

RELEASED IN FULL



**Bangladesh: Profile of Asylum Claims and Country Conditions**  
August 2005

This paper is intended to provide a convenient, updated summary of the situation facing some Bangladesh asylum applicants. It should be read in conjunction with the most recent annual Country Report on Human Rights Practices and the annual report on International Religious Freedom. Both of these reports are available at [www.state.gov](http://www.state.gov).

This country profile was drafted by the Department of State's Office of Country Reports and Asylum Affairs for use by the Executive Office of Immigration Review and the Bureau of Homeland Security in assessing asylum claims. Under 8 C.F.R. §§ 208.11, 1208.11, the Department of State may provide information on country conditions that may be pertinent to the adjudication of asylum claims. The purpose of this paper is to provide information relating to such conditions; it is not intended to convey a description of all the circumstances from which legitimate asylum claims may arise.

Country profiles are prepared by State Department officers with expertise in the relevant area and are circulated for comment within the Department, including to overseas missions, and to other agencies if appropriate.

A review of asylum applications from Bangladesh nationals between 2003-05 indicates that a majority of requests fall into one of three broad categories: those who seek asylum because of alleged religious persecution, specifically because they are Hindus, Christians, or Buddhists in a predominantly Muslim culture, or who claim persecution because they are members of the Ahmadi sect of the Muslim religion; those who claim persecution because they are members of certain ethnic minorities, particularly Bihari; and those who claim persecution because they claim to be workers of opposition political parties.

Regarding claims based on political party association, many applicants say that if they left Bangladesh in the 1990s and were members or workers of the Jatiyo (or Jatiya) Party, which lost power in 1991, they were at risk of persecution if they were to return. Those seeking relief who left Bangladesh in more recent years may claim persecution for being a member or worker of the Awami League (AL) when the Bangladesh Nationalist

**REVIEW AUTHORITY: Adolph Eisner, Senior Reviewer**

Party (BNP) was in power (1991-1996 and since 2001), or for being a member or worker of the BNP when the AL was in power (1996-2001).

### Overview of Political Structure

Bangladesh became an independent country in December 1971 as the result of a war of secession between the eastern and western wings of Pakistan. The political rivalries which emerged during the war and immediately thereafter still account for the differences in political parties in Bangladesh and have been at the root of the instability that has occasionally erupted in the years since the country's independence. For example, the current Prime Minister, Begum Khalida Zia, is head of the BNP, which was founded by her husband, Ziaur Rahman, who was Bangladesh's leader from 1975 until his assassination in 1981. The principal opposition leader, Sheikh Hasina Wajed of the Awami League, was Prime Minister from 1996 to 2001, and is the daughter of the country's first President, Sheikh Mujibur Rahman, assassinated in 1975. In addition, then-Army Chief of Staff General H. M. Ershad seized power in 1982 and declared himself president in 1983. He was forced to resign in December 1990 following large demonstrations against him and the political party he had established, the Jatiyo Party. Ershad was imprisoned by the subsequent BNP-led government for several years but was released in 1997.

Bangladesh is a parliamentary democracy, with broad powers exercised currently by Prime Minister Khaleda Zia, who assumed her position in 2001 after elections deemed to be free and fair by international and domestic observers. Nevertheless, the 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The principal opposition party is the AL, headed by former Prime Minister Sheikh Hasina. The Jatiyo Party of former President Ershad is no longer a major force in Bangladesh politics, although it was a junior coalition partner for several years in the AL government from 1996 to 2001.

### Human Rights Situation

The current Bangladesh government, much as was the practice of its predecessors, restricts or denies many human rights. Extra-judicial killings occur, and police use abusive methods, including physical and psychological torture, during interrogation. Torture consists of threats and beatings, and the use of electric shock. Punishment of police for offenses against detainees is rare. The Bangladesh government has always been sensitive to criticism and dissent and has used the Special Powers Act of 1974 (SPA) to detain citizens without formal charges. The Constitution specifically allows preventive detention, and provides, if there is suspicion of criminal activity, for detention without an order from a magistrate or a warrant. The SPA permits the government to detain individuals for up to 30 days, extendible by another 120 days, should they be deemed a threat to the security of the country. All Bangladesh governments since 1974 have used the SPA for preventive detention and, when necessary, to settle political scores.

