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A journey towards anarchy, political uncertainty and human rights violations: possibilities of dire consequences if there is no negotiated political settlement

Statement of Odhikar

The Awami League led Grand Alliance government amended the Constitution, ignoring protests from the main Opposition and other political parties; and criticism from various sectors of society. This Amendment was possible as the Alliance had the power of absolute majority in the Parliament before the elections, which were held on January 5, 2014 on the pretext of ‘constitutional obligation’. The (Fifteenth) Amendment abolished the caretaker government system and ignored the Supreme Court’s observation that at least two more elections could be held under the non-partisan caretaker government before the system was abolished. Despite its critiques, the caretaker system was the result of a political consensus of the major political parties. Its unilateral abolition without any political consultation with the opposition parties or people’s mandate, has set Bangladesh on the path to unending political instability and conflict. Furthermore, the government has been brutally suppressing opposition and threatening dissenting voices and others. Arrests, violence, killings and disappearances are all common ways to suppress programmes planned by opposition political parties. This was evident when the opposition called general strikes and blockade programmes by boycotting the elections. Hartals and blockade programmes called by the opposition have also led to deaths, maiming and daily suffering of ordinary citizens. As per reports, the ruling Awami League government had disenfranchised the constitutional rights of 40,802,739 voters out of 91,948,861 voters by unilaterally electing 153 candidates unopposed. If the possession of power by a controversial government continues in the name of ‘constitutional obligation’, it would not only make Bangladesh unstable and violent, but may spill over the borders precipitating instability in the South Asia region.

In this context Odhikar expects a meaningful and purposeful engagement by all stakeholders before the degradation accelerates. Odhikar firmly believes that there is no other constructive option except a fair, peaceful and credible election in Bangladesh under any system acceptable to all contending parties. It is impossible to make the country stable merely by manipulating the statistics of ‘economic development’ and ignoring the current vulnerable, unstable and confrontational political climate and high levels of

corruption. Continuation of the present situation may bring dangerous consequences for the human rights situation of Bangladesh over all sectors.

A detailed statement of Odhikar regarding the January 5, 2014 elections is given below:

1. The government passed the 15th Amendment to the Constitution on June 30, 2011, abolishing the caretaker government system. The 10th Parliamentary elections were then held on January 5, 2014; and based on these elections the Awami League led Grand Alliance re-assumed power unilaterally. This controversial election was boycotted by the then main Opposition BNP led 18-Party Alliance (currently 20-Party Alliance) and almost all political parties of the country, including the Democratic Left Alliance. As a result of this boycott, 153 candidates from the ruling Awami League and its alliance were elected uncontested out of the 300 constituencies, before the elections were even held; which is an unprecedented incident in a democratic electoral system. Later elections took place in 147 constituencies on January 5, where a very small number of voters could vote. Meanwhile a total of 40,802,739 voters out of 91,948,861 voters could not even get a chance to cast their vote, as the candidates for the 153 constituencies to which they belong, were declared elected unopposed.¹
2. The Election Commission of Bangladesh was made a subservient body to the government by appointing Election Commissioners before elections, through the Selection Committee.² On November 25, 2013, the Chief Election Commissioner, Kazi Rakibuddin Ahmed, announced that the election would take place on January 5, 2014, without the Government and the Opposition coming to a political consensus. Violence escalated across the country soon after the declaration of the election schedule, which caused wide scale human rights violations. Furthermore, leaders and activists of the opposition were allegedly disappeared. Attacks on the citizens belonging to religious minority communities also took place during and after the polls. Odhikar documentation shows that from November 25, 2013 to January 10, 2014, 21 persons died and 65 were injured in arson and petrol bomb attacks. Both the ruling and the opposition parties blamed each other for these casualties. Moreover, many ordinary people became victims of arbitrary arrest during the ‘special operation’ conducted by Joint Forces across the country, before and after the elections.

¹ The daily Manab Kantha, 08/01/2014 and Bangladesh Election Commission, <http://www.ecs.gov.bd/English/index.php>

² Most of the members of this Select Committee belong to government entities.

