



Democratic Implications of Banning the Awami League in Bangladesh

May 2025

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**“Banning a party
born with the nation’s
independence now
risks reshaping its
democratic future.”**

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A woman in a white sari and glasses, standing in front of a crowd of people holding flags.

Executive Summary



Executive Summary

In the wake of Bangladesh's 2024 political upheaval, the interim government has banned all activities of the Awami League (AL), the long-ruling party of former Prime Minister Sheikh Hasina under the Anti-Terrorism Act.

This unprecedented move follows a student-led mass uprising in July–August 2024 that toppled the AL government amid deadly crackdowns that killed up to 1,400 protesters. The ban, intended to last until a special tribunal tries the party's leaders for the protest killings, raises profound democratic questions.

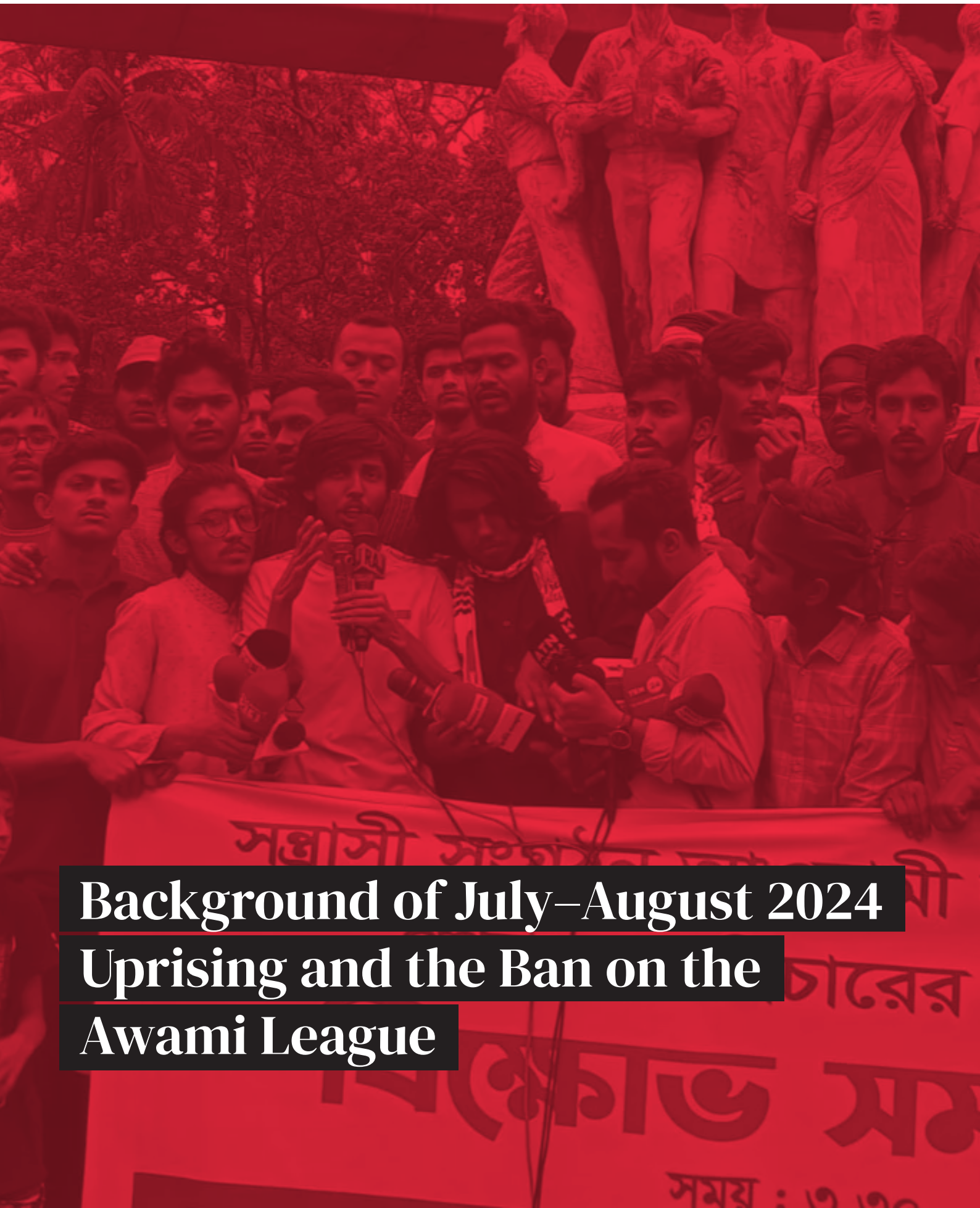
This white paper analyses the legitimacy and risks of outlawing a major political party through lenses of democratic theory, transitional justice, and state repression. It examines the context of recent violence and government collapse, the historic legacy and support base of the AL, and whether such a sweeping action constitutes collective punishment incompatible with democratic norms.

The white paper also considers the role of student movements and mass protests in precipitating change, and whether the ban will advance justice and accountability or entrench new forms of authoritarianism. International precedents from post-conflict party bans to authoritarian crackdowns are reviewed for lessons on outcomes.

Finally, we assess implications for upcoming elections, political pluralism, civil liberties, and long-term stability, and provide recommendations to promote accountability without undermining democratic inclusion.

The banning of the Awami League Bangladesh's oldest and historically most influential political party is an extraordinary development in the country's politics. Founded by Sheikh Mujibur Rahman (Bangladesh's independence leader and Hasina's father), the AL has a legacy intertwined with the nation's birth and a loyal mass base built over decades. It had ruled Bangladesh for over 20 years since 1971 (including the last 15 years continuously).

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Background of July–August 2024 Uprising and the Ban on the Awami League



Background of July–August 2024 Uprising and the Ban on the Awami League

In July 2024, Bangladesh was convulsed by a wave of student-led protests that escalated into a nationwide pro-democracy uprising (dubbed the “Monsoon Revolution”). The trigger was popular outrage over government abuses including a decade of disputed elections, corruption, and repression under Prime Minister Sheikh Hasina’s Awami League regime.

Beginning on university campuses, students and youth took to the streets, soon joined by opposition activists and ordinary citizens demanding Hasina’s resignation, electoral reform, and justice for regime crimes.

The government’s response was brutally repressive: security forces and ruling party cadres (notably the AL’s student wing, the Chhatra League) attacked peaceful demonstrators, employing tear gas, rubber bullets, live ammunition, and even machetes.

Over three weeks of unrest, an estimated 1,400 people mostly young protesters were killed, with thousands more injured, arbitrarily detained, tortured, or disappeared.

Human rights monitors documented disproportionate force and egregious abuses, including security forces firing military-grade weapons into crowds and perpetrating sexual violence against female protesters. Journalists and human rights defenders were also targeted in the crackdown, and media faced censorship.