The Constitution provides for an independent judiciary; however, in practice, a longstanding but technically temporary provision of the Constitution places the lower courts under the executive, and the courts are subject to the executive's influence. Nevertheless, the higher levels of the judiciary display some degree of independence and often rule against the government in criminal, civil, and politically controversial cases. Corruption, judicial inefficiency, and a large backlog of cases are serious problems.

#### Patterns in Asylum Requests

As noted earlier, the majority of asylum applications received from Bangladesh in the past few years consist of applicants claiming persecution based on: religion (Hindu, Christian, Buddhist, or those belonging to the Ahmadi sect of Islam); membership in an ethnic minority (mainly Bihari); or membership in various political parties.

#### Religion

Muslims are approximately 87 percent of the Bangladesh population. Hindus are approximately 11 percent of the population. The remaining 2 percent is composed of Christian, Buddhist or other religious groups. Under a 1988 constitutional amendment, Islam became the state religion of Bangladesh, but government policy permits other religions to establish places of worship and train clergy. Although the government remains secular, religion exerts a powerful influence in politics. There is no clear evidence, however, of government persecution of citizens who are not Muslim. However, there is evidence of government inactivity when certain religious groups have been attacked.

Social discrimination does occur against Ahmadis (known variously also as Ahmadiyahs or Kadianis). There may be as many as 100,000 Ahmadis in Bangladesh, although they have not been identified as a distinct group in a census. As the Ahmadis do not believe that Muhammad was the last prophet of Islam, conservative Islamic groups consider the Ahmadis to be heretical and non-Muslim. Over the years, there have been periodic demonstrations and violence against the main Ahmadi community in Brahmanbaria District and in the capital, Dhaka. While Ahmadis formerly depended on the government for protection when necessary, that protection seems to be less forthcoming than in recent years. For example, in 2004, police failed to prevent Muslim demonstrators from destroying 12 houses belonging to Ahmadis and harassing 15 converted Ahmadi men and women in a village in Rangpur District. There is also alleged police involvement in allowing extremist demonstrators to place provocative signboards at Ahmadi mosques.

Communal violence is occasionally aimed at Hindus, Christians, and Buddhists, all of whom are socially and economically disadvantaged in the predominantly Muslim country. For example, in September 2004, a group of Muslims set afire seven houses belonging to Hindus in a village in Rangpur District. Similar incidents of arson occurred during the year in other parts of the country. Despite these incidents of communal

violence, minority religious communities generally have been able to live and worship in Bangladesh with relatively few difficulties.

#### Ethnic group membership

Biharis are Urdu-speaking Muslims who originated primarily in the Indian state of Bihar but who were resident in East Pakistan and supported Pakistan in the 1971 war. Afterwards, the community of about 250,000 petitioned, largely unsuccessfully, to be repatriated to Pakistan. In the first year of independence, the Bangladesh government offered citizenship to Biharis, but most did not take advantage of this offer and continued to live in refugee camps near Dhaka. Today, Bangladesh authorities have little contact with the Bihari refugee population, and the main refugee camp has become a permanent ghetto within the larger neighborhood that hosts the camp. The authorities do not monitor or administer the main camp or the smaller ones nearby. The Biharis make their living from small businesses near the camps. There is no government persecution of Biharis, and many of those who live outside the camps have done so successfully, integrating into the larger society.

There are several thousand Rohingya refugees in camps near the Burma border in southern Bangladesh. The Rohingya are Muslims originally from the Arakan province of Burma who fled that country in the 1990s to escape mistreatment by the Burmese government. Voluntary repatriation efforts have continued under the auspices of the U.N. High Commissioner for Refugees (UNHCR). The Rohingya share a similar language and dialect with the Bangladeshis of the region. While the Bangladesh government does not persecute the Rohingya, both UNHCR-designated refugees and ethnic Rohingyans have been subjected to discrimination and denial of some freedoms by police, security forces, and local citizenry.

