



# Upazila Parishad Election Observation Report 2009

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## Introduction

Odhikar, a human rights organisation, has been observing elections as a part of its organisational spectrum of work. Since its inception in 1994, Odhikar has established itself as a credible and reliable organisation in Bangladesh in the area of election observation, both national and local. Internationally, it has earned a good reputation and established relationship with regional election and democracy campaign organisations. To strengthen and empower the local government units Odhikar believes that elections to the Upazila Parishad (Sub-District Council), a mid-level local government tier, should be conducted in a free, fair and credible manner. Odhikar does not limit its election observing activities only within observing the procedural aspects of elections, but also watches the condition of the civil and political rights of the electorate during elections.

Being a member of the Election Working Group<sup>1</sup>, Odhikar observed 75 upazilas of 38 districts under 6 divisions during the Upazila Parishad election<sup>2</sup>. A team consisting of five mobile election observers were deployed in each of the 75 upazilas. Odhikar observers were responsible for identifying and gathering key information on irregularities, intimidation, violation of the election Code of Conduct and incidents of election-related violence within each upazila.

## Selection of Upazilas

Odhikar selected the following upazilas to observe, based on various aspects such as fairness of election procedures and the violation of human rights and previous records of electoral irregularities. Odhikar observed the following upazilas on Election Day:

Name of the Division	Name of the Upazila
Dhaka	Modhupur Upazila, Dhanbari Upazila, Kalihati Upazila, Mymensingh Sadar Upazila, Barhatta Upazila and Netrokona Sadar Upazila, Bhoirab Upazila, Kuliarchar Upazila, Sreenagar Upazila, Tongibari Upazila, Gazaria Upazila, Mushigonj Sadar Upazila, Gazipur Sadar Upazila, Narayangonj Sadar Upazila, Bondar Upazila, Baliakandi Upazila and Pangsha Upazila
Chittagong	Brahmanbaria Sadar Upazila, Laksham Upazila, Monohargonj Upazila, Feni Sadar Upazila, Noakhali Sadar Upazila, Subornachar Upazila, Raipur Upazila, Anwara Upazila, Chakaria Upazila and Pekua Upazila.
Rajshahi	Tentulia Upazila, Panchagarh Sadar Upazila, Thakurgaon Sadar Upazila, Dinajpur Sadar Upazila, Birampur Upazila, Ghoraghat Upazila, Lalmonirhat Sadar Upazila, Phulbari Upazila, Kurigram Sadar Upazila, Gaibandha Sadar Upazila, Chapainawabgonj Sadar Upazila, Naogaon Sadar Upazila, Godagari Upazila, Tanore Upazila, Sirajgonj Sadar Upazila, Kamarkhanda Upazila, Belkuchi Upazila, Aatghoria Upazila and Ishwardi Upazila.
Khulna	Bheramar Upazila, Kushtia Sadar Upazila, Shaikupa Upazila, Jhenaidah Sadar Upazila, Abhoynagar Upazila, Keshobpur Upazila, Jessore Sadar Upazila, Dumuria Upazila, Phultola Upazila and Satkhira Sadar Upazila.
Barisal	Dumki Upazila, Patuakhali Sadar, Agoiljhara Upazila, Gouranadi Upazila, Muladi Upazila, Kathalia Upazila, Jhalokathi Sadar Upazila, Nalchhiti Upazila, Pirojpur Sadar Upazila, Zia Nagar Upazila, Neshrabad Upazila and Bhandaria Upazila.

<sup>1</sup> EWG: Election Working Group, a combination of 32 NGOs and civil society organisations which deal with the election process and monitor elections.

<sup>2</sup> Which were held on 22 January 2009

Sylhet	Chhatak Upazila, Dowarabazar Upazila, Sylhet Sadar Upazila, Balagonj Upazila, Bishwanath Upazila, Rajnagar Upazila and Moulavibazar Sadar Upazila.
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### **General findings**

Incidents of violence, intimidation, rigging, capturing polling stations and snatching ballot boxes were reported in the upazila elections, forcing the authorities to suspend elections in six upazila parishads and voting in many polling centres. The average voter turnout was found to be poor in most of the observed upazilas which frustrated the election authorities. The presiding officers at grassroots levels reported irregularities and fraud in balloting, allegedly by the supporters of the ruling Awami League. This may have an impact on the election result.

Elections were suspended in six upazilas and at over 50 polling centres of other upazilas due to intimidation of voters and irregularities in the polls<sup>3</sup>. Voting in the upazilas of Belkuchi in Sirajgonj, Burura in Comilla, Ramgonj in Laxmipur and Brahmanbaria Sadar were suspended after the polling began while elections in Ukhia upazila in Cox's Bazar and Dhighinala upazila in Khagrachhari were postponed a day before the election following massive violence in Cox's Bazar and forced extraction of a candidate in Dhighinala. Finally, 475 upazilas out of 481 went to the polls.

In many areas, a large number of voters panicked following violent incidents involving supporters of the candidates. Allegations have been made that the supporters of the Awami League-backed candidates were found to be more actively barring voters from going to the polling stations in several upazilas. Moreover, the turnout of female voters was not satisfactory in many upazilas compared to the Parliamentary Elections held on 29 December 2008.

The Chief Election Commissioner, Dr ATM Shamsul Huda, alleged the presence of Ministers and lawmakers in many polling centres influenced the polling process and vitiated the atmosphere. Based on the reports of intimidation and vandalism by political activists in polling centres, the Commission suspended elections in six upazilas and voting in many polling centres.

Dr. Huda, who conducted the parliamentary polls less than a month ago under the military-controlled 'caretaker' government, said he had expected the upazila elections to be fair as was the case with the national elections as a result of a change in political culture.

'I did not expect Ministers and Lawmakers to influence the elections. It is really unfortunate that they were in the polling stations to influence voters,' said the CEC, who earlier requested the government to take steps against any sort of political influence. However, the CEC claimed that the Commission will take action against those involved in intimidating and influencing voters. 'We will definitely investigate the matter later,' he said, adding that he had taken adequate security arrangement for voters. There were fewer incidents of violence, but the capturing of polling booths, illegal stuffing of ballot boxes and the driving away of rival polling agents were rampant.

Meanwhile, the Election Commission asked judicial magistrates to take legal action against a Cabinet Minister and a ruling party lawmaker for allegedly trying to influence the upazila parishad elections.

### **Methodology**

Three hundred and seventy five mobile observers of Odhikar (five observers for each upazila) were deployed for observing 750 polling centres, representing rural and urban areas across the country. They reported their findings in the prescribed 'election day observation forms' and a number of irregularities, vote rigging and violence were found in various polling stations.

This report summarises the findings of Odhikar's 375 mobile election observers, deployed in 75 upzilas under 38 districts. A total of 750 polling centres were covered during the observation. The key findings from the observation reports are given below:

<sup>3</sup> Source: New Age, 23/01/2009

## Key findings

- Irregularities and violations of the Election Code of Conduct have been recorded at 279 polling centres at 53 upazilas out of the 75 upazilas observed.
- Intimidation and influencing voters by the supporters of the candidates, particularly Awam League and BNP-backed candidates, were visible in many polling centres in 27 upazila parishads out of the 75 upazilas observed.
- Incidents of rigging, capturing or overwhelming polling stations, snatching ballot papers and vandalising ballot boxes were recorded in 26 polling centres in four upazilas.
- In some polling stations it was observed that the assistant presiding officers did not compare photographs on the list with the person claiming to be the voter. As a result, people impersonated and cast vote for others who later came to the polling station only to find their vote already cast. This has foiled the aim of preventing false votes. This can be attributed to lack of training and some negligence on the part of the assistant presiding officers.
- Presiding officer Nurul Islam was found stamping on ballot papers in polling booth No. 2 of Baushia M.A. Azhar High School center in ..... upazila. Fake voters were also seen stamping ballot papers in the presence of the Presiding Officer. Assistant presiding officers were folding and dropping ballot papers inside the sealed ballot box. After sometime, the polling agents, along with their associates beat the Presiding officer, snatched up ballot papers and vandalised the ballot box. Army personnel rushed to spot and brought the situation under control As a result, the presiding officers closed the polling.
- Numbers of unauthorised persons were found in some of the polling centres observed in Rajanagar, Chhatak, Moulavibazar Sadar, Feni Sadar, Brahmanbaria Sadar, Noakhali Sadar, Gazaria, Jessore Sadar and Tentulia upazila in contravention to election Rules. However, the security personnel were found to be silent on the issue and did not take necessary action.
- Presiding Officers were found to be reluctant in maintaining order in some polling stations in some upazilas. Security personnel were also found inactive in many polling stations, allowing workers of candidates to influence voters.
- In Moulavibazar Sadar upazila, the presiding officers of all the polling centres observed have acted in favour of candidates affiliated with the ruling party. More than one polling agent of a candidate were present. It was also recorded that some polling agents were forcibly ousted from some of the booths, which disrupted voting for some time.
- Incidents of taking over polling booths and snatching ballot papers and boxes were recorded in Belkuchi, Brahmanbaria Sadar, Feni Sadar, Comilla Sadar, Noakhali Sadar upazila.
- Some incidents of false voting were recorded in a few polling centres in Babuganj, Brahmanbaria Sadar, Laksham upazila.
- In Laksham upazila, BNP supporters reportedly occupied the Saleypur Government Primary School and Manoharpur Government Primary School centres and stamped ballots for their candidate, filling in boxes with the stamped ballots. On the other hand, the Bangladesh Awami League supporters forcibly took control of the Hamira Bagum Government Primary School polling centre and stamped ballots for their candidate.
- In Belkuchi upazila, a massive rigging and influence on voters have been reported in the presence of a cabinet minister. The BNP-backed Chairman candidate, Hafizuddin Khan, alleged the incidents of false voting and the forcible removal of his polling agents from various polling centres. The returning officer suspended the polls. Supporters of the AL-backed candidate

surrounded the Upazila Parishad office and started vandalism. They vandalised a car (AMK-408) belonging to The Asia Foundation.

- In Brahmanbaria Sadar upazila, incidents like taking control of centres or booths, destruction of ballot boxes, beating of Presiding Officers and false voting were reported in most of the 10 polling centres Odhikar observed. Intimidation of voters with local weapons and setting off bombs were also reported. Most incidents were reported to have occurred between 11am and 2:30pm. Finally, the Election Commission postponed polling in the upazila.
- In the Alipur Govt. Primary School polling centre of Godagari upazila a clash erupted between the supporters of both rival chairman candidates- Aatur Rahman and Hazrat Ali. The situation was resolved through intervention of the elderly people of this area.
- Campaign materials such as posters and leaflets of many Chairman and vice-Chairman candidates were seen inside the restricted area of 400 yards of the polling centre at Tanor Shoronjai High School in Tanore upazila, Rajshahi; Lakshmankhola Govt. Primary School in Bandor upazila, Narayanganj; and Muktarpur Govt. Primary School in Munshiganj Sadar upazila.
- There was not sufficient privacy measure in the polling booths at various polling stations in 12 upazilas. In these polling centres, the process of casting votes were near the polling officers who were able to observe the voters casting their vote and for which candidate. This has caused a serious breach of right to franchise.
- It was found that vehicles like vans, rickshaws, and motorised vehicles were being used to transport voters. Transportation was arranged mostly by the chairman candidates in almost all the upazilas that Odhikar observed.
- Odhikar's mobile election observers were obstructed during observation by the Presiding Officers in some of the polling centres in Feni Sadar, Noakhali Sadar and upazila. The presiding officer at the Pachhgachhia UP centre forced two Odhikar observers, Rajib Ranjan Nath and Md. Abdullah to leave the centre for no reason. In Lalpur Ebtedayee Madrasa polling centre at Noakhali Sadar upazila, the presiding officer prevented Odhikar and other observers from observing the polling process. When the observers tried to take snapshots of the poor booth arrangement, the presiding officer stopped them. The presiding officer, Farukul, did not allow Odhikar to observe the polling booths of Atra Shreenath polling centre in Phultola upazila. In Bahirchor Govt. Primary School polling center at Bheramara upazila, Odhikar's observers were obstructed by the presiding officer Debobroto Pal. He behaved roughly and evicted two observers from the polling booth.
- It was found that polling started later than the scheduled time in some polling centres. During observation it was seen that voting started 10-15 minutes late at the polling centre of Police Line High School in Dumuria upazila, Govt. Teacher's Training College in Jessore Sadar upazila, Chandpur Govt. Primary School and Malda Govt. Primary School in Shailkupa upazila.
- It was found that voters were given money on behalf of the Awami League supported chairman candidate Aminul Huq Roton with the symbol 'Wheel'; Jamat supported candidate Mosharrif Hossain with the symbol 'Inkpot and pen'; Jatiyo Party (Monju) backed candidate Jafarullah Khan Lahori with the symbol 'Rickshaw' in Jhoudiabazar High School polling center in Kushtia Sadar upazila. Money was also distributed in Kondorpdia High School polling center on behalf of the chairman candidates with the symbol 'Inkpot and pen' and 'Wheel'. In Khejurtola Govt. Primary School polling center, voters were given Tk.100 per head on behalf of Jubo League<sup>4</sup> leader Anowar Hossain.

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<sup>4</sup> Jubo League, youth wing of the Awami League, ruling party in Bangladesh.

- In Chapainawabgonj Sadar upazila, supporters of the chairman candidates Ziaur Rahman and Rafiqul Islam were seen to be providing transport facilities to the voters in Toufiquddin Non-Govt Primary School and Polash Govt Primary School polling centres respectively.
- Supporters of a vice-Chairman candidate, Monwara Begum, were found to be influencing voters in the queue in Raniganj Govt. Primary School polling centre at Ghoraghat upazila. It was found that tea and cigarettes were being offered to voters on behalf of vice-Chairman candidate Monsur. The same incident was observed in Birampur College polling station.
- A vice-Chairman candidate, Mahmuda Parveen, was seen to be campaigning in the polling centre of Aatghoria Pilot Girl's College at Aatghoria upazila in Pabna. The secrecy of polling booths in Chandabhai Islamia Senior Madrassa polling centre was not ensured because the booths were made from only two standing benches. As a result, the process of casting vote was open.

### ***Election Administration***

Despite having permission from the Election Commission to observe upazila polls in 75 Upazila Parishads, the district administration, in particular, the returning officers, harassed Odhikar regarding the provision of accreditation cards in Munshigonj and Sunamgonj. In the name of security background check by the Special Branch of police, Odhikar observers were unnecessarily harassed. It was observed that the Returning Officers in some districts were ill-mannered towards local election observers. After getting police verifications and submitting the necessary documents to the office of the returning officer in Munshigonj for observing four upazilas, the returning officer of Munshigonj, Bijoy Bhushan Pal, did not provide accreditation cards for Tongibari and Sreenagar upazilas.

### ***The Election Campaign***

The objective of an election campaign is to enlighten the voters about the personal identification and activities of the candidates. Sufficient opportunity was given to all candidates for conducting meetings, rallies, and processions during the campaign period<sup>5</sup>. The new Code of Conduct set out by the Election Commission imposes reasonable restrictions on election campaigns as to serve the exact purpose of the campaign. Although political affiliation was not allowed as per the Code of Conduct, a large majority of the candidates were affiliated with the political parties, particularly Awami League and BNP. However, campaigning had to be suspended 48 hours before the polling started. No election campaigns or distribution of campaign material were allowed during this timeline. Violation of the election Code of Conduct such as pasting posters on walls, graffiti, tearing down an opponent's posters, using megaphones during the prohibited time had also been observed. Furthermore, election campaign materials were also found being distributed in some polling centres even on the election day.

### ***Security Arrangement***

Despite having adequate security arrangements, incidents of violence and electoral fraud have been recorded in many of the observed upazilas. On election day, the necessary security arrangements were made by the government and the Election Commission to enable the citizens to exercise their right to franchise without any fear. There were allegations that the supporters of the ruling Awami League were involved in manipulating elections. Nevertheless, in some upazilas members of law enforcement agencies were found to be lax while handling law and order situations.

### **Conclusion**

The overall situation prevailing during the upazila polls indicate that voters were less interested this time to cast votes. Due to the absolute majority that the ruling Awami League obtained in the Parliament Elections, a sense of fear of reprisal spread among voters. The tendency of the ruling party-backed candidates to influence voters in their favour, points to the fear syndrome. That is why the overall turn-out was less than that of the Parliament Elections. Behaviour of polling officials and law enforcement personnel were relaxed and not serious. They did not properly compare the photographs on the rolls and

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<sup>5</sup> The campaign period was from 6 January to 20 January 2009.

the voters' face. Thus many false votes were cast. The very objective of preparing a voter roll with photographs was to prevent false voting but this has failed. Poll arrangements were not satisfactory in many centres. Campaigning was found ongoing in many centres which was a clear violation of the electoral Code of Conduct. In general, whatever the results may be, the elections can be termed as tainted by mismanagement and manipulation and not fully free and fair. The failures of the Election Commission to prevent the irregularities and intimidation have also been noticed with dissatisfaction.

### **Recommendations**

- The Election Commission needs to be more proactive in respect of preventing potential violence, irregularity and intimidation during elections. The Commission should take necessary steps against those involved in vandalism, intimidation and influencing voters.
- Violations of the election Code of Conduct by many candidates were found during the polls. All candidates are urged to follow the Code of Conduct set out by the Election Commission. The Election Commission should also take stern action against such violations.
- Law enforcement agencies and security forces need to be proactive in handling the unlawful situation. Law enforcement agencies should increase efforts to maintain the security of the voters in the interest of preventing violence; however, they should refrain from using excessive force.
- Regarding future elections, political parties should be encouraged to come together to discuss the potential issues of violence and should consider developing a public Code of Conduct and make a commitment for non-violent and peaceful elections.
- Civil society, the community and religious organisations, as well as citizen groups should make public statements denouncing the cycle of violence, vote rigging and intimidation and should take effective measures for promoting the peaceful resolution of differences.

*Detailed upazila wise findings are given chronologically according to the division in the Annexure.*

**-End of report-**