

The Parliamentary Elections in Bangladesh

12 June 1996

**The Report of the
Commonwealth Observer Group**



Commonwealth Secretariat

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Commonwealth Observer Group



Commonwealth Secretariat
1997

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 Marlborough House
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REPORT OF THE COMMONWEALTH OBSERVER GROUP TO THE PARLIAMENTARY ELECTIONS IN BANGLADESH

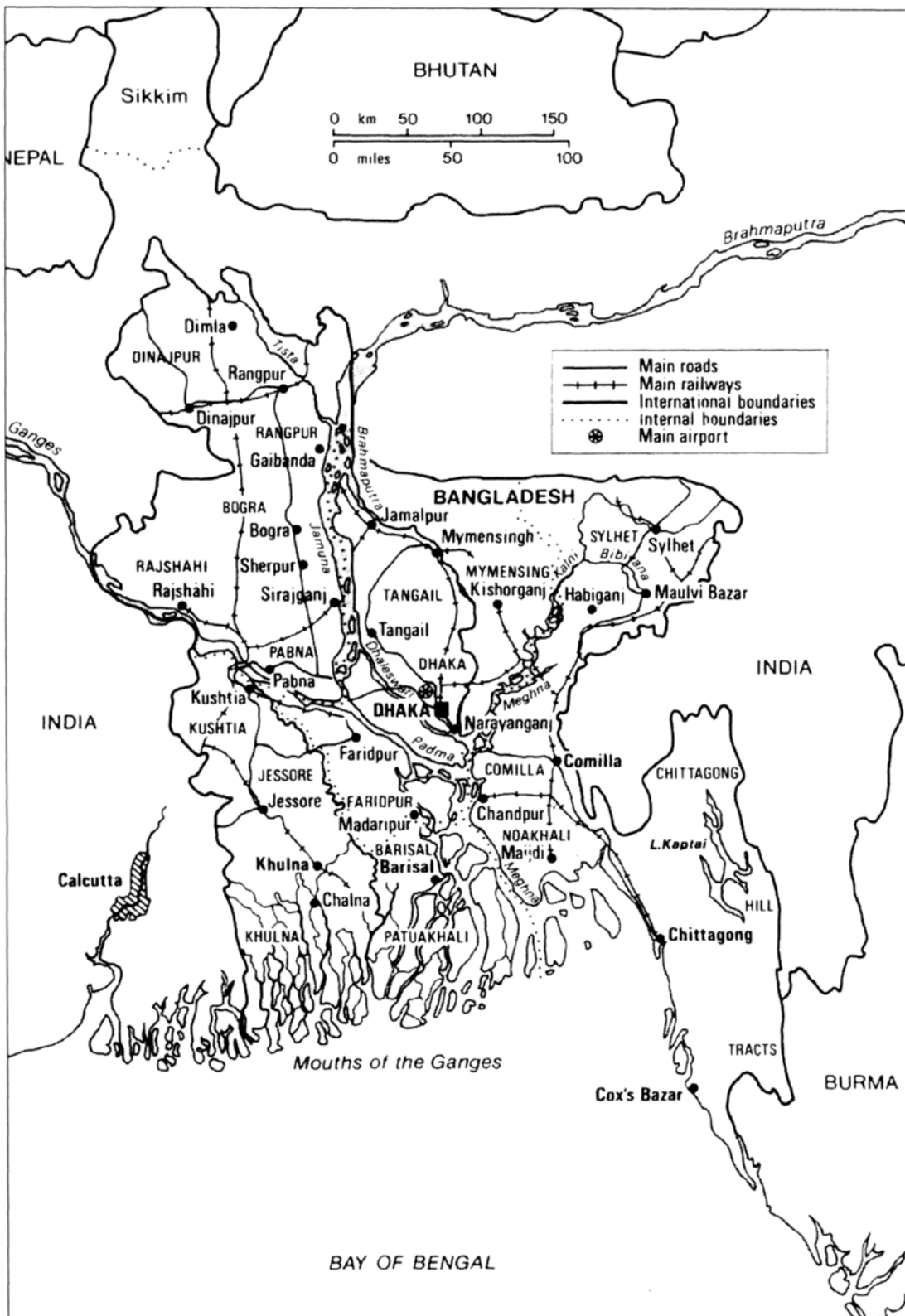
12 JUNE 1996

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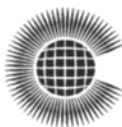
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Map of Bangladesh



Source: EIU Country Profile on Bangladesh, 1994-95, The Economist Intelligence Unit Ltd

LETTER OF TRANSMITTAL



Bangladesh Parliamentary Election, 1996

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Bangladesh

17 June 1996

Dear Secretary General,

Following the request to you from the Government of Bangladesh, supported by the Election Commission and the main political parties, our Group was constituted by you to observe the Parliamentary Elections of 12 June 1996.

In our Interim Statement issued on 12 June 1996 we said that while we were aware of some shortcomings these did not materially affect the voting process and that overall we believed that the election would provide a true reflection of the popular will. We now have pleasure in submitting our Report.

Following the Election Commission's announcement that re-polling would be necessary in 27 constituencies on 19 June and the urging of the major parties that we should remain to observe this process, we sought confirmation from the authorities that the Commonwealth observers would be welcome. At our meeting with the Chief Adviser on 14 June and the Chief Election Commissioner on 16 June, they both enthusiastically welcomed our continuing presence and indicated that it would be most desirable. Some members of the Group are leaving us on the 17th and the remaining members and I will observe the re-polling and submit a supplementary report.

We wish to take this opportunity to thank you for inviting us to observe these most important elections and record our deep appreciation to the Caretaker Government, Election Commission, and people of Bangladesh for their assistance to us during the course of our work.

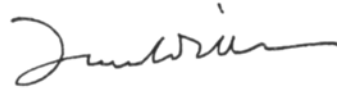
Yours sincerely,

Tan Sri (Dr) Mohd Ghazali Shafie
 Chairman

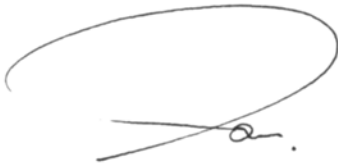
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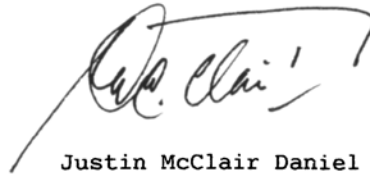
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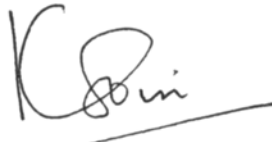
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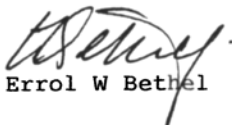
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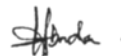
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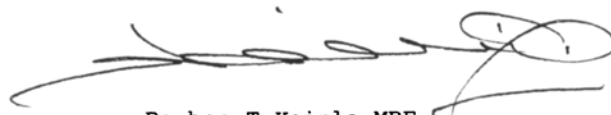
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Reuben T Kaiulo MBE



The Commonwealth Observer Group ... (from left to right) Johannah-Joy Phumaphi, Alice Killam, Justin McClair Daniel, Dr Kanwaljit Soin, Viscount Waverley, Hulda Stanley Kibachia, Tan Sri (Dr) Mohd Ghazali Shafie (Chairman), Errol W Bethel, Lindiwe Maseko, Trevor Willson, Dilan Perera, Reuben T Kaiulo

Introduction

The elections to the Seventh Jatiya Sangsad (Parliament) in Bangladesh followed a prolonged period of political crisis. An earlier poll on 15 February 1996, boycotted by the Opposition parties, did nothing to resolve this. Consequently, a neutral 11-member Caretaker Government was installed, in accordance with the provisions of the Constitution (Thirteenth Amendment) Act, 1996, following the resignation of the BNP (Bangladesh Nationalist Party) Government at the end of March 1996. A newly appointed Election Commission announced on 27 April 1996 that Polling Day would be 12 June 1996.

On 9 May 1996 the Commonwealth Secretary-General announced that the Government of Bangladesh had asked the Commonwealth to observe the elections. In accordance with established practice, the Secretary-General sent a planning mission to Bangladesh to consult with the representatives of the main political parties and other interested groups. The planning mission confirmed that there was broad support for the Commonwealth to observe the June 1996 elections.

The context for the Secretary-General's positive response was set by:

- Commonwealth commitment to the promotion of fundamental political values set out in the 1991 Harare Commonwealth Declaration and reinforced by Commonwealth Heads of Government in their Millbrook Action Programme adopted in New Zealand in 1995, including 'democracy, democratic processes and institutions which reflect national circumstances, fundamental human rights, the rule of law and just and honest government';
- previous Commonwealth involvement in Bangladesh, including observation of the February 1991 elections and subsequently, a good offices role in an effort to facilitate a settlement of the political crisis.

Composition and Terms of Reference of the Observer Group

A Commonwealth Observer Group was subsequently constituted by the Secretary-General in accordance with the Commonwealth Guidelines for the establishment of election observer groups. A full list of the members of the Observer Group and the Commonwealth Secretariat support team is at *Annex I*.

The terms of reference for the Observer Group as set out by the Commonwealth Secretary-General in his letter to us were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Bangladesh and supported by the political parties. It is to observe relevant aspects of the organisation and conduct of the election in accordance with the law of Bangladesh. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgment whether the conditions exist for a free expression of will by the electors and if the result of the election reflects the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of the election.

Within these terms of reference the Group was asked to form an independent judgment which would in no way represent either the views of any government or of the office of the Secretary-General.

A press release announcing our mission was issued in London on 31 May 1996 (*Annex II*).

Method of Work

Our Group assembled in London on 3 June 1996 and was briefed by the Commonwealth Secretary-General. We arrived in Dhaka on 4 June 1996 and established our headquarters at the Dhaka Sheraton Hotel. Three Secretariat support staff had preceded us to put in place logistical arrangements and to make appointments for our meetings. We issued an Arrival Statement on 5 June (*Annex III*) at a press conference and began a series of meetings.

Our first meeting was with Mr Ashfaqur Rahman, Chief Co-ordinator of the Cell for International Election Observers established by the Ministry of Foreign Affairs, and Mr Sajedul Karim of the Election Commission. We were subsequently briefed by the Chief Election Commissioner, Mr Mohammad Abu Hena.

Prior to our deployment to the various regions on 8 June 1996, we met with Chief Adviser Justice (Retd) Habibur Rahman, representatives of the main political parties contesting the elections, non-governmental organisations (NGOs), Commonwealth diplomats and representatives of other international and domestic observer groups. Following deployment the Chairperson and a member of our group met with President Abdur Rahman Biswas and the Chairperson, accompanied by members of the Secretariat support team, also met the leaders of the two main political parties. A full schedule of our engagements prior to deployment is at *Annex IV*.

On Saturday 8 June 1996, the Group divided into nine teams of two which were deployed to the six Divisions of the country (see *Annex V*). On 8-9 June, the Chairperson, accompanied by two Secretariat officers, visited the Chittagong Division to obtain a first-hand impression of the general state of preparedness for the elections, to meet with senior election officials there and to assess the atmosphere in the run-up to the poll.

During the remaining days before polling began the teams travelled extensively throughout the country, consulting Divisional Commissioners, Deputy Commissioners, senior police and army officers, election officials, political parties and candidates, community representatives, local NGOs, domestic election observers and voters. We also met with the Electoral Enquiry Committees and members of the news media and worked in close co-operation with other international observer groups. Our aim was to assess the level of preparedness for the elections, familiarise ourselves with local conditions and observe the last days of the campaign. At the end of each day all teams transmitted reports to the Chairperson in Dhaka.

On Polling Day, Wednesday 12 June 1996, our teams witnessed the opening and closing of polling centres and the conduct of the poll and the count in a cross-section of polling centres around the country. Throughout our deployment we were guided by Observation Notes and on Polling Day used Check Lists, which are reproduced at *Annex VI*. Our findings were reported to headquarters in Dhaka, thus enabling the Chairperson to issue an Interim Statement (see *Annex VII*), which was widely covered in the media.

Our teams returned to Dhaka on 13 June 1996 and began an extensive debriefing in preparation for the writing of our Report.

Before leaving Dhaka, having finalised our Report, we issued a Departure Statement on 21 June 1996 (see *Annex VIII*).

Chapter 1

The Political Background

The elections to the Seventh Jatiya Sangsad (Parliament) held on 12 June 1996:

- were the first to be contested by all the main political parties for over five years (those in February 1996 had been boycotted by the major Opposition parties);
- followed a prolonged political crisis, culminating in the resignation of the BNP Government in March 1996 and the installation of a Caretaker Government;
- took place within weeks of the dismissal of the Chief of the Army Staff on charges which included contact with political parties; and
- were widely expected to be marred by violence, intimidation, vote-rigging and other improper practices.

In these circumstances the elections assumed great significance for the people of Bangladesh and attracted considerable international attention.

Recent History

What is now Bangladesh was part of Pakistan until December 1971, when the military and civilian authorities in East Pakistan surrendered after a nationalist uprising.

The former Government-in-Exile led by Sheikh Mujibur Rahman (whose party – the Awami League – had won a majority in the December 1970 Constituent Assembly elections in Pakistan) assumed control. Following promulgation of a new Constitution parliamentary elections were held in March 1973 and the Awami League won 292 of the 300 seats in the new Parliament. Sheikh Mujib became President in January 1975, following the adoption of a new Constitution which replaced the parliamentary form of government with a presidential system. He was assassinated seven months later and replaced by Khandakar Moshtaque Ahmed. Following another coup in November 1975, Justice A S M Sayem was sworn in as President but real power was assumed by Major-General Zia-ur-Rahman, Chief of the Army Staff, who became Chief Martial Law Administrator and then President in April 1977.

The following year General Zia formed the Bangladesh Nationalist Party, which with its allies won a two-thirds majority in elections held in February 1979. President Zia was assassinated in May 1981 and, following another coup in March 1982, General Hossain Mohammad Ershad took power, proclaiming himself President in December 1983.

President Ershad remained in power until December 1990, when he resigned in the face of mounting political protest spearheaded by the three major political alliances. The Chief Justice, Shahabuddin Ahmed, assumed the post of Acting President at the head of a neutral interim government. Mr Ershad was placed under house arrest and subsequently imprisoned: he was still in jail at the time of the June 1996 elections we had come to observe.

In the general election of February 1991 the BNP emerged as the biggest single party and subsequently, with the support of the Jamaat-e-Islami, formed a government under the prime ministership of Begum Khaleda Zia, General Zia's widow. The Awami League, led by Sheikh Mujib's daughter, Sheikh Hasina Wajed, became the largest Opposition party. After the adoption of a constitutional amendment in September 1991, Bangladesh reverted to a Westminster-style parliamentary democracy, with the Prime Minister as Head of Government and BNP nominee Mr Abdur Rahman Biswas as non-executive President.

At the request of the then interim government the 1991 elections had been observed by a Commonwealth Observer Group. In its Report the Group described the elections as free and fair and as 'a triumph for the people of Bangladesh'. While there had been 'a degree of complaint and occasional mishaps' these were 'sporadic and too small in number to affect the outcome of the election'.