#### Political Party Membership

Some applicants claim persecution as a result of membership in political parties, particularly the AL, the BNP, and the Jatiyo Party. Applicants site beatings by thugs of the party in power, with police indifference, or often direct police participation. Many of these stories are undoubtedly true. Political life in Bangladesh is rough and violent, and historically, the party in power uses the resources of the government to undermine the opposition. Conversely, opposition parties do all that they can to compromise the government's ability to function. Political violence is countrywide, and is associated also with the criminal world. Villagers report that there is hardly a rural area that is not controlled by a local political leader, backed by hired hooligans and frequently supported in varying degrees by the local police and government administrators. When the party in power changes in the capital, there is often a similar realignment in the countryside, generally accompanied by local violence.

Despite these constraints, opposition political parties are vibrant and active entities committed to achieving political victory in elections at all levels. They are free to operate, organize, and attempt to influence the course of political events in the country.

The government places no restriction on the domestic or international travel of political figures. Opposition parties have their own newspapers and media and are free to criticize the government, often in extremely negative terms. .

Political party violence is often at its worst at the student level. Each party has a student wing, and the universities and other academic institutions are usually battlegrounds for competing student organizations that contest for control of individual dormitories (hostels) on each campus. The student organizations, respectively, of the BNP, the AL and the Jatiyo Party, are the Jatiyotabadi Chharta Dal, the Bangladesh Chhatra League, and the Joyiya Chhatro Samaj. The parties often use their student organizations to attack and disrupt opposition rallies, and in many cases, the student groups are little more than gangs of armed thugs engaged primarily in criminal rather than political activity.

The violence that applicants relate as a result of their membership and work for a political party is real. Claims of police indifference or participation in politically motivated violence have been documented by numerous NGOs and other human rights observers over the years. What is less clear, however, is whether an individual can remove himself or herself from this violence by ceasing political activities or moving to another locale. Because the potential financial and social rewards of political work are considerable, it may be quite unattractive for a party worker to quit or renounce his membership in a party. Nevertheless, the Embassy is aware of several cases where senior AL figures publicly renounced their political activities and faded from the political picture. With this in mind, it is not impossible that lower level party workers would have equal success in such renunciations.

While the above discussion has focused on membership in the AL, the BNP, and the Jatiyo Party, similar claims of brutality and persecution are occasionally made by members and workers of other, smaller political parties in Bangladesh. The same analysis applies to those individuals.

#### Claims based on Social Group

We have not seen asylum claims from individuals stating abuse because of sexual orientation. According to Human Rights Watch (HRW), gay men in Bangladesh are sometimes harassed and raped by police and local criminals, and there are insufficient legal methods of recourse, due to societal discrimination against homosexuals. HRW also found that gay men often faced threats of extortion from police.

We have not seen an asylum application from a Bangladesh woman asserting a fear of female genital mutilation if returned to Bangladesh. In fact, there have been no confirmed reports that female genital mutilation is practiced in Bangladesh.

Some female Bangladesh applicants claim spousal abuse and/or dowry abuse. Spousal abuse is frequent, and a woman's own family may rebuff her if she attempts to escape a violent marriage by returning to her family home. Divorce occurs, and those

women who are divorced are often isolated in society. Disputes between families over the dowry provided by the bride's family to the family of the bridegroom frequently result in violence and physical attacks on the newly married woman. A common form of violence against women is the use by angry suitors or husbands of acid throwing to disfigure a woman's face.

#### Bangladesh Documentation

Asylum applicants frequently submit voluminous documentation to support their claims, especially police and court documents. In Bangladesh, most police and court cases are based on a local police station report, called the First Information Report (FIR). All court cases are based on a FIR, and applicants should be able to provide information regarding the original police report. The embassy in Dhaka regularly attempts to verify FIRs and other documents when requested. The usual procedure is to verify the FIR, because if this report is determined to be fraudulent, any associated court documents will be fraudulent as well. If the FIR is determined to be fraudulent, the Embassy will not attempt to verify court documents. Many applicants also produce documents showing that they are political party workers. The embassy does not usually attempt to verify such documents, as it has found that party membership rolls are not very accurate, and local party leaders seem to hand out such documents quite freely. Applicants submit questionable medical certificates from local doctors or small medical "halls," but there are rarely any records to support such documents. Many of these documents are found to be issued as a favor to the applicant. Even with large hospitals, record keeping is often haphazard, and records are frequently lost or destroyed. If it is necessary to request document verification, it is best, due to the burden on the Embassy Fraud Section, to select only one or two of the documents for verification, including a FIR, if possible.