh-POLITICS-GOVERNMENT-AND-TAXATION.html

Return to contents