This paroxysm of state violence led to the collapse of the AL government in early August 2024. On August 5, facing mounting protests and loss of control, Prime Minister Hasina resigned and fled

the country (seeking refuge in India). The day after her resignation, parliament was dissolved amid the chaos.

An interim government of national unity took charge on 8 August 2024, led by Chief Adviser Muhammad Yunus, a Nobel Peace laureate positioned as a neutral figure to oversee a democratic transition. The new interim authority pledged to “undo the damage to human rights and democracy” inflicted during Hasina’s 15-year rule, instituting fundamental reforms to the security sector, judiciary, and electoral system before holding fresh elections.

It also invited the United Nations to conduct an independent fact-finding mission into the protest violence, which later confirmed the massive scale of human rights violations by the outgoing regime. The U.N. fact-finders, reporting in February 2025, detailed killings, torture, and enforced disappearances committed during the protests and recommended accountability measures, including potentially referring the situation to the International Criminal Court as possible crimes against humanity.

Amid public demands for justice, the interim government took extraordinary steps against those deemed responsible for the bloodshed. Dozens of AL leaders, security officials, and party activists were arrested or charged in connection with the violence. Notably, in October 2024 the interim cabinet banned the Bangladesh Chhatra League (BCL) the AL’s student wing notorious for campus violence designating it a terrorist organisation for its role in attacking protesters.

Prosecutors also opted to use Bangladesh’s existing International Crimes Tribunal (ICT)



Background of July–August 2024 Uprising and the Ban on the Awami League continued...

originally established to try 1971 war crimes to prosecute offenses from the 2024 uprising. By late 2024, the ICT had registered dozens of cases against Hasina and top AL figures for alleged crimes against humanity in the protest crackdown. Many of the accused had fled abroad (Hasina herself remained exiled in India), and the tribunal signalled it might conduct trials in absentia.

These moves, while intended to ensure accountability, drew some concern from rights groups: the ICT in the past had been criticised for due process shortcomings and politicisation, and it permits the death penalty, raising fairness issues even as it is repurposed for transitional justice.

On May 10, 2025, after months of mounting pressure from the streets, the interim government escalated its approach: it banned all Awami League political activities nationwide. This ban was imposed under the 2009 Anti-Terrorism Act, ironically, a law the AL government itself had enacted and often wielded against opponents. According to the interim Law Adviser, the ban will remain “until a special tribunal completes a trial of the party and its leaders over the deaths of hundreds of students and other protesters” in 2024.

Effectively, the AL as an organisation is suspended from public life. All its offices, meetings, and online activity are proscribed; affiliated bodies (women’s league, youth fronts, etc.) are included in the prohibition. Shortly after the cabinet’s decision, the Election Commission formally suspended the Awami League’s registration, barring it from contesting upcoming elections.

The interim government justified the move on security grounds claiming it was necessary to “ensure national security... and protect the activists of the July movement, plaintiffs and witnesses” involved in the tribunal. Officials argued the AL’s extensive patronage networks

and loyalists in the bureaucracy could otherwise sabotage the transition or intimidate witnesses, absent a complete ban. Thousands of protesters had rallied in Dhaka in early May demanding the ban as a show of decisive justice, even issuing an ultimatum for the government to outlaw the AL by that weekend.

The banning of the Awami League Bangladesh’s oldest and historically most influential political party is an extraordinary development in the country’s politics. Founded by Sheikh Mujibur Rahman (Bangladesh’s independence leader and Hasina’s father), the AL has a legacy intertwined with the nation’s birth and a loyal mass base built over decades. It had ruled Bangladesh for over 20 years since 1971 (including the last 15 years continuously).

Never before has the AL been formally outlawed (even when it was in opposition during past military regimes, it was repressed but not legally banned). This context underscores the magnitude of the decision and the passions involved both among its many opponents, who see it as finally bringing justice, and its supporters, who view it as political vengeance. The following sections critically assess the democratic legitimacy of such a ban, its consistency with transitional justice principles, and the potential consequences for Bangladesh’s democracy.

The legitimacy of the ban is further clouded by the fact that it was done by an unelected interim government under pressure from street protests rather than through a broad consensus or legal due process. While the interim regime has legal authority via emergency powers, critics argue that using a hastily applied anti-terror law to sideline a major opposition force echoes the very tactics of repression that the previous government employed.

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A large crowd of people, many holding flags, with a green overlay.

Legitimacy of Banning a Major Party: Democratic Theory and Transitional Justice



Legitimacy of Banning a Major Party: Democratic Theory and Transitional Justice

Is it democratically legitimate to ban a major political party? In liberal democratic theory, a multiparty system with free political competition is a cornerstone of popular sovereignty. Voters must be free to choose from all major ideological alternatives; banning a party with a large support base inherently undermines pluralism and representation. The Awami League won millions of votes in past elections (and despite controversy, officially “won” the 2018 and 2024 polls). Outlawing it “disenfranchises large voter segments and undermines multiparty democracy,” as the United Nations warned in February 2025.

In essence, a significant portion of citizens now have lost their political voice through their preferred party. Democratic theory generally holds that collective punishment of an entire party for the misdeeds of its leaders contradicts the principles of individual accountability and political inclusion. Freedom of association including the right to form and participate in political parties is a fundamental democratic right. Curtailing that right is only justified under extreme circumstances, such as when a party itself becomes a violent insurgency or poses an existential threat to the constitutional order (the doctrine of “militant democracy”).

Militant democracy allows democracies to defend themselves by banning parties that seek to destroy democracy. Classic examples include post-WWII Germany outlawing the Nazi Party, or modern Germany’s ability to ban neo-Nazi or extremist parties that violate the free democratic order. Proponents of the AL ban cite this principle: they argue the Awami League under Hasina subverted democracy and committed mass atrocities, behaving more like an authoritarian

organisation than a normal political party.

Indeed, the Awami League regime had systematically eroded democratic checks and balances for years rigging elections, silencing critics through arrests and enforced disappearances, and using its cadres to violently suppress dissent. The 2024 massacre of protesters is seen as proof that AL had turned against the people’s democratic aspirations in order to cling to power.

From this perspective, the ban could be framed as a protective measure for democracy, preventing a party with anti-democratic track record from regrouping to undermine the nascent transition. Some transitional justice theorists also note that in cases of egregious human rights violations, an organisation (not just individuals) may bear responsibility for example, the Baath Party in Iraq or Rwanda’s genocidal parties were dismantled after their regimes fell, as part of purging the apparatus of repression.

However, democratic norms set a high bar for banning a political organisation, precisely because of the risk of abuse. Collective punishment is inherently at odds with principles of justice in a democracy. The Awami League’s membership and supporters number in the millions, most of whom did not commit crimes. Punishing all for the actions of a few leaders or militant followers violates basic fairness.

