



January 3, 2014

Statement of Odhikar

10th Parliamentary elections, unilaterally declared by the Election Commission without a political solution, will push Bangladesh towards total political confrontation

On January 5, 2014 the 10th Parliamentary elections will be held in Bangladesh. These elections have been rejected by the most of the political parties, including the main Opposition BNP and its 18-Party Alliance, Left Democratic Alliance and others. An interim government, led by Chief Justice Shahabuddin Ahmed, was formed in 1990 as per the directives of the Five, Seven and Eight-Party Alliances; after the downfall of the autocratic regime led by Lt. Gen. Hussain Muhammad Ershad. The 5th Parliamentary elections were held on February 27, 1991 under that government. Later, a 'Caretaker Government' system was incorporated in the Constitution through the 13th Amendment in 1996, as a result of lack of trust between the two major political parties, the Bangladesh Nationalist Party (BNP) and the Awami League - and on the demand of the latter (presently heading the ruling alliance). Three general elections were held under this caretaker system, in what the public deemed a credible manner. However, on June 30, 2011, the present Awami League led grand alliance government¹, in the presence of an absolute majority in Parliament, passed the Fifteenth Amendment Bill to the Constitution of the People's Republic of Bangladesh, without any referendum or public opinion; and ignoring protests from various sectors of society, including the main opposition and other political parties. The Bill was adopted on July 3, 2011 after the then President, late Zillur Rahman gave his consent. This amendment abolishes the caretaker government system; and the forthcoming elections will be conducted under the ruling party. A Judgment passed by a majority of the Judges of the Appellate Division of the Supreme Court, after revoking the Thirteenth Amendment, had opined that the next two general elections could be held under the caretaker government; but this is no longer possible after the passing of the Fifteenth Amendment. Articles 7(1) and 7(2) of the Constitution have been seriously affected as a result of this Amendment.

¹ On December 29, 2008, the present Awami League led Grand Alliance won a two-third majority in Parliament, under the 9th Parliamentary elections held under a military-backed caretaker government, which was in power from January 11, 2007 for about two years, instead of the Constitutional provision of ninety days. However, this military-backed caretaker government was welcomed by the Awami League at that time.

Article 7(1) state that “All powers in the Republic belong to the people, and their exercise on behalf of the people shall be affected only under, and by the authority of, this Constitution.” And Article 7(2) says “This Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void”.

In the meanwhile, a survey reveals that 90% of the people are in favour of 10th Parliamentary elections held under a non-party caretaker government.² This is also the demand of the Opposition political parties. On November 25, 2013, the Chief Election Commissioner, Kazi Rakibuddin Ahmed, through a speech to the nation, announced that the election would take place on January 5, 2014, without the government and the Opposition coming to a political resolution. Violence escalated across the country soon after the declaration of the election schedule, which caused massive human rights violations. Opposition political parties have boycotted the 10th Parliamentary elections. As a result, 153 candidates have already been elected uncontested out of 300 constituencies, in the absence of opponent candidates from the opposition political parties; which is an unprecedented incident in a democratic electoral system. 126 out of 153 uncontested winners are from the ruling Awami League.

Human rights are being violated as a result of violence caused by the unresolved political crisis over the 10th Parliamentary elections; and the Government and the Opposition are blaming each other for this violence, arson and deaths. People are being injured and even killed due to indiscriminate firing by the law enforcement agencies during the violent protests. Meanwhile, incidents of serious injuries and deaths are taking place due to arson and petrol bomb attacks on public transport, depriving people of the right to life and livelihood. Many people have become physically disabled due to political violence and children were not even spared. Cases were filed against a number of unknown persons in relation to violent clashes; and as a result members of the general population are allegedly being harassed by the members of law enforcement agencies. The government, in this violent situation, has been oppressive towards the Opposition and other dissenting voices. The joint forces, along with the ruling party activists are engaged in mass arrests, with reports of torture; and houses were destroyed by bulldozers³.

² The daily Prothom Alo, 11/05/2013

³ The Daily Manabzamin, December 19, 2013

Top level leaders of the Opposition have already been arrested. Incidents of 'enforced disappearance' were also reported. During this period incidents of attacks on citizens belonging the Hindu community occurred in various places of the country. According to information gathered by Odhikar, from November 25, 2013⁴ to January 02, 2014, 149 persons were killed and 4886 injured in political violence. During this period, 59 persons were allegedly extra judicially killed. Furthermore, 10 were victims of enforced disappearance after being picked up by men claiming to be members of the law enforcement agencies.

The government wrongfully confined⁵ the leader of the Opposition Khaleda Zia at her residence on December 29, in relation to a 'March for Democracy' programme, called by the BNP led 18-party alliance; and she remains under wrongful confinement to date. In order to put a halt to this 'March for Democracy' programme, members of the general population and the supporters of the Opposition were barred from entering Dhaka by activists of the ruling party, along with the members of the law enforcement agencies placed at every entry point to Dhaka. The government also isolated Dhaka city from the country by stopping public transport. On December 29, 2013, the day the programme was to be held; ruling party activists attacked journalists protesting against the government, at the National Press Club and also attacked pro-Opposition lawyers in the Supreme Court. Many journalists and lawyers were injured during the attacks. Two female lawyers were even assaulted and beaten.

The present government has taken control over most of the mass media, in particular the electronic media. The electronic media in Bangladesh is largely owned and controlled by pro government supporters. Meanwhile the government closed down the electronic and print media owned by pro-Opposition supporters/members such as Channel 1, Diganta TV, Islamic TV and the daily Amar Desh. The acting editor of the daily Amar Desh had been detained in jail since April 2013. Furthermore, journalists were physically attacked in many places while reporting on the current political violence. The government is putting human rights defenders, journalists and other citizens in jail, after arresting them under the Information and Communication Technology Act 2006 (amended in 2009 and 2013), a repressive law that curtails freedom of speech and expression. On September 4, 2013 Odhikar's Secretary Adilur Rahman Khan and its Director ASM Nasiruddin Elan were charged under the Information and Communication Technology Act 2006 (amended in 2009) in

⁴ Election Scheduled was declared by the Chief Election Commissioner on November 25, 2013

⁵ The Daily Star, Editorial page, January 03, 2014.

relation to publishing a fact finding report on extrajudicial killings conducted by law enforcement agencies on May 5-6, 2013. The Cyber Crimes Tribunal has fixed January 8, 2014 for framing charges against Adilur Rahman Khan and ASM Nasiruddin Elan. Apart from this case, Odhikar is facing intimidation and harassment by government agencies. The Organisation is under constant surveillance by the intelligence agencies and the release of its approved funds for human rights related projects are being obstructed by the NGO Affairs Bureau, which is under the Prime Minister's Office.

The present political violence and confrontation over the decision to hold one-sided and non-participatory elections have already caused serious human rights violations. As a human rights organisation and election monitoring body, Odhikar believes that public opinion is vital for participatory, inclusive and credible elections. This is not the case under the present circumstances. Odhikar urges the government to refrain from all repressive activities and all other acts that violate human rights; and urges all concerned to cancel schedule for holding the 10th Parliamentary elections on January 5, 2014.

Under the present situation, Odhikar has decided to refrain from monitoring the 10th Parliamentary elections, as it feels that the elections will not be inclusive, participatory or fair; and there is very little scope for the people to participate or vote.