Political Crisis 1994-96

The 1991 elections were followed by a gradual deterioration in relations between the Government and Opposition parties. Matters came to a head following a by-election at Magura-2 in March 1994, which was won by the BNP amid Opposition allegations of ballot-rigging (which the BNP denied).

The three main Opposition parties – the Awami League, the Jatiya Party and the Jamaat-e-Islami – withdrew from Parliament and organised a campaign of street protests, featuring demonstrations, general strikes (*hartals*) and other mass action. They also threatened the resignation of all their MPs, which would have triggered the holding of a large number of by-elections or a general election, both of which they threatened to boycott.

The Opposition parties' demand was for the next three general elections to be held under a Caretaker Government, which would govern for 90 days from the date of the dissolution of Parliament.

The Opposition parties' position was that:

- Bangladesh's experience of elections showed that no incumbent government could be trusted to supervise the holding of a general election: it would be rigged by whoever was in power at the time;
- the mere fact of incumbency would influence government officials involved in the election process. These officials would inevitably assume that the incumbent would win, and their conduct would be influenced accordingly, to the detriment of the fairness of the election process.

The BNP position was that:

- it was an affront to democracy that a democratically elected and legitimate government should be asked to step down in favour of a Caretaker Government;
- what was required was not a Caretaker Government but sufficient provision to ensure that the existing Government would behave in a neutral manner in the period immediately prior to the general election and – since the elections would be supervised not by the Government but by the Election Commission – the strengthening of the Election Commission.

The two sides were at an impasse. Attempts at dialogue were made in August 1994 and again in September, when the Commonwealth Secretary-General visited Dhaka; he subsequently sent an envoy in an attempt to facilitate discussions between the parties.

The BNP eventually agreed to the concept of an interim government, which would include the Prime Minister and be balanced between the BNP and the Opposition, as opposed to a Caretaker Government consisting only of non-party neutrals. Agreement between the Opposition and the governing party was not forthcoming.

After further discussions, in which the Prime Minister agreed to leave office before elections, at the end of December 1994 the three main Opposition parties carried out their threat to have all their MPs resign from Parliament and intensified their protest campaign.

Initially the Speaker did not accept the resignations, but following an advisory opinion of the Supreme Court on 27 July 1995 he ruled that the seats of the Opposition MPs would be considered vacant as from 20 June 1995, when they had been absent from Parliament for over 90 sitting days. Some 147 by-elections should therefore have been held within 90 days of 20 June 1995. On 9 August 1995, however, Chief Election Commissioner Justice A K M Sadeque announced that he had decided to defer all by-elections due to severe floods in the country.

On the advice of the Government, the President finally dissolved Parliament on 24 November 1995. After two postponements and further efforts to reach agreement between the parties, the elections were finally scheduled for 15 February 1996.

Installation of Caretaker Government

Since the elections held on 15 February 1996 were boycotted by all the main Opposition parties the BNP secured an overwhelming majority, gaining 203 of the 205 seats in which there was a contest and 48 other seats unopposed. But the elections were widely regarded as less than credible. The very high turnout claimed was estimated by observers to have in fact been at most 10 to 15 per cent and there were widespread reports of irregularities. In an interim report on 16 February, based on observations in 35 districts, the local election monitoring body FEMA (Fair Election Monitoring Alliance) said that 'the term "free and fair" is not applicable to this election'. Similar views were expressed by CCHRB (Co-ordinating Committee for Human Rights in Bangladesh), which also fielded election observers.

The Opposition did not recognise the legitimacy of the new Parliament and renewed its protest campaign. Strike action closed Chittagong port and caused severe damage to the economy, particularly the export garment industry. On 26 March Parliament approved a bill for a neutral Caretaker Government to oversee the holding of fresh elections (and for all elections in the future).

But the Opposition vowed to continue its policy of non-co-operation until the Prime Minister resigned. On 28 March civil servants refused to work until a Caretaker Government took charge. Two days later Begum Khaleda Zia resigned and Parliament was dissolved.

The President subsequently named former Chief Justice Habibur Rahman as Chief Adviser in an 11-member non-party Caretaker Government. The Chief Election Commissioner, Justice Sadeque, and his colleague Election Commissioner, neither of whom had the confidence of the Opposition parties, resigned. Justice Sadeque was replaced by Mr Mohammad Abu Hena, a retired senior civil servant.

On 27 April 1996 the new Chief Election Commissioner announced that following detailed talks with the political parties the parliamentary elections would be held on 12 June 1996. He began a thorough re-organisation of the Election Commission, while the Caretaker Government began a drive to recover illegal arms and transferred senior staff in the police and the government bureaucracy, especially District Deputy Commissioners.

Major Political Parties

Despite the fact that there are many political parties in Bangladesh, it was clear from the outset that the real contest in the 12 June elections would be between the two largest, the Awami League and BNP. Although the two parties' percentage share of the vote was similar, the BNP had emerged from the 1991 general election as the biggest single party and subsequently gained an absolute majority with the addition of women members elected by Parliament.

Believing that it had overwhelming popular support and could only be denied power if pre-electoral arrangements were in the hands of its political opponents, the Awami League was confident of victory on 12 June now that a Caretaker Government was in place. The BNP was similarly optimistic.

Commentators, however, expected that other parties such as the Jatiya Party (JP), led by Mr H M Ershad, and the Jamaat-e-Islami (JI), might well hold the balance of power after the elections. (In the 1991 general election the JP won 35 seats. Jamaat won 18 and its votes enabled the BNP to gain 28 of the 30 women members elected by Parliament and thereby to establish an overall majority.)

All the political parties stated publicly, well before the campaign started, that they would co-operate with the Caretaker Government and urged compliance by others in, for instance, the collection of illegal arms.

However, their participation in the elections was not guaranteed. Three of the four major political parties at various times threatened to boycott the election process. Begum Khaleda Zia said in mid-May that the Caretaker Government was harassing its party workers and that "if such action continues we will have to think whether to participate or not in the polls". Referring to Chief Adviser Rahman, she said he "is not neutral and not working neutrally". Sheikh Hasina of the Awami League threatened that "we will be compelled to boycott the elections if all illegal arms are not recovered before the polls". Jatiya Party leaders similarly said that their

party would not participate if Mr Ershad was not released from jail for the election campaign.

The political parties each alleged that others would use violence, intimidation, bribery, vote-rigging and other improper practices to manipulate the election process – elements that had been present in Bangladesh politics for some years. As the election campaign approached the Press continued to focus on these issues, publicised allegations by political parties of improper conduct by others and gave prominence to clashes between groups of party supporters and violent incidents, which continued despite the appeals of party leaders.

Dismissal of Chief of the Army Staff

Tension during the pre-election period increased with the dismissal of the Chief of the Army Staff on the eve of the official commencement of the campaign.

Under the amendment to the Constitution providing for the establishment of the Caretaker Government, responsibility for defence, which had previously been with the Prime Minister, was allotted to the President. This led to some protest at the time, since Mr Biswas was appointed by the BNP Government of Begum Khaleda Zia and is a BNP member. Suspicions intensified when on 20 May President Biswas dismissed the Chief of the Army Staff, Lt-General Abu Saleh Mohammad Nasim, on charges of disobeying orders, breaching army discipline and committing 'an act tantamount to declaring revolt against the Government'. General Nasim was placed under house arrest.

In an address to the nation, President Biswas spoke of an attempt to thwart the elections. He accused General Nasim of ordering his supporters in the army to march on the capital and of defying a Presidential order that two senior officers be forcibly retired on charges which included, *inter alia*, contact with political parties. General Nasim denied the charges and accused the President of trying to undermine the election process.

There had been media reports that 'rebel' army units had been deployed from northern bases at Bogra and Mymensingh and that some had confronted 'loyal' troops across the Jamuna river, 60 miles (96 km) north of Dhaka. Following the President's dismissal of General Nasim parts of the capital were said to be tense, tanks manned by 'loyal' troops were deployed to protect strategic positions, including the Presidential palace and the radio and television stations, and barricades were erected on key roads into Dhaka.

Bangladesh state radio and TV later reported that clemency had been granted to the 'misguided' rebel troops and urged them to return to their barracks, which according to official reports they eventually did. Further arrests followed and the Government announced the establishment of a court of enquiry to investigate the events of 20 May and to identify those involved.

This affair provoked considerable controversy, with the Awami League alleging that General Nasim's dismissal was part of a BNP plan to foil the elections and 'snatch away people's voting rights' and accusing the President of conniving to ensure the BNP's return to power.

Critical Elections

The elections held in 1991 marked the return of multi-party democracy to Bangladesh and, for that reason, were of great significance.

However, the June 1996 elections were no less important for a country which had experienced military rule for the better part of its life as an independent nation, three of whose six elections had been held when the Constitution was suspended under martial law and whose recent past had been scarred by deep political divisions.

It was clear that the June 1996 elections would be critical for Bangladesh. They provided an opportunity to resolve a damaging political crisis and to consolidate the country's young democracy. As the country moved into the election campaign we waited with interest to see what the people of Bangladesh would make of the opportunity before them.

Chapter 2

The Electoral Framework and Preparations for the Elections

Constitution

The 12 June 1996 Parliamentary elections were conducted under the Constitution of the People's Republic of Bangladesh, as amended. This includes provision for a non-party Caretaker Government to govern for a 90 day period while a general election is held.

Subject to the provisions made in the Constitution (Thirteenth Amendment) Act, 1996, referred to below, executive power is exercised by the Prime Minister in a system where the Cabinet is responsible to Parliament. The Prime Minister must resign if he/she loses the support of the majority of the Members of Parliament. In such a situation the President shall dissolve Parliament, unless he/she is satisfied that another Member of Parliament commands the support of the majority of the members.

The Constitution provides for a single-chamber Parliament consisting of 300 popularly elected Members of Parliament and, until the year 2000, 30 women members elected by the 300 members. The former are elected for single member constituencies by a simple majority of votes. The voting age is 18. Citizens of over 25 years, male or female, may be candidates unless otherwise disqualified and may stand for election in up to five constituencies, but may represent only one if they win more. By-elections must be held for seats vacated in these circumstances. The parliamentary term is five years. The Constitution states that a general election 'shall be held within ninety days after Parliament is dissolved'. It provides for the protection of fundamental rights enforceable by an independent judiciary, and may only be amended by a two-thirds majority of all the Members of Parliament.

Caretaker Government

The Constitution was amended in March 1996 by the Constitution (Thirteenth Amendment) Act, which was the sole legislation of the Sixth Parliament elected in February 1996. This made provision for a Caretaker Government with a limited life and limited functions. It would govern the country in the period after the dissolution of each Parliament and before the formation of the new government following the general election. The primary function of the Caretaker Government would be to:

give to the Election Commission all possible aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially.

The Constitution stipulates that the Caretaker Government may undertake 'routine functions', but will take no policy decisions except as required by such functions.

Administrative Structure

The country is divided for administrative purposes into six Divisions: Dhaka, Chittagong, Rajshahi, Khulna, Sylhet and Barisal. Each Division is in turn divided into Districts, of which there are 64 in total. The districts are then sub-divided into smaller units called 'thanas', each based on the area covered by a particular police station.

For the June 1996 and all previous elections, the parliamentary constituencies would be smaller than the Districts but larger than the thanas: there would be several parliamentary constituencies in the area covered by each District and each constituency would itself cover several thanas.

At election time the Deputy Commissioners (who run the Districts) become Returning

Officers for the constituencies in their Districts and are responsible to the Election Commission for all aspects of election arrangements. They are supported by Assistant Returning Officers at thana level.

Election Commission

The Constitution states that the authority immediately responsible for the preparation and conduct of national elections in Bangladesh shall be an Election Commission comprising a Chief Election Commissioner and such number of Election Commissioners as the President may from time to time direct. Each Election Commissioner, including the Chief Election Commissioner, serves for a period of five years.

The Election Commission is required to be independent in the exercise of its functions and subject only to the Constitution and the law. It does not have the power to recruit its own staff: instead, the Constitution provides that the President shall, when so requested by the Election Commission, make available to it such staff as may be necessary for the discharge of its functions.

Article 126 provides that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The principal electoral law relating to the conduct of parliamentary elections is the Representation of the People Order, 1972 (see below) but much of the electoral framework is set out in administrative circulars issued by the Commission dealing with, for example:

- dates for filing nominations;
- election expenses;
- principles for setting up and publishing lists of polling centres;
- the allocation of symbols to candidates and parties; and
- the appointment of election agents and polling agents.

After the Election Commission had set a date for the poll, in consultation with all major parties, it had 63 days to make arrangements for the elections. Its tasks included:

- supplementary voter registration;
- the issuing of voter numbers;
- voter education;
- arrangements for the nomination of candidates;
- allocation of symbols to political parties;
- procurement of election materials;
- identification of polling centres.

Thus, in less than two months it had to undertake all the preparations necessary to ensure that those entitled to vote would have the vote, would know where and how to exercise it and would thereby be able to express their will effectively. The scale of the task was vast and the time-frame provided was daunting.

The Armed Forces

The Constitution (Thirteenth Amendment) Act, 1996, vested all executive powers in the Caretaker Government – except control of the armed forces and the powers to declare a state of emergency and to suspend the enforcement by the courts of the fundamental rights contained in Part III of the Constitution. The interpretation placed on this by the President was that the critical security powers resided exclusively in his hands and that he could discharge his functions in this respect without necessarily having the agreement of the Chief Adviser. Thus a partial diarchy was created.

As noted earlier, the President exercised these powers on 20 May 1996 when he dismissed and ordered the arrest of the Chief of the Army Staff. Control of the armed forces was perceived to be in the hands of an authority other than the Caretaker Government.



Congratulations ... Observer Group Chairman Tan Sri (Dr) Mohd Ghazali Shafie (left) meets Chief Election Commissioner Mr Mohammad Abu Hena: the Observer Group was later to congratulate the Election Commission for its 'remarkable performance'

The Caretaker Government and the Election Commission subsequently sought to provide clarity regarding the role of the armed forces in the context of the elections. A directive made clear that once they were deployed to provide support for the civil authorities conducting the elections they would act only with the authority and under the direction of electoral officials and specially appointed magistrates.

The Representation of the People Order, 1972

This Order lays down in detail the essential powers for the administration and conduct of elections. These include the power, through the President, to issue directions.

By the Order, the Election Commission has the power to designate Returning Officers and Presiding Officers from among personnel made available by the Government. The Election Commission is also empowered to publish the election schedule. The power of receiving and scrutinising nominations, staffing polling centres, and counting, are functions devolved by the Order to Returning Officers and Presiding Officers.

The Order also provides the Election Commission with the power to hold fresh elections where polling is interrupted or obstructed. This is provided by Article 24 which also states that the Presiding Officer of a polling centre shall stop the poll and inform the Returning Officer that this has been done if:

- (a) the poll at the polling centre is, at any time, so interrupted or obstructed for reason beyond the control of the Presiding Officer that it cannot be resumed during the polling hours fixed under Article 25; or
- (b) any ballot box used at the polling centre is unlawfully taken out of the custody of the

Presiding Officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent that the result of the poll at the polling centre cannot be ascertained.

If the election is so stopped the Commission may, upon receiving a report from the Returning Officer, direct a fresh poll at that polling centre unless it is satisfied that the result of that polling centre would not materially affect the result of the election.

The Election Commission is empowered to receive election returns from the Returning Officers and, on receipt of these, the Order provides that the Commission shall publish in the Official Gazette the names of the returned candidates.

Monitoring and Enforcement

Machinery was set up to deal with breaches of the rules and the Code of Conduct (see below), and thereby to strengthen the credibility of the electoral system. The Order makes provision for the prevention and control of pre-poll and polling irregularities by persons, including officials. It also establishes a system to monitor irregularities in the form of Electoral Enquiry Committees, headed by judicial officers not otherwise involved in the conduct of the elections. Considerable emphasis was placed upon the role of such Committees by the Commission and upon the inquiries which they could conduct during the elections. This machinery was designed to provide a summary response to complaints or to perceived irregularities at a Committee's own initiative. On this basis, a Committee may conduct an inquiry and must inform the Commission within three days of the completion and of any recommendations it may have. The Commission may make an order or directive based on the recommendations. Failure to comply with such an order incurs a fine of Tk 5,000, and the Commission shall also publish details of the acts in question. In addition, a range of standard electoral offences are created by the Order. These may be the subject of prosecution, and on conviction, punishment by imprisonment and a fine. The Order does not provide for candidate or party disqualification as a sanction or for summary trial during the elections.

Restructured Election Machinery and Other Confidence-Building Measures

As part of its efforts to provide for a credible election the new Caretaker Government made important changes to Bangladesh's election machinery. Following the appointment of Mr Hena as Chief Election Commissioner the Commission was completely overhauled. For its part, the Government transferred key staff – not only those at the most senior level in the government bureaucracy but also those at the Divisional, District and thana levels at which the elections would actually be organised. Similarly, the police transferred a number of senior officers.

To further encourage confidence, credibility and security the Caretaker Government also ordered the arrest of those with illegal arms. By election day a substantial number of illegal weapons had been recovered and thousands arrested throughout the country.

Observers

Provision was made to allow the election process to be watched by international and domestic observers and to co-ordinate, facilitate and accredit their presence.

The provisions of Article 36(3) of the Order prohibited the presence of observers at the count. The Caretaker Government felt that this should only be amended by an elected government. The problem was dealt with by the Commission, which decided (under Article 91(c) of the Order) to allow such attendance by 'some observers'. In addition, the Commission published guidelines and other information for the conduct of electoral observation (see *Annex IX*).

Registration

Registration was carried out in May and June 1995. In contrast to the registration exercise which preceded the 1991 elections, which had allowed the registration of voters by heads of household

and had required voters to present themselves for registration, this time the Commission sent registration officers out to the voters and registered each voter individually.

A period for supplementary registration and challenge to the lists was declared by the new Chief Election Commissioner shortly after his appointment and resulted in the addition of a further 500,000 names and, Mr Hena believed, a more accurate list. The Commission was requested to provide votes for citizens living overseas, who had not had this right before, but regarded this as impossible in the time available.

Nomination

An amendment to the Representation of the People Order, made in 1996 prior to the February 1996 elections (Section 12(1)(b)) extended to national elections the rule, previously applicable only in local government elections, that bank loan defaulters would be disqualified as candidates. This provision was applied during the nomination stage and was also raised in litigation prior to polling.

Litigation

Apart from the judicial activity associated with the work of the Electoral Enquiry Committees there was considerable pre-polling litigation between parties and involving the Caretaker Government. This included an application by one party leader, who was in custody pending trial and appeals, for an order to allow his speech to the electorate to be broadcast. The High Court granted an order to allow this, but this was suspended by the Supreme Court until a date after the campaign ended.

Training

The Election Commission established a programme to train not only the senior electoral officials at central and divisional levels but also, on a training of trainers basis, all others involved in the election process. We were informed that the Commission's training programme was more comprehensive than any previously undertaken in Bangladesh. In addition, training on the electoral system was provided to the police.

In this context we also took note of the considerable assistance provided by the UNDP and domestic NGOs.

Voter Education

The Commission also organised an information and voter education campaign, with the assistance of the national broadcasting system. This included information on the voting system and on the Code of Conduct for political parties and candidates. A number of NGOs also organised voter education, using not only leaflets, posters and meetings but also street-theatre.

Political Parties

The Code of Conduct for Political Parties and Contesting Candidates was drawn up by the Election Commission following discussion with the political parties. As in many elections it was an important normative pillar in the electoral structure. It set out both the privileges and the prohibitions applicable to the political parties and candidates during the campaign, polling and prior to the declaration of the results. The Code, which was gazetted by the Commission on 27 May 1996, is appended as *Annex X*.

Chapter 3

The Campaign and the News Media

The Campaign

The campaign, which began on 22 May 1996, was generally regarded by those we met in our observations around the country as the “cleanest” and most trouble free in Bangladesh’s recent political history. The political parties were in general restrained, a factor that went a long way towards creating the relatively peaceful and non-confrontational environment that was a hallmark of the general election. We did, however, hear reports of strong-arm tactics and intimidation, including harassment of women and minority communities, particularly in isolated rural communities.

Strict guidelines, as in other spheres of the election process, were set by the Election Commission. These were contained in the Election Code of Conduct. The overall aim was to ensure that each political party started from the same footing and that size and influence, whether financial or otherwise, would have little or no effect on the campaign. One noticeable change from past elections in Bangladesh was the absence of big colourful cinema-style hoardings of portraits of candidates, decorated arches, vast banners or the defacement of campaign posters by graffiti and rival party leaflets.

Among other things, the Code of Conduct ruled specifically that party posters could not exceed 22 x 18 inches (approximately 56 x 46 cm) and were to be in black and white and printed on what was described as ‘country-made paper’. This was simply inexpensive newsprint. Furthermore, ‘wall-writings’ (usually offensive graffiti) were prohibited; posters, leaflets and handbills could not be pasted over those of rival candidates; the use of motorised vehicles was forbidden for campaigning; only three microphones could be used at a time by a candidate in his/her constituency and were limited to the hours between 2 p.m. and 8 p.m.; and it was



Campaigning ... activists in Narayanganj District, south-east of Dhaka, demonstrating support for their party



Party speakers ... rickshaw-borne loudspeakers (top) were used throughout the country, while (bottom) party workers in Barisal also mounted speaker systems onto a boat – their party's symbol



unlawful to disrupt or attempt to disrupt a rival meeting or to prevent the movement of people.

Probably the most notable of all the measures was the ceiling put on campaign expenditure. This was set at 300,000 taka (approximately £5,000) for each candidate in each constituency. We heard reports from the political parties that this limit was being exceeded, especially by the two larger political rivals. Reference was also made in our conversations with members of the public, the Press, NGOs and politicians to 'black money'. This, they said, was being used to evade the Code of Conduct. When questioned, the charge was always denied, usually to be followed by a counter-charge against the candidate's or his political party's main rival. The Deputy Commissioners and other agents of the civil authority in areas we visited told us that there was no evidence of any large-scale abuse of the spending limit, although they conceded that there may have been minor infringements.

The Election Commission made provision for the hearing of alleged infringements of the Code of Conduct by establishing Electoral Enquiry Committees which comprised senior judicial officers. They were empowered to investigate cases and make recommendations to the Election Commission which in turn could impose fines of up to 5,000 taka (approximately £85) for any breach.

The total number of violations reported to the Group varied from Division to Division. A large percentage of complaints in all Divisions visited related to what might be regarded as minor infringements – for example, the use of loudspeakers outside the specified hours.

Some violations of the Code, however, were of a significantly more serious nature. In several Divisions – in particular Chittagong and, to a lesser extent, in Barisal and remote areas of Khulna – our teams came across reports of intimidation, which had been passed on to the authorities. These reports included allegations concerning the intimidation of minority groups. We also heard of one case of threats of violence against an independent regional newspaper and there were allegations of influence peddling, particularly in Barisal.



Poster politics ... on the eve of the elections the parties plastered the areas immediately outside polling centres with posters urging support for their candidates

The Group also received reports, from what it considered to be credible sources, of intimidation in the Chittagong region. The Fair Election Monitoring Alliance (FEMA) and the Co-ordinating Committee for Human Rights in Bangladesh (CCHRB) and other NGOs said that there had been serious violations against minority communities in Rauzan, Rangunia, Boalkhali, Satkania and Chandanais, which were being warned not to vote.

Violence was sporadic, although during the last days of the campaign three people were killed in three separate incidents in one Division: one involved an alleged attempt to make bombs and the other two resulted from clashes between party workers. Despite these relatively isolated incidents, the campaign was disciplined and peaceful with an almost carnival atmosphere in the final days. On the afternoon and evening of 10 June, before the campaign came to a halt, roads and country lanes were filled with processions, political rivals passing one another without provocation.

Rallies by the leaders of the two main parties drew big crowds in all regions, though our Group was struck by the absence of women. The most interesting development of the campaign was the attention given to door-to-door canvassing. This, we believe, involved individual voters directly in the campaign process and helped contribute to the large turnout, especially of women, on polling day. We welcome these changes that are taking place in political campaigning in Bangladesh, in particular those that help to ensure women become a permanent part of normal political activity.

Few major policy issues emerged from the campaign. The two main parties made almost identical pledges to further develop the country economically by encouraging foreign investment. They each declared their commitment to safeguard democracy and the country's independence. There was also some discussion of the country's relationship with India and the structure of local government. However, the campaign was also fought on accusations of misdeeds, corruption, incompetence and obstruction on the part of each of the main parties. They also charged each other with planning to rig the polls. No attempt was made to answer the accusations in any meaningful way.

During the campaign period it came to our attention that army officers were allegedly requesting copies of the electoral register from local Returning Officers, Assistant Returning Officers and Presiding Officers. Our Chairman notified the Chief Election Commissioner of this and suggested that Mr Hena might make a broadcast indicating that no registers should be given to anyone other than election officials and other authorised persons.

The Media

Bangladesh has a vigorous Press. It has a wide variety of national and regional daily publications in both Bangla and English which reflect the passionate interest of Bangladeshis in politics. The commitment to an open and independent Press was made clear to us in briefings where we were assured that the media was free to report as it saw fit.

A distinction, however, must be made when considering the state-owned broadcast media: radio and television. The Caretaker Government issued specific instructions to the broadcasting authorities that they were not to broadcast interviews with party leaders who were not standing as candidates or who were in jail. This automatically excluded the head of the Jamaat-e-Islami party (who was not standing as a candidate) and Mr Ershad, leader of the Jatiya Party – both significant figures in Bangladeshi politics. At the time of these elections Mr Ershad was three years into a controversial 13-year sentence for corruption and abuse of power during his time as the country's military ruler and was appealing against the conviction and challenging other charges. He was a candidate in five constituencies. His right to join other political leaders in making a television broadcast during the campaign was an issue that dominated the Jatiya Party's electioneering. The party took the matter to the High Court which ruled on 9 June, the day before the campaign was scheduled to end, that the ban on Mr Ershad appearing on television was irregular and was to be lifted forthwith. The Caretaker Government appealed to the Supreme Court on the same day and a 'stay order' was issued the following day until 11 June when the matter would be considered further by a full bench of the court. This kept the ban in force until the end of the campaign and made irrelevant any further consideration of the issue.

Given the low rate of literacy, radio is particularly important in Bangladesh and provides a news service in both Bangla and English. So far as we could tell its coverage was balanced.

Bangladesh Television made provision for representatives of every party fielding a minimum of 30 candidates to make a party political broadcast. Smaller parties were given 30 minutes, bigger ones 40 minutes. Begum Khaleda Zia and Sheikh Hasina made consecutive television broadcasts on the last night of the campaign. On the eve of polling, the Chief Adviser and the Chief Election Commissioner separately addressed the nation on radio and television urging voters to use their democratic right and to cast their ballots peacefully.

We noted that Bangladesh Television was scrupulous in giving equal exposure to the main parties during the campaign and were impressed by its comprehensive election results coverage on polling day itself and into the next day.

The Group gained the impression that most newspapers were not overtly partisan in their presentation of the campaign. A report on the activities of one political leader was balanced by a similar amount of space given to a rival. This pattern was followed throughout. Both Bangla and English-language newspapers, with one or two exceptions, did not editorialise on who voters should support. Some newspapers in Bangla tended to show their support by the slant they gave to their news stories and commentaries. An exception was the *Daily Janakantha*, which said in an editorial that it was time for a change and voters should support the Awami League. There was no editorial advice for voters on the morning of election day in any English-language newspaper. The editor of the *Morning Sun*, Mr Ataql Alam, said this was a practice common to Bangladesh. There were, however, editorial comments on the nature of democracy in Bangladesh, including an appeal to the politicians to respect the result.

Chapter 4

The Poll and Count

We were able to visit 105 polling centres (including some that were deemed to be in high risk areas) in 31 constituencies throughout Bangladesh, in all of the six Divisions into which the country is divided. We were also able to observe the counting of votes in ten centres. All presiding and law enforcement officers were exceptionally co-operative with us, and greatly facilitated our work. Our impressions are set out in this chapter.

Voting Arrangements

Voting took place in polling centres, which were each run by a Presiding Officer and usually located in schools or other public buildings. These centres were divided into as many as 12 polling booths, each run by an Assistant Presiding Officer and two other election officials. The booths were equipped with a register, ballot box and other appropriate equipment. The marking of the ballot paper took place in a screened voting area in a section of each polling booth. The contesting parties were entitled to place party agents in each polling booth.

Altogether, some 25,957 polling centres were set up throughout the 300 constituencies from which Members of Parliament were to be elected. There was generally one polling centre for each 2,500 of the country's 56.7 million registered voters, with an average of 500 voters per booth.

Arrangements were made for women and men to cast their ballots separately, either in different polling booths in the same polling centre or in separate polling centres. In centres where it was possible there were also separate entrances and exits for women and men.



Tools of the trade ... Commonwealth Observer Errol Bethel (left) and an Election Commission official inspect a store of election kits and ballot papers: despite the scale of the exercise, in general supply arrangements worked well



Supply side ... ballot papers being transported under the guard of armed police and 'ansar' security personnel: election materials had to be supplied to 25,957 polling centres

Polling Day

Polling day, Wednesday 12 June 1996, had been declared a national holiday. Most types of motor vehicles and all motorcycles had been banned for the day (except in the cases of those used by essential workers, observers, journalists and election officials), to prevent the use of such vehicles in any disruption of the elections.

Turnout at the opening of the poll and throughout the morning was especially heavy, with women voters noticeably outnumbering men in many

polling centres. The atmosphere was orderly and festive, although there were a few centres that were considerably less organised and problematic. There could be no doubt, however, that voters were highly motivated and determined to exercise their franchise. Voters did not have to travel exceptionally long distances to polling centres – the Election Commission had made sure that no one would have to travel more than two-and-a-half miles (four kilometres).

We did not consider the polling centres to be well sign-posted, but the tremendous turnout of voters when the poll opened on election day was a clear indication that this did not affect the voters in any way. In any event, enormous crowds always pinpointed the location of polling centres. We were told that some centres had been added after the list of centres was published, but could not determine whether this affected voters in any way.

The situation of polling centres and their surroundings varied tremendously. In very small facilities, polling booths tended to be cramped, crowded and dark. They usually had only one

door for entry and exit, which added to the congestion in the booth. There was also limited space for queuing in the compound, which also created some difficulty. However, there was ample space in the vast majority of facilities, and where Presiding Officers had taken care with the layout of the polling centre both small and large facilities functioned smoothly and efficiently.

Voters turned out in enormous numbers in the early morning and



All clear ... election officials demonstrate to observers and party agents that the ballot box is empty

at almost all polling centres we visited hundreds were in the queue when the polls opened at 8 a.m. This was the case even in areas where threats of violence had been reported. In fact we were told that many people voted early, fearing trouble later in the day. For the most part, queues were orderly. In a number of cases, however, impatience combined with large numbers and long waiting periods in the heat caused some disorder.

As the monsoon season had begun, it was thought that weather would be a factor affecting voter turnout on election day. However, there was little or no rain throughout the country. The Election Commission later confirmed our assessment regarding a high voter turnout, announcing that 41.5 million people voted, representing 74 per cent of all registered voters.

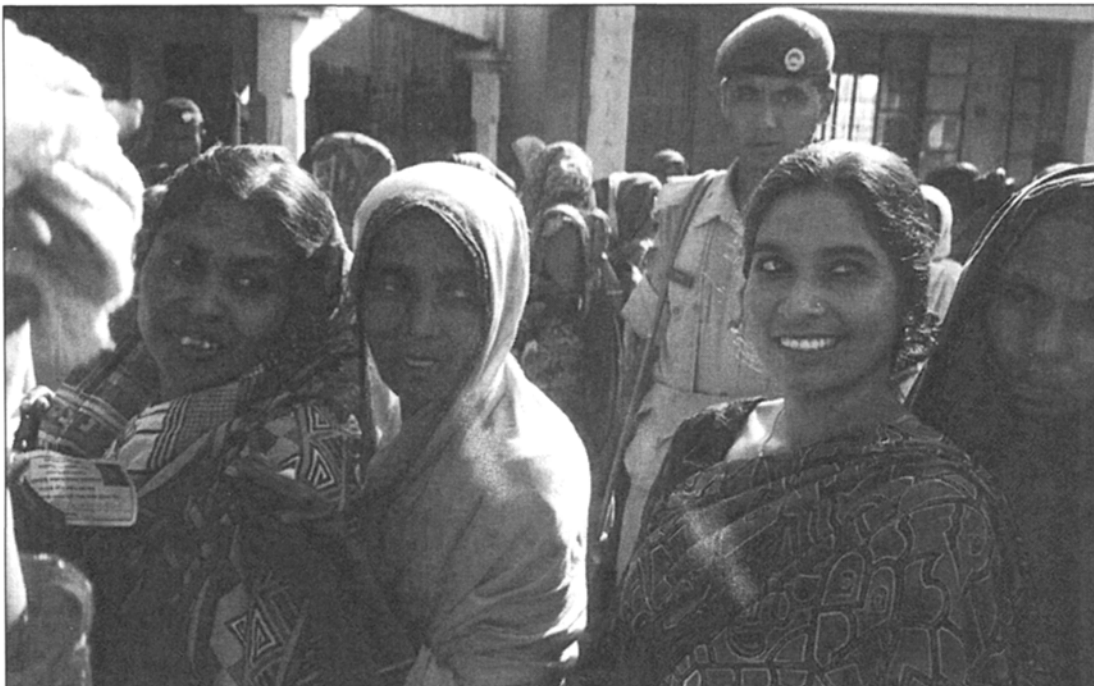
Opening of the Poll

We were present at our selected polling centres well in advance of opening time at 8 a.m., in order to observe the preparations for polling. Most of the centres opened on time and the display of the ballot boxes by the Presiding Officer to prove that they were empty, the fixing of unnumbered wax seals on the ballot boxes and other necessary procedures were carefully observed in most cases. Party agents who were present at the polling centres to ensure that all was in order declared themselves to be satisfied. In all other polling centres in which we enquired Presiding Officers said that they had opened the poll on time.

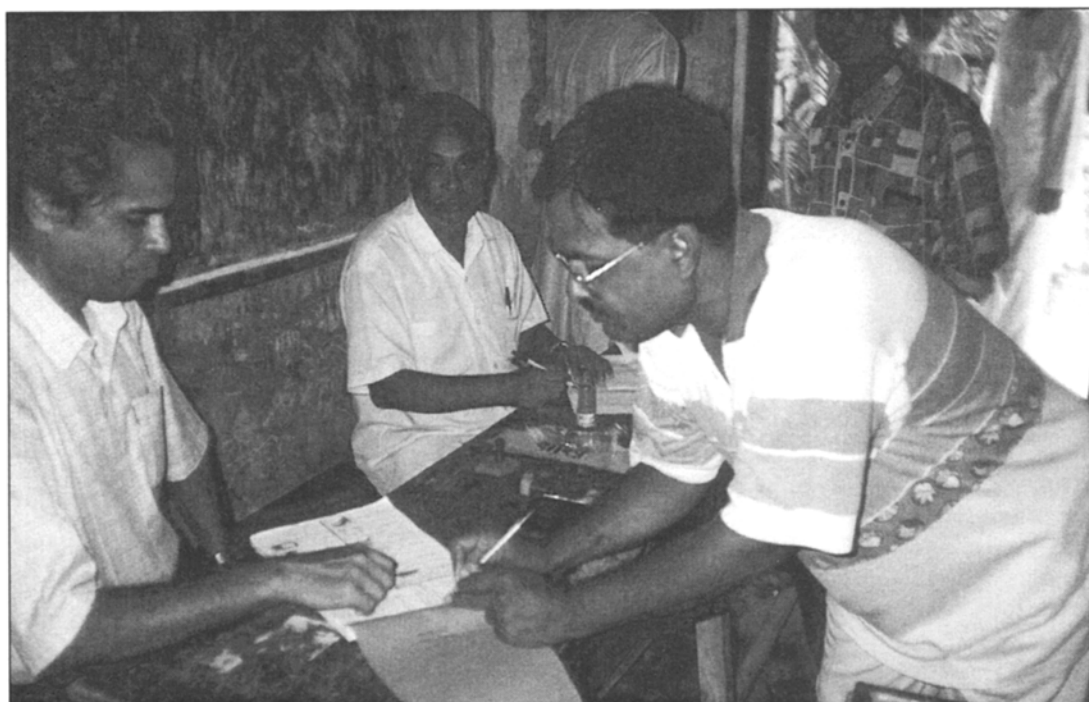
Voting Procedures

Voters could cast their ballot only at the polling centre in which their names appeared on the list. Procedures outlined in the Representation of the People Order, 1972, required that:

- the voter should have her/his thumb or other finger marked by an election official with indelible ink;
- her/his number and name should be called out, and the electoral roll marked;
- the ballot paper should be stamped with the official mark, the number of the voter should be written on the counterfoil and she/he should mark it with a signature or thumbprint;



On-line ... 41.5 million people voted, 74 per cent of all those on the register. There was an especially high turnout of women, partly because of the parties' greater use of door-to-door canvassing



Correct procedure ... a voter signs the ballot paper counterfoil: this also had to bear the voter's number and the paper itself had to be stamped with the official mark

- the voter should then be issued with a ballot paper, and should proceed to the place reserved for marking ballots and indicate the candidate for which she/he wishes to vote by placing the stamp provided on the space containing the name and symbol of the candidate and party of her/his choice;
- the marked ballot paper should then be folded and be inserted into the ballot box, which should be placed in full view of the election officials and party agents.

On entering the polling booth some voters, many of whom were illiterate, presented the election officials with a slip of paper bearing her/his number, as provided by party representatives (often located in 'camps' close to the polling centre).

We noted that in most places the procedure for the polling process was followed meticulously. In others, however, the correct sequence was not observed. We witnessed cases in which voters were given the ballot paper then sent to have their fingers inked, and a few in which voters were given ballot papers and permitted to vote, then have their fingers inked.

Our own tests indicated that the ink worked well, though again there were variations in practice. We were told by some Presiding Officers that the ink should be applied to the cuticle area of the finger, but noted cases in which it was applied to the skin of the thumb, well below the cuticle area.

The rate at which voters were processed varied greatly, depending on the efficiency of the election officials, the voters' understanding of the procedure and the time of day. We noted that in most of the polling centres, the rate of voting increased as voting progressed and officials became more familiar with the procedures. Voters in the queue at the close of polling, at 4 p.m., were permitted to cast their vote.

A variety of materials – bamboo canes, mats, galvanised tin, curtains and desks, for example – were used to screen the voting areas in the booths. We considered voting areas to be sufficiently well screened from the rest of the room, thus assuring the secrecy of the ballot.

In our view, the system generally worked extremely well, although we did observe minor irregularities and infringements of the rules. Overall, we were impressed with the care taken by most Presiding Officers to ensure that correct procedures were followed throughout.

Difficulties at the Poll

We observed a number of difficulties in the course of polling, some of which are not uncommon in elections elsewhere. It is important to add that these difficulties were not of a level of significance that would call the integrity and credibility of the election process into question. They are brought to attention so that consideration might be given, as appropriate, to improvements in future elections.

In only a few cases were we told by Presiding Officers and party agents of complaints about the voting process. However, some voters brought to our attention alleged intimidation of and threats to minorities, charges of personation and multiple voting, suggestions that particular polls had been rigged and that some women had been deterred from voting. In most cases we were not in a position to verify these allegations and in all urged voters to refer their complaint to the election authorities.

In contrast to most of the country, there appeared to be particularly serious problems in Chittagong Division. Of the 27 parliamentary constituencies where re-polling was ordered after the 12 June elections no less than 16 were in this Division. Our Observers in Chittagong were told of the anxiety and apprehension of minority voters that they would be in danger if they came out to cast their votes, and that consequently women in particular were not expected to do so. We were told that some who did vote were harassed in the polling centre or were told that they were not on the list, and sent away.

The frequency with which complaints of intimidation were made in Chittagong in particular pointed up a need for increased law enforcement activity in areas with a history of election violence. There also seemed to be a need for better crowd control training: on one occasion an *ansar* was observed beating women voters with a *lathi*. (*Ansars* are security personnel with limited powers, deployed to support and assist the police.)

We recognised the importance of the work undertaken by the domestic election observer organisations FEMA and CCHRB, which had observers in many polling centres, and noted that FEMA experienced difficulties with accreditation for their observers in some areas.

One common problem involved the physical arrangements for the poll and polling materials. In a number of cases, small polling centres in small compounds made it difficult for orderly lines to be formed and maintained. In many such locations, polling booths were also quite small, and three polling officers and up to five party agents in one small booth made it difficult, though certainly not impossible, for all involved to carry out the polling procedure efficiently.

Although in general supplies were good, in one booth at a particular centre at which we were present there were insufficient ballot boxes, and ballots had to be removed from one box into a bag, so that the box could be re-sealed for use by other voters. The bag of ballot papers was sealed appropriately in the presence of party agents.

Sometimes there was confusion in confirming voters' identity. In most cases Presiding Officers dealt expeditiously with these problems, but in several cases voters were sent away without being able to vote.

We had difficulty distinguishing between polling officials and party agents in the polling centres. Neither were clearly identified. There was a particular difficulty when the physical arrangements were such that both had to sit in the same place.

We also observed that a small number of voters, especially women, were told that they had already voted and that their names had been marked on the voters' list. Some of these voters were sent away by polling officials, without checking their hands for indelible ink, and without being advised to raise the matter with the Presiding Officer or being offered the option of a tendered ballot.

In a few cases we observed the calling in of the army to assist the civilian authority. The army performed its duty with professionalism, and enabled the police to quickly restore order and re-open voting. However, the intrusion of security officers into the business of the polling centre, including taking notes at the count, was a problem. In such instances they clearly did not understand their role.

We noted that in several polling centres party posters were hung on the walls of polling booths, in one case above the desk of the polling officer.

There were disturbances in a few centres, caused by pushing and jostling when voters

became impatient and anxious to vote. In such cases there was some concern that if women were not able to vote expeditiously they would return to their homes and not vote at all.

We also observed that in several polling centres more booths had been allocated for men than for women, although in some cases the women outnumbered men by more than three to one. This appeared to be a result of miscalculation regarding likely voter turnout at particular times of day.

We were impressed that decisions had been taken to close polling centres where there were obvious irregularities and disturbances, confirming the determination of the Election Commission that the elections should be credible. Voting was discontinued in 122 polling centres, accounting for less than 0.5 per cent of the 25,957 centres.

Polling Officials

We believe that the Election Commission and its officials should be commended for their performance at the poll and count, particularly considering the enormity of the task of preparing for and conducting elections for millions of registered voters in two months.

The vast majority of Presiding Officers and polling staff we observed applied election laws and procedures scrupulously. Overall, polling centres had been properly prepared and the majority of voters were processed efficiently. We found most Presiding Officers to be fully in control of their polling centres, and most helpful and courteous to voters, hearing and making decisions to challenges with the voters' rights fully in mind. The high standard maintained by them attested to the success of the training programmes conducted by the Election Commission.

Naturally, there were cases in which greater authority could have been exercised by Presiding Officers to address disruption and disorder caused, *inter alia*, by the need for flexibility in the allocation of polling booths between men and women. We noted that a few Presiding Officers retreated to their offices when the situation became chaotic, leaving polling officers to deal with the situation. Difficulties were also created where polling officials were inconsistent in the application of electoral law and procedures. Some did not appear to know how to deal with illiterate voters, or recognise the need to explain to them carefully the procedure for voting.

All the Presiding Officers we encountered were men, although a high percentage of polling staff were women. Women were on duty in women's booths. We noted that when there were disputes or problems these women were able to handle them efficiently and effectively.



Party Agents

Party agents, particularly those representing the four major parties – the Awami League, BNP, Jatiya and Jamaat-e-Islami – were present at all the polling centres we visited. Most of the agents in women's polling booths were women.

The conduct of party agents varied considerably. A significant majority performed efficiently and effectively the important role delineated for them in the conduct of business at the polling centre, and as required,

Party influence ... a party election poster is clearly visible on the wall of this polling booth in Chittagong Division as voters are issued with their ballot papers

Making her mark ... a voter casts her ballot: most appeared to understand the procedure very well, as the low level of spoilt ballots showed

contributed constructively to the resolution of problems. Most party agents appeared to fully understand their role and function. There was also a notable degree of camaraderie among some of them.

However, a few party agents actively sought to exercise a degree of influence over the voters. These agents openly told voters who they should vote for, harassed both voters and polling officials, used their right of objection to disrupt the proceedings both during the poll and the count and, in one case, took over when the situation in the polling booth became chaotic. Yet one of our



teams noted that few of them raised objections when voters were told that they could not vote because they had already done so, or when evidence of false voting was put forward.

The situation was more difficult in those few cases in which the layout of the polling booth did not provide for a clear separation between polling staff and polling agents, since party agents were not easily identifiable. Notwithstanding this, almost all party agents we met indicated that they were pleased with the conduct of the poll and had no complaints.

Security

Concerns about security on election day loomed large, prompted by a history of violence during past elections in Bangladesh. It was clear to us from the comprehensive and elaborate plans put in place for the security of voters, polling officials, party agents and polling places on election day that security was considered vital to the conduct of the elections.