Under transitional justice best practices, accountability should be individualised targeting those who ordered or carried out abuses rather than treating a whole political community as culpable. The danger of labelling the entire AL

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Legitimacy of Banning a Major Party: Democratic Theory and Transitional Justice continued...



and its broad constituency as “terrorists” or traitors is that it politicises justice and fuels grievances. It’s worth noting that even within the AL’s ranks, there were likely dissenting voices and reformists; a democratic process might have seen the party internally reckon with its failures and renew itself under new leadership. A ban forecloses this possibility of internal reform or moderation.

International human rights law typically discourages blanket bans on political parties. The U.N. special rapporteurs and rights bodies emphasise that any restriction on parties must be necessary and proportional to a clear threat. In Bangladesh’s case, U.N. officials urged authorities not to ban any political party, warning that such a step would imperil a return to genuine multiparty democracy. Instead, they advocated for holding perpetrators accountable through fair trials without “trampling on democratic norms” a

phrasing notably used by AL itself to criticise the ban as stoking division.

The legitimacy of the ban is further clouded by the fact that it was done by an unelected interim government under pressure from street protests rather than through a broad consensus or legal due process. While the interim regime has legal authority via emergency powers, critics argue that using a hastily applied anti-terror law to sideline a major opposition force echoes the very tactics of repression that the previous government employed.

From a transitional justice standpoint, bans on political parties have a mixed record. On one hand, completely disbanding the power structures of a repressive regime can prevent spoilers from derailing the transition (for instance, banning the Nazi and fascist parties after WWII was essential to

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Legitimacy of Banning a Major Party: Democratic Theory and Transitional Justice continued...

rebuilding democracy in Germany and Italy). On the other hand, overly broad lustration or banning can backfire.

The de-Baathification policy in Iraq, for example, went beyond prosecuting top officials and barred tens of thousands of Ba'ath Party members from public life, which critics argue was undemocratic and helped fuel violent insurgency by alienating a large group of Sunnis.

By excluding an entire cohort from the new order, Iraq's transition arguably sowed long-term instability and sectarian resentment. The lesson for Bangladesh is that seeking justice must be balanced with reconciliation if the ban is perceived as victor's justice or revenge by the new regime, it could undermine the legitimacy of the transition and plant seeds of future conflict. A transitional justice process ideally combines accountability for crimes with strategies to reintegrate those not personally culpable, to avoid perpetuating divisions.

In Bangladesh's context, the Awami League's historic role adds to the sensitivity. This is the party that led the nation to independence in 1971 under Sheikh Mujib's leadership. It embodies the ideology of "Bengali nationalism" and secularism and has a deep emotional resonance for a segment of the population. The Diplomat observes that banning the AL leaves a vacuum in the ideological space it occupied, particularly the narrative of secular Bengali identity that counters religious extremism.

With the AL removed, previously considered hardline Islamist groups (like Jamaat-e-Islami, which has resurfaced) could gain ground, unless other parties step in to champion those secular values. Thus, the ban's legitimacy is questioned not only legally but in terms of wisdom for the nation's soul: is it prudent to attempt to erase a

party so entwined with Bangladesh's identity? The paradox has been noted that Islamist factions who once opposed Bangladesh's very independence (Jamaat-e-Islami) are now among the loudest cheerleaders of the AL's ban. This irony underscores how the ban can invert historical narratives and possibly empower actors whose democratic credentials are even more dubious.

On the other hand, if by some chance AL leaders were acquitted or charges dropped, the interim government would face the awkward task of unbanning the party after having demonised it which could anger the victims' families and protester groups. This Catch-22 scenario illustrates why using judicial processes to ban a broad political movement is fraught with peril. Justice must be done, but it must also be seen as legitimate and unbiased; otherwise, it loses its moral authority.

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Collective Punishment vs. Democratic Norms

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Collective Punishment vs. Democratic Norms

A central concern is whether the ban amounts to collective punishment of Awami League members and supporters, and whether this is compatible with democratic norms. Collective punishment refers to penalising a group for the actions of certain individuals, without individual due process a concept abhorrent to both rule of law and human rights standards. By banning the AL outright, the interim government is essentially branding the entire party as a criminal entity. In effect, every card-carrying member, activist, or even supporter of the AL is now tainted by association. They are deprived of their political platform and could potentially face harassment or suspicion solely for past affiliation.

Indeed, since the uprising, reports indicate “a disturbingly familiar pattern of political reprisals... targeting perceived Awami League supporters” has emerged. For example, HRW noted that security forces that once carried out abuses for the AL regime have simply “changed targets” now intimidating or arresting people thought to be AL loyalists, using the same old draconian methods unless systemic reforms rein them in. Such retributive action smacks of victor’s justice rather than impartial rule of law.

Democratic norms demand due process for anyone accused of wrongdoing. If AL leaders are guilty of ordering attacks on protesters, they should be charged and tried with evidence in a court of law. In a democracy, you punish criminal behaviour, not political identity. The AL ban blurs this line by treating affiliation as guilt.

This sets a worrying precedent: could future governments also ban the opposing party by accusing it of some misdeed? Bangladesh has a history of politically motivated cases against opposition activists; the AL itself, while in power,

jailed opposition BNP leaders and banned Jamaat-e-Islami from elections on various pretexts. Now tables have turned, and the danger is a cycle of exclusion each regime trying to outlaw the other rather than tolerating opposition. This undermines any norms of loyal opposition and peaceful alternation of power, which are key to democratic stability.

It is also important to consider the human impact: The Awami League’s rank-and-file includes not only politicians but also ordinary citizens farmers, teachers, businesspeople who have supported the party for its past contributions or ideology. Many may strongly oppose the violent excesses that occurred under Hasina’s tenure but still identify with the AL’s values or legacy.

Casting them out of the political process en masse risks driving a deep wedge in society. Already, Bangladesh’s politics has been intensely polarised between AL and BNP camps for decades. Polarisation can worsen when one side feels persecuted a sense of injustice can radicalise elements of the banned group or push them to reject the legitimacy of the new political order. Reconciliation becomes much harder if one entire constituency is labelled essentially as enemies of the state.

It is worth remembering that after other major conflicts or authoritarian eras, inclusive approaches have sometimes yielded more durable democracy than blanket exclusions. For instance, post-apartheid South Africa did not ban the National Party (the party of the former oppressors); instead, it integrated them into the new democracy after negotiations, while focusing on truth-telling and individual amnesty/trials via the Truth and Reconciliation Commission.

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Collective Punishment vs. Democratic Norms continued...



This inclusive approach arguably helped avoid civil strife by assuring even the old regime's supporters that they had a place in the new South Africa. By contrast, exclusive approaches like Iraq's de-Baathification or Egypt's post-2013 crackdown on the Muslim Brotherhood left those societies mired in conflict and repression. In Egypt, after General Sisi ousted the elected Muslim Brotherhood-led government in 2013, he banned the Brotherhood's party and imprisoned thousands of its members, effectively eliminating the largest opposition group.