3. The Election Commission reported that 40.56 percent voters cast their votes. However, various newspapers and election monitoring organisations claimed that very low turnouts were recorded. Fair Elections Monitoring Alliance (FEMA) reported the voter turnout was 10 percent till 2:00 pm on Election Day and after the polling ended, it stated that the voter turnout was 14 percent.³ Meanwhile, the daily New Age reported that in most of the polling centres, the turnout was in the range of 10-12 percent, according to generous estimates and the Daily Star reported a 20 percent turnout.⁴
4. One of the key features of the Parliament set-up through this election is the Jatiya Party's acceptance to the Opposition as well as the presence of its members in various ministries. The Jatiya Party is a member of the Awami League's Grand Alliance and this dual role it plays hits at the main structure of parliamentary democracy. The ruling party, before this election, stated that a credible election would be held immediately with the participation of all political parties. After the polls, the leaders of the ruling party deviated from their previous statements and now forcefully claim that they have been elected for the full term of five years.
5. The January 5, 2014 (controversial) elections put the country and nation into deep political crisis, which has made the democratic path even more difficult. The risk of human rights violations has increased further in the hands of the ruling party as it has assumed almost absolute power without the peoples' mandate. Incidents of enforced disappearance, extrajudicial killings and torture have also increased. Suppression on people who have alternative beliefs and the leaders and activists of the opposition parties continues. Moreover, attacks on citizens belonging to religious and ethnic minority communities and incidents of violence against women are constantly occurring. According to reports and televised incidents, the government-supported student and youth organisations, Chhatra League⁵ and Jubo League⁶ were the main perpetrators of violence and criminalization of politics and thus, involved in various criminal activities. They were and still are attacking the leaders and activists of opposition parties with the help of the police. Furthermore, the government is violating the freedoms of expression; assembly and association by imposing section 144 of the Code of Criminal Procedure⁷ and ending meetings and assemblies of the opposition. Repressive laws such as the Information and

³ The daily New Age, 10/01/2014

⁴ The daily New Age, 07/01/2014 and the Daily Star 06/01/2014

⁵ Student wing of Awami League

⁶ Youth wing of Awami League

⁷ Section 144 of the Code of Criminal Procedure, 1898 deals with the power to issue order or temporary orders in urgent cases of nuisance or apprehended danger.

Communication Technology Act, 2006 (amended 2009 and 2013) and the Special Powers Act 1974 still exist and the government is using them against human rights defenders, journalists and people who have different opinions. The government has also issued a National Broadcasting Policy to control the mass media and impose various restrictions on programmes. Restrictions have been imposed on people who are publicly critical against the inactions and injustices of the government on TV talk-shows and other media. The government is controlling the electronic media, including the national broadcasting media, Bangladesh Television (BTV). The Acting Editor of the daily Amar Desh, Mahmudur Rahman has been detained in jail for 20 months and the publication of the daily Amar Desh and broadcasting of Diganta TV, Islamic TV and Channel 1 are banned. In late 2014, police tried to carry out an operation at the daily New Age office. In order to control the Judiciary, the Parliament has been authorised through a 16th Amendment to the Constitution, to impeach Judges of the Supreme Court. Moreover, the Cabinet has given its final approval to 'The Foreign Donation (Voluntary Activities) Regulation Act 2014' to control non-governmental organisations, mainly human rights organisations. This Law will violate freedoms of expression and association; and will hamper the work of human rights and voluntary organisations, which are vocal against human rights abuses. Such Act is contrary to the Constitution and the UN Declaration of Human Rights Defenders.

6. According to information gathered by Odhikar, from January 1, 2014 to December 31, 2014, 189 persons were killed and 9,426 were injured in political violence and a total of 170 persons were reported extra-judicially killed⁸. Furthermore, 39 persons were allegedly disappeared by men claiming to be members of law enforcement agencies. The Government and the BNP Alliance stood face to face in confrontation again at the end of 2014. As a result, a violent situation can erupt at any time and Odhikar fears further grave human rights abuses.
7. 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 interim 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

⁸ Among them, 21 persons were extra judicially killed by the law enforcement agencies due to political violence which is also included in the statistical part of the Political Violence.

latter (which is 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 government⁹, using the advantage of an absolute majority in Parliament, passed the Fifteenth Amendment Bill to the Constitution of Bangladesh, without any referendum or public opinion; and ignoring protests from various sectors of society, including the then main Opposition (BNP alliance) and other political parties. The Bill was adopted on July 3, 2011 after the then President, late Zillur Rahman gave his consent; and abolishes the caretaker system. A Judgment passed on May 15, 2011 by a majority of the Judges of the Appellate Division of the Supreme Court of Bangladesh, 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.

8. Odhikar is extremely concerned with this choke hold on the election system of the country, which has created more mistrust amongst the political parties. Odhikar believes that the country is being placed in an extremely vulnerable position by abolishing the election process under a ‘caretaker’ government through the Fifteenth Amendment to the Constitution. It is indeed shameful to admit that a non-partisan government is still required to conduct free, fair and credible elections in Bangladesh. The people of this country still desire to practice democratic processes freely and this is only possible under a non-partisan government system. Odhikar expects that the people of Bangladesh will be able to establish a democratic state based on the Proclamation of Independence through equality, human dignity and respect for social justice.

In Solidarity,
The Odhikar Team
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⁹ 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.