Security arrangements differed from polling centre to polling centre. At those judged most vulnerable there were several armed police, perhaps supplemented by members of the Bangladesh Rifles. Unarmed police and *ansars* (at least one of whom was armed) were present at all polling centres. Armed reserve forces of police and soldiers were also available on standby. We only saw army personnel in polling centres when their presence had been officially requested.

Most of the security forces were professional, courteous and helpful, and in a majority of polling centres they took responsibility for maintaining order in the queues and performed other duties related to the smooth conduct of voting. We noted, however, that in some cases the security presence was quite intrusive, with officers controlling entrance and exit into and out of the polling centre, moving freely into the polling booth and handling ballot papers. At the count in a few polling centres, security officers were observed taking down results, then leaving the counting centre and returning to take down further results, giving the impression that they were feeding information to the crowds. At some polling centres where altercations and violence broke out, the security forces did not intervene.

Neither voters nor party agents seemed overly concerned with the conduct of the security forces, giving the impression that generally voters did not feel intimidated by their presence inside or outside the polling centre, even though the security presence cannot always be held to have been discreet. We believe that if the presence of security forces had an impact on voter turnout, it was a positive one.

Polling day passed off relatively peacefully, with only isolated incidents of violence.

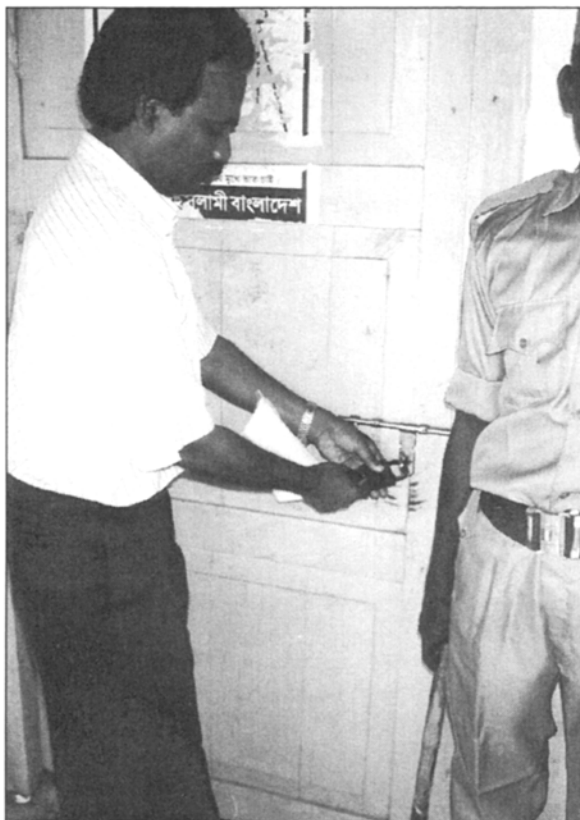
Voters

The voters of Bangladesh came out in great numbers, confirming their strong support for the elections and the democratic process. We observed that there was an especially high turnout of women voters. Our general impression was that the majority of voters felt free, and under no pressure from intimidation. With few – although very conspicuous – exceptions, voters were orderly and patient, even when they had queued in the heat of the sun for long periods. Long lines of umbrellas shading their owners from the sun could be seen at several polling centres. We did not receive many complaints from voters about the time they had to wait to vote. Great care was taken to bring the elderly and infirm to the polling centre and, for the most part, they were dealt with expeditiously by polling officials.

Most voters appeared to under-



The count ... in most centres the counting of votes was quick, efficient, transparent and orderly



stand the voting process very well, a fact to which the low level of spoilt ballots attested. Voters who did not understand the procedure rarely asked for assistance, and many of them seemed to become more confused and uncertain if polling officers and party agents, sometimes simultaneously, shouted out advice to them. We noted that where voters were educated about, and understood, the procedure for voting, the polls moved swiftly and smoothly. The process was also facilitated where voters were in possession of Identity Cards.

It is significant to note some of the reasons for disorder and disruption on the part of voters, which included:

- unsatisfactory arrangements for the conduct of the poll;
- crowded polling centres (either because there were many voters or because voting compounds were too small); and
- the deliberate disruption of the voting process.

Sealed off ... to provide additional security, officials at some counting centres locked themselves, observers, party agents and police inside the room – and locked everyone else out until the count was over

The Count

All closures we observed came at 4 p.m., so procedures for the count started soon after. An early start was also permitted by the fact that ballot papers were counted at the polling centres. On the whole, the co-operation extended to us by election officials was very good, although there were a few instances in which our observation was delayed while the Presiding Officers confirmed with their Supervisors the regulations governing the presence of international observers at the count.

The count was generally orderly, but there were a few noticeable exceptions. These were sometimes caused by the reluctance of those party agents who were not entitled to stay for the count to leave the premises once the count began, and heated exchanges between remaining party agents and the Presiding Officer, particularly where the latter was not authoritative in making a ruling.

Overall, we were impressed with all aspects of the count, including the professionalism of the Presiding Officers and polling staff, the handling of ballot papers and the conduct of party agents. In most polling centres counting was efficient, quick and transparent, and proceeded in an orderly manner.

In the presence of party agents, the Presiding Officer unsealed ballot boxes and removed all ballot papers. Polling officials unfolded and separated the ballot papers according to candidates, then counted the number of ballots each had secured. During this process spoilt, null and void ballots were handed to the Presiding Officer who gave a ruling on them, after which party agents were given the opportunity to scrutinise them. They were counted later and kept separately.

Following the count, the Presiding Officer prepared a statement showing the number of valid votes polled by the contesting candidates, for dispatch to the Returning Officer. Party agents were entitled to a certified copy of the count on request.

List of Suggestions

During the course of our observations a number of practical points occurred to us, which the Election Commission may wish to consider. These are listed below.

We are hopeful that the Election Commission will co-ordinate a post-election appraisal exercise and use the period before the next general election to enhance the impressive system created during this election. In that context, we offer the following points for possible consideration in that process:

- The Code of Conduct has proved to be highly effective in regulating the conduct of political parties and candidates, and its success could be built on for the future. In particular, consideration might be given to:
 - strengthening the system of Electoral Enquiry Committees;
 - providing further measures to remove all forms of party influence from the polling centre (posters, party booths, party agents speaking to voters, crowds of party supporters, etc).
- Consideration might be given to increasing penalties for breaches of election laws and the Code of Conduct by providing for summary and expeditious action against offenders (possibly including disqualification of persistently offending candidates).
- A review might be conducted of the system whereby a candidate may stand for election in more than one parliamentary constituency.
- The Election Commission could consider issuing identification cards to all voters, including the homeless, in order to extend the franchise to all eligible citizens and to prevent abuse of the electoral system.
- The Election Commission might consider putting in place a continuing programme of voter education, for the general public and in schools.
- Steps might be taken to clearly identify polling officials and party agents as such.
- In making decisions regarding facilities that would be used as polling centres consideration should be given to improving access to the premises and the need to put in place appropriate physical arrangements for the conduct of voting.
- A more secure method for the sealing of ballot boxes could be devised, including the use of numbered seals.
- The arrangements for tendered ballots might be improved to ensure that all who are entitled have the opportunity to vote.
- Domestic observers played an important role in the elections: consideration could therefore be given to further procedures to facilitate their participation in election preparations.
- To ensure a secure environment at polling centres further training might be given to the security forces in crowd control.

Summary of Conclusions

The main conclusions emerging from the body of this Report are as follows:

- The conditions existed for a free expression of will by the voters and the results reflected the wishes of the people of Bangladesh. Overall this was a credible election.
- There was no evidence of abuse of the electoral process on a scale or of a nature as to affect the integrity of the process and, although there were shortcomings, the validity of the outcome was not affected.
- The secrecy of the ballot was assured, the election procedures were generally well understood and properly followed and the vast majority of voters were able to exercise their franchise freely.
- The voters should be congratulated for their patience and for their high turnout, which confirmed their strong support for the election and the democratic process. In particular we welcome the extensive participation of women.
- The Caretaker Government should be commended for its success in providing conditions in which a credible election could be held.
- The remarkable performance of the Election Commission and its officials should be acknowledged. It was a considerable achievement to organise an election on this scale in two months.
- In general, security arrangements for both the poll and the count were appropriate and the security forces played an effective and positive role.
- The political parties were given access to the broadcast media, whose coverage was generally balanced, and the Press permitted the expression of a wide range of political views.
- The Code of Conduct helped to ensure that the political parties and candidates for the most part conducted themselves responsibly.
- We were impressed by the domestic election observers, who we believe played an important part in the election process.

Acknowledgements

Our thanks go first to the people of Bangladesh for all their assistance to our Group, without which our mission could not have been accomplished. We also wish to acknowledge the many personal kindnesses extended to us. We were deeply touched by the warm reception we received in every region of the country.

We are grateful to the Government of Bangladesh and the Election Commission for their assistance, and in particular to President Abdur Rahman Biswas, Chief Adviser Justice (Retd) Habibur Rahman and Chief Election Commissioner Mr Mohammad Abu Hena for finding time to welcome us personally. We received valuable co-operation from Mr Ashfaqur Rahman and his team at the Ministry of Foreign Affairs, Divisional Commissioners, Deputy Commissioners, election officials, senior officers of the security forces and representatives of the political parties.

We wish to express our appreciation to members of the diplomatic corps, non-governmental organisations, representatives of the media and other international observer groups for their assistance. We also wish to thank the domestic observers of both FEMA and CCHRB for their support. Special thanks must go to our interpreters and drivers who worked especially long hours.

We would also like to pay tribute to the members of the Commonwealth Secretariat support staff for their unfailing energy, resourcefulness and patience and for working day and night to ensure the success of the mission.

Finally, we wish to place on record our thanks to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for his guidance and for giving us this opportunity to serve the people of Bangladesh, the cause of democracy and the Commonwealth.

Supplement to Observer Group Report

Bangladesh Parliamentary Elections 1996: Re-polling, 19 June 1996

On 12 June 1996 voting was suspended, for various reasons, in a number of polling centres across Bangladesh. The Election Commission subsequently decided to repeat the elections in the affected centres and, accordingly, on 19 June re-polling took place in 122 centres in 27 constituencies.

Both the Chief Adviser and the Chief Election Commissioner made clear that they would welcome observation of the re-polling by members of the Commonwealth Observer Group which had been present for the 12 June elections. A combined team of 10 Observers and support staff therefore remained in Bangladesh to observe the re-polling on 19 June. This Supplement is their report.

Background

Of the 27 constituencies in which re-polling took place on 19 June sixteen were in Chittagong Division, four were in Sylhet Division, two in Barisal, one in Rajshahi and the remainder in Dhaka Division. Three Commonwealth Observers were deployed to Comilla, two to Chittagong and one to Sylhet while two used Dhaka as their base and two staff members remained at our office in the capital. We consulted with other international observers to ensure that there was no unnecessary duplication of coverage and, at polling centres, exchanged notes with the domestic observers of FEMA and CCHRB.

Arrangements were broadly as for the 12 June elections. Campaigning was banned in the 48 hours before the poll and restrictions were again placed on the use of motor vehicles. All



Providing the ansars ... women 'ansar' security personnel, some dressed in special distinctive yellow saris: the Observers welcomed the use of women to police the lines of female voters during the re-polling

the candidates who featured on the ballot paper a week before appeared on the ballot paper again.

However, the re-polling differed from the earlier elections in one important respect: security was completely overhauled, reflecting the fact that re-polling had been made necessary in many of the centres because of disruption on 12 June. Where before the affected polling centres might have had as few as two or even only one armed policeman on duty on election day the Election Commission announced that on 19 June each centre would be protected by 20 armed police, five members of the Bangladesh rifles and 12 *ansars* (four of them women), with armed police and army reinforcements in reserve. A magistrate would be present at each polling centre to oversee security.

Comilla

Prior to re-polling day we gained the impression from our meetings with electoral and law enforcement officials that preparations were well in hand. With the completion of polling in all but 27 constituencies on 12 June ample resources had been released for re-polling. In line with the national announcement, more senior officials were to be appointed as Presiding Officers, magistrates would be at each centre and the contingent of security forces at each polling centre would be significantly increased. In fact we were told that given the security available no centre was considered as a high risk. We also learnt that it had been decided to mark the index finger of the left hand with indelible ink in order to distinguish this poll from that of 12 June and the ballot papers were to be of a different colour from those used on 12 June. Officials indicated that they were confident of a high voter turnout and that the re-polling would be peaceful.

On re-polling day itself our Observers visited five centres in Comilla 6 constituency, three centres in Comilla 7 and three in Comilla 8. Five of these centres were visited twice. All the centres in Comilla 6 and 7 were in exceptionally remote rural areas and one was accessible only by rickshaw or on foot. Entrance and exit from most centres was restricted, even in the urban areas.

Overall, the assessment of the officials we had met was borne out. In most of the polling centres we visited Presiding Officers were in full control and a magistrate was present.



Improvements ... a party poster is removed from the wall outside a polling centre: several such measures were taken to improve arrangements for the re-polling on 19 June

Polling officials functioned effectively, although in some centres there was room for improvement in the way that they handled voters, a significant percentage of whom were illiterate. In fact, many voters in these rural areas seemed to have very little knowledge of the voting process. We noted with interest at the count that several ballot papers had been put in the ballot box without being marked, and in a number of other cases voters had stamped and torn off the section of the ballot containing the name and symbol of the candidate they were supporting, then put both sections of the ballot paper in the ballot box.

Once more, voters came out in large numbers with women again outnumbering men. Voters' queues were long in the morning but had reduced to a trickle by mid-afternoon. Party agents performed their duty effectively, and did not disrupt the proceedings. Security forces secured the polling centres, compounds and perimeters effectively.

Generally, the system worked well, and irregularities and difficulties were kept to a minimum. The team noted that some of the booths were again very dark and cramped and in two of the polling centres we visited the area for marking the ballot did not allow for optimum security. However, we did not believe that the secrecy of the ballot was compromised. We heard reports of suspected cases of personation and one Presiding Officer told us that he had received complaints about party activists seeking to prevent minorities from coming to the poll. The army had been called in, and had brought the situation under control. Those who wanted to continue to the poll could do so.

The count was observed at two centres in Comilla 8. In both cases it was an efficient, transparent and speedy exercise.

Sylhet

The impression gained from meetings with staff of the Deputy Commissioner's office and the Police Superintendent the day before the re-polling was that arrangements were well advanced. Each polling centre was to be provided with more than 20 security officers, comprising police and *ansars*. The army was also to be deployed to the polling areas, to be called on if necessary. Officials indicated that they were confident that the polling would be very peaceful and that turnout would again be high.

Polling was observed at three polling centres in Sylhet – Companyganj (Sylhet 1), Muslimnagar and Daubari (Sylhet 4) – all in very remote locations. Two of them could be reached only by using ferries and then continuing on foot.

As had been planned, a magistrate and a deputy magistrate, together with increased security forces, were present in each centre. As we had observed on 12 June, long queues had formed quite early in the day and polling had started on time. The polling observed at these centres was conducted smoothly and according to regulations. Low literacy levels amongst the voters meant that at times the absolute secrecy of the vote may have been compromised, in that voters had innocently returned the ballot papers to the issuing officer without having folded them.

At one centre our Observer learnt of an incident in which two people had been taken into custody for alleged personation, then released later. All in all, however, the impression gained at these three centres was that the re-polling was taking place in a controlled manner and was well handled by both the polling officers and the security staff.

Chittagong

Our Observers in Chittagong covered Chittagong 11 constituency, where they visited all four polling centres in the morning and revisited three of the same four in the afternoon.

Security was well provided for and crowd control was achieved with the minimum use of force. This time police had the advantage of radio communications. Polling was orderly and to the best of our Observers' knowledge took place without incident. The centres were efficiently administered, arrangements were good and the secrecy of the ballot was assured.

The arrangements for voters' queues were good and this contributed to the orderly manner in which voting was carried out. The ban against campaigning at the centres was rigorously



Additional security ... security personnel were present at the polling centres in greater numbers for the re-polling: here Commonwealth Observer Alice Killam meets a Bangladesh Army signals unit, part of the mobile reserve

enforced. Efforts had been made to remove party posters (with which the centres had been plastered prior to 12 June) and party booths and crowds of party supporters were kept well away from polling centres.

Those voters we spoke to indicated that they were happy with arrangements. They turned out in huge numbers in the morning, with 800 at one centre when we visited at 8.45 a.m. This meant that some voters had a very long wait, but they remained patient and calm, in spite of the rain. In contrast, at the centres we visited in the afternoon there were very few voters. Turnout overall in the four centres in Chittagong 11 was around 60 per cent.

Polling booth layout was generally adequate although, as on 12 June, some were crowded and often they were very dark. One specific criticism was that often those going to vote had to follow the same route within the polling booth as those returning from voting. This could have been easily avoided by making minor amendments to the layout.

The staff and Presiding Officers were competent and helpful to voters. We had been told by the Deputy Commissioner that none of the polling centre officials used at these centres on 12 June would be employed again on this occasion and that those employed would be mainly government officials. While we could not confirm this, those Presiding Officers and Police Inspectors we asked about this were certainly new.

We received no complaints from party agents stationed inside the booths and only one complaint from a voter, regarding a dispute about her identity (which we drew to the attention of the Assistant Presiding Officer). Presiding Officers told us that they had received no complaints.

As on 12 June, there was a very large turnout of women voters. On this occasion female *ansars* were employed to provide for order in the women's voting queues – a welcome innovation.

One particularly positive feature of the re-polling exercise was that party agents inside the booth (and the counting room) did not wear any form of identification showing their party emblem. This was in marked contrast to the experience on 12 June.

The count attended by our Observers was generally well conducted and the outcome was

certified by party agents, who were present throughout. However, one of the 12 armed police inside the counting room itself appeared to stray beyond his official duties and dispute, in a heated manner, the Presiding Officer's views on a matter which appeared to be related to the counting procedure, challenging a number of ballot papers. In our view the integrity of the count was not affected – the Presiding Officer showed no sign of having been influenced. Nevertheless, in our Observers' view such behaviour by a police officer was improper.

While there were few rejected ballot papers, several were challenged because the ink used on the official stamp showed through to the side on which the voter had placed her/his mark. This could be remedied in the future by the use of different paper for the ballot papers.

The team received reports from villagers and from two party agents to the effect that members of minority communities were too scared to come to vote, either because they had been threatened directly or because they were still fearful from the intimidation of 12 June. However, our Observers did not themselves witness any intimidation.

One party agent, in Patiya, said that there had been intimidation of minority voters throughout the day in the town itself, with small groups of party supporters intercepting voters who had walked in from villages. He told our Observers that this had been reported to the police, who had responded that their job was simply to protect the polling centres. However, the magistrate at the appropriate polling centre and his Inspector of Police both denied that any such reports had been received and stated that as a preventative measure mobile police teams were touring the area.

We assured those we met from the minority communities that security at the polling centres was good, but we were of course in no position to know what difficulties potential voters from minority communities might have faced on their way to the poll or afterwards.

Dhaka

The Dhaka team concentrated on the Narayanganj 2 constituency, about 40 km to the north of Dhaka. Polling had been disrupted by various outbreaks of violence on 12 June, at six polling centres. Our Observers visited all six, three of them twice.

The opening was observed at the Maruwadi polling centre, the largest, with 3,938 registered voters. The pattern seen there was repeated at each of the other centres visited: a strong turnout, with women voters in the majority. Security was strongly in evidence, near the centre and at strategic points in the villages around it. Those not actually voting were kept well beyond the 400-metre perimeter. As at centres elsewhere, women *ansars* took charge of the queues of women voters.

The poll opened on time with all party agents present, but processing was slow (partly because there was only one stamp with which to mark the ballot paper). Folding of the ballot paper often took time and was frequently completed by the polling officer. At each centre all party agents were asked if they had any concerns regarding the procedure in the booth, in the queues or with their supporters' access to the centre. In all cases they expressed satisfaction. Asked about the heavy police and military presence they all expressed satisfaction, seeing it as a guarantee of safety and order for voters.

The team visited the Jalakandi polling centre and then proceeded by boat and foot to Gazipura and Bishnandi centres. The latter was reached by footpath through a well populated village some 2 km from the landing. The area was covered by a combination of outposts of regular troops and mobile patrols of ten to 12 armed Bangladesh Rifles. At Bishnandi one would-be double voter was apprehended and held for about half-an-hour as an example to others. He was then removed from the centre.

After revisiting Jalakandi, where voting had dwindled to just a handful of voters, our Observers visited Bazbi and Satgram. At the former there was still a small number of women in the queue. At Satgram the voting was virtually over.

The team attended the count at Maruwadi. This was conducted meticulously under the control of the magistrate, who made random checks of the counting and at one stage, finding that one pile supposedly of 100 votes actually contained 102, ordered the counting officers to sign off on each batch with their full names. This applied to both the first and second count

and he warned them that anyone found making such an error would be immediately arrested and prosecuted. In the event, the count took only an hour to complete. The party agents expressed satisfaction with the procedure.

Conclusion

We heard from international and domestic observers who covered other constituencies and from media reports that while polling took place peacefully at most of the 122 polling centres there were incidents of violence on re-polling day. One international observer team reported that it was present shortly after a group stormed a polling centre and threw ballot boxes into the water. (The Election Commission subsequently decided that re-polling would take place there on Saturday 22 June 1996.) There were also alleged irregularities in procedure and reports of some intimidation. There is a procedure by means of which political parties can make complaints and these will no doubt be considered in the proper way.

As far as our own observations are concerned, the day went very well. We were impressed by the generally high turnout, particularly by women voters, which was a tribute both to the people's determination to exercise their right to vote and the arrangements made by the Election Commission, which should again be commended for its efforts.

In some of the areas where we were present members of minority communities and others may still have been too scared to vote. But the significantly improved security arrangements provided at the polling centres at least meant that opportunities to disrupt voting itself were vastly reduced. Given that polling had been suspended at these centres just one week earlier we were impressed by the calm and confidence of the voters at the polling centres, which undoubtedly derived from the reassurance provided by the enhanced security measures. Voting was orderly and the day passed off without any serious incident at the polling centres we observed.

At the same time, steps had been taken to ensure that there was no irregularity in the election process itself. It seemed to us that the preparations for the re-polling were thorough, the election officials were diligent and competent and the procedures for both polling and counting were adhered to. Overall, our Observers found that the administration of the polling centres was efficient, transparent and correct and that the secrecy of the ballot was assured.

There were several features of the re-polling which we particularly welcome and which we hope it may be possible to incorporate in arrangements for all future elections: party agents did not wear party emblems or badges inside the polling booths, efforts were made to remove party posters from the centres, crowds of party supporters and party booths were kept well back and steps were taken to ensure that there was no party campaigning in the immediate vicinity of the polling centres.

In their conversations with our Observers officials at the polling centres, party agents and the voters themselves overwhelmingly supported our view that arrangements for the re-polling at the centres we visited were such as to enable the will of the people to be expressed.

Annexes

ANNEX I

Composition of the Commonwealth Observer Group

Tan Sri (Dr) Muhammad Ghazali Shafie (Malaysia – Chairman)

Tan Sri Ghazali Shafie is a former Minister of Foreign Affairs. Since his retirement in 1984 he has been a special envoy of the Government of Malaysia. He began his career as a civil servant assigned to the Office of the Commissioner for Malaya in London. At independence in 1957 he was appointed Deputy Secretary for External Affairs and became Permanent Secretary in 1959. In 1970 he was appointed a Senator and made Minister with Special Functions. In 1971 he was also made Minister of Information. He was elected as a Member of Parliament in 1972 and was appointed Minister of Home Affairs the following year, holding the portfolio until 1981 when he became Foreign Minister. He retired from politics in 1984.

Tan Sri Ghazali Shafie was educated at Raffles College, Singapore, University College Wales and the London School of Economics. He is currently a Distinguished Fellow of the Malaysian Institute of Strategic and International Studies, Fellow of the National Institute of Public Administration (INTAN), Malaysia, Fellow of the University of Wales and Resident Writer at the National University of Malaysia. Tan Sri Ghazali Shafie was a member of the Commonwealth Group of Distinguished Observers which observed the proceedings of CODESA in South Africa in December 1991 and a member of the Commonwealth Observer Group to the South African elections in April 1994.

Mr Errol Bethel (The Bahamas)

Mr Errol Bethel is Parliamentary Commissioner for the Commonwealth of The Bahamas. He has direct responsibility for the registration of voters, maintenance of the electoral register and the conduct of parliamentary and local government elections. A former Headmaster, Mr Bethel is trained in government and politics and has worked in all major elections in The Bahamas over the past 30 years. He has served as Presiding Officer, Returning Officer and as co-ordinator for the general election.

Mr Justin McClair Daniel (St Lucia)

Mr McClair Daniel joined his country's civil service in 1950 and has been Chief Elections Officer since May 1979, supervising elections in 1979, 1982, 1987, 1992 and a by-election in February 1996. Mr Daniel was Director of Audit of St Lucia from 1974 to 1984. He was also a member of the Caribbean Community's Working Group of Senior Electoral Officials which co-ordinated the Caricom and Organisation of American States (OAS) observers to the 1990/91 elections in Haiti. He has been an election observer in Santa Domingo, El Salvador and Suriname.

Mr Reuben T Kaiulo, MBE (Papua New Guinea)

Mr Reuben Kaiulo is the Electoral Commissioner for Papua New Guinea and is responsible for organising all elections in that country. He was previously (1979-91) Deputy Electoral Commissioner with special responsibility for election planning. Mr Kaiulo observed the 1980 elections in Zimbabwe as part of the Commonwealth Observer Group. He was awarded the MBE by HM Queen Elizabeth II in 1990 for outstanding public service.

The Hon Hulda Stanley Kibacha, MP (Tanzania)

The Hon Hulda Kibacha has been a Member of Parliament since 1990. She has extensive experience in education and training and has been a teacher trainer, Zonal Chief Inspector of Education and co-ordinator of the Inspectorate of Education. From 1983-92 she was a

Principal Assistant Secretary in the Department of International Affairs of the Chama Cha Mapinduzi (CCM) party and is currently a member of the Council of Dar es Salaam University and the Finance and Economic Committee of Parliament. Ms Kibacha is widely travelled and has represented her country on various delegations and at a number of international conferences.

Ms Alice Killam (Canada)

Ms Alice Killam is a Census Commissioner with Statistics Canada and from 1987-95 was a Federal Returning Officer with Elections Canada. She has wide electoral experience, including as a UN Observer for the Edmonton poll for the South African elections and as an election official of the UN Transitional Authority in Cambodia. Ms Killam is a member of several human rights organisations, including the Dignity Foundation, and is involved in various community projects, such as Interchange for Canadian Studies and International Student Exchange Programmes. She is also currently serving as a Board Member for the Multi-Culturalism Commission for the Province of Alberta and as a volunteer English conversation leader for new Canadians.

Miss Lindiwe Michelle Maseko (South Africa)

Miss Lindiwe Michelle Maseko is a Member of the Gauteng Provincial Legislature in South Africa. She is an active member of the African National Congress (ANC) and a member of the ANC Women's League National Committee. She was Chairperson of the Soweto sub-region and has been Provincial Secretary of the ANC Women's League since 1991. From 1992 to 1994 she was Personal Assistant to the Premier of Gauteng, Tokyo Sexwale. Presently she is an ANC whip and Deputy Chairperson of the Seat of Government Select Committee. She also serves on the Sport, Recreation, Arts and Cultural Standing Committee and is a branch representative of the Commonwealth Parliamentary Association.

The Hon Dilan Perera, MP (Sri Lanka)

The Hon Dilan Perera is an attorney-at-law by profession and was born in Badulla, the capital of Uva Province, the largest province in Sri Lanka. He was elected as a Provincial Council Member in 1987 and became Leader of the Opposition in the Uva Council in 1993. He was elected to Parliament in 1994, receiving the highest number of votes in the Badulla District. Mr Perera is a member of the Sri Lanka Freedom Party, which is the largest political party in the 'People's Alliance' Government of Sri Lanka.

Ms Johannah-Joy Phumaphi, MP (Botswana)

Ms Johannah-Joy Phumaphi was elected to Parliament in 1994 and is currently an Elected Secretary of the Back Bench Committee and a Member of the Constituency Grading Committee. In 1994 Ms Phumaphi was appointed to the Parliamentary Law Reform Committee. She is also a Branch Representative of the Commonwealth Parliamentary Association, holds an MSc in Financial Accounting and from 1980-91 was Principal Local Government Auditor. Since 1992 she has been working as a management consultant.

Dr Kanwaljit Soin, MP (Singapore)

Dr Kanwaljit Soin has been a nominated Member of Parliament since 1992 and is also a practising orthopaedic and hand surgeon. She holds numerous positions in welfare, advocacy, artistic and professional organisations. She is a founder member and past-President of AWARE (Association of Women for Action and Research) and in 1992 was nominated 'Woman of the Year'. Among Dr Soin's many current appointments she is a member of the Legal Inquiry Panel, Patron of the Lupus Association, Board Member of the

Singapore Council of Women's Organisations and Board Member of CAPWIP (Centre for Asia Pacific Women in Politics). She is also regional member of the Steering Committee of the Women's Group of the Commonwealth Parliamentary Association.

The Viscount Waverley (Britain)

John Desmond, Viscount Waverley, is a member of the House of Lords. He took his seat as a cross-bencher (Independent) in June 1993 and is Chairman of the Lomé Parliamentary Association, the Internal Political Parliamentary Group and the British-Nigeria Parliamentary Group. He is also Secretary of the Export Parliamentary Group, a Companion of the Institute of Export and a member of the Royal Institute of International Affairs. Viscount Waverley has made several parliamentary visits, including to Burundi, Japan, Nigeria, Pakistan, Rwanda and the Falkland Islands.

Mr Trevor Willson (Australia)

Mr Trevor Willson is Assistant Commissioner, Information and Education, with the Australian Electoral Commission and is responsible for the Commission's public awareness programmes, publications and media liaison. He was previously a participant in the Public Service Board's Executive Development Scheme and prior to his work with the Electoral Commission worked in education and curriculum development. Mr Willson has wide international electoral experience and in 1989 was a senior member of the AEC team providing polling assistance and observation as part of the UN contingent in Namibia.

SECRETARIAT SUPPORT STAFF

Professor R H F Austin, Team Leader

Mr J P Sheppard, Deputy Team Leader

Mr Michael Fathers, Media Adviser

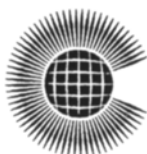
Mrs A Missouri Sherman-Peter, Assistant to Observers

Mr Christopher Child, Assistant to Observers

Ms Lorna McLaren, Assistant to Observers

Ms Krishnee Naidoo, Assistant to Observers

Mr Q Kamaluddin, Administrative Officer

ANNEX II**Commonwealth News Release of 31 May 1996**

Commonwealth News Release

96/20

31 May 1996

Commonwealth to Observe Parliamentary Election in Bangladesh

A team of 12 Commonwealth Observers, together with a supporting team from the Commonwealth Secretariat, will be present in Bangladesh for the Parliamentary Election which is to be held on 12 June.

In making the announcement today, Commonwealth Secretary-General Emeka Anyaoku said that the Commonwealth was responding to an invitation from the Government of Bangladesh for a Commonwealth Observer Group to observe the Parliamentary Election. A planning mission from the Commonwealth Secretariat which visited Bangladesh on 10 May established that there was widespread support among the major political parties for a Commonwealth presence during the election.

The Commonwealth team for Bangladesh will be led by **Tan Sri (Dr) Mohd Ghazali Shafie**, former Minister of Foreign Affairs of Malaysia. The other observers will be:

Mr Errol W Bethel
Parliamentary Commissioner, The Bahamas

Mr Justin McClair Daniel
Chief Elections Officer, St Lucia

Mr Rueben T Kaiulo MBE
Electoral Commissioner, Papua New Guinea

Hon Hulda Stanley Kibacha MP
Member of Parliament, Tanzania

Ms Alice Killam
Electoral Officer, Canada

Ms Lindiwe Maseko MP

Member of Parliament, South Africa

Hon Dilan Perera MP

Member of Parliament, Sri Lanka

Hon Johannah-Joy Phumaphi MP

Member of Parliament, Botswana

Dr Kanwaljit Soin

Member of Parliament, Singapore

Lord Waverley

Member House of Lords, Britain

Mr Trevor Willson

Assistant Electoral Commissioner, Australia

The Group will be supported by an eight-member team from the Commonwealth Secretariat, led by Professor Reg Austin, Director of the Legal and Constitutional Affairs Division.

Note to Editors:

The mission to Bangladesh will represent the 18th election observed by the Commonwealth since October 1990, including elections in Malaysia, Zambia, Seychelles, Pakistan, South Africa and most recently, Sierra Leone. These observer missions are to be seen in the context of a decision taken by Commonwealth Heads of Government to support the promotion of democracy in a number of ways, including through observation, on request, of elections in member states.

ANNEX III**Arrival Statement of 5 June 1996**

Bangladesh Parliamentary Election, 1996

Commonwealth Observer Group*News Release***Arrival Statement by the Commonwealth Observer Group**

We are extremely pleased to be here in Bangladesh at this important time. We have come in response to a request from the Government of Bangladesh to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for the Commonwealth to observe the Parliamentary Elections on 12 June 1996, and our presence has been welcomed by all the major political parties.

The Observers has been drawn from many parts of the Commonwealth, but all serve as Commonwealth Observers in their personal capacities and not as representatives of their countries, governments or the organisations to which they may belong. The Group's objective is to observe the organisation and conduct of the elections in accordance with the laws of Bangladesh, and to form an impartial judgement based upon our observations.

We have no executive role. On completion of our task, we will present a Report to the Commonwealth Secretary-General, who will make it available to the Government of Bangladesh and to the political parties taking part in the elections, and thereafter to all other Commonwealth governments.

In carrying out this mission we will remain in close touch with the major political parties, the Election Commission, and others involved in the election exercise. We look forward to being briefed on the preparations in hand, and to travelling to many parts of the country before and on polling day.

We consider it an honour to be here at this juncture in Bangladesh's political and democratic evolution. We hope to assist in whatever ways we can in supporting the electoral and constitutional processes in this country.

Note to Editors:

The Commonwealth Observer Group to Bangladesh has established an office at the Sheraton Hotel, Dhaka. For further information, please contact Michael Fathers, Telephone No: 863391, Room 333 and 335.

ANNEX IV

Schedule of Engagements

Wednesday 5 June

- 1000 Arrival Press Conference, Sheraton Hotel, Dhaka
- 1100 Briefing by Mr Ashfaqur Rahman (Ministry of Foreign Affairs) and Mr Sajedul Karim (Election Commission) and accreditation as election observers
- 1600 Representatives of FEMA (Fair Election Monitoring Alliance): Mr Fakhruddin Ahmed (Chairperson) and Mr Tarikul Ghani (Executive Director)
- 1645 Bangladesh Workers' Party: Mr Haider Akbar Khan Rano (Member, Politbureau for International Affairs)
- 1730 Meeting with Chief Adviser, Justice (Retd) Habibur Rahman
- 1900 Chairman's Reception for Observers and Invited Guests, Dhaka Sheraton

Thursday 6 June

- 0900 Communist Party of Bangladesh: President Mr Morshed Ali and General Secretary Mr Mujahidul Selim
- 0930 Awami League: Mr S A M S Kibria and Mr Gaziul Huq (Co-Chairmen, Election Steering Committee), Ms Syeda Afroza Alam, Professor Abdul Mannan and Advocate Abdul Mannan Khan
- 1030 Jatiya Party: Mr Saeed Tarek (Chair, Election Steering Committee), Mr Sadek Siddique and Advocate Yusuf Hossain Humayun
- 1115 Bangladesh Nationalist Party: Mr Zahuruddin Khan (Chairman, National Election Co-ordinating Committee), Mr Rezaul Karim (Co-ordinator for International Affairs), Mr Kaiser Rasheed Chowdhury, Mr Arshad-uz Zaman and Professor M Maniruzzaman Miah
- 1200 Jamaat-e-Islami: Barrister Abdur Razzaque (Elections Spokesman), Professor Md Sharif Hussain, Mr Abul Asad, Mr Abdul Gaffar, Advocate Nazrul Islam (Central Executive Committee members)
- 1400 Association of Development Agencies of Bangladesh: Ms Rasheda K Choudhury (Director), Dr Qazi Faruque Ahmed (Chairperson), Mr Syed Nurul Alam (Vice-Chairperson), Mr Omar Faruque Chowdhury (Treasurer), Ms Khushi Kabir, Ms Helen Rahman, Mr Shamsul Huda
- 1500 Co-ordinating Council for Human Rights in Bangladesh: Mr Jeffrey S Pereira (Vice-President) and Mr Aminul Islam (Director)
- 1630 Gano Forum: Mr Ziaul Huq (Chairman, Election Steering Committee), Mr M Maniruzzaman, Barrister V I Chowdhury and Mr Kamal Hyder
- 1930 Dinner for Chief Election Commissioner, Mr Mohammad Abu Hena, Sheraton Hotel

Friday 7 June

- 1000 Commonwealth Diplomats: HE Mr Kenneth Aspinall (Australian High Commissioner), HE Mr Peter Fowler (British High Commissioner), HE Mr Jon Scott (Canadian High Commissioner), HE Mr Deb Mukharji (Indian High Commissioner), Mr Ramlee Yatim (Second Secretary, Malaysian High Commission)
- 1130 Discussion with other Observer Groups: Eric Bjornlund and Peter Manikas (National Democratic Institute, United States), Mr Jeevan Thiagarajah (South Asian non-governmental observers) and Senator Cayetana De Zulueta (European Union Observer Group)
- 1500 Representatives of women's organisations: Ms Rokeya Kabir (Executive Director, Bangladesh Nari Pragati Shangha), Ms Khushi Kabir (Co-ordinator, Nijera Kari), Dr Hamida Hossain (Executive Director, Ain Shalish Kendra), Ms Ayesha Khanam (General Secretary, Bangladesh Mohila Parishad), Ms Helen Rahman (Executive Director, Shaishab) and Ms Rasheda K Choudhury (Director, ADAB)
- 1600 Deployment briefing and distribution of Observers' material

*ANNEX V***Deployment of Commonwealth Observers**

DIVISION		LOCATION
Dhaka	Tan Sri (Dr) Mohd Ghazali Shafie (Chairman) Ms Alice Killam Professor R H F Austin Mr Michael Fathers Ms Lorna McLaren	Sheraton Hotel Dhaka
Chittagong	Mr Justin McClair Daniel Hon Johannah-Joy Phumaphi MP Dr Kanwaljit Soin MP Mr J P Sheppard	Hotel Agrabad Chittagong
Khulna	Mr Reuben T Kaiulo MBE Mr Trevor Willson Mrs A Missouri Sherman-Peter Ms Krishnee Naidoo	Paper Mill Rest House Khulna
Rajshahi	Hon Hulda Stanley Kibacha MP Hon Dilan Perera MP	Parjatan Motel Rajshahi
Sylhet	Ms Lindiwe Maseko MP Viscount Waverley	Hotel Polash Sylhet
Barisal	Mr Errol Bethel Mr Christopher Child	Hotel Ali International Barisal

ANNEX VI

Check List for Polling Station Visits and Observation Notes for Poll and Count



Bangladesh Parliamentary Election, 1996

Commonwealth Observer Group

Tel: (880) 2 863 391 or 861 191

Fax: (880) 2 832 915 or 832 975

Dhaka Sheraton Hotel

1 Minto Road

GPO Box 504

Dhaka-1000

Bangladesh

CHECKLIST FOR POLLING STATION VISITS

Name of Observer(s):

Constituency:

Polling Station:

Time of Arrival:

Voters in Queue: Rate of Processing:

-
1. **Opening of Poll:** On time? Procedures followed?
No/Yes No/Yes
Details:
 2. **Layout and Facilities:** Good? Adequate? Poor?
 3. **Polling Staff:** Efficient? Satisfactory? Poor?
 4. **Security Presence:** Discreet? Intrusive? Oppressive?
 5. **Complaints by Party Polling Agents:** No/Yes Details:

6. **Complaints by Voters:** No/Yes Details:
7. **Mood at Station?** Orderly? Tense? Chaotic?
8. **Secrecy of Ballot:** Assured? Poor? Uncertain
9. **Voting:**
- (a) Personation attempts alleged: No/Yes
Details:
- (b) Multiple voting attempts alleged: No/Yes
Details:
- (c) Women deterred from voting: No/Yes
Details:
10. **Closing of Poll:** On time? Numbers still in queue?
Procedure followed? No/Yes
11. **The Count:** Are procedures being observed? No/Yes
12. **Apparent fairness overall:** Good? Acceptable?
Questionable?
13. **Other Comments:**



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Bangladesh

OBSERVATION NOTES FOR POLL AND COUNT

PART A

The Observers may focus particular attention on the following aspects of the conduct of the election:

THE CAMPAIGN

1. Balance of TV/radio election coverage and extent and nature of access by the parties (e.g. allocation of time for political broadcasts and advertisements).
2. Print media: nature of coverage and extent of access by the political parties.
3. The tone and content of material put out by the political parties, access to printing facilities?
4. The conduct of political meetings/rallies (permits for public meetings?)
5. The conduct of house-to-house canvassing of voters.
6. Nature, scale and effectiveness of Election Commission and other voter education on radio and television, in the print media and by other methods.
7. Activities/measures to encourage the participation of women.
8. Access to funds and sources of funds.

THE POLL

1. The location of polling centres.
2. Distances travelled by voters to polling centres, particularly in rural areas.
3. The procedure followed at the opening of the poll.
4. The length of time voters wait to cast their votes.
5. The adequacy or otherwise of facilities at polling stations and their state of readiness.
6. Availability of adequate supplies, eg, ballot papers, official stamps and stamp-pads, indelible ink, etc.
7. The performance of electoral officials at the polling centres/booths visited.
8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals.
9. Arrangements to facilitate voting by women.
10. The steps taken to ensure that the secrecy of the ballot is assured.
11. The general atmosphere at the polling centres/booths visited.
12. Access of party agents and observers to polling centres/booths.

THE COUNT

1. Inspection of seals.
2. The process of reconciling the number of people who voted with the number of ballots cast.
3. The determination of invalid ballots.
4. The facilities for candidates and their representatives to witness and verify the count and overall transparency.
5. Access by domestic and international observers.
6. The conduct of electoral officers.

PART B

Questions that may be put:

BEFORE POLLING DAY

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or "phantom voters" included?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/encourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation, etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets, etc?

ON POLLING DAY

1. Before polling starts, are the ballot boxes empty? Are they properly sealed? Are all procedures being adhered to?
2. Are all parties represented at polling stations? Are they satisfied with the process?
3. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
4. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?
5. Does the turnout indicate that women have been deterred from voting?
6. Is only one person at a time being allowed into the voting booth?
7. How long are voters waiting to vote? If a long time, are some being put off?
8. Will all parties be represented at polling centres throughout voting and count? Are party polling agents adequately trained and vigilant?
9. Will foreign observers have free access to all stages of the process?
10. Is the security presence effective/oppressive?

THE COUNT

1. Are the boxes kept safe until opened? Are all parties present at opening?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the procedure of the count?

ANNEX VII

Interim Statement of 12 June 1996



Bangladesh Parliamentary Election, 1996

Commonwealth Observer Group

News Release

Interim Statement by Tan Sri (Dr) Mohd Ghazali Shafie
Chairman of the Commonwealth Observer Group

Representatives from the Commonwealth were given a mandate by the Secretary-General to observe the preparations for and the conduct of Bangladesh's general election and to determine whether the ballot was a genuine expression of the people's will. The Secretary-General took this decision in response to an invitation from the Caretaker Government and with the approval of the Political Parties.

Since arriving in Dhaka on 4 June, our 12-member group and its six support staff from the Commonwealth Secretariat have been briefed by representatives from a wide variety of interested groups and officials, including the Chief Adviser, the Chief Election Commissioner and the President. On the eve of the poll, I also met with the leaders of the two main political parties in Bangladesh. On 8 June, four days ahead of the poll, six teams of Commonwealth observers dispersed to the country's six divisions to assess the preparations for voting as well as to observe the election process.

Throughout our time in Bangladesh we have endeavoured to approach our task fully aware of the historic importance of this election for the people of Bangladesh. We have been particularly impressed by the special constitutional and legal arrangements that were put in place to ensure a neutral administration and a credible election. The establishment of the Caretaker Government created an atmosphere - noticeable to us all - that gave a new respect to the political process. This was manifested repeatedly on election day by the high turnout we witnessed in the cross-section of constituencies we visited across the country.

We were impressed by the part played by domestic Non-Governmental Organisations in support of credible elections through voter education activity and by observing the poll. The voters themselves were evidently highly motivated as witnessed by the high turnout, particularly of women voters. We are grateful to the Government of Bangladesh for facilitating our work and that of the other international observers which amply demonstrates the Government's belief in the positive contribution that the Commonwealth and the wider international community can make to the credibility of the election in such circumstances.

We were aware of serious disturbances and some shortcomings, but these did not materially affect the voting process. The calm and patience shown by voters in often over-crowded voting centres was a credit to their commitment and overall we believe that the election will provide a true reflection of the popular will. The counting was carried out according to procedures laid down by the Election Commission. The security forces have on the whole played a positive role in support of the civil authorities.

12 June 1996

ANNEX VIII**Departure Statement of 21 June 1996**

Bangladesh Parliamentary Election, 1996

Commonwealth Observer Group*News Release*

For Immediate Release

21 June 1996

**DEPARTURE STATEMENT BY TAN SRI (DR) MOHD GHAZALI SHAFIE
CHAIRMAN OF THE COMMONWEALTH OBSERVER GROUP TO BANGLADESH**

The Commonwealth Observer Group, which arrived in Dhaka on 4 June 1996, has completed its observation of the elections, having visited 130 polling centres during the polling and re-polling, in all the six Divisions of Bangladesh. Eleven members of the Group remained after the 12 June elections in order to observe re-polling in seven of the twenty-seven constituencies and began to disperse last night, 20 June 1996.

We are of the view that this was a credible election. The overall process, including the re-polling on 19 June, enabled the vast majority of voters to exercise their franchise freely. Although there were shortcomings we believe that the validity of the outcome was not affected.

In our view, the people of Bangladesh have demonstrated an impressive commitment to democracy. In this they were well served by the Caretaker Government. The Election Commission is to be commended for its remarkable achievement in organising these elections in such a short period. The security forces played an effective and positive role, the political parties and candidates for the most part conducted themselves responsibly and the media enabled the parties to put their case to the voters. We were pleased to observe the high turnout, especially of women voters.

We are grateful to have had this opportunity to serve our fellow Commonwealth citizens in support of our association's fundamental political values. We wish to express our appreciation to the Caretaker Government and the Election Commission for facilitating our work, to thank all those others who have assisted our Group and to acknowledge the many personal kindnesses extended to us. Most of all, we wish the people of this country every success for the future. The will of the voters has been expressed. We look forward now to the further consolidation of democracy in Bangladesh.

NOTE FOR EDITORS

This statement concludes the task of the Commonwealth Observer Group, whose full report will now be submitted to the Commonwealth Secretary-General. No further statement will be issued.

ANNEX IX

Bangladesh Election Commission Guidelines for Election Observers

BANGLADESH ELECTION COMMISSION

SHER-E-BANGLA NAGAR, DHAKA

GUIDELINES FOR OBSERVERS

TO OBSERVE ELECTION

Election is a process through which people exercise their right to choose their representative for elective offices. The election proceedings, should therefore be free, fair and transparent. One of the methods through which transparency can be attempted is by inviting impartial/neutral/reputed observer groups to observe the process of election without in any way interfering with the free flow of activities relating to elections.

Bangladesh Election Commission adopts a very liberal policy of entertaining local/international observers to observe all elections conducted by the Commission. The Commission's liberal approach in this matter is constrained only by limitation of resources which are stretched to the limit at the time of any national level elections as well as legal restrictions on some matters. On the Election day, the pressure is at the peak and it is hoped that the observers will appreciate these constraints and restrictions and cooperate fully with all officials connected with the election.

The following facilitatory guidelines are suggested for both foreign and local observers willing to observe the national election.

A. Role of the observers

The observers may watch activities prior to polling day and organise programme to encourage free and fair voting and observe actual polling on Election day without any interference in proceedings.

It may be noted that on the Election day :

- (a) The observers may only observe the proceedings in the polling station and shall not participate in activities like campaign, voting, counting etc;
- (b) They will not interfere with any of the election activities on-going at the polling station;

BANGLADESH ELECTION COMMISSION

SHER-E-BANGLA NAGAR, DHAKA

- (c) Announcement of any result of voting of a centre or constituency must not be done by the observers/observer group
- (d) The observers are to be completely neutral and non-partisan and are required to satisfy the Election Commission on this.

B. Foreign Observers

- (1) The foreign observers (F.O.) who like to observe polling in Bangladesh may get in touch with concerned Bangladesh Embassy abroad.
- (2) The FOs on arrival in Bangladesh are advised to enlist their names with the Ministry of Foreign Affairs (MOFA) to obtain necessary assistance from the Assistance Cell in the MOFA.
- (3) During their stay in Bangladesh they (F.O.) will remain fully responsible for their board, lodging and transport.
- (4) The FOs will be issued appropriate accreditation cards.

C. Local Observers

- (1) Such observers shall not be supporters of any political party and shall not do anything covertly or overtly which may compromise the quality of the effort. Election Commission/Returning Officers always reserve the right to cancel permission in such cases of violation.
- (2) Such observers will obtain clearance individually or in a group from the Election Commission/Returning Officers, as decided by the Election Commission.

D. Requirements

- (1) All observers are expected to inform the Election Commission of the districts/ locations they want to visit during polling, so that the District Administration may assist them during the visit. They may also be required to obtain Ids from the

BANGLADESH ELECTION COMMISSION

SHER-E-BANGLA NAGAR, DHAKA

Returning officer after having furnished the names and other particulars of the observers to be fielded. The Returning Officer of any electoral area will have the authority to deny issue of ID to any observer group if the Returning Officer is not satisfied with their antecedents.

- (2) While in the districts they are advised to act in accordance with the advice of the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer as the case may be and will refrain from doing things which may disrupt poll proceedings.
- (3) At any given time not more than **one observer** (Local and Foreign) may enter inside a polling centre as the facilities inside may be insufficient to accommodate more than one. It is suggested that an observer may not remain inside for long to facilitate the entry of others who may be waiting outside. A Presiding Officer/ Asst. Presiding Officer may ask any of the Observer to withdraw from the centre at any time if he thinks that the observer's presence in any way may prejudice the voting in the centre.
- (4) During their visit of the polling centres, the Observers will abide by all the legal and administrative requirements of the Presiding Officer/Asst. Presiding Officer.
- (5) It is expected that a copy of any written report by the Observer Group will be given to the Election Commission soon after the conclusion of the poll.

E. Pre-poll activities by Observer Groups

Observer Groups are encouraged to carry out at their own cost voter education programmes, TV programme, rallies etc. to encourage people to participate in the polls. Such activities shall be completely non-partisan, unbiased and free from any religious, local or racial prejudice and shall be in accordance with any general policies of the competent authority relating to the activities involved.

F. Journalists

Journalists willing to observe the polling will also be covered by these guidelines.

ANNEX X

Code of Conduct for Political Parties and Candidates

The Code of Conduct for Elections

1. **Short title.** - These rules may be called The Code of Conduct for the Political Parties and Contesting Candidates Seeking Election to the Jatiya Sangsad, 1996.

2. **Definitions.**- In these rules, unless there is anything repugnant in the subject or context,—

- (a) “pre-poll period” means the period commencing on the announcement of the election schedule and ending on the declaration of results;
- (b) “candidate” means a person nominated by a political party or a person contesting the election independently from a constituency; and
- (c) “political party” includes a group or combination of persons who operate within or outside Parliament under a distinctive name and who hold themselves out for the purpose of propagating a political opinion or engaging in any other political activity.

3. **Ban on subscription, donation etc. to any institution.** -Concerned political parties may announce their overall development planning. But following the announcement of the election schedule till the day of polling, no candidate or any person on his behalf shall, openly or in secret, give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their respective constituency or to any other institution, nor shall commit to undertake any development project in the respective constituency.

4. **Use of Dakbangalows and Rest House.** - All parties and candidates shall be given equal rights for using government dakbangalows, rest houses and circuit houses on the basis of the application first made and in accordance with the existing rules for using of the same. But the officers engaged in the conduct of the election shall get preference to use government dakbangalows, rest houses and circuit houses .

5. **Election campaign** - (1) All political parties and candidates shall have equal rights with regard to election campaign. Meetings, processions and other election campaigns of the opponents shall not be disrupted or obstructed

(2) The local police administration and the opposite party shall, in advance, be informed of the date, time and place for holding meetings or processions in favour of any contending political party or candidate.

(3) The local police administration shall, well in advance, be informed of the date, time and place of the proposed holding of meeting by any contending party or candidate, so that the police administration can take necessary steps for unobstructed movement of the public and for ensuring law and order there.

(4) No meeting shall be held on any thorough fare creating hindrance to the movement of the public without obtaining permission from the appropriate authority.

(5) The organizers of any meeting shall have to seek the assistance of the police for taking action against the persons who obstruct to the holding of such meeting or create disturbances in such meeting. The organizers shall not themselves take any action against such persons.

(6) No candidate or political party or anybody on their behalf shall use government media, government officers, employees or transport or other state facilities following the announcement of the election schedule.

(7) No posters, leaflets or handbills, shall be stuck over the posters, leaflets or handbills of the rival candidates.

(8) No election camp shall be set up on any road or place meant for the use of the public. Election camp shall as far as possible be simple. No food or drink shall be served to the voters in the election camp.

(9) No Government dakhbungalows, rest houses, circuit houses and government office shall be used by any party or candidate as a place for election campaigning.

(10) The posters for election campaign shall be printed on paper manufactured in the country and its colour shall be black and white and its size in no case shall be more than 22'' x 18''.

(11) No contesting candidate shall use more than three microphones in his constituency and the use of mikes shall be restricted between 2 pm and 8 pm.

(12) No land, building or movable or immovable properties of any citizen shall be damaged in connection with the election and personal peace of any person shall not be violated by undesirable activities or disorderly behaviour.

(13) Every person shall refrain from all sorts of wall writings as a means of election campaign.

(14) In the interest of maintaining law and order, no motor cycle or any other mechanical transport shall be used and no fire arms or explosives shall be carried within the premises of the polling stations. No government officer or local influential person shall make any illegal interference in the election process.

(15) No procession of buses, trucks or any other vehicles or torch procession shall be brought out in favour of any contesting candidate.

(16) All political parties and candidates shall have to render necessary assistance to the officers and employees entrusted with the responsibility of holding elections in order to ensure peaceful and disciplined casting of votes independently by the voters without any hinderance.

(17) During election campaign, no contesting party or candidate shall make any bitter and provocative statement and any such statement that may hurt the sentiment of the followers of any religion.

(18) No contesting candidate shall, under no circumstances, cross the limit of election expenses.

6. Keeping election free from any influence. - Election shall not be influenced by money, arms, muscle power or local influence.

7. Access to polling station. Only the polling personnel, contesting candidates, polling agents and voters, shall have access to the polling station. Workers of the political parties or candidates shall not enter and move about inside the polling station. Only the polling agents, sitting on their allotted places, shall perform their specific duties.

8. Pre-poll irregularities. - Violation of any provision of these rules shall be considered as pre-poll irregularities and any person or political party aggrieved by such violation may apply to the Electoral Enquiry Committee or Election Commission seeking redress. If the application filed with the Election Commission is found by the Commission as tenable, it shall send the same to the concerned or any Electoral Enquiry Committee for investigation. In both the cases, the Electoral Enquiry Committee, after making investigation as per provisions of Article 91A of the Representation of the People Order, 1972 (P.O. No. 155 of 1972), shall submit its recommendations to the Commission.

ANNEX XI

Bangladesh Election Commission Voter Education Posters

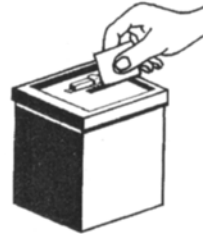
সংসদ নির্বাচন : জুন '৯৬

আপনি কীভাবে ভোট দেবেন

ভোট প্রদানের জন্য ভোট কেন্দ্রে
আপনাকে দেয়া হবে
একটি ব্যালট পেপার এবং কালি লাগানো
রাবারের একটি সীল মোহর



ব্যালট পেপারে আপনার পছন্দসই
প্রার্থীর প্রতীকের ঘরে রাবারের সীল
মোহরের ছাপ দিয়ে ভোট দিতে হবে



ভোটার তালিকায়
আপনার ক্রমিক নম্বর এবং
কোন ভোট কেন্দ্রে আপনি ভোট
দেবেন, তা আগে থেকে জেনে
রাখলে ভোট দিতে আপনার
সুবিধা হবে।

সকাল ৮টা থেকে
বিকেল ৪টা পর্যন্ত
একটানা ভোট গ্রহণ চলবে।
সময় শেষ হওয়ার আগেই
সুশৃঙ্খলভাবে আপনার
ভোটটি দিয়ে আসুন।

আপনি একবারই ভোট দেয়ার সুযোগ পাবেন।
ভেবে-চিন্তে সঠিক পদ্ধতিতে ভোট দিন

— বাংলাদেশ নির্বাচন কমিশন

নির্বাচনী আচরণবিধি মান্য করুন অবাধ ও সুষ্ঠু নির্বাচনের পরিবেশ তৈরী করুন

* অর্থ, অস্ত্র কিংবা পেশীশক্তি দ্বারা নির্বাচনকে প্রভাবিত করা যাবে না।

* নির্বাচনী এলাকায় কোনো প্রতিষ্ঠানকে চাঁদা বা সাহায্যদান কিংবা এ-ধরনের কোনো প্রতিশ্রুতি দেওয়া যাবে না।

* ভোটকেন্দ্রের ভিতরে সকল ধরনের যন্ত্রচালিত যান নিয়ে প্রবেশ ও অস্ত্রবহন নিষিদ্ধ। প্রার্থীর নির্বাচনী ও পোলিং এজেন্ট ছাড়া অন্য কোনো প্রতিনিধি কিংবা কর্মীর প্রবেশও সাধারণতঃ নিষিদ্ধ।

* আইন-শৃংখলা ভঙ্গ হলে পুলিশের শরণাপন্ন হতে হবে। প্রতিকারের ব্যবস্থা নিজ হাতে তুলে নেবেন না।

* কোনো অনিয়ম ঘটলে নির্বাচনী তদন্ত কমিটি অথবা নির্বাচন কমিশনের কাছে সরাসরি অভিযোগ পেশ করুন।

বাংলাদেশ নির্বাচন কমিশন

সংসদ নির্বাচনঃ জুন '৯৬

আপনি একজন
সুনাগরিক



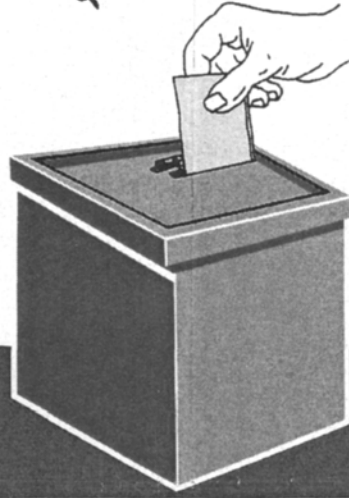
তাই জেনেশুনে
ভেবেচিন্তে

উপযুক্ত প্রার্থীকে
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— বাংলাদেশ নির্বাচন কমিশন

নির্বাচনী আচরণবিধি ১৯৯৬

অবাধ, সুষ্ঠু ও শান্তিপূর্ণ নির্বাচন অনুষ্ঠানের চাবিকাঠি



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সঠিকভাবে প্রতিপালনে
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