The result was a dramatic democratic backslide into military authoritarianism. Hundreds of Brotherhood supporters were massacred by security forces in 2013 and the movement was driven underground. Yet the Brotherhood as an idea did not disappear; instead, Egypt today has a one-sided politics with simmering grievances and no reconciliation in sight. This example serves as a caution: banning a popular movement does not resolve underlying disputes it suppresses them, often violently, at great cost to a nation's democratic freedoms and social cohesion.

In Bangladesh, the interim government insists the AL ban is temporary and conditional "until

the trial... is completed" implying that the party's fate will be determined by the tribunal's findings. However, this raises further issues. If the International Crimes Tribunal (ICT) (a domestic court) essentially tries not only individuals but the party itself for "genocide and crimes against humanity", what due process does the party as an entity have? How does a political party defend itself in court? The situation is murky. If the ICT convicts AL leaders of such grave crimes, public pressure may make the ban effectively permanent, because in popular perception the AL will be a "criminal organisation." It would then be extremely difficult to reintegrate the party into politics without backlash.

On the other hand, if by some chance AL leaders were acquitted or charges dropped, the interim government would face the awkward task of unbanning the party after having demonised it which could anger the victims' families and protester groups. This Catch-22 scenario illustrates why using judicial processes to ban a broad political movement is fraught with peril. Justice must be done, but it must also be seen as legitimate and unbiased; otherwise, it loses its moral authority.

While public sentiment was understandably hostile to the AL after the bloodshed, one could question whether policy by protest ultimatum sets a healthy precedent. In a stable democracy, issues like whether to outlaw a party would undergo careful deliberation, legal scrutiny, and dialogue not just be a concession to the loudest voices on the street. The interim leadership no doubt felt the moral force of the protesters' demands, but also might have feared that not yielding could risk renewed unrest directed at them.

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Student Movements and Mass Protests as Political Pressure



Student Movements and Mass Protests as Political Pressure

The events in Bangladesh highlight the powerful role that student movements and mass protests can play as vehicles for political change. The 2024 uprising was, at its core, a student-led movement. Students in Dhaka began by protesting issues like quotas and governance failures, but as state violence against them escalated, their cause transformed into a broader struggle for democracy and justice. Historically, Bangladesh's students have often been catalysts for political shifts from the 1952 Language Movement to the 1990 protests that helped oust a military dictator, youth activism has been significant. In 2024, tech-savvy young protesters effectively used social media and live video to document abuses, galvanise public opinion, and keep momentum. The Monsoon Revolution earned its name as images of students braving bullets in torrential rains spread, winning sympathy at home and abroad.

The success of the 2024 protest movement in toppling Hasina's entrenched government demonstrates how mass mobilisation can overcome even authoritarian machinery, when it reaches a tipping point. The AL regime's use of armed party cadres (e.g., Chhatra League) backfired as it only inflamed public anger. When portions of the police and military refrained from full-force engagement or began to balk at orders, the regime's ability to suppress the protests collapsed. Three weeks of sustained protests and nationwide strikes forced Hasina to abandon power. In this sense, the uprising was a triumph of people-power over a repressive state a reaffirmation of the democratic principle that sovereignty ultimately resides with the people, who can withdraw consent when pushed to extremes.

That said, the reliance on street protests to effect regime change carries its own risks for democratic governance. One risk is the bypassing of institutional processes. In Bangladesh, normal avenues for opposition (parliament, elections, courts) were largely closed off by the AL's authoritarian practices, leaving the street as the arena of last resort. The student and civil society leaders emerged as champions of democracy out of necessity.





Student Movements and Mass Protests as Political Pressure continued...

However, now that they have helped bring down one undemocratic government, these same forces may be tempted to resort to street pressure to influence the new government's decisions as well such as the ultimatum to ban the AL by a certain date. Governing by responding to whoever can mobilise the largest crowd can become a kind of populist pressure that undermines measured decision-making. For example, the interim government's ban on AL was announced after thousands rallied and demanded it immediately.

While public sentiment was understandably hostile to the AL after the bloodshed, one could question whether policy by protest ultimatum sets a healthy precedent. In a stable democracy, issues like whether to outlaw a party would undergo careful deliberation, legal scrutiny, and dialogue not just be a concession to the loudest voices on the street. The interim leadership no doubt felt the moral force of the protesters' demands, but also might have feared that not yielding could risk renewed unrest directed at them.

Another aspect is the role of organised student and youth groups. Not all participants in 2024 were non-partisan idealists; various student wings of opposition parties jumped on the bandwagon. The Jamaat-e-Islami's student wing (Islami Chhatra Shibir), for instance, prominently joined the protests calling to ban AL. Far-right groups and the newly formed National Citizens Party (NCP) (led by young activists) coordinated rallies together. This broad coalition was effective in the short term, but their motives differed some genuinely sought democracy, others possibly sought revenge or political gain.

The convergence of interests (e.g., Jamaat an Islamist party banned from polls for its anti-secular charter now marching to ban AL, a secular party) is a "striking paradox" noted by analysts. It suggests that mass protest movements can be co-opted or steered by groups with their own undemocratic

tendencies. A key challenge for Bangladesh moving forward is ensuring that the energy of student activism is channelled into constructive, democratic politics rather than further cycles of score-settling. The presence of large numbers of ordinary citizens, not just party cadres, in the 2024 protests is a hopeful sign it showed a genuine popular desire for change beyond party lines. Those citizens will expect that the new Bangladesh they bled for will be more just and free than the last.

“In moments of transition, the line between justice and vengeance becomes perilously thin.”

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Justice or Authoritarian Retribution?

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Justice or Authoritarian Retribution?

Is the banning of the Awami League an act of justice and accountability, or does it risk becoming authoritarian retribution under a new regime? The truth likely lies in a balance of these perspectives, and it is crucial to critically evaluate both.

Arguments in favour of the ban frame it as a form of justice:

• **Accountability for Atrocities:** The Awami League leadership stands accused of grave human rights violations the killing of hundreds of unarmed protesters. Supporters of the ban argue that such an egregious breach of democratic and humanitarian norms warrants firm action against the organisation that enabled it. They see the AL as having effectively operated like a criminal enterprise or terror group when in power, using violence for political ends. Temporarily disabling that enterprise via a ban is viewed as necessary to hold it accountable and prevent impunity. The ban also supports the ongoing tribunal by preventing the AL from regrouping to obstruct justice (for example, by mobilising loyalists to intimidate witnesses or destroy evidence).

