BANGLADESH

Yunus and Assault on History

EDITED BY

Syed Badrul Ahsan || J M Chowdhury || SM Masum Billah

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GCDG
Global Center for
Democratic Governance

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Dedicated to

The victims of historical distortion, and to future generations to whom history must remain faithful.

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Preface

Turning Protest into Power

THE UNDOING OF LIBERATION WAR IDEALS

It has been a blatant exercise of the arrogance of power. In the more than a year since the unconstitutional regime headed by Muhammad Yunus was foisted on Bangladesh, the situation has increasingly passed from bad to worse, naturally with grave ramifications for citizens. In effect, since August 2024, Bangladesh has mutated into a playground for anarchists and fascists ready and willing to undermine the very ethos on which the republic was founded in 1971.

The facts behind the rise of the unelected Yunus regime hardly call for any elaboration, owing to what has already been registered at home and abroad. And what have those facts signified? The lessons inherent in those facts have been outlined in this compilation of analyses and assessments by scholars on the threats Bangladesh has faced since the fall of its elected government in August 2024. The premise on which the unconstitutional regime, styling itself as an

interim government, operates was publicly revealed by Muhammad Yunus on his visit to the United States in September 2024. It was all a meticulously designed plan, as he put it. In other words, it was a deeply planned conspiracy which caused the fall of the elected Awami League government headed by Prime Minister Sheikh Hasina.

But was that *'meticulous design'* a sudden happening? Far from it. There had been elements entrenched in such organisations as the Chhatra League and Jubo League, ready to bring out their knives when the appropriate moment arrived. Add to that the role that was played by the Biden administration in the four years it was in office. Or travel back to the times when the Clintons, successfully campaigning for Yunus to be awarded the Nobel Prize for Peace, maintained pressure on the Sheikh Hasina government, the better to have her go easy on Yunus and his moves insofar as his Grameen Bank was concerned.

Let it be noted here, though, that the conspiracy which led to the anarchy Bangladesh is now prey to has had its roots dating back to the liberation of the country in 1971. Intrigue by local elements and reinforced by their association with foreign powers led to the assassination of the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, and most of his family in August 1975. Christopher Hitchens, the late reputed British journalist, spilt the beans on the conspiracy shaped by the likes of Henry Kissinger, the sinister aim being the overthrow of Bangabandhu's government through a violent coup d'etat. The tragedy of August 1975 was followed by its sequel in November of the same year when the four leaders of the 1971 Mujibnagar government were done to death in the purported security of prison.

Back in 1975, dark forces personified by Khondokar Moshtaq, Taheruddin Thakur and others were instrumental, of course, on the basis of their overseas support, in undermining the ideals of the War of Liberation. In 2024, once the Sheikh Hasina government was removed from power, it became crystal clear as to where the roots of the conspiracy in causing that disaster lay. Elements of the Jamaat-e-Islami and its student wing, as well as activists of the Bangladesh Nationalist Party (BNP) and its student and youth wings, had, by worming their way into the Awami League and Chhatra League, made sure that enough damage could be done not only in ensuring the fall of the government but also in pushing the country away from its foundational principles.

In simple terms, what started off as a students' movement against the quota system was soon infiltrated by anti-national elements, an event which broadened out into a dark movement against both the government and the state. The use of 7.62 bullets in the anti-government agitation, despite the pertinent questions on the issue raised by one of the advisers in the present regime (he has since been demoted to heading a relatively insignificant ministry), has never been explained. In other words, it was a vast conspiracy, led by Yunus and his cohorts as well as sections of civil society viscerally opposed to the Awami League, which in the end succeeded in putting paid to a governmental enterprise resting on the ideals of the War of Liberation.

Since August 2024, the people of Bangladesh have existed in a nightmare, one that shows no light at the end of the long tunnel. The republic has been brutalised in ways that one could not have imagined. The very structure of

the state has been jeopardised by the rise to power of a group patently out to dismantle the state. Every action of the illegal Yunus regime, beginning in August 2024 and coming all the way to the present, has been a systematic, carefully orchestrated assault on the state. Every national institution has been compromised; every professional class has been hounded by mobs determined to hollow out the republic; every citizen who holds fealty to the principles of democracy today cowers in fear of the brigands who have seized the state.

The realities as they have shaped up in the country since August 2024 have been carefully analysed in the chapters forming the core of this work.

Author in chapter one titled, "*The Judicial Theatre of Hasina Verdict: A Critical Legal Analysis"* exposed the brazen ways in which the ICT was commandeered by anti-state elements and weaponised in a so-called trial of former prime minister Sheikh Hasina. The authors question the background and quality of the judges who presided over a trial which, in every way, lacked credibility. The methods employed by the ICT were but a well-designed trial based on the retributive nature of the judges presiding over the trial.

Second Chapter titled *"Governance in Retreat: Institutions Under Siege"*, is journeys back to the expectations on the part of citizens once the Yunus regime was installed in office. Soon, though, a retreat from such expectations was revealed. Dissent, indeed, a needed conversation on the nation's future, came under assault. Chances of a new opening to democracy have dwindled in these past many months.

The issue of an entire nation commandeered by elements opposed to the foundational principles of the republic is

explored by authur in the next Chapter titled *"The Illusion of Stewardship: Human Rights Regression under the Yunus-Led Interim Government in Bangladesh"*. He draws attention to the provocation by the interim regime regarding critical areas of constitutionality and ethics. The import of individuals holding dual citizenship and the authority being handed to them to tamper with the constitution and its provisions are studied in detail in his paper.

Author takes up the extremely concerning issue of how religious extremism, in tandem with a collapse of security, has been undermining the State under the Yunus dispensation. In Chapter Four, "*Extremism and Security Failures: How the Interim Government Enabled Radicalization and Undermined the State from Within",* he probes the systematic assaults on and dismantling of secular governance in the country and the all too obvious rise of authoritarianism since August 2024.

The sheer slide in the rule of law and a concomitant rise in public insecurity is the theme in author's *"Collapse of Rule of Law and Public Security: Evaluation of the Yunus Regime"*. He goes into an examination of the farcical trial, conducted by an illegitimate regime, of former prime minister Sheikh Hasina. Author forensically tears into the recent judgment on the former prime minister and, in the process, holds forth the ugly manner in which the Yunus regime has engaged in a witch hunt of those associated with or supportive of the Awami League government. Mob violence, etc, he contends, have been instrumental in an increasing decay of the institutions of the State.

In a republic where impunity has, by and large, been a factor in the conduct or otherwise of statecraft, author

explores the return, in virulent form, of the malady in *Chapter Six titled "Reemergence of Impunity in Bangladesh: Victims Ignored and Defence Denied".* He delves into a study of circumstances that expose the Yunus regime's blatant disregard of the rights of those entitled to legal defence once the State pounces on them. He notes the scandalous manner in which immunity has been guaranteed for those involved in the anti-government agitation between mid-July and early August 2024 and which came through a Home Ministry press release. He reminds readers that in earlier times, such immunity-related steps were undertaken through presidential ordinances or acts of Parliament or on the basis of constitutional amendments.

Author's focus on *"Economic Decline and Social Discontent"* is an in-depth study of the steep and deep slide of the nation's economy in the months since August 2024 has been placed in Chapter Seven. He reflects on banking systems having gone haywire, on rising inflation and increasing costs of living, on increased government borrowing accompanied by the lowest level of ADP in recent years. He berates the regime on the issue of what he correctly calls a sell-out of the national interest through the misleading narrative of a promotion of foreign trade. Additionally, he does not fail to draw attention to the grave damage caused to the local business environment by repeated instances of unbridled mob violence across the country.

The papers by author in this compilation are geared to drawing public attention to the various ways in which the nation has been pushed to the abyss by the unconstitutional regime foisted on the country in August 2024. In Chapter Eight, "*The Mirage of Reform and Global*

Isolation", he exposes the hollowness of the reforms the regime has undertaken, despite its illegitimate nature, since it was foisted on the country. The so-called July Charter, he argues, despite having been a 'blueprint for renewal', has dwindled to being a statement mired in confusion. Besides, the Charter, as he argues, is an assault on Constitutional order as it was established in the era of Bangladesh's liberation.

In the concluding Chapter, "*The Unfinished Republic: Lessons, Reversals and the Road to Democratic Resilience"*, author focuses on the political rupture caused by the fall of an elected government, with grave ramifications. The installation of an unconstitutional regime, he argues, has led to a multi-dimensional crisis that has left the core foundations of the State, namely, constitutional, economic and institutional, in jeopardy.

The story is horrific. It is not merely one of barbarians at the gates threatening to upend the state. It is infinitely more disturbing: barbarians have broken through the gates, have commandeered the state and, in the time-tested manner barbarians have historically gone about destroying lives and institutions and culture, the men who seized power last year and the mobs on whose strength they have been exercising that power have consciously and brazenly proceeded to tear apart the structure of Bengali life in the Bengali republic we the people caused to be born following a strenuous War of Liberation in 1971.

For one thing, a single instance of how the post-August 2024 conditions have shaped up is to be observed through the sales by the kilogram of the works of Jahanara Imam, our venerable Shaheed Janani, by the Bangla Academy. The academy has historically been a repository of Bengali

cultural and historical heritage. And yet it is trapped in conditions of a gruesome kind, those which seek to eat away its very foundations. For another, the nation's public universities, with religious extremists at the top of the administration and in the students' unions, have set about destroying the secular principles of Bengali nationhood.

Bangladesh, at this point, struggles for survival. Its crisis is existential. With criminality endorsed by the illegal Yunus regime, with the country beginning to assume the characteristics of a banana republic, with the regime and its mob followers determined to hold to power, it becomes hugely important that strategies be developed to retrieve the state from those who have lorded it over in the past fifteen months. Politics of the kind which was deployed against the Yahya Khan military junta, against the occupation Pakistan army calls for reinvention in these troubled times. The truth is obvious: Bangladesh is as much under enemy occupation today as it was fifty-four years ago. The task for all democratic forces, indeed for the Awami League, is to shape and provide purposeful leadership for the nation in these difficult times as it looks for a way out of the clutches of the macabre forces which have kept the country in its grip since August 2024.

In Bangladesh today, politics has gone fugitive. In a space that ought to have had a democratically elected government, there is an illegitimate regime which has been installed through mob rule.

How do we assess such illegitimacy? In the first place, Prime Minister Sheikh Hasina did not submit her resignation from office when she was flown out of the country. In

the second, President Mohammad Shahabuddin has made it publicly known that he or his office had no record or document to show that the Prime Minister had resigned. In the past fifteen months, therefore, while a constitutionally elected head of government has remained as Bangladesh's leader, albeit away from the country, in Dhaka, it has been a usurper regime that has tried running the show.

The illegality of the Yunus regime becomes transparent through its hold on power without any constitutional basis. No provision of the constitution, and that includes the flimsy argument of Article 106 being bandied about by the regime and its supporters as its basis, justifies the presence of the regime as the arbiter of national aspirations. Neither is there any such provision as a caretaker system of government in the constitution that permits a regime such as the current one to assume office. Add to that the glaring fact that the Yunus regime was not placed in power through popular consent as exercised at the ballot box but through a coup d'etat swiftly followed by an explosion of mob rule.

The ramifications are thus clearly to be noted. In early August 2024, anarchy across the country pushed it to the edge, a point from which it has not been able to claw back to normality and the rule of law. The nature of the anarchy was not to be missed. Worse, beginning in August 2024, it was a well-premeditated assault that was launched on the nation, to the heritage which has consistently been its underpinning.

Mobs went on a rampage, tearing down all symbols of the War of Liberation. The home-cum-museum of the Father of the Nation at 32 Dhanmondi was first set ablaze

and later demolished. These acts were never condemned by the Yunus regime. Neither was there any move by the BNP to express its disapproval of such vandalism. Indeed, it was a BNP functionary who took it upon himself to arrange for bulldozers to demolish Bangabandhu's home.

Illegitimacy has been at work in every sector of life. Apart from the conspiracy against the Awami League government, mob rule forced the members of the higher judiciary from office before demanding that individuals they were comfortable with be appointed to the High Court and the Supreme Court. In these months since such an unabashed display of mob rule, the judiciary has proved disastrously incapable of asserting its authority in such areas as questioning the unprovoked arrests of individuals associated with the Awami League government and organisations. Mobs have broken into courts, humiliating those brought there to face questionable charges of murder and other crimes imposed on them by the regime.

A prime act of illegitimacy was the dissolution of the Jatiya Sangsad in August 2024. That act has significantly contributed to an escalation of the crisis in the country, compelling the Yunus regime to operate without any recourse to constitutional validity. The regime has sought to undertake measures that clearly are not its remit. It has formed a number of commissions, ostensibly to bring about reforms in various sectors of the state.

The problem is not hard to miss: all these commissions, with all their reports, lack the validity that would otherwise not be there with a functioning Jatiya Sangsad. For the regime, therefore, illegitimacy has been absolutely embarrassing. But does it care? It has

audaciously sought, through importing an academic from abroad, to restructure the constitution adopted in 1972. The very act of constituting such a commission defies not just logic but morality as well, for where the 1972 constitution remains a testament to the contributions of the illustrious figures who waged the War of Liberation in 1971, the so-called Yunus commission is an outlandish move designed to bring in changes striking at the roots of national existence.

Illegitimacy runs riot all across the national landscape. Hundreds of policemen have been lynched by mobs in the aftermath of the August anarchy. No inquiry has been instituted into the deaths by the regime. Homes of grassroots Awami League leaders and activists all over the country have been vandalised and torched. They are not safe in their homes and have effectively become exiles in their own land.

Scores of journalists have been carted off to prison on laughable charges of corruption and for allegedly indulging in or being accessories to murder. Mobs have stormed media offices demanding that journalists who they and the Yunus regime were uncomfortable with be removed. Media houses, including newspapers and television channels, have been occupied by mobs, with obviously a wink from the regime.

With journalists being charged with murder and unable to come by bail, the sinister intentions of the illegitimate regime have manifested themselves. These journalists have continued to suffer, despite ailments of various sorts, in the harshness of jail. A similar situation has defined life for ministers, lawmakers and other political figures who have languished in prison for more than a year. A

minister recently passed away owing to a lack of proper treatment, and even in death, his handcuffs were on his wrists. A former chief justice of the Supreme Court and a former chief election commissioner, along with judges and lawyers, remain in prison with barely any hope of walking out to freedom anytime soon.

Yes, the barbaric nature of the regime has manifested itself since the beginning. High-profile prisoners— ministers, lawmakers, advisers to the Awami League government, journalists, civil servants and others— have been subjected to humiliation in public through their hands being manacled behind them. Never in the history of Bangladesh till now have such indignities been visited on individuals of prominence who were carted off to prison.

The biggest damage the illegal Yunus outfit has wrought in the country has been its systematic assaults on the history associated with its emergence in 1971. Its audacious clamping of a ban on the Awami League, the driving force behind liberation, and a similar ban on the Chhatra League and Jubo League have been indicative of its anti-national characteristics.

The regime has decreed, in an unashamed act of sedition, a ban on the national slogan of Joi Bangla. It has had images of the Father of the Nation removed from ministries and other government institutions, as well as currency notes. It has maliciously presided over the vandalism perpetrated against murals and statues honouring Bangabandhu and other luminaries in Bangladesh's history. It has not said a word when mobs have pounced on the graves of Sufis and saints whose role in the propagation of Islam in this region was pivotal through the centuries. Hindu homes and families have come under repeated assault.

In this era of medieval darkness in the country, women have turned into easy targets of criminals masquerading as moral police. Bauls have been chased out of their religious sanctuaries, with many of them falling victim to mobs shaving off their long hair and beards, a traditional symbol of their spiritualism, in public.

In the realm of foreign policy, the road under the Yunus regime has led to disaster.

In the first place, its inability to exercise assertive authority where American influence on Bangladesh is concerned (observe the restrictions imposed on Bangladesh's citizens vis-à-vis St Martin's Island) has aroused public disquiet. But given the role of Deep State in the making of the August conspiracy, should anyone be surprised?

In the second, the consistent manner in which the regime has pursued an anti-India policy has exposed not only its lack of experience in handling diplomacy but also, and darkly, led to a condition of mutual hostility between Dhaka and Delhi. The regime is in a straitjacket here, with its functionaries clearly at sea on how, if at all, the damage can be rolled back.

More ominously, the Yunus regime's growing closeness to Pakistan, with Pakistani ministers and senior military officers visiting Dhaka since the incidents of August 2024, has been a matter of grave worry for Bengalis. The regime has, in its folly, convinced itself that closer relations with Pakistan will be enough to ensure its importance in the region. That, of course, promises to remain a pipe dream.

Bangladesh awaits change. Its people are fully aware of

the damage, indeed, the treasonous acts the illegitimate Yunus regime has been indulging since it was foisted on the country. The need today, therefore, is for the nation to be reorganised around the core principles of Bangladesh as they underpinned the foundations of the state more than five decades ago.

The requirement, of course, is for liberal democracy based on Bengali nationalism to be reasserted through a concerted people's struggle. The old mistakes, of giving space to quarters unhappy with Bangladesh as it came into existence in 1971, must be avoided. The threat of Islamist rule, through the quiet nod of the illegitimate regime, must be nipped in the bud.

The goal is clear. It is one of taking back the country from the evil grip of those who have stolen it from us through a conspiracy fomented abroad and unleashed at home.

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List of Acronyms

A2i	Acces to Information
AB Party	Amar Bangladesh Party
ABT	Ansarullah Bangla(bhai) Team
ACC	Anti-Corruption Commission
ACC-RC	Anti-Corruption Commission Reform Commission
AD	Appealate Division
ADP	Annual Development Programme
AL	Awami League
ALBD	Bangladesh Awami League
AP	Associated Press
AQIS	al-Qaeda in the Indian Subcontinent
ASEAN	Association of Southeast Asian Nations
ASK	Ain o Salish Kendra
ATA	Anti-Terrorism Act
ATU	Anti-Terrorism Unit
BAAP	Bangabandhu Awami Ainjibi Parishad
BASA	Bangladesh Administrative Service Association
BB	Bangladesh Bank
BBS	Bangladesh Bureau of Statistics
BCI	Bangladesh Chamber of Industries
BCI	Business Confidence Index
BFIU	Bangladesh Financial Intelligence Unit
BICDA	Bangladesh Inland Container Depots Association
BIGD	BRAC Institute of Governance and Development
BIMSTEC	Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation
BJSA	Bangladesh Judicial Service Administration
BLAST	Bangladesh Legal Aid and Services Trust BMP Bangladesh Mahila Parishad
BNP	Bangladesh Nationalist Party BSRT Banking-Sector Reform Taskforce
BTRC	Bangladesh Telecommunication Regulatory Commission
BUET	Bangladesh University of Engineering and Technology

CaH	Crimes against Humanity
CAT	Convention Against Torutre
CERD	Convention on the Elimination of Racial Discrimination
CHT	Chittagong Hill Tracts
CIABOC	Commission to Investigate Allegations of Bribery or Corruption
CIRDAP	Centre on Integrated Rural Development for Asia and the Pacific
CMSME	Cottage, Micro, Small and Medium Enterprises
CPA	Chittagong Port Authority
CPD	Centre for Policy Dialogue
CPI	Corruption Perceptions Index
CPJ	Committee to Protect Journalists
CPR	Civil and Political Rights
CR	Complaint Case
CRC	Constitutional Reform Commission
CTIB	Counter-Terrorism Intelligence Bureau
CTTC	Counter Terrorism and Transnational Crime
DB	Dective Branch (of Police)
DC	District Commissioner
DGFI	Directorate General of Forces Intelligence
DLR	Dhaka Law Report
DMP	Dhaka Metropolitan Police
DSA	Digital Security Act
DSE	Dhaka Stock Exchange
EC	Election Commission
ERD	Economic Relations Department
ESCR	Economic, Social, and Cultural Rights
ESRC	Electoral System Reform Commission
FDI	Foreign Direct Investment
FIR	First Information Report
FPIC	Free, Prior, and Informed Consent
FY	Finncial Year
GCDG	Global Centre for Democratic Governance
GDP	Gross Domestic Product
GMO	Genetically Modified Organisms

HCD	High Court Division
HeI	Hefazat-e-Islam
HRW	Human Rights Watch
HSRC	Health Sector Reform Commission
HuJi-B	Harkat-ul-Jihad Bangladesh
HuT	Hizb-ut-Tahrir
IAB	Islami Andolon Bangladesh
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights, 1966
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Commission of Jurists
ICL	International Criminal Law
ICT Act	International Crimes (Tribunals) Act, 1973
ICT-1	International Crimes Trinunal no.1
ICT-BD I	nternational Crimes Tribunals of Bangladesh
IMF	International Monetary Fund
IOM	International Organization for Migration ISI Inter-Services Intelligence, Pakistan
ITUC	The International Trade Union Confederation
JAFHS	Jama'atul-Ansar-fil-Hind al-Sharqiya
JCE	Joint Criminal Enterprise
JeI	Jamaat-e-Islami
JMB	Jama'atul Mujahideen Bangladesh
JRC	Judicial Reform Commission
KNF	Kuki-Chin National Front
LC	Letter of Credit
LEAs	Law Enforcement Agencies
LGRC	Local Government Reform Commission
LNG	Liquefied Natural Gas
LRC	Labour Reform Commission
MMRC	Mass Media Reform Commission
MoF	Ministry of Finance
MP	Member of Parliament
NBR	National Board of Revenue
NCC	National Consensus Commission

NCP	National Citizen Party
NCTB	National Curriculum and Textbook Board
NDA	Non-Disclosure Agreement
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NOAB	Newspaper Owners' Association of Bangladesh
NSI	National Security Intelligence
OHCHR	Office of the High Commissioner for Human Rights
PARC	Public Administration Reform Commission
PRC	Police Reform Commission
RAB	Rapid Action Battalion
RADP	Revised Annual Development Programme
RPO	Representation of the People Order, 1972
RRAG	Rights and Risks Analysis Group
RSF	Reporters Without Borders
RTI	Right to Information Commission
SAARC	South Asian Association for Regional Cooperation
SB	Special Branch (of Police)
TIB	Transparency International, Bangladesh
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UN-WGAD	UN Working Group of Arbitrary Detention
US	United States
USD	United States Dollar
USTR	United States Trade Representative
VAT	Value Added Tax
WARC	Women's Affairs Reform Commission

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Chapter 1

The Judicial Theatre of Hasina Verdict

A CRITICAL LEGAL ANALYSIS

1. Introduction

The July events have carved a deep mark on Bangladesh's national psyche, demanding full and credible accountability. Yet the *Hasina verdict*[1] reveals a troubling blend of political vendetta and judicial misdirection. This chapter offers a legally grounded critique of the announced judgment, placing it within the global architecture of international criminal law as reflected in the 1973 Bangladesh statute.[2] It shows how an interim administration of contested legality arranged a trial in *absentia* built on fragile evidence, doctrinal distortion and an uncritical reliance on UN commentary.[3] By exposing the Tribunal's misuse of Joint Criminal Enterprise (JCE) and command responsibility, the analysis illustrates how a politically

1 *Chief Prosecutor v Sheikh Hasina* ICT-BD, 2024

2 International Crimes (Tribunals) Act 1973 (Bangladesh); William A Schabas, *An Introduction to the International Criminal Court* (6th edn, CUP 2020) ch 1

3 UN Human Rights Committee, *General Comment No 32* (2007) UN Doc CCPR/C/GC/32; Human Rights Watch, 'Bangladesh: Flaws in the International Crimes Tribunal' (2013); Reuters, 'Bangladesh Tribunal Issues Arrest Warrant Against Sheikh Hasina' (2024)

charged process imperils justice and carries profound ramifications for Bangladesh and beyond.

The verdict against Sheikh Hasina, streamed live from Dhaka, was sufficient to evoke a sinking sense of *déjà vu.* What unfolded resembled a theatre of justice rather than *justicing*. The 1973 statute was forced into a script for which the stage was never prepared. And the Tribunal, reconstructed under the interim Yunus administration, whose constitutional basis remains widely contested, delivered its first judgment in a manner that will trouble anyone familiar with the doctrinal discipline of international criminal law (ICL).

2. Historical Context

The International Crimes Tribunal of Bangladesh (ICT-BD) may be understood as an institution shaped not by a single founding moment but by successive historical and political reconfigurations. Across its evolution, the Tribunal has passed through three distinct phases, each marked by a different conception of justice, legality and political purpose. What began in 1973 as a juridical response to crimes that shocked the conscience of humanity has, by 2024, been transformed into an instrument deployed to adjudicate a contemporary political rupture. This historical movement is central to understanding the Tribunal's present legitimacy crisis.

2.1. 1973: Foundational justice and the afterlife of 1971

The International Crimes (Tribunals) Act, 1973, was enacted in the immediate aftermath of Bangladesh's liberation, under the leadership of Bangabandhu Sheikh Mujibur Rahman. The statute was conceived as a response to genocide, crimes against humanity, and war crimes committed during the 1971 Liberation War.[4] In both form and spirit, it reflected the moral inheritance of Nuremberg and the post-Second World War international legal order.

At this stage, the Tribunal's normative foundation was closely aligned with peremptory norms of international law. The crimes of 1971 were

4 International Crimes (Tribunals) Act 1973, preamble and s 3; Ruti Teitel, *Transitional Justice* (OUP 2000) 28–31

understood not merely as domestic offences but as violations of obligations owed *erga omnes*.[5] Bangladesh's claim to prosecute them rested on a dual footing: sovereign responsibility and international legal duty. The 1973 Act thus carried a quasi-constitutional character, embedded in the nation's founding narrative and its claim to moral legitimacy in the international community.

Yet this founding moment remained largely unrealised. Diplomatic recalibration followed swiftly. In an effort to normalise relations with Pakistan and stabilise regional peace, no actual tribunal was formed. Even the local collaborator started to enjoy immunity after Bangabandhu's killing in 1975.[6] Subsequent regimes under Ziaur Rahman, General Ershad and Khaleda Zia allowed the Tribunal framework to lapse into dormancy. The law survived, but the institution did not mature into a sustained judicial practice. Justice was deferred, not resolved.

2.2 2009–2010: The Revival

The Tribunal's second phase began under Sheikh Hasina, following the Awami League's electoral victory in 2008. Campaigning explicitly on a promise to deliver justice for the crimes of 1971, her government made the 1973 Act functional and operationalised the Tribunal through procedural rules, investigative agencies, and prosecutorial offices in 2010.[7]

This revival restored the Tribunal to the centre of Bangladesh's legal and political landscape. It led to the prosecution and conviction of several leaders of Bangladesh Jamaat-e-Islami, including its senior figures. For many, these proceedings represented the long-delayed fulfilment of Bangladesh's moral obligation to the victims of 1971.

At the same time, this period exposed the Tribunal to sustained

5 *Barcelona Traction* (Belgium v Spain) [1970] ICJ Rep 3 [33–34]; Antonio Cassese, *International Criminal Law* (3rd edn, OUP 2013) 65–70

6 M Rafiqul Islam, *War Crimes Trials in Bangladesh* (Martinus Nijhoff 2019) ch 3; Kallol Bhattacherjee, 'Justice vs Judgment' *The Hindu* (16 November 2025)

7 International Crimes Tribunal Rules of Procedure 2010

criticism. International observers and human rights organisations raised concerns about procedural fairness, political pressure, and the conflation of historical accountability with partisan justice.[8] The Tribunal came to embody a paradox: it was both a symbol of unfinished liberation justice and a site of contested due process. By the mid-2010s, the ICT-BD had acquired institutional permanence, but its operation drew national and international criticism.

2.3 2024 onward: Reconstitution

The Tribunal's third phase marks a decisive departure from its historical vocation. Following the fall of Sheikh Hasina's government in August 2024, the interim administration reconstituted the ICT and redirected its jurisdiction toward the violence of July–August 2024.[9] The same tribunal originally created for the crimes of 1971 is now being used to prosecute the conduct of the government that once relied upon it.

This reorientation is not merely a change of defendants; it is a conceptual relocation of the Tribunal itself. The July incidents, grave as they may be, arise from a contemporary political confrontation rather than from a foundational national trauma. The Tribunal's legal architecture, originally designed to address genocide committed during a war of liberation, is now deployed to adjudicate alleged crimes against humanity arising from protest suppression and state violence within an ongoing political struggle.

Institutionally, the transformation has been accompanied by structural changes that intensify concerns of politicisation. New judges were brought into the Tribunal after the regime change. The Tribunal was divided into separate wings, with one specifically assigned to cases against Sheikh Hasina and another to cases against her associates. The prosecutorial leadership itself carries historical irony, having previously defended individuals convicted under the Tribunal

8 Human Rights Watch, 'Bangladesh: War Crimes Verdicts Raise Fair Trial Concerns' (2013–2016); Amnesty International, 'Bangladesh: International Crimes Tribunal Concerns' (2014)

9 Reuters, 'Bangladesh's Interim Government Revives War Crimes Tribunal Against Hasina' (2024); The Hindu (Bhattacherjee, 2025)

during its second phase.[10] These developments have reinforced the perception that the Tribunal is now embedded within a broader project of political reconstruction rather than transitional justice.

2.4 From jus cogens justice to politically contingent adjudication

The Tribunal's moral and legal authority once derived from its connection to 1971. That connection allowed it to claim continuity with international criminal law's deepest prohibitions and with Bangladesh's foundational identity. In its current incarnation, that historical anchor has loosened. The Tribunal now operates under an interim government constituted by and composed of members of the victorious political forces, addressing events that are recent, politically charged, and deeply polarising.

This shift matters profoundly. International criminal law draws legitimacy not only from the gravity of the crimes it addresses but from the perception that prosecutions are insulated from political retaliation. When a tribunal migrates from addressing historical atrocity to adjudicating the downfall of a recently deposed government, its claim to impartial justice becomes vulnerable. The very language of international crimes risks being repurposed as a vocabulary of political reckoning.

In this sense, the ICT-BD today stands at a crossroads. It carries the symbolic weight of 1971 while operating within the political turbulence of 2024. Whether it remains a court of law or becomes an instrument of political legalism depends not only on the outcomes of its cases but on its ability to recover the institutional restraint, independence, and moral seriousness that once justified its existence.

3. Constitutionality and Independence Concerns

A constitutional anxiety arises at two connected points: first, the propriety of drawing International Crimes Tribunal judges from among High Court Division additional judges appointed under Article

10 The Hindu (Bhattacherjee, 2025); Reuters profile on Mohammad Tajul Islam (2024)

98; second, the decision to confirm some of those probationary judges as permanent judges immediately before delivering the Hasina verdict. Together, these choices do not merely invite criticism of taste or timing. They strike at the inner grammar of judicial independence, both as a constitutional principle and as an internationally protected condition of fair trial.

3.1 Article 98 and the constitutional meaning of probation

Article 98 authorises the President to appoint one or more duly qualified persons as additional judges of the High Court Division for a period not exceeding two years. The constitutional idea is familiar across common law systems: a temporary judicial commission may be used as a limited laboratory of performance, permitting observation of competence, temperament, and diligence before any decision on permanence is made.[11] Yet the same design also carries an acknowledged risk. A judge who knows that confirmation depends, formally or informally, upon executive *satisfaction* may feel the gravitational pull of expectation. It is precisely for this reason that judicial independence, in its classical sense, has always been inseparable from security of tenure.

This is not simply a matter of political optics. It is structural. The Constitution itself distinguishes between judges appointed under Articles 94 and 95 and additional judges appointed under Article 98.[12] That differentiation matters because it signals two different institutional states: one of settled tenure and one of probation. When constitutional text creates a threshold, courts and governments are not free to treat it as decorative. It has normative force because independence is not a private virtue of the individual judge. It is an institutional condition that the State must secure.

Pertinently, under the International Crimes (Tribunals) Act 1973, the sole statutory qualification for appointment as a tribunal judge

11 Constitution of Bangladesh, art 98; HWR Wade and Forsyth, *Administrative Law* (11th edn, OUP 2014) 333–335

12 Constitution of Bangladesh, arts 94, 95, 98; Md Abdul Halim, *Constitutional Law of Bangladesh* (CPB 2015) ch 12

is that the appointee be "qualified to be a Judge of the Supreme Court."[13] Although facially neutral, this criterion has been interpreted with exceptional breadth, permitting the elevation of judges lacking institutional seniority or demonstrable expertise in international criminal law. A striking illustration is the appointment of Golam Mortuza Mozumder, who was sworn in as an Additional Judge of the High Court Division on 8 October 2024 and, within days, was designated Chairman of International Crimes Tribunal-1 on 14 October 2024.[14] This accelerated progression raises serious concerns regarding judicial independence and competence, particularly given that additional judges under Article 98 of the Constitution occupy a probationary status that lacks the security of tenure traditionally regarded as indispensable for adjudication of crimes carrying the gravest penal and political consequences.[15]

3.2 The ICT bench and the threshold of judicial status

As mentioned earlier, Section 6 of the International Crimes Tribunals Act 1973 contemplates that the tribunal will be staffed by judges of the High Court Division or persons qualified to be appointed as such.[16] The constitutional reading of that formula should not be casual. The tribunal adjudicates crimes of the highest moral gravity and legal consequence. Its legitimacy, therefore, depends upon an unimpeachable bench that is institutionally insulated from career dependence and executive favour.

A probationary judge under Article 98 does not enjoy the same constitutional security that a confirmed judge enjoys. The difference is not a ceremonial badge. It is the very mechanism through which independence is guaranteed. When judges whose tenure is contingent

13 International Crimes (Tribunals) Act 1973 (Bangladesh), s 6

14 Supreme Court of Bangladesh, Notification of Appointment of Additional Judges, 8 October 2024; see also contemporaneous reporting on the reconstitution of International Crimes Tribunal-1 (Dhaka, October 2024)

15 Constitution of the People's Republic of Bangladesh 1972, art 98; UN Basic Principles on the Independence of the Judiciary (adopted 7 September 1985) principles 10–12

16 International Crimes (Tribunals) Act 1973, s 6

are placed on an international crimes tribunal, the tribunal inherits the contingency. It becomes difficult to say, with the sobriety that international criminal adjudication demands, that the bench is free from the subtle pressures that attach to confirmation, elevation, and future security.

This point is reinforced by global standards that treat independence as a condition to be guaranteed by the State, not as a matter of personal assurance. The UN Basic Principles on the Independence of the Judiciary require that the judiciary decide matters impartially, without restrictions or improper influences, including inducements, whether direct or indirect.[17] The principle is not only that judges must not be threatened. It is also that they must not be tempted.

3.3 Confirmation immediately before verdict

The more serious injury arises from the confirmation of these probationary judges as permanent High Court judges immediately before the delivery of a politically momentous verdict. Confirmation is not a neutral administrative formality. It is a significant benefit conferred through a process in which the executive, in practice, holds meaningful leverage. When such a benefit arrives at the edge of judgment, it operates as an inducement in the plain sense contemplated by international standards.[18]

The UN Basic Principles forbid improper influences and inducements from any quarter. The language is deliberately broad because influence does not always announce itself as instruction. It often works through timing, favour, and the silent logic of rewards. A system may maintain the outward ritual of adjudication while quietly shifting the inner incentives of judging. When confirmation is delivered on the eve of a verdict, a reasonable observer is entitled to wonder whether the court is being thanked in advance, or being gently reminded of who

17 UN Basic Principles on the Independence of the Judiciary (1985), principles 1–2

18 Bangalore Principles of Judicial Conduct (2002), principles 1, 2; UN HRC, *General Comment No 32* [19]

holds the key to permanence. Therefore, a pre-verdict confirmation, in a case freighted with political consequences, creates precisely that perception: it entangles adjudication with career security.

This is also consistent with the Human Rights Committee's authoritative interpretation of Article 14 of the ICCPR. The Committee treats the requirement of an independent and impartial tribunal as an absolute right and emphasises that independence is not satisfied by verbal assurance alone. Independence must be demonstrable through institutional safeguards. A probationary judge confirmed at a politically convenient moment stands on the wrong side of that requirement, because the system has created conditions in which judicial decision-making can reasonably be suspected of being shaped by the prospect, or the delivery, of executive favour.

The Bangalore Principles of Judicial Conduct deepen this point further by insisting on both actual impartiality and the appearance of impartiality. They treat public confidence as a juridical value, not as public relations. A judge must not only be impartial but must also avoid situations that create reasonable perceptions of compromised neutrality. For instance, Tajul Islam, the current Chief Prosecutor of this tribunal, is now leading the case on behalf of the government and actively pushing the accusations against Sheikh Hasina[19]. Yet only a few years ago, he stood on the opposite side of the same courtroom as a defence lawyer for Abdul Quader Molla, a senior Jamaat-e-Islami leader convicted of war crimes by the International Crimes Tribunal[20]. This dramatic professional reversal raises serious questions

19 Advocate Tajul Islam made ICT chief prosecutor (The Daily Star, 7 September 2024) <https://www.thedailystar.net/news/bangladesh/crime-justice/news/advocate-tajul-islam-made-ict-chief-prosecutor-3696896> accessed 25 December 2025; see also, Bangladesh prosecution seeks death penalty for ex-PM Sheikh Hasina over protest killings (AP News, 16 October 2025) <https://apnews.com/article/c50ee429eefcd964b6bc36b-67c93d03b> accessed 25 December 2025

20 Abdul Quader Mollah (Wikipedia) <https://en.wikipedia.org/wiki/Abdul_Quader_Mollah> accessed 25 December 2025; see also, Tajul Islam was defence counsel (Legal-Tools.org judgment summary) <https://www.legal-tools.org/doc/42e4c8/> accessed 25 December 2025

concerning prosecutorial consistency, institutional neutrality, and the underlying political motivations shaping the conduct of international crimes prosecutions in Bangladesh[21].

Moreover, the former lawyer of Sheikh Hasina, Md Aminul Gani Titu, was removed from his role as state-appointed defence counsel following widespread controversy over a Facebook post he published on 5 August 2024, in which he had openly called for the execution of Sheikh Hasina by hanging—an issue that raised serious concerns about conflict of interest and judicial ethics[22]. Later, the International Crimes Tribunal1 appointed Md Amir Hossain as defence counsel for Hasina and the other accused[23]. However, because this appointment was made solely at the discretion of ICT1 without any publicly transparent process or explicit procedural standard, questions remain regarding the legitimacy and impartiality of the current defence arrangement[24].

It is important to be precise about the nature of the critique. The argument is not that a particular judge consciously traded integrity for confirmation. The law rarely needs to prove such a crude transaction. The

21 *International Crimes Tribunal (Bangladesh)* (Wikipedia) <https://en.wikipedia.org/wiki/International_Crimes_Tribunal_(Bangladesh)> accessed 25 December 2025; see also, *Tajul demands maximum punishment for Hasina* (BSS News, 16 October 2025) <https://www.bssnews.net/law-and-court/321913> accessed 25 December 2025

22 *Tribunal removes state defence lawyer for Hasina over conflict of interest* (The Business Standard, 25 June 2025) <https://www.tbsnews.net/bangladesh/tribunal-removes-state-defence-counsel-representing-fugitive-former-pm-hasina-contempt-446309> accessed 23 December 2025; *Bangladesh Tribunal Removes Hasina's Lawyer Who Had Demanded Her Execution* (Outlook India, 25 June 2025) <https://www.outlookindia.com/international/bangladesh-tribunal-removes-ex-pm-hasina-s-lawyer-who-had-demanded-her-execution-news-318094> accessed 23 December 2025

23 *ICT appoints defence lawyer for Hasina* (The Financial Express, 26 June 2025) <https://today.thefinancialexpress.com.bd/print/ict-appoints-defence-lawyer-for-hasina-1750874232> accessed 24 December 2025

24 Reports note that the tribunal's choice of a replacement counsel was issued by bench order without published criteria or transparent selection standards, a process that drew commentary on fairness and impartiality in such appointments.

constitutional breach lies elsewhere, in the architecture of incentives. A system violates judicial independence when it places judges in a position where a reasonable person can think that reward and judgment have become adjacent, and therefore potentially connected[25].

Comparative judicial ethics literature puts the matter plainly: judicial independence is the ability to decide free from pressures or inducements, and this must be secured at the institutional level, not merely presumed at the individual level[26]. The integrity of the bench is not tested by asking judges to heroically resist temptation. It is preserved by ensuring that temptation is not built into the structure of adjudication[27].

3.4 Colourable power

From the standpoint of public law reasoning, the timing of confirmation risks being characterised as a colourable exercise of

25 See Tom Ginsburg, 'Judicial Independence in New Democracies: Constitutional Questions in SeparationofPowers Systems' (1993) 27 *Law & Society Review* 517, 54041 (on the importance of *reasonable observer* standards and structural incentives for independence) <https://www.jstor.org/stable/3054033> accessed 23 December 2025; see also, *LawDemocracy Rulebook: Principles on the Independence of the Judiciary and the Protection of the Legal Profession* (Venice Commission, CDLAD(2010)004, 2010) Principles 1–2 (on both *appearance* and *reality* of independence) <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)004-e> accessed 23 December 2025; see more, UN Basic Principles on the Independence of the Judiciary (adopted by the 7th UN Congress on the Prevention of Crime and the Treatment of Offenders, 1985) Principle 1 <https://www.ohchr.org/en/instrumentsmechanisms/instruments/basicprinciplesindependencejudiciary> accessed 24 December 2025)

26 Tom Ginsburg, *Judicial Independence in New Democracies: Constitutional Questions in SeparationofPowers Systems* (1993) 27 *Law & Society Review* 517, 530–540 <https://www.jstor.org/stable/3054033> accessed 24 December 2025

27 Venice Commission, *Report on the Independence of the Judicial System, Part I: The Independence of Judges* (CDL-AD(2010)004, 2010) Principles 1–2 <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)004-e> accessed 24 December 2025; UN Basic Principles on the Independence of the Judiciary (adopted 1985) Principle 1 <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary> accessed 24 December 2025

power.[28] The act is presented as routine regularisation, but it functions as a benefit that coincides with and arguably conditions the tribunal's most consequential judicial act. Even if the confirming authority claims a benign purpose, the legal injury remains because judicial independence is violated not only by actual influence but by the creation of a credible apprehension of influence.

Nor can the taint be cured by the later fact of confirmation itself. If the tribunal bench was constituted or incentivised in a way that undermined independence at the time of adjudication, later permanence does not rewrite the past. It only closes the probationary chapter after the decisive scene has already been staged.

3.5 The consequence for the legitimacy of international crimes adjudication

International crimes adjudication draws its legitimacy from an elevated promise: that the gravest accusations will be handled with the highest procedural discipline by an independent and competent bench. Where judges decide a case while their own security of tenure is being resolved by the executive, and where that resolution is delivered just before judgment, the tribunal invites the charge that law has been converted into an instrument of political legalism. The injury is not confined to one verdict. It is an injury to the idea of adjudication itself because it teaches the public that judicial outcomes may be accompanied by executive rewards and that the boundary between judging and pleasing is porous. Further, none of the judges is trained in international criminal law; the chairman was a retired district judge having the experience of domestic civil and penal law, the other members were picked up from among the lawyers having clear participation in the protest against Hasina, the chief accused in the first case under the reconstituted ICT of 2024.

In that sense, the pre-verdict confirmation is not a footnote to the Hasina verdict. It is part of the verdict's constitutional context. It is the moment where the promise of impartial justice is placed under

28 *McDowell & Co v CTO* AIR 1986 SC 649 (India)

suspicion by the State's own hand, through timing that functions as inducement and therefore as a breach of judicial independence.

4. Critiquing the 2024 and 2025 amendments to the ICT Act 1973

The 1973 International Crimes (Tribunals) Act was enacted in the shadow of 1971. Its moral grammar was unmistakable: a newly born State confronting genocide, crimes against humanity, and war crimes that, by their nature, implicate obligations owed to the international community as a whole. That original statute could thus be defended as a domestic vehicle for what international law recognises as peremptory concerns, and for duties that are erga omnes in character. Yet the legal integrity of an instrument is not guaranteed by its founding moment. In 2024 and 2025, the interim government recast the Act through a sequence of ordinances whose cumulative effect is to widen the net, harden the prosecutorial edge, and compress the space where the rule of law normally insists on patience, restraint, and procedural dignity.

4.1 Temporal ambition and the problem of retroactivity

A central anxiety is not merely that the tribunal's jurisdiction is now being directed to the July–August 2024 violence, but that the amending technique used in 2024 attaches legal consequences in a way that raises the spectre of retroactive reach. The consolidated text reflecting the 2024 Ordinance expressly records that multiple substitutions and insertions were made "with effect from 6th January 2009."[29] This drafting move is not a technical footnote. It is a jurisprudential wager against a foundational criminal law principle: nullum crimen, nulla poena sine lege,[30] echoed in ICCPR Article 15 and constitutional legality guarantees.

Even where international crimes are concerned, retroactivity is

29 International Crimes (Tribunals) (Amendment) Ordinance 2024 (Bangladesh); ICCPR art 15

30 Rome Statute of the International Criminal Court, art 22(1): "A person shall not be criminally responsible unless the conduct… constitutes a crime at the time it takes place."

not a casual privilege of the State. It must be argued, not assumed. International criminal law tolerates narrow retroactive application only when the conduct was criminal under international law at the time of commission, and even then, legality demands clarity, foreseeability, and fair notice. The more the amended Act is designed to function as a contemporary accountability tool for post-2009 state violence, the more the legality question stops being abstract and becomes case-determinative.

4.2 Reservations on the Use of Retrospective Criminal Legislation in National and International Jurisprudence

A central criticism concerning the recent amendments to the ICT Act with a retrospective effect from 6 January 2009 is that such amendments violate the constitutional guarantee against *ex post facto* criminal legislation. Article 35(1) of the Constitution of Bangladesh stipulates that no person shall be convicted of an offence except under the law in force at the time of the commission of the act[31]. This principle reflects the foundational norm of legality and aligns with Article 15 of the International Covenant on Civil and Political Rights 1966 (ICCPR), which prohibits retrospective criminalisation and retroactive enhancement of penalties[32]. Comparable constitutional prohibitions against retrospective criminal liability are firmly embedded across major constitutional systems, including those of the United States[33], Canada[34], India[35], Japan[36], the European human rights framework[37], and South

31 Constitution of the People's Republic of Bangladesh, art 35(1)

32 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 15

33 US Constitution art I, §9 cl 3 (federal) and art I, §10 cl 1 (states); see also, *Calder v Bull* 3 US (3 Dall) 386 (1798)

34 Canadian Charter of Rights and Freedoms, s 11(g); see also, *R v Finta* [1994] 1 SCR 701

35 Constitution of India art 20(1); see also, *Rao Shiv Bahadur Singh v State of Vindhya Pradesh* AIR 1953 SC 394

36 Constitution of Japan art 39; see also, Keiji Saibansho (Sup Ct) 24 July 1953, Minshu Vol 7 No 7

37 European Convention on Human Rights art 7; see also, *Kokkinakis v Greece* (1994) 17 EHRR 397; see more, Charter of Fundamental Rights of

Africa[38], where both constitutional text and judicial interpretation consistently reaffirm the primacy of legal certainty and the rule of law.

The European Court of Human Rights has reinforced this principle. In *Kokkinakis v Greece*, the Court emphasised that criminal laws must be sufficiently clear and foreseeable, noting that judicial interpretation cannot create criminal liability beyond what the law reasonably communicated at the time[39]. Similarly, in *S.W. v United Kingdom*, the Court held that criminal law may evolve through judicial interpretation, but any change must be predictable, not abrupt, and consistent with the essence of the offence[40].

These cases highlight two essential elements:

- Firstly, the law must allow individuals to anticipate the consequences of their actions[41]; and
- Secondly, retroactive application or unpredictable expansion of liability can be general in nature and must not be promulgated to penalise any particular person or group.

For instance, similar people's upsurge happened several times in Bangladesh; however, such application of ICT, or demand for its application to try internal political matters was *never* happened. Therefore, critics contend that reliance on post-independence interpretations of the ICT law without demonstrating foreseeability raises significant concerns under *Article 35(1)*[42].

Although proponents argue that international crimes are inherently exempt from retroactive concerns, the issue is further examined by the Australian Law Reform Commission Report No. 129. The report stressed

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the European Union art 49

38 Constitution of the Republic of South Africa, 1996, s 35(3)(l); see also, *Veldman v Director of Public Prosecutions, Witwatersrand Local Division* 2007 (3) SA 210 (CC)

39 *Kokkinakis v Greece* (1993) 17 EHRR 397 [52]–[57]

40 *S.W. v United Kingdom* (1995) 21 EHRR 363 [43]–[45]

41 Malcolm Shaw, *International Law* (9th edn, CUP 2021) 523

42 Human Rights Watch, *Bangladesh: Concerns Over ICT Act Retroactivity* (HRW Report 2020) 14–17

that although such laws may be legally permissible in exceptional circumstances, they must never be designed to target or penalise specific individuals or groups unfairly[43]. The fact that the ICT Act amendments were given retrospective effect from 6 January 2009, the very day Prime Minister Sheikh Hasina assumed office, strongly suggests that the amendments were targeted to disadvantage a specific political party.

4.3 Rewriting crimes against humanity

The 2024 Ordinance rewrites the definition of crimes against humanity and, strikingly, instructs tribunals to apply definitional content from Article 7(2) of the Rome Statute for several key terms, and to have regard to the ICC Elements of Crimes.[44] On one level, this looks like harmonisation, a belated attempt to lend the tribunal doctrinal maturity by borrowing from the most elaborated contemporary codification.

But this "Rome Statute turn" is double-edged. First, domestic incorporation by executive ordinance, without the discipline of sustained parliamentary deliberation, risks producing a hybrid that is neither fully domestic nor faithfully international. Second, Rome Statute concepts are not merely definitional ornaments; they come with a procedural ecosystem, including prosecutorial independence norms and robust defence guarantees, that are not automatically imported by a reference clause. The 2024 change controversially reserves the dominance of the 1973 Act definition of CAH over the 1997 Rome Statute.[45] Borrowing the vocabulary without importing the institutional and elemental safeguards can produce an appearance of international legality while functionally intensifying domestic political prosecution. Human Rights Watch itself, while noting the interim government's invitation for amendments,

43 Australian Law Reform Commission, 'Traditional Rights and Freedoms—Encroachments by Commonwealth Laws' (Report No 129, 2015)

44 Rome Statute of the ICC art 7; ICC, *Elements of Crimes* (2011)

45 ICT (Amendment) Ordinance 2024, proviso to s 3; Kai Ambos, *Treatise on International Criminal Law* (OUP 2013) vol I.

cautioned that the ICT has a history of fair trial deficits and that due process gaps remain.

4.4 Expanding the subject class

Another consequential 2024 change is jurisdictional and personal. The Ordinance expands the Act's definitional and jurisdictional architecture to include "disciplined force" with an enumerated list of security agencies, and introduces "intelligence agency" as a defined category. It also widens the phrasing in section 3 so that the tribunal's reach is no longer framed only around "armed, defence or auxiliary forces" operating within Bangladesh, but covers disciplined forces and intelligence agencies, within or beyond Bangladesh.

Accountability for security sector abuses is not, in itself, objectionable. Indeed, it is often demanded by victims. The constitutional critique lies elsewhere: when jurisdiction is widened through rapid executive law-making, and coupled with later provisions that weaponise indictment status, the amendment begins to look less like principled accountability and more like a legal architecture for political incapacitation. It is the combination that matters: expanded reach plus reduced safeguards plus immediate political consequences.

4.5 The 2025 "organisation" amendment and the juridification of political banning

The 2025 Second Amendment Ordinance introduces "organisation" in sweeping terms, covering any political party and affiliated or associated entities, and even any group of individuals that, in the tribunal's opinion, supports or facilitates such a party or entity.[46] It then empowers the tribunal, upon finding the organisation connected to crimes under section 3(2), to suspend or prohibit its activities, ban it, cancel registration or licences, and confiscate property.

46 International Crimes (Tribunals) (Second Amendment) Ordinance 2025; The Business Standard, 'ICT Law Amended to Try Awami League' (Dhaka, 11 May 2025)

This is a dramatic migration from individual criminal responsibility toward collective political disabling through a criminal tribunal's order. It invites several constitutional concerns:

First, the breadth of "in the opinion of the Tribunal" coupled with "associated with" language is structurally prone to vagueness and over-inclusion. Second, the remedies resemble political and administrative sanctions, but are channelled through a tribunal whose legitimacy depends on strict criminal law discipline. Third, the tribunal becomes a forum where criminal adjudication and party political fate meet. That convergence is precisely where judicial independence, and the appearance of independence, becomes most fragile.

4.6 Somersault of the Idea of Presumption of Innocence

The 2025 Third Amendment Ordinance inserts section 20C, providing that once a formal charge is submitted, the accused is disqualified from being elected or being a member of Parliament, from local government roles, from appointment to any service of the Republic, and from holding any other public office, unless discharged or acquitted[47]. Major Bangladeshi media reported this as a legal bar that attaches at the charging stage[48].

This is a direct collision with the ethical core of criminal justice: the presumption of innocence.[49] It converts accusation into civic death, long before adjudication. More subtly, it turns the prosecutorial act of charging into a power to reorder the political field. In a polarised polity, that is not a neutral procedural device. It is a constitutional event.

47 International Crimes Tribunal (Third Amendment) Ordinance 2025, s 20C, Bangladesh Gazette (Extraordinary)

48 The Daily Star (Dhaka), 'ICT Third Amendment Ordinance: Accused Barred from Holding Public Office after Charges Framed' (2025) <https://www.thedailystar.net> accessed 23 December 2025

49 ICT (Third Amendment) Ordinance 2025, s 20C; ICCPR art 14(2); Constitution of Bangladesh, art 35(3); International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14(2)

Once the law itself makes a charge equal to disqualification, the tribunal's processes become magnets for political incentive. The prosecution gains leverage by timing. The executive gains leverage by shaping the prosecutorial environment. And the tribunal, even if composed of conscientious judges, is placed inside a system where legal steps carry immediate political consequences. In such a setting, independence is not merely threatened by direct instructions; it is threatened by architecture.

4.7 The pattern, not any single clause, is the constitutional problem

If one reads the 2024 and 2025 amendments as a continuous narrative, a pattern emerges.

- There is an expansion of jurisdiction and subject categories, including security forces and intelligence agencies;
- There is doctrinal borrowing from the Rome Statute definitions and ICC Elements, without an equal expansion of the Rome Statute's institutional safeguards;
- There is collectivisation of liability into organisational banning powers;
- There is a charging stage disqualification regime that operationalises punishment in the language of eligibility; and
- There is, hovering over much of this, the unsettling temporal device that records core 2024 substitutions as effective from 6 January 2009.

Each of these moves can be defended in isolation with the rhetoric of necessity, order, and justice. But constitutionalism is rarely defeated by one dramatic strike. It is more often thinned out by a series of seemingly technical adjustments that, together, reengineer the relationship between accusation, punishment, political competition, and judicial authority. The result is a tribunal that may still speak the language of international crimes, yet risks functioning as an instrument of what one might call juridified political settlement: justice narrated in the idiom of law, while the law is quietly redesigned to secure predetermined political outcomes.

Box 8.1: A tribunal designed in a manner that invites pre-judgment cannot deliver genuine justice

In Findlay v United Kingdom, the European Court of Human Rights addressed the structural defects of a military court-martial system in which the same authority was responsible for convening the tribunal, appointing its members, and confirming the verdict. The Court held that such an arrangement was fundamentally incompatible with the right to a fair trial:

In order to establish whether a tribunal can be considered 'independent'… regard must be had, inter alia, to the manner of appointment of its members and the existence of safeguards against outside pressures… What is at stake is the confidence which such courts must inspire in the public and above all in the accused."

The Court concluded that the appearance of institutional alignment with the executive was sufficient to vitiate the fairness of the proceedings, irrespective of the personal integrity of individual adjudicators. This reasoning is frequently cited to demonstrate that kangaroo courts are defined not by overt misconduct, but by structural design that embeds bias or outcome-orientation into the adjudicatory process.

Source: *Findlay v United Kingdom (1997) 24 EHRR 221 (ECtHR) paras 73–80*

4.8 Critiquing the prosecution team

In any system of international criminal justice, the prosecution is not a mere litigating party. It is the gatekeeper of narrative, the architect of charge framing, and the institutional actor most capable of converting political pressure into legal form. That is precisely why the legitimacy of a tribunal often rises or falls with the credibility of its prosecutorial leadership. In the post-August 2024 phase of the ICT,

the interim government's prosecutorial appointments, and especially the appointment of Tajul Islam as Chief Prosecutor, have generated a dense cloud of perceived partisanship. That cloud matters because, in international crimes adjudication, perceived partisanship itself can become a due process fact.

(a) The appointment

The interim administration appointed Tajul Islam as Chief Prosecutor after the fall of Sheikh Hasina, and his role has been central in pushing the renewed prosecutorial agenda against Hasina and others for July–July-August 2024 crimes.[50] In isolation, a change of prosecutorial leadership after regime change may appear administrative. Yet within Bangladesh's polarised legal culture, where prosecution has frequently been experienced as a political technology, the question is never simply who was appointed, but why this person, with what record, and by what transparent criteria.

As mentioned earlier, the concern deepens because reporting and profile material consistently notes that Tajul Islam previously served as a defence lawyer in earlier ICT cases, including for senior Jamaat leaders who were prosecuted during the tribunal's prior phase.[51] This history does not disqualify him as a matter of principle. Defence work is honourable. But in the political sociology of Bangladesh's ICT, it generates a predictable credibility problem. A prosecutor who once stood on the opposite side of the same tribunal now becomes the face of a new prosecutorial project that targets the very government which had politically benefited from the earlier phase. In such a setting, the prosecution can appear less like an impersonal guardian of legality and more like a rotating wheel of political retribution.

50 Dhaka Tribune, 'Advocate Tazul Islam Appointed as ICT Chief Prosecutor (Dhaka, 7 September 2024)

51 *Tajul Islam appointed chief prosecutor at International Crimes Tribunal*, *bdnews24.com* (8 September 2024) https://bdnews24.com/bangladesh/c71a4b24779f accessed 18 December 2025

Box8.2: Expert Critique of "Show Trials" and the Illusion of Due Process

Key Principle:

Formal compliance with procedural rules does not cure a process whose outcome is politically or institutionally predetermined.

In its global analysis of politically motivated prosecutions, Human Rights Watch has repeatedly warned against tribunals that simulate legality while systematically denying substantive justice. In its study of special and emergency courts, the organisation observed:

"Where courts are established with a mandate to secure convictions rather than adjudicate guilt or innocence, procedural guarantees become performative. Such trials serve a legitimising function for repression rather than a truth-finding function for justice."

Scholarly commentary has similarly emphasised that kangaroo courts often retain the outward trappings of legality—judges, indictments, hearings—while hollowing out core guarantees such as equality of arms, judicial independence, and the presumption of innocence. As Otto Kirchheimer famously noted, political trials are characterised not by the absence of law, but by the instrumentalisation of law to secure predetermined outcomes.

Source: *Human Rights Watch, Politically Motivated Prosecutions and the Abuse of Due Process (HRW 2016) 3–7; and Otto Kirchheimer, Political Justice: The Use of Legal Procedure for Political Ends (Princeton University Press 1961) 46–55*

(b) Minister of Justice as partisan tribune

The International Crimes Tribunal is not an ordinary criminal court. It claims a special jurisdiction over crimes that carry a universal moral stain. That claim imposes a corresponding ethical demand on the prosecution: restraint in speech, discipline in pleading, and sobriety in public posture. Yet the public record shows moments where prosecutorial rhetoric has sounded less like a jurist's voice and more like a political campaigner's urgency.

Tajul Islam, seen earlier in a public rally of AB Party demanding the ban of Awami League, urged immediate arrest warrants on the grounds that the accused were "extremely influential" and that arrest was necessary to make investigation possible.[52] One may concede that influence can obstruct investigation. Still, the prosecutorial role in an international crimes forum requires more than a correct intuition about risk. It requires the visible performance of objectivity. When the prosecution speaks in a register of inevitability, danger, and necessity, it can quietly invert the presumption that guilt must be proven in court rather than socially presumed in advance.

This matters even more in a context where the Hasina proceedings were described internationally as politically contentious, and where global media noted concerns about fairness and the use of capital punishment in ICT outcomes. When the tribunal already struggles with trust, prosecutorial rhetoric cannot afford to sound like a victory speech delivered before the judgment is written.

(c) The deeper institutional problem

International standards repeatedly emphasise that prosecutors must act impartially, avoid political influence, and serve the public interest rather than partisan objectives. One widely referenced benchmark is the International Association of Prosecutors' standards, which the Association describes as global professional norms for prosecutorial conduct and

52 'Bangladesh Hasina trial: Court Hands Down Verdict in ex-PM's Crimes against Humanity Case', *BBC News* (12 November 2025) https://www.bbc.com/news/articles/c98y6g2nx79o accessed 18 December 2025

ethics.[53] The exact content of these standards is less important here than the principle they represent: international crimes prosecution must be insulated from the political winds that surround the courtroom.

That insulation is precisely what appears structurally thin in Bangladesh's 2024–2025 ICT environment. The interim government has reshaped the tribunal through amendments, reconstitution, and prosecutorial appointments, while simultaneously facing intense political demands to deliver high-profile convictions as a form of public catharsis and political consolidation. Global reporting notes that the tribunal became a weapon in the interim administration's accountability agenda after Hasina's removal.[54] In such conditions, the prosecution does not merely risk bias. It risks becoming the juridical expression of a transitional regime's survival narrative.

(d) Prosecution team composition

Available reporting indicates that prosecutors were appointed in September 2024 in the newly configured ICT environment, with Tajul Islam among those appointed prosecutors and later serving as Chief Prosecutor. Even if the individuals are competent, the legitimacy question remains unanswered unless appointment criteria are publicly articulated. In international crimes settings, credibility is built not only on individual skill but on transparent recruitment, demonstrable expertise in international criminal law, and a visible culture of prosecutorial independence.

When appointment processes remain opaque, a predictable inference arises: that the prosecution team was selected to produce politically desired outcomes, not simply to pursue legally sustainable charges. This is not an accusation of personal bad faith. It is a structural critique. Institutional design can manufacture reasonable doubt about independence even if individual actors are acting conscientiously.

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53 International Association of Prosecutors, *Standards of Professional Responsibility* (1999)

54 *'Bangladesh's Hasina sentence'*, *The Japan Times* (21 Nov 2025) https://www.japantimes.co.jp/commentary/2025/11/21/world/bangladeshs-hasina-sentence/accessed 26 Dec 2025

(e) Why this critique matters legally

The danger here is not merely reputational. It is doctrinal. If the prosecution is perceived as politically aligned, then every procedural decision becomes vulnerable to interpretation as strategic rather than legal: whom to charge, when to charge, which incidents to prioritise, whether to seek in absentia proceedings, whether to disclose exculpatory material robustly, and how to treat defence access and witness issues. Once that interpretive frame settles, the tribunal begins to look like a court where outcomes are administered, and reasons are later written to fit.

In other words, the prosecution's credibility is not a decorative virtue. It is the thin line that separates a tribunal of law from a tribunal of political justice. And in the ICT's present phase, that line is under visible strain, sharpened by the appointment of a Chief Prosecutor whose prior position within the tribunal's older political ecology, combined with the transitional executive's urgency for verdicts, makes impartiality harder to demonstrate and easier to doubt.

5. Due Process and Substantive Law Concerns in the Hasina Verdict

The criticism of the *Hasina verdict*,[55] as read out by the judges, is not reducible to disagreement with the outcome. It concerns the manner in which the judgment was framed, the evidentiary standards applied, and the doctrinal tools employed. Read as a whole, the verdict exhibits a pattern of retributive urgency that sits uneasily with the disciplined restraint demanded by international criminal law.[56]

55 The *Chief Prosecutor vs. Sheikh Hasina & Others* (17 Nov 2025, ICT-BD, Dhaka, Bangladesh)

56 For some critical insights see, Human Rights Watch, 'Bangladesh: Hasina Found Guilty of Crimes Against Humanity' (17 November 2025); BBC News, 'Bangladesh Hasina trial: Court hands down verdict in ex-PM's crimes against humanity case' (12 November 2025); *What international rights groups have to say about verdict against Hasina*, *The Business Standard* (November 2025) accessed 23 December 2025; Kallol Bhattacherjee, 'Justice vs Judgment', *The Hindu* (16 November 2025); S M Masum Billah, 'A theatre of justice: Why the Sheikh Hasina verdict fails the law', *The Federal* (23 November 2025); Mohammad Ali Arafat, **'**Opinion: The sham trial

5.1 Fair trial concerns

A fair trial is a fundamental human right, and in its core content, it functions as a constitutional and international law restraint upon the state's most coercive power.[57] The Human Rights Committee has repeatedly treated the *basic requirements of fair trial* as obligations that must be respected even in times of emergency, precisely because a system that abandons fairness in the name of necessity risks turning legality into a tool of power rather than a limit upon it. In Bangladesh's constitutional scheme, this commitment is expressed not only in the textual guarantees of Article 35, which speaks of a speedy and public trial by an independent and impartial court or tribunal established by law, and protects against self-incrimination and double jeopardy, but also in the deeper rule of law promise of Article 31, which frames protection of law and treatment "only in accordance with law" as an inalienable right.[58] These are not merely procedural conveniences. They are the normative conditions that make criminal adjudication legitimate. When a trial's architecture or conduct compromises these conditions, the verdict may still be enforceable, but its claim to juridical authority becomes contestable.

Measured against the minimum guarantees of Article 14 of the ICCPR, the fair trial deficits in the Hasina proceedings become structurally visible.[59] Article 14 requires determination by a *competent, independent and impartial tribunal*, equal before the courts, and insists that the accused be informed promptly and in detail of the charge in a language understood, have adequate time and facilities to prepare a defence, communicate with counsel of one's choosing, and be tried without undue delay.

Yet the Hasina process has been criticised as unusually hurried, with

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of Sheikh Hasina', *The Week* (7 November 2025)

57 ICCPR art 14; UN HRC, *General Comment No 32* [6–7]; Manfred Nowak, *UN Covenant on Civil and Political Rights: Commentary* (2nd edn, N P Engel 2005).

Constitution of Bangladesh, arts 31, 35

58 Bangladesh Constitution, art 31

59 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14

a tempo suggestive of political urgency rather than the deliberative discipline expected in international crimes adjudication, thereby placing strain on the guarantee against undue haste[60]. Such acceleration risks undermining the procedural fairness that is integral to serious criminal trials, particularly where the complexity of charges demands careful evidentiary scrutiny[61]. Article 14 further protects the right to be tried in one's presence, to defend oneself in person or through legal assistance, and to examine or have examined witnesses against the accused while securing the attendance of defence witnesses under the same conditions.[62] These guarantees have been consistently interpreted by international human rights bodies as requiring not only formal access to rights, but a genuine and effective opportunity to exercise them in practice[63].

In an *absentia* setting, these guarantees require heightened safeguards, including meaningful representation and an effective opportunity to challenge evidence. Where counsel is formally present but substantively disconnected from the accused, and where the opportunity to test witnesses and evidence appears constrained by the overall political and procedural environment, the protections risk becoming ceremonial rather than real. Article 14 also safeguards the right to free assistance of an interpreter, the right to remain silent and not be compelled to testify or confess guilt, and the presumption of innocence.

When a trial is conducted amid intense public theatre, where publicity is not merely openness but an atmosphere that does not compromise the presumption of innocence, "public trial" risks sliding into public mobilisation against the accused, which is the very opposite of what

60 Human Rights Committee, *General Comment No 32: Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial* (23 August 2007) UN Doc CCPR/C/GC/32

61 William A Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge University Press 2006) 405–409

62 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14

63 *Barberà, Messegué and Jabardo v Spain* (1988) 11 EHRR 360; see also *Moiseyev v Russia* (2010) 51 EHRR 9

a public hearing is meant to ensure.[64] Article 14 further requires equality of arms and the right to appeal to a higher tribunal, while Bangladesh's Constitution separately entrenches the prohibition on double jeopardy. The combined effect of these concerns is not that every element can be conclusively adjudged absent from the limited material read out. The point is more austere: the Hasina proceedings, as narrated, appear to compromise several of the ICCPR's minimum guarantees and the Constitution's own rule of law commitments, thereby weakening the verdict's claim to be the product of the kind of process that international criminal justice demands.

5.2 Retributive posture

The retributive instinct of the Tribunal became visible long before the final verdict. During the pendency of proceedings, Sheikh Hasina was sentenced to six months' imprisonment on contempt allegations,[65] a move that already blurred the boundary between judicial authority and punitive assertion. That instinct surfaced again, unmistakably, in the language used when the verdict was read out, particularly the phrase "we decided to inflict a death sentence."[66] Such phrasing is striking not merely for its severity but for its vocabulary. It belongs more comfortably to the rhetoric of vengeance than to the idiom of legal reasoning.

International criminal adjudication, from Nuremberg onward, has been careful about tone because tone signals posture. A court that speaks in the language of infliction risks conveying that punishment was an objective in itself, rather than the consequence of a painstaking legal process. This concern is amplified when the courtroom itself becomes a site of applause at the moment of sentencing, a spectacle of penal populism that has long haunted Bangladesh's criminal justice culture and has been criticised by observers as corrosive of judicial dignity.

64 *Allenet de Ribemont v France* (1995) 20 EHRR 557; UN HRC, *General Comment No 32* [28]

65 *'Bangladesh ex-PM Hasina sentenced to six months in contempt case'*, *Al Jazeera* (2 July 2025) https://www.aljazeera.com/news/2025/7/2/bangladesh-ex-pm-hasina-sentenced-to-six-months-in-contempt-case accessed 23 December 2025

66 Read Out judgment by the ICT Judges on 17 November 2025

5.3 Trial in absentia

The conduct of the trial *in absentia* raises foundational concerns. International criminal law does not prohibit trials *in absentia* per se, but it confines them to narrowly defined conditions. These include effective notice to the accused, a voluntary decision not to appear, meaningful legal representation, and an unconditional right to a full retrial upon return.[67] The 1973 statute, in its 2012 version, allows trial *in absentia,* lacking a re-trial provision upon appearance,[68] but this does not arguably prevent Bangladesh from following the international standards set on this point.

The state-appointed defence counsel had no contact with the accused and appeared more performative than protective. In such circumstances, representation becomes symbolic rather than substantive. Moreover, absence cannot be characterised as voluntary where the political environment is marked by fear, persecution, and what many observers have described as political cleansing. When returning to face trial carries a credible risk of detention without meaningful defence, the premise of voluntariness collapses.

International commentary on the case has already noted that a conviction rendered *in absentia*, without robust defence participation, places the judgment on fragile ground for international recognition and extradition purposes. In this sense, the procedural posture of the case does not merely affect fairness; it shapes the verdict's external legal viability.

5.4 Evidentiary thinness and the misuse of external authority

The evidentiary basis of the verdict, as disclosed during its reading, appears alarmingly thin when measured against the demanding threshold for crimes against humanity. Reliance on family accounts, bystander narratives, three prosecution-verified audio snippets, press

67 UN Human Rights Committee, *General Comment No 32: Article 14* (2007) UN Doc CCPR/C/GC/32 paras 31–33; *Prosecutor v Sejdic* (Judgment) IT-95-9-A (ICTY Appeals Chamber, 16 October 1998) [82]–[84]; *Colozza v Italy* (1985) 7 EHRR 516 [28]–[30]

68 International Crimes (Tribunals) Act 1973 (Bangladesh), s 10A (as amended up to 2012)

briefings by the Prime Minister, and the testimony of a police chief turned accomplice witness cannot, without substantial corroboration, sustain findings of international crimes.

Particularly troubling is the deposition of Abdullah Al Mamun, secured through the promise of pardon or leniency, presented as voluntary, and left uncorroborated.[69] Such testimony sits uneasily with constitutional guarantees against self-incrimination, enshrined in Article 35 of the Constitution, and with international norms governing accomplice evidence.[70]

The Tribunal's reliance on the interim fact-finding document of the Office of the United Nations High Commissioner for Human Rights further complicates the picture. The OHCHR document itself speaks in the language of reasonable grounds and calls for further investigation.[71] Yet the Tribunal appeared to elevate not the report's cautious findings, but the subsequent public remarks of the High Commissioner, who stated at the report's launch that Sheikh Hasina and senior colleagues had committed crimes against humanity and hinted at possible ICC proceedings. This leap from provisional assessment to definitive attribution, made through press

69 See generally *Accomplice testimony* in ICTR/ICTY/IRMCT Case Law Database (interpreting ICTY/ICTR jurisprudence that testimony from an accomplice must be treated with caution and that courts exercise a discretion to require corroboration depending on circumstances) https://cld.irmct.org/notions/show/14/accomplice-testimony accessed 22 December 2025. See also, G Chlevickaitė, 'Judicial Witness Assessments at the ICTY, ICTR and ICC' (2020) 18 *Journal of International Criminal Justice* 185 (noting the normative expectation that uncorroborated testimony should be approached with caution and preferably supported by other evidence)

70 Bangladesh Constitution, art 35 (Protection against Self-Incrimination)

71 Office of the United Nations High Commissioner for Human Rights, *Fact-Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh* (OHCHR, 12 February 2025) 61. International Crimes Research Foundation, *Rebuttal to the United Nations Human Rights Office Fact-Finding Team's Report on Alleged Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh* (2nd edn, November 2025) paras 1, 15–17, 130–134

commentary rather than judicial process, undermines institutional neutrality.[72] The OHCHR does not make criminal determinations, and treating such remarks as quasi-evidence blurs the boundary between investigation and adjudication.

5.5 Joint Criminal Enterprise (JCE)

The legal reasoning of the judgment is most vulnerable in its application of Joint Criminal Enterprise. Scholarly enthusiasm for JCE has long waned, replaced by sustained criticism of its breadth and indeterminacy. The doctrine is faulted for three reasons: it blurs the distinction between intent and knowledge, extends liability to unforeseeable acts of others, and collapses individual culpability into collective attribution.[73]

These defects become acute in the context of the July unrest, which involved multiple actors, shifting dynamics, and fragmented episodes of violence. The killings in Rangpur, Chankharpul, and Ashulia occurred under different factual circumstances, the last one taking place after Sheikh Hasina had already left the country. To subsume these events within a single JCE narrative is doctrinally unsound and analytically lazy. It replaces causal analysis with narrative convenience. Scholars have argued that an expansive and liberal application of JCE risks transforming individual criminal responsibility into guilt by association, thereby undermining the principle of personal culpability enshrined in international criminal law.[74]

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72 Human Rights Committee, *General Comment No 32: Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial* (23 August 2007) UN Doc CCPR/C/GC/32, paras 25–27; see also, *Allenet de Ribemont v France* (1995) 20 EHRR 557 (holding that public statements by state officials attributing criminal responsibility prior to judicial determination violate the presumption of innocence); see more, Bangalore Principles of Judicial Conduct (2002) values 1 (Independence) and 2 (Impartiality)

73 *Prosecutor v Tadić* IT-94-1-A (ICTY); Jens David Ohlin, 'Three Conceptual Problems with JCE' (2007) 5 JICJ 69

74 Giulia Bigi, 'Joint Criminal Enterprise in the Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia and the Prosecution of Senior Political and Military Leaders: The *Krajišnik* Case' (2010) 14 *Max Planck Yearbook of United Nations Law* 51, 75–78

5.6 Contextual misreading of state response and mens rea

The Tribunal's treatment of state response mechanisms, including the use of helicopters, drones, and lethal force, further illustrates its tendency to flatten context. The July unrest unfolded within a digital ecosystem marked by what may be described as 'digital theatrocracy', where rumours, mobilisation, and fear amplