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Shifting Tides in South Asia

BANGLADESH'S FAILED ELECTION

Ali Riaz

Ali Riaz is professor of politics and government at Illinois State University. In 2013, he was a Public Policy Scholar at the Woodrow Wilson International Center for Scholars in Washington, D.C. His books include Political Islam and Governance in Bangladesh (2010).

Is democracy in Bangladesh undergoing a reversal? This question must be asked in the wake of the country's troubled tenth parliamentary election, which took place on 5 January 2014. Boycotted by the Bangladesh Nationalist Party (BNP) and the rest of the opposition, the voting was marred by the lowest turnout and worst electoral violence in Bangladesh's 43-year history.¹ The result is a Parliament in which the incumbent Awami League (AL) and its allies control nearly all 300 elected seats.² Owing to the boycott, more than half the races—or 154, to be exact—featured but a single candidate.

Before the polls opened, BNP leader Khaleda Zia (who served as prime minister in 1991–96 and 2001–2006) had been placed under virtual house arrest while Jatiya Party (JP) head H.M. Ershad (an octogenarian retired general, former military ruler, and sometime AL ally) had been “detained” in a secure hospital after indicating that he might join the boycott.³ The election has been called a “farce,” leading to what even an AL sympathizer calls no more than a “hollow” victory for that party.⁴

The election result and the ruling party's behavior both before and since the voting add up to a serious setback for inclusive multiparty politics. Two decades after electoral democracy returned following fifteen years of direct or thinly disguised military rule, the latest turn has dealt democratic hopes a hard blow. In early 2014, Freedom House's influential *Freedom in the World* report described the political situation in late-2013 Bangladesh as seemingly “ready to spin out of control.” A flawed, noninclusive election leaving the ruling coalition essentially without opposition inside the unicameral Parliament has brought the country to the verge of de facto one-party authoritarianism.

Democratization is not a linear phenomenon. Already in 1986—little more than a decade into the “third wave” of global democratization—Guillermo O’Donnell and Philippe Schmitter warned that transitions away from earlier authoritarian regimes might misfire and saddle countries with liberalized forms of authoritarianism (which they grouped under the term *dictablanda*) or restrictive, illiberal forms of democracy (*democradura*, in their parlance).⁵ Later, Larry Diamond would describe these more broadly as “hybrid regimes,” and point out—soberingly—that they need not be “transitional” (that is, temporary halfway houses between autocracy and a liberal-democratic end state) but might prove as stable as any other regime type.⁶

Six indicators can be used to identify a hybrid regime: electoral competitiveness, level of corruption, democratic quality, press freedom, civil liberties, and the rule of law.⁷ Almost all “thick” definitions of democracy count these as aspects of liberal democracy. The history of Bangladesh reveals democracy’s fragility (despite several free and fair elections in a row between 1991 and 2008) against a background of serious governance shortcomings. The Bangladeshi political system holds elections regularly, but remains stubbornly beset by democratic deficiencies such as corruption, lack of press freedom, a politicized judiciary, poorly working checks and balances, and frequent opposition boycotts of parliamentary sessions.⁸

Accountability has remained elusive since 1991, and every government going back to that year has passed at least one law limiting civil liberties. A closer look at how Bangladesh does on the six democracy indicators is not encouraging.

1) Electoral competitiveness: Before 1991, all Bangladeshi elections were manipulated by whatever government was in power at the time. More recently, Bangladesh has not done too poorly in the area of “electoral process and pluralism” as measured by the Economist Intelligence Unit (EIU) and its Index of Democracy, with an average score from 2006 through 2011 of 5.8 on a 10-point scale (where 10 is the best score). The Polity IV database assigns the country a similar average score of 6 over the same timeframe.⁹

2) Corruption: Transparency International’s Corruption Perceptions Index (CPI) also uses a 10-point score, with 1 representing the highest level of perceived corruption. From 2003 through 2011, Bangladesh averaged an extremely poor 1.87, although there was a modest positive trend, with the annual score improving from 1.2 to 2.7 over that span.

3) Democratic quality: The EIU includes checks and balances and government accountability in its 10-point “functioning of government” score. Researchers ask whether there is an effective system of checks and balances between branches of government; whether voters have the means to hold officials accountable between elections; and

whether civil servants are willing and able to implement policy? Data from the World Values Survey (WVS) are useful as well. Bangladesh received EIU scores of 5.07 for 2006 through 2008 and 5.43 for 2010 through 2012.

4) Press freedom: Reporters Without Borders compiles a World Press Freedom Index that scores countries from 0 to 110, with 0 the best (no barriers to press freedom) and any score above 20 considered “problematic.” Bangladesh scored above 60 in 2004 and 2005; above 50 in 2007 and 2011–12; and above 40 during five other years between 2002 and 2010. Its best showing came in 2009, when it scored in the 30s. Four journalists were murdered in 2012, and physical assaults on members of the media are alarmingly common.

5) Civil liberties: From 1994 through 2013, Freedom House has given Bangladesh a 4 on its 7-point civil-liberties scale, putting the country squarely in “Partly Free” territory (7 is the worst score). Freedom House also assigns countries aggregate scores on a 0-to-60 scale. By this measure, Bangladesh averaged 31.6 for the period 2004–13. The trend was not uniform, however, as some years showed deterioration while others revealed improvements.

6) Rule of law: Freedom House assigns Bangladesh a 6.2 average from 2006 through 2013 on Freedom in the World’s “rule of law” subcategory, with 15 the best possible score. Scrutiny of Amnesty International’s “terror scale” for the years 1991 through 2012 reveals a Bangladesh average score of 3.3 out of 7, where the higher number represents a worse situation as regards terror and the security of the person. The U.S. State Department has a similar 7-point scale. Over the same period, it assigns Bangladesh a 3.7 annual average score. In Bangladesh, it is all too common for those with power to manipulate the law for their own benefit and to persecute potential opponents. Judicial independence is weak, and extrajudicial activities up to and including killings are facts of life.

In sum, Bangladesh has been a consistently mediocre-to-poor performer on all these indices of liberal democracy save for electoral competitiveness. Now the events of 2014 have cast even that area of relative achievement into doubt.

From 2008 to 2014

The fraught atmosphere that surrounded the 2014 general election can be traced back to the previous contest, held on 29 December 2008. That vote, which marked the shift from an unelected to an elected government after two years of hiatus under a nonparty “caretaker” administration, handed the AL under Sheikh Hasina Wajed and its allies a four-fifths supermajority in Parliament. In a massive reversal of electoral fortune, the BNP notched its weakest showing ever, plummeting from 193 to just 30 seats.¹⁰ In mid-2010, the AL-led coalition began the

process of amending the constitution by naming a fifteen-member committee (on which the BNP refused to sit).

The upshot was the June 2011 passage of the Fifteenth Amendment, which abolished the system of caretaker government (CTG) that had ensured three fair elections since 1996. The new amendment further stipulated that, as a government approaches the end of its five-year term, a new election must be held within ninety days before it leaves office (if Parliament is legally dissolved before its mandate expires, the fresh vote must be held within ninety days after the dissolution). The idea is that the incumbent cabinet stays in power and Parliament keeps functioning during the electoral period. There is to be no nonparty CTG to step in and run things between elected governments.

In doing away with CTG, the AL cited the Supreme Court's 10 May 2011 summary verdict overturning the Thirteenth Amendment (the 1996 provision that brought CTG into existence) as unconstitutional, as well as the most recent caretaker government's overreach in 2007 and 2008. When the Court's full ruling finally appeared in September 2012—more than a year after Parliament had swept CTG aside—it showed that a bare majority (four) of the seven justices had found CTG unconstitutional. Two dissented, and the remaining justice held that the Court should leave the matter to Parliament. All the justices agreed, however, that the system should be retained for the next two ballotings, and that trying to hold an election under a party government would be to invite disaster. As the Court observed: "The senior lawyers of the country expressed apprehension that there would be anarchy if the ensuing election is held under party government. And we cannot ignore their view."¹¹

As for the overreach argument, while the caretaker administration did not violate the law by ruling for two years, it made policies that were clearly beyond the intended purview of an interim government. These included restructuring the Public Service Commission and filing charges against politicians including Sheikh Hasina and Khaleda Zia (both of whom the caretaker administration tried and failed to send into exile).

The public records of the AL-dominated parliamentary committee show that even as of late May 2011—nearly three weeks after the Supreme Court's ruling—it remained unanimous in holding that the CTG system should be retained, albeit with a strict ninety-day limit on any CTG's tenure. In 27 meetings between 21 July 2010 and 29 May 2011, the committee gathered opinions from jurists, experts, party representatives, intellectuals, media figures, and even veterans of the 1971 Liberation War, in which Bangladesh (with eventual Indian help) won its independence from Pakistan. Most witnesses urged the committee to fix what they saw as failings of the CTG system; few urged its total abolition. Thus as of 29 May 2011, the committee was set to propose only minor changes to the caretaker provision.

Then, after a meeting with Sheikh Hasina, the committee made a

sudden U-turn and recommended doing away with the institution of CTG altogether.¹² The Fifteenth Amendment went before Parliament and passed within a day. With the opposition absenting itself from the constitutional-revision process, the measure drew only a single no vote. Opinion polls conducted between late 2011 and October 2013 revealed that the abolition of CTG did not reflect the popular mood, that the institution retained significant public support, and indeed that most Bangladeshis continued to regard it as an expedient aptly suited for use at election times.¹³

As the government neared the end of its term and a fresh election loomed, the BNP and other parties demanded the installation of a caretaker administration as a precondition for their participation. Sheikh Hasina and the AL rejected this as unconstitutional, also pointing out that elections in other parliamentary systems normally go forward without recourse to interim caretaker arrangements.

It was in this context that the AL-led government decided to push ahead with the election. Opinion surveys throughout 2013 showed the AL's popularity dropping over large-scale corruption and its inability to resolve certain issues with India despite its generally good relationship with the latter. The BNP, by contrast, looked to be on the rise, taking five midyear municipal elections. Even as the prime minister and her allies called on the BNP to embrace the electoral process, they continued to persecute BNP leaders, impede opposition rallies, and even shut down BNP headquarters. There was a widespread perception that the AL leadership, while of course being too cagey to say so outright, was not sorry to see the BNP stay out of the election. Since 2011, the AL had insisted that the BNP's defense of CTG was a pose, and that what the party really wanted was to derail the International Crimes Tribunal (ICT) that the AL-led government had established in March 2010 to investigate and try those suspected of having collaborated with the Pakistani military in the commission of genocide during the Liberation War.

The Islamist Factor

Sensing a winning issue, the BNP stuck to its position and sought to translate public support for CTG into a mass antigovernment mobilization. As 2013 wore on, however, the BNP's alliance with the Islamists of Jamaat-e-Islami (JI) became a liability. This was increasingly so after February, when JI activists began committing acts of violence. The JI has been Bangladesh's kingmaker party since the democratic era began in 1991, switching back and forth between the AL and the BNP as JI leaders' reading of their own interests has dictated.

The JI collaborated with the Pakistani military during the Liberation War, and some key JI leaders played pivotal roles in establishing militias such as the Razakars, Al-Badr, and Al-Shams under Pakistani

auspices. Members of these militias took part in atrocities that included mass murder and genocide. Al-Badr, in particular, executed a number of intellectuals on the eve of the Pakistani army's mass surrender to Bangladeshi and Indian forces in Dhaka on 16 December 1971. The JI has continued to claim that it is innocent of any atrocities, and has never apologized for its role in the events of 1971. Upon independence the JI was proscribed, but it resurfaced after 1979 when the military ruler at the time, General Ziaur Rahman, changed the constitution to allow religion-based parties into politics.

Both the AL and the BNP—each interested in the JI as a possible coalition partner—found it expedient to ignore the unresolved question of what the group had done back in 1971. When General Ershad was in power (1983–90), the JI boosted its own acceptability by working against military rule alongside the AL and BNP coalitions. In the 1990s, however, Jahanara Imam, whose son was killed in 1971, launched a civil society movement to demand the trial of those, particularly JI leaders, who had committed genocide. But this campaign lost steam in the early 2000s. In a deeply ironic moment, JI leaders who had once bitterly opposed Bangladesh's very existence as a sovereign country joined Khaleda Zia's cabinet in 2001 after the BNP-led coalition to which they belonged won the election that October.

The Push for Investigations

The issue of accountability for 1971 regained salience after 2007, when veterans of the Mukhti Bahini (literally the “liberation army” from the war of independence) began a renewed push for investigations and trials. In its 2008 platform, the AL vowed to make war-crimes perpetrators answer in court. This resonated with voters, and the AL's victory that year led to the eventual creation of the ICT under constitutional provisions dating to 1973 and amended in 2009. In March 2012, the AL-led government set up a second tribunal to expedite the trial process. Despite international criticisms of various procedural aspects,¹⁴ the push for trials has continued to enjoy considerable public support. Most of those accused belong to the JI, which complains that the ICT is politically motivated and demands that it be scrapped. In late 2012, the JI intensified its anti-ICT campaign through demonstrations that became increasingly violent and met with a heavy-handed government response. Until early 2013, the BNP took an ambivalent position, saying that it backed the idea of trying war criminals, but criticizing the ICT for lacking transparency and failing to comply with international standards.

On 5 February 2013, the ICT sentenced senior JI figure Abdul Quader Molla to life in prison for several 1971 murders. On news of this, a grass-roots movement (which became known as the “Shahbag protest” after the Dhaka neighborhood where it began) sprang up to charge that Quader

Molla had been let off too easily owing to a secret deal between the JI and the AL government. Protests swelled, and demonstrators demanded the banning of the JI. Seeing an opportunity, the government moved nimbly to coopt this movement.

The controversy over the Quader Molla sentence made it broad public knowledge that the legal rules by which the ICT had been operating allowed only defendants to appeal. On February 17, Parliament passed a trio of changes to the ICT's enabling legislation. Made retroactive in their effects to 14 July 2009, the new rules allowed the ICT to charge not merely individuals but whole organizations for actions taken during the 1971 Liberation War; extended the right to appeal verdicts and sentences to the government, complainants, and informants; and required the Supreme Court's Appellate Division to dispose of any appeal brought before it within sixty days of filing. In the face of this adroit government maneuver, the BNP vacillated, the JI found itself also unsure how to react, and other Islamist groups began to organize.

On February 28, anti-JI protesters cheered the death sentence received by JI leader Delwar Hossain Sayedi, while the JI and its student wing (the Bangladesh Chattra Shibir or BCS) reacted with violence that gripped the country for several days and cost at least eighty lives. By condemning police measures as "genocide" and calling for a general strike, Khaleda Zia signaled that the BNP was taking the side of the Islamists. Over the next several months, smaller Islamist parties and organizations resuscitated the Hefazat-e-Islam (HI or "protector of Islam"), an umbrella group for Islamic scholars associated with privately operated traditional qwami madrassahs (Islamic seminaries). In April, the HI publicly gave the government thirty days to enact a raft of Islamist-backed measures. These included a blasphemy law (complete with the death penalty for anyone found guilty of "insulting" Islam or Muhammad); an end to a government "development policy" for women that was meant to give them wider property and inheritance rights as well as more job and business opportunities; a ban on men and women mixing in public; an end to "shameless behavior and dress"; and an official decree that members of the Ahmadiyya sect could not be considered Muslims.

When the thirty days ended without any government action, HI activists from all over the country marched on Dhaka with plans to blockade the capital. The government permitted them to stage a rally in the Motijheel district (the heart of downtown Dhaka) on 5 May 2013, on the condition that it would be over by dusk. The rally itself remained peaceful, but violence swirled around it. Cars and buildings were torched, and at least thirteen people (including a police officer) died in the day's clashes. The BNP had urged Dhaka residents to join the HI sit-in, but few did. Turnout by the HI was strong—making for a large crowd—but BNP supporters were little in evidence (a notewor-

thy fact in a country where street demonstrations figure prominently in political life).

Before dawn on May 6, law-enforcement agencies including the Rapid Action Battalion (a joint military and police unit that forms the state's elite security force) forced the HI out of Motijheel in less than an hour. Prior to moving in, authorities cut off electricity and shut down the live feeds of two opposition-friendly broadcasters (Diganta TV and Islamic TV) that had been covering events in the area. Only a few chosen reporters were allowed to accompany the law officers as they moved through the streets. Later, the public at large would dismiss both the government's claim that no one had been killed that morning and the BNP and HI's charge that thousands had lost their lives. The number of deaths cannot be independently verified, but the *Economist*, attributing the figure to European diplomats in Dhaka, put it at fifty.¹⁵ In subsequent violence in various parts of the country, 27 more people died, including three law-enforcement officers and a child.

The ninety-day arc of events from Shahbag to Motijheel revealed that the AL government would not shy away from harsh measures—including media bans and lethal force—to quell disturbances. Also made plain were the BNP's shift toward the Islamists and the acrid air of polarization that now suffuses a Bangladesh sharply divided over issues surrounding the JI, the ICT, and the role of religious parties in politics.

The JI suffered a serious blow in August, when a court voided its registration with the Election Commission on the grounds that the JI's charter is at odds with Bangladesh's constitution. This ruling came in response to a petition filed by an AL ally, a little-known religion-based group called the Tariqat Federation. The JI appealed the verdict, but as of this writing in late February 2014 remains ineligible to take part in elections. During the last quarter of 2013, the ICT convicted more JI leaders and JI members resorted to more violence. After a wave of arrests, the JI went underground. The JI remained involved in the BNP-led electoral coalition, and is alleged to have instigated violence during campaign events. On December 12, Abdul Quader Molla was hanged—his sentence had been switched to death under the new legal rules—and JI members went on a three-day, nationwide rampage that the government met with force. At least thirty people died.

As the campaign season unfolded, the AL government insisted that the BNP was really boycotting over the JI's disqualification, that the JI had turned to violence in a desperate bid to stop the ICT trials, and that the BNP had made itself crucially beholden to the JI. The BNP not only failed to dispel these charges, it became visibly more reliant on the JI to furnish warm bodies for its demonstrations. Certainly, the near-simultaneity of the JI's violent response to Quader Molla's execution and the BNP's sit-ins to demand a pushed-back election date

seemed, if anything, to lend credence to the AL's charges. The BNP may have ridden a deal with Islamists to victory in 2001, but as 2013 wore on, the party's alliance with an increasingly extreme JI became a growing liability.

A Dialogue of the Deaf

Since mid-2012, the U.S. State Department, UN secretary-general Ban Ki Moon, the EU, China, and others had been urging rival Bangladeshi leaders to talk to one another in order to avoid an impasse that might wreck the election. All such appeals fell on deaf ears. When an audio recording of a 37-minute telephone call between Sheikh Hasina and opposition leader Khaleda Zia leaked to the press in late October, the public could hear charges and countercharges flying back and forth, but no agreements being reached on any issue. At Moon's request, a delegation led by the UN's Oscar Fernández-Taranco went to Dhaka in early December. It was his third visit to pursue the cause of dialogue and an inclusive balloting. He stayed for five days, twice bringing delegations of rivals to meet together but making no dent in the regnant intransigence of the Bangladeshi political class. When Fernández-Taranco suggested delaying the vote to allow the opposition to reconsider its boycott, the government brushed him off and Sheikh Hasina denied him a second audience. Before the wheels of his plane left the runway at the capital's Shahjalal Airport, it was evident that his mission had failed.

The most interesting and inexplicable series of events in the days leading up to the election involved the JP and its leader, General Ershad. Between 1982 and 1990, the general had ruled Bangladesh with an iron fist. Since 1997, he had become known for his willingness to have his party switch sides between the BNP and the AL. The JP became part of the AL-led grand alliance in 2006 and was a member of the government coalition from 2009 onward. Throughout that government's tenure, however, Ershad had criticized it while warning that his party would not join any alliance in the next election. Starting in early November, he made a head-snapping string of sudden turnabouts. He had criticized the government on many occasions, yet his party had made no move to leave the ruling coalition. Then he announced that the JP would stay out of the January 5 polling—and urge its supporters to remain home—unless all parties (including the BNP) were taking part. On November 18, the JP quit the AL's grand alliance but joined the nominally “all-party” election-time government under Sheikh Hasina. On the same day, Ershad said that his party would take part in the polls after all, for democracy's sake.

On December 3, however, the general changed his mind again and said that the JP's boycott was back on, asking his colleagues to quit the cabinet. They handed in letters of resignation, but Sheikh Hasina

refused to accept them. (The constitution, however, says that a duly submitted resignation is enough to make a cabinet post vacant.) India's Foreign Secretary Sujatha Singh met with Ershad on November 4, and according to the general, tried and failed to convince the former military ruler to take part in the electoral process. Numerous JP figures—including Ershad himself—renounced their parliamentary candidacies. On the night of December 12, intelligence agents allegedly came to his home and took him to the Combined Military Hospital under escort by troops of the Rapid Action Battalion. Sources from that unit claimed that Ershad had been taken in for “treatment” only, and not as a form of detention. (Why a trip to the doctor should require intelligence agents and armed guards, they did not explain.) Later, Ershad would claim that the government had confined him for refusing to take part in the election.

With Ershad incommunicado, a group of JP figures led by the general's 71-year-old wife Rowshan (herself an elected MP) confirmed that they would run for Parliament. Twenty of them, including Rowshan Ershad, were elected unopposed. Fourteen others from the JP, including the general himself, bested their competitors and won seats. The JP, the Hamlet of the 2014 election, nonetheless emerged from it as the second-largest single party in Parliament. Rowshan Ershad is now the official leader of the (tiny) opposition, while her 84-year-old husband holds a seat as an ordinary member.

In a final (or at least the latest) strange twist, the new cabinet that took the oath of office on 12 January 2014 included three JP legislators in its ranks. Thus the JP became the only party in the history of Bangladesh—and indeed perhaps in the entire history of parliamentary politics the whole world over—to take upon itself the dual mantle of government and opposition at one and the same time. On a more somber note, the JP's willingness to resurface in government signals that its “opposition” role belongs in fact to the realm of the notional—Bangladesh's Parliament is now for all practical purposes a one-party legislature, and Bangladesh is on its way to becoming a one-party state.

A Discouraging Trajectory

In the past three years, the ruling party has manipulated the constitution, adopted a heavy-handed policy against the main opposition party, and held an election in which only the ruling party and its allies took part. It has coopted or coerced other parties into aligning with it. The 2014 election—noninclusive and wracked by controversy—has produced a *de facto* one-party Parliament that was voted in by no more than a fifth of the electorate. Given the Awami League's record—it introduced a one-party system in 1975—there is growing concern that the country will once again move in that direction.¹⁶ Since the election, calls for a “democratic dictatorship” from regime-friendly intellectuals, to

say nothing of the arrests of BNP leaders, have heightened concerns.¹⁷ The public's demand that war criminals face trial is sincere. At the same time, the AL has capitalized on it for partisan interests and seems intent on keeping to that path.

The new Parliament's lack of legitimacy is glaring, yet Sheikh Hasina and the AL do not seem to be in the mood to heed any appeals for a dialogue aimed at restoring stability. The BNP, meanwhile, is crippled by internal splits and a muddled approach to key issues such as the ICT. It is drifting further into the wilderness thanks to its misbegotten alliance with the JI, which took part in genocide four decades ago and has turned again to violence at an increasing rate in recent years. Of the remaining parties, none has anything like the size or strength that it would take to stop the slide toward authoritarianism.

Despite four elections between 1991 and 2008, several of which brought alternations in power involving the two major parties, Bangladesh's electoral democracy failed to make the journey to democratic consolidation. Every election save one has given rise to instability and uncertainty. Ruling parties have treated the constitution and electoral process as objects to manipulate for the sake of retaining power. Incumbents have tried to change the rules of the game in their own favor. Each election has come as an opportunity and left as a disappointment, with citizens' perennial optimism that the political parties will somehow "get it right this time" cruelly let down. The alternations in power precluded the complete reversal of democracy, but accomplished little more. The way that this latest election period played itself out suggests that political instability will last until a new and decisively more inclusive election is held. But can that happen, or will the present swing toward authoritarianism prevail? If it does, even Bangladesh's halting electoral democracy will be only a fond memory.

NOTES

1. The Bangladesh Election Commission claimed that turnout was about 40 percent, but press reports suggest that the actual figure was as low as 15 or 20 percent. In at least 45 of the 18,200 polling places (at least 120 of which had been burned on the day and evening before the election), no votes at all were cast. In 2008, turnout had been 87 percent. Between 25 October 2013 (when the election schedule was announced) and 5 January 2014 (when voters went to the polls), 123 people were killed in campaign-related violence. On polling day itself, 21 more lost their lives in circumstances linked to the election.

2. In addition to the directly elected seats, there are fifty seats that are reserved for women. The holders of these seats are chosen according to proportional rules by the directly elected members.

3. "Ex-Bangladesh Dictator 'Detained,' Taken to Military Hospital," *The Hindu* (Chennai), 13 December 2013.

4. Agence France-Presse, "Fear Stalks Bangladesh as Vote 'Farce' Begins," *The Aus-*

tralian (Sydney), 5 January 2014; Suhasini Haidar, "Backing Bangladesh," *The Hindu*, 11 January 2014.

5. Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), 9.

6. Larry Diamond, "Elections Without Democracy: Thinking About Hybrid Regimes," *Journal of Democracy* 13 (April 2002): 21–35.

7. Joakim Ekman, "Political Participation and Regime Stability: A Framework for Analyzing Hybrid Regimes," *International Political Science Review* 30 (January 2009): 7–31.

8. Boycotting has been on the rise over the past two decades. From 1991 to 1996, 34 percent of parliamentary sessions drew an opposition boycott. Later figures are as follows: 1996 to 2001, 43 percent; 2001 to 2006, 60 percent; 2009 to 2013, 74 percent.

9. Monty G. Marshall, "Polity IV Project: Political Regime Characteristics and Transitions, 1800–2012," INSCR Data Page, available at www.systemicpeace.org/inscr/inscr.htm.

10. Jalal Alamgir, "Bangladesh's Fresh Start," *Journal of Democracy* 20 (July 2009): 41–55.

11. For the full verdict, see Civil Appeal No. 139 of 2005 with Civil Petition for Leave to Appeal No. 596 of 2005, at www.supremecourt.gov.bd/scweb/documents/526214_13thAmet.pdf.

12. Badiul Alam Majumdar, "Which Constitution? Whose Constitution?" *Prothom Alo* (Dhaka), 28 October 2013, 8.

13. In surveys commissioned by *Prothom Alo* and conducted by Org-Quest Research (with a sample of 5,000 respondents each time), the percentages favoring CTG were 73 (2011), 76 (2012), 90 (April 2013), and 82 (October 2013). Surveys done by the *Daily Samakal* in late 2011 and late 2012, respectively, showed 55 and 62 percent of respondents agreeing that without a CTG, no fair election could be held. Similar opinion research done by AC Nielsen (for the *Dhaka Daily Star*), by the *Daily Star* and the Asia Foundation, by Democracy International, and by the U.S. and British international-development agencies shows similar overwhelming support for CTG.

14. In December 2012, a Skype conversation involving the ICT's chief judge became public. It revealed that the government had been pressing the tribunal to deliver verdicts. The judge resigned, and there was no government action beyond that. See "The Trial of the Birth of a Nation," *Economist*, 15 December 2012, www.economist.com/news/briefing/21568349-week-chairman-bangladeshs-international-crimes-tribunal-resigned-we-explain.

15. "Local Media Silent over Motijheel Incident: Economist," *Natunbarta.com*, 10 May 2013, www.natunbarta.com/english/national/2013/05/10/3096/Local+media+silent+over++Motijheel+incident:+Economist.

16. On 1975, see Ali Riaz, *Unfolding State: The Transformation of Bangladesh* (White Plains, Ont.: de Sitter, 2005).

17. M. Anwar Hossain, "Democratic Dictatorship" (in Bengali), *bdnews24.com*, 10 January 2014, <http://opinion.bdnews24.com/banglalarchives/14429>.