• **Safeguarding the Transition:** With the AL's top figures facing trial, the interim government contends that allowing the party to operate normally could pose a security threat or destabilisation risk. There were concerns that die-hard AL factions or infiltrators in state institutions might sabotage the transitional administration or even foment counter-protests and violence to demand Hasina's return. By banning the party, the interim authorities sought to neutralise potential coup plots or violent resistance from the old order. In this sense, the ban is portrayed as a protective measure to give the fledgling post-revolution regime a chance to implement reforms without constant subversion.

• **Moral Signal and Victims' Rights:** The ban sends a strong moral message that political violence will not be tolerated. It can be seen as validating the suffering of the victims the hundreds killed and thousands tortured. Many of the youth who lost classmates and friends in the massacre demanded nothing less than dissolving the party they hold responsible. In transitional justice, there is an element of satisfaction for victims when perpetrators are visibly punished. For some, seeing the AL banned and shunned is a form of symbolic justice, indicating that the state stands with the victims, not with the former rulers. This may help quell public anger and deliver a sense of closure that simply waiting years for court verdicts might not.

• **Breaking a Cycle of Impunity:** Bangladesh has seen alternating periods of political violence with little accountability (for instance, past episodes of electoral violence were often swept under the rug in power-sharing deals). Banning the AL sets a precedent that even the mightiest political actors are not above the law or consequences. Advocates may hope it also forces a renewal of the AL itself if it ever returns, it would have to be reconstituted with a clean break from the past. Thus the ban could pressure Bangladeshi politics to move away from the toxic practices of the AL era and create space for new, reform-minded leadership to emerge.

Arguments against the ban emphasise risks of authoritarian excess:

• **Undermining Rule of Law:** Summarily banning a party by executive fiat (under a broad anti-terror law) can be seen as bypassing normal legal standards. It wasn't a court that outlawed the AL through a transparent judicial process; it was a cabinet decision under political pressure. This raises rule-of-law concerns. If the interim

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Justice or Authoritarian Retribution? continued...



government can outlaw one party today, what stops a future government from doing the same to its rivals? The politicised use of laws like the Anti-Terrorism Act (ATA) has long been a problem the AL itself used it to harass opposition. Now the same law is flipped on the AL. Such seesaw application suggests justice is tied to who holds power, not impartial principle. The continuity of repressive tools (only with new targets) can entrench authoritarian tendencies rather than eliminate them.

• **Victor's Justice and Partisanship:** The ban runs the risk of being perceived as “victor's justice” the winners punishing the losers wholesale. Notably, the BNP (Awami League's main rival) has quietly welcomed the ban, even though prior to the announcement it hedged by saying it had “no objection” to AL joining elections if criminals are tried. This suggests BNP figures are content to see their chief competitor eliminated. If the new political landscape is engineered to BNP's advantage by removing AL, it could slide into

a one-party dominance by BNP, or at least tit-for-tat exclusion rather than genuine pluralism. Other beneficiaries are Jamaat-e-Islami and right-wing forces, who have openly led calls for the ban. Many of these groups themselves were suppressed by AL; now they relish turning the tables. The danger is a cycle where each regime uses state power to crush the other a hallmark of authoritarian politics, not democracy. The interim government under Yunus, though unelected, is supposed to be neutral. But if it appears to be enacting the agenda of one side (opposition hardliners demanding AL's demise), its neutrality comes into question.

• **Continuation of Repressive Practices:** One of the promises of the interim government was to break from the repressive tactics of the Hasina era, by restoring civil liberties and rule of law. There have been some positive steps, like revoking Hasina-era media gags and amending draconian laws (though HRW notes even new laws have replicated some restrictive provisions). However,

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Justice or Authoritarian Retribution? continued...

the ban on AL and continued use of mechanisms like sedition charges indicate old habits die hard. For example, even after the revolution, journalists have faced charges and lost accreditations for their reporting on sensitive issues. The interim authorities filed sedition cases over alleged flag desecration, leading to unrest and even a violent incident in court. These incidents hint that while the actors have changed, the script of using heavy-handed state power against dissenters is still in play now perhaps justified by different reasons (protecting the revolution instead of protecting the regime). If banning AL is seen as another manifestation of state repression just against a new target it could tarnish the moral standing of the new government and undermine its democratic credibility.

• **Risk of Authoritarian Entrenchment:** In the worst-case scenario, the ban could be a step toward the entrenchment of a new authoritarian order. Suppose the interim government or its successors (e.g., a BNP-led government) decide that maintaining the ban is convenient for holding onto power. They could keep extending the ban by finding new pretexts (“security threats,” etc.), effectively removing the primary opposition party indefinitely. If upcoming elections proceed without the AL, the playing field tilts heavily. If the next government faces dissent, will it similarly label opponents as terrorists and ban them? This slippery slope is not far-fetched in a country that has oscillated between states of emergency and democratic interludes. The current interim leader, Yunus, has pledged he won’t run for office and only wants to oversee fair elections. But political dynamics could change especially if reforms lag and election timelines shift (indeed Yunus has mentioned elections might be delayed until 2026 to allow reforms). The longer an unelected regime stays, the more the line blurs between emergency measures for transition and simply a new regime consolidating power. To its credit, the interim government has invited scrutiny and international support for reforms, but actions like a party ban

raise red flags that need to be managed carefully to avoid derailing the democratic trajectory.

In summary, the ban embodies both the pursuit of justice and the peril of excess. It is a double-edged sword. On one edge, it responds to an extraordinary situation of mass violence by a ruling party, aiming to ensure such violence is punished and not repeated. On the other, it cuts into fundamental democratic principles and could poison the well of political reconciliation. The interim leadership’s challenge is to navigate this fine line: to demonstrate that this is accountability not vengeance and that it will ultimately strengthen democracy, not strangle it.

In terms of stability, completely eradicating the AL is unlikely. History shows AL has survived past repression after the 1975 coup, it wandered in the wilderness for 21 years, but came back to win in 1996 once fair elections occurred. Its “deep roots, mass support, and ability to recover from political disasters” are well documented. It’s possible that after a period of penance, a reformed Awami League or a successor party might re-enter the scene. If the ban is perceived as unjust or overreaching, it could even revitalise sympathy for AL in the long run, turning it into a martyr in the eyes of some citizens (much as AL once capitalised on being victimised by military regimes).



International Precedents for Banning Political Parties



International Precedents for Banning Political Parties

Bangladesh's decision to ban a major political party is unusual but not without precedent globally. Examining international cases of party bans can provide insight into potential outcomes:

• **Post-World War II Denazification (Germany):**

After WWII, the Allied authorities and the new German state banned the Nazi Party (NSDAP) and its affiliate organisations. Given the Nazi regime's perpetration of genocide and total war, this ban was deemed essential. It was coupled with extensive efforts to prosecute Nazi leaders (Nuremberg Trials) and purge loyalists from positions of power. The outcome was largely successful in that the Nazi Party never revived, and Germany transitioned to a stable democracy. However, this success occurred under unique conditions of foreign occupation, total military defeat, and broad consensus on the Nazi regime's criminality. The Awami League's case, while serious, is domestically more contested and the country is not in a situation of unconditional surrender making a similar comprehensive eradication more complex.

• **Baath Party Ban in Iraq (2003):** Following the 2003 Iraq War, the U.S.-led Coalition Provisional Authority issued an order to disband Saddam Hussein's Ba'ath Party and bar all senior Baathists from public employment. This "de-Baathification" was meant to democratise Iraq by removing the authoritarian ruling apparatus, akin to denazification. In practice, it went too far by expelling tens of thousands of people (mostly Sunni Arabs) from the bureaucracy and military regardless of individual culpability. This is widely believed to have fuelled the insurgency and sectarian conflict that followed. Critics called the policy undemocratic and a key factor in Iraq's security breakdown. Eventually, parts of the ban were softened, but the damage was

done in terms of polarising Iraqi society. Lesson: A punitive purge of a ruling party in a divided society can exacerbate instability and feelings of disenfranchisement, undermining the very democracy it aimed to build.

• **Jamaat-e-Islami in Bangladesh (Past Bans):**

Bangladesh itself has some precedents. Religion-based parties like Jamaat-e-Islami (JI) were banned in 1972 by the post-independence AL government of Sheikh Mujib, as the new constitution embraced secularism. Jamaat had collaborated with Pakistan during the 1971 war, so there was strong moral and political rationale for the ban. However, this ban was reversed in 1976 after a change of government (President Ziaur Rahman sought to include Islamist forces in his base). Jamaat re-entered politics and remained a player for decades. Then in 2013, a court again barred Jamaat from elections due to its charter conflicting with secular principles (and in context of war crimes trials of its leaders). Jamaat still operated informally and retained support, demonstrating that bans often fail to eliminate a party's influence. Interestingly, during the 2024 protests when Jamaat activists were accused of violence the Awami League government itself banned Jamaat yet again on August 1, 2024 under the ATA, blaming it for inciting unrest. But this ban was quickly revoked by the interim government weeks later for lack of evidence. This quick reversal underscores how such measures can be politically driven and short-lived. Lesson: In Bangladesh's context, party bans have been temporary remedies that get undone by subsequent regimes, and the banned groups often survive underground, waiting for a comeback. It suggests that ideas and constituencies cannot be easily abolished by decree.

• **Muslim Brotherhood in Egypt:** After the military coup in 2013, Egypt's new regime



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outlawed the Muslim Brotherhood, which had briefly been the ruling party after winning elections. The Brotherhood's assets were seized, its members hunted, and it was declared a terrorist organisation. The result is that Egypt today effectively has no viable Islamist opposition party; the Brotherhood operates in exile or covertly. While this eliminated the Brotherhood as an electoral force, it came at the price of Egypt becoming an entrenched autocracy under President Sisi. Repression intensified with mass trials and death sentences for Brotherhood members and political violence continued in forms of an Islamist insurgency in Sinai and sporadic attacks. Nearly a decade later, Egypt's politics remain severely repressive, and the Brotherhood's vast support base (millions of Egyptians) are unrepresented and alienated from the state. Lesson: Banning a popular political movement in an already polarised society can entrench long-

term authoritarian rule and internal conflict, rather than resolve the underlying divide.

• **Turkey's Party Bans:** Turkey provides examples of a more legalistic approach to party bans in a democracy (albeit a flawed one). Over the years, Turkish courts have banned several political parties often Islamist or pro-Kurdish ones on grounds they threatened the secular or unitary state. For instance, the Islamist Welfare Party was banned in 1998 for alleged anti-secular activities, and multiple pro-Kurdish parties have been banned for separatism. In most cases, however, the banned parties reformed under new names and continued to attract the same support (e.g., Welfare Party's successor was the AKP, which ironically now rules Turkey). Party bans in Turkey did not remove the constituency or resolve the tensions (religion-state or Kurdish issue); they were a temporary dam at best. Over time, Turkey's resort to banning parties





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has been criticised as undemocratic and has not prevented the rise of those movements it arguably just delayed or channelled them differently.

Lesson: Unless the root issues are addressed (be it minority rights or role of religion), banning a party is a superficial fix.

• **Rwanda and Post-Genocide Justice:** In Rwanda after the 1994 genocide, the extremist Hutu party and militias that led the genocide (the MRND and Interahamwe) were outlawed by the new Tutsi-led government. Given these groups had orchestrated genocide, there was broad justification to prevent them from ever reorganising. Rwanda's new regime also imposed strict laws against ethnic hate speech and ideology. These measures have kept the peace in terms of no organised revival of the genocidal forces. However, Rwanda's political system subsequently became essentially one-party dominant (under the RPF) with little space for dissent, raising questions about freedom. Lesson: In cases of extreme mass atrocity, banning a culpable party can be part of ensuring never again, but the trade-off can be a constrained political sphere if not managed with liberalisation down the road.

Applying these lessons to Bangladesh: The Awami League's ban may prove as impermanent or problematic as many of these cases if underlying drivers are not addressed. Bangladesh's long-standing political feud, issues of governance, corruption, and demand for justice for past crimes will not vanish with AL's prohibition. The AL's support base (estimated around 35–40% of voters in previous genuine contests) will likely seek expression perhaps through new parties, or through allegiance shifts to other parties if AL remains barred. We might see AL splinter groups attempting to rebrand, or its members joining the BNP or other platforms, which could internally destabilise those parties or alter their ideology. The Diplomat article insightfully notes that Bengali nationalism as an ideology remains important; with AL gone, the BNP may try to "integrate some

elements of Bengali nationalism and secularism to broaden its appeal". This could be a silver lining if it moderates BNP and keeps religious extremism at bay. Alternatively, if AL's secular voters feel orphaned, some could become apathetic or radicalised in other ways.

In terms of stability, completely eradicating the AL is unlikely. History shows AL has survived past repression after the 1975 coup, it wandered in the wilderness for 21 years, but came back to win in 1996 once fair elections occurred. Its "deep roots, mass support, and ability to recover from political disasters" are well documented. It's possible that after a period of penance, a reformed Awami League or a successor party might re-enter the scene. If the ban is perceived as unjust or overreaching, it could even revitalise sympathy for AL in the long run, turning it into a martyr in the eyes of some citizens (much as AL once capitalised on being victimised by military regimes).

The international community's reaction is also telling. Aside from the U.N.'s caution, Bangladesh's close neighbour India voiced concern over the ban, noting the "curtailment of democratic freedoms" and "shrinking political space" it represents. India had been a staunch ally of Hasina's government, partly due to security and regional interests. Now it finds the new scenario precarious an unstable Bangladesh or one veering to ultra-nationalism/Islamism is not in India's interest. Western democracies similarly will judge Bangladesh's transition by its inclusiveness and adherence to democratic norms. Banning a major party raises questions for them about how free and fair any upcoming election can be. The interim government and future Bangladeshi authorities will need to manage these perceptions and possibly justify that this ban is a unique, temporary measure in response to unique crimes not a new normal.

The ban on the Awami League is a gamble. It could clear the way for a new era by decisively dealing with an abusive old guard, or it could cast a long shadow on the new era by excluding a significant chunk of the populace from ownership in the country's future. Much will depend on how the ban is implemented and for how long.

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Implications for Elections, Pluralism, and Stability

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Implications for Elections, Pluralism, and Stability

The decision to ban the Awami League has far-reaching implications for Bangladesh's electoral politics, political pluralism, civil liberties, and long-term stability:

• **Upcoming Elections:** With the AL's registration suspended, the next national elections (expected late 2025 or 2026) will proceed without one of the two traditional major parties. This is akin to holding a U.S. election with no Democrats, or an Indian election with no Congress party; it fundamentally alters the competitive landscape. The Bangladesh Nationalist Party (BNP), which is the other main party, now stands to gain by facing weakened opposition. The BNP and its allies could potentially sweep polls in the AL's absence. While BNP supporters might cheer that outcome, the credibility of the election could be questioned internationally and domestically. Many will ask: is an election inclusive and fair if a party that historically commanded, say, a third of the electorate is barred from contesting? Voter turnout might also be affected. AL loyalists may boycott or feel disenfranchised. An election without buy-in from a large segment of society could produce a government that lacks perceived legitimacy among those excluded.

• **Political Pluralism:** Bangladesh's political sphere may paradoxically narrow at the moment of hoped-for democratic opening. If AL remains banned, effective one-party (or one-alignment) rule might emerge under BNP or a coalition of smaller parties that fill the void. True pluralism requires multiple viable options. Currently, aside from BNP, the other players include Jamaat (still officially unregistered but active), the new youth-led NCP, and ex-military ruler Ershad's Jatiya Party (which often plays a secondary role). None individually have the nationwide organisation the AL had. The risk is that political debate becomes

lopsided, with the ruling group dominating and little robust opposition in parliament. This scenario could breed complacency or abuse by the winners, as we saw with AL's long unchecked tenure. Alternatively, if AL supporters gravitate to forming new parties, we might see new pluralism but building a brand-new major party takes time and faces state hurdles. In the interim, policy consensus could suffer: for instance, AL had a distinct stance on secularism and minority rights. Who will speak up for those values now? If BNP tacks right to appease Jamaat or others, the absence of AL might mean fewer voices defending secular, liberal positions, potentially impacting legislation and social harmony.

• **Civil Liberties:** The banning of AL creates a chilling effect on free association and expression. Already, any public show of support for AL could be interpreted as illegal. Do AL supporters have the right to protest the ban? Likely not, under current orders such gatherings would be dispersed. This sets a problematic precedent for freedom of assembly. It also complicates media freedom: can newspapers publish op-eds favourable to AL or interviews with its exiled leaders? Or would that be seen as promoting a banned organisation? During Hasina's rule, media was censored to favour AL; now the pendulum could swing to censor anything sympathetic to AL. The interim government must be careful not to replace one form of censorship with another. Another liberty at stake is the right to run for office. Thousands of AL members from grassroots to former MPs are now barred from politics not due to any conviction against them, but because of association. This arguably violates their political rights. In the long term, upholding such a blanket restriction could face legal challenges (if the judiciary regains independence) or foment resentment. A more proportionate approach

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Implications for Elections, Pluralism, and Stability continued...

would be to bar individuals convicted of serious crimes, not everyone tied to a party.

• **Governance and Policy Continuity:** The Awami League, for all its faults, did implement various policies and programs over 15 years some successful (infrastructure projects, social programs) and some controversial. With AL gone, there's a question of whether the new regime will discard everything associated with AL's legacy or maintain some continuity. A vengeful purge of all AL-era policies, officials, and appointees could cause disruption in governance. We have already seen many administrators and police officials removed or prosecuted if implicated in abuses, which is necessary for reform. But care is needed to not paralyse the state with a witch-hunt that labels even technocrats as suspects simply for serving under AL. Bangladesh's bureaucracy must serve whichever government; if AL-era civil servants are all sidelined, capacity could suffer. Moreover, policies beneficial to the public (economic initiatives, etc.) should ideally

be preserved if they weren't tied to wrongdoing. A stable democracy requires some institutional memory and non-partisan administration, rather than complete turnover with each regime change.

• **Long-Term Stability:** Stability hinges on whether the ban leads to accountability and closure or to festering discord. If the Awami League's crimes are thoroughly investigated and those responsible are punished in a way perceived as fair, and if at some point the many innocent AL affiliates are allowed back into normal political life, Bangladesh could achieve a meaningful reset in its politics. For that to happen, though, the process must not appear as a one-sided purge. A big question is how AL's vast base will respond. So far, the party is in disarray its top leaders are abroad or in hiding, and there has been no significant violent resistance from AL loyalists to the new order (likely because the public mood was strongly against them after the killings). However, over time, resentment could build. If AL supporters feel persecuted (jobs lost due to affiliation, harassment



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Implications for Elections, Pluralism, and Stability continued...

by police, etc.), some fringe elements might resort to violence, or align with other disaffected groups, potentially destabilising security. The interim government has claimed the ban enhances security, but pushing a large political network underground can create a new security problem clandestine networks are harder to monitor, and grievances can turn into radicalisation.

• **Justice and Healing:** For Bangladesh to move forward, justice must not only be done, but also be perceived as even-handed. While AL is rightly being held to account for its brutal response to protests, observers note that other groups also engaged in violence during the turmoil (for instance, some protesters attacked AL members and properties in retaliation, and Jamaat cadres have a history of violent tactics too). If justice focuses solely on AL's misdeeds and ignores any excesses by others, it will look like a partisan score-settling. A comprehensive approach would involve investigating all violence around the 2024 events, even if perpetrated by opposition elements, and holding them accountable too. Only pursuing the former ruling party creates a narrative of "justice for winners, none for winners' crimes" a dangerous double standard. So far, it appears only AL and affiliates are being targeted (e.g., Chhatra League banned while other student groups with violent records were spared). This selective approach could plant seeds of future injustice. Long-term stability will depend on reconciliation eventually, Bangladeshis will need to reconcile AL supporters and opponents. That might entail, after trials, some gestures of national unity or rehabilitation for those not guilty of crimes, lest divisions remain permanent.

The ban on the Awami League is a gamble. It could clear the way for a new era by decisively dealing with an abusive old guard, or it could cast a long shadow on the new era by excluding a significant chunk of the populace from ownership in the country's future. Much will depend on how the ban is implemented and for how long.

If it becomes a stepping stone to a more inclusive, reformed political order (for instance, if reformed ex-AL factions are later allowed to participate under conditions of renouncing violence), it might be justified in hindsight. If it instead cements a precedent of winner-takes-all and Bangladesh swings from one hegemonic party to another, the democratic promise of the 2024 uprising could remain unfulfilled.

**“The road ahead demands
not just retribution
but reconciliation,
restraint, and a renewed
commitment to
democratic inclusion.”**

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Recommendations

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Recommendations

To ensure that justice and democratic progress are both served, the following policy recommendations are proposed to advocate to Bangladeshi stakeholders and the international community:

1. Emphasise Individual Accountability Over Collective Guilt: Urge the interim government and tribunal to focus on prosecuting specific perpetrators of violence with full due process, rather than treating the entire Awami League membership as culpable. Differentiate between leaders who ordered or enabled atrocities and ordinary party supporters. This could involve publishing clear criteria for who is being charged (e.g. involvement in command responsibility or direct acts of violence). By narrowing the scope to those responsible, the process will appear more just and less like collective punishment.

2. Clarify the Ban's Terms and Timeline: Advocate for the government to clarify that the ban on AL is a temporary, security-related suspension rather than a permanent abolition. A detailed roadmap for review of the ban should be published for example, pledging that after the ICT trials conclude (or by a certain date), the ban will be revisited by an independent commission. This creates an incentive for the AL (or its reformed successors) to cooperate with justice and renounce violence in order to earn re-legitimation. It also reassures supporters that their political rights are not gone forever, only on hold pending justice.

3. Encourage Inclusive Elections and Political Dialogue: Press the interim authorities to ensure the next elections are as inclusive as possible, even if AL as an entity remains barred. This might include allowing new or reconstituted parties to register in lieu of AL for instance, if reformist ex-AL members form a new party with a clear break from past violence, they should be permitted to contest. It's also critical to invite international

election observers to bolster credibility. The Foundation should facilitate dialogue between the interim government and all political forces (including moderate AL figures in exile) to discuss conditions for participation. A possible approach is a peace pact where all sides (BNP, Jamaat, NCP, ex-AL moderates) agree to shun violence and respect election results, in exchange for fair play in campaigns.

4. Strengthen Institutional Checks and Human Rights Protections: To avoid the recurrence of authoritarian abuse, the interim government's reform agenda must be pursued vigorously.

5. Security Sector Reform: Dismantle or reform politicised units, embed human rights training, and establish civilian oversight of police/RAB. Hold officers accountable for past abuses (regardless of affiliation) to set a precedent that state agents cannot obey illegal orders with impunity.

6. Judicial and Legal Reform: Amend laws like the Anti-Terrorism Act and Digital Security/Cyber Security Acts to ensure they cannot be used to suppress peaceful dissent. Insert safeguards for freedoms of speech and assembly. If possible, involve international legal experts to align the ICT and other tribunals with international fair trial standards, addressing concerns about due process.

7. Election Commission and Political Party Law: Enact rules that no party in power can unilaterally ban another; perhaps require Supreme Court or parliamentary supermajority approval for any future party ban, to prevent abuse. Enhance the Election Commission's independence so that future elections remain fair even if a major party is unpopular or boycotting.

8. Promote Reconciliation Mechanisms: Beyond trials, Bangladesh would benefit from a truth and reconciliation process focusing on the July–

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Recommendations continued...

August 2024 events and broader grievances. The Foundation could propose a Truth Commission where victims and even lower-level perpetrators can testify, apologies can be offered, and the nation records an impartial history of what transpired. This could humanise both the victims and the rank-and-file AL supporters, building mutual understanding. Amnesty or reduced sentences could be considered for those who come forward truthfully about their role and show remorse (excluding those with command responsibility for egregious crimes). The goal is to avoid a cycle of revenge by promoting some form of national healing. Commemorations for the protest “martyrs” (perhaps a memorial or educational initiative) should be supported, but with messaging that emphasises “Never again no more Bangladeshi versus Bangladeshi violence,” to unite people.

9. Protect Civil Liberties and Avoid Excesses in Enforcement: Insist that even while the AL ban is in effect, basic civil liberties must be respected.

The authorities should not harass individuals for mere past party membership if they are not implicated in crimes. Any surveillance or restrictions should be narrowly targeted at those planning violence, not general supporters. Media should be free to discuss the ban and even criticise it without fear. The interim government should instruct law enforcement to act with restraint no repeat of the tactics of the previous regime against dissenters. By modelling higher standards of freedom and tolerance now, the new leadership distinguishes itself from the AL’s authoritarian style, building democratic legitimacy.

10. Learn from International Experiences

Avoid Pitfalls: Advocate that Bangladeshi policymakers study cases like Iraq and Egypt to consciously avoid their mistakes. For instance, do not bar all experienced officials from governance simply due to AL ties vet them, and keep those who are professional and clean. Also, consider a path for reintegration: similar to how some de-Baathification measures were later softened to



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Recommendations continued...

bring back capable people, Bangladesh can offer a way back for AL's broader base. The ban could be lifted for the party in future if it renounces violence and undergoes internal democratic reform (perhaps ejecting those convicted of crimes from its ranks). Setting such conditions publicly gives AL supporters hope that there is a future for them in politics if they embrace the new democratic norms.

11. Support the Youth and Civil Society in

Democratic Institution-Building: The youth movement that spearheaded change should now be encouraged to move from street protests to institutional politics and civic engagement. The Foundation can sponsor programs to train young activists in democratic leadership, help them form issue-based organisations or join political parties (be it NCP or mainstream parties) to continue their activism within the democratic framework. This ensures the momentum for reform does not fizzle out or morph into mob pressure. Instead, these protesters can become the next generation of democratic politicians, journalists, and watchdogs. Strengthening independent civil society groups (human rights organisations, press clubs, watchdog NGOs) is also key for a pluralistic environment where no future government can easily get away with repression without public outcry.

12. Reassess and Adjust Policies as the

Situation Evolves: Finally, recommend that all stakeholders remain open to revising the approach if it's not delivering the intended outcomes. For example, if evidence shows that the AL ban is causing more underground extremism or international isolation, the government should be willing to recalibrate (perhaps by moving from a total ban to strict conditions on AL's participation). Flexibility and willingness to compromise will be crucial. The Foundation could act as an independent observer that periodically evaluates the impact of the ban on political violence and democratic participation, feeding those findings to decision-makers.

By implementing these recommendations, Bangladesh can strive to hold the Awami League accountable for past wrongs without permanently rupturing its democratic fabric. It is a delicate balance, but with careful policy design and a commitment to core democratic values, the country can emerge from this transitional period with a stronger, more just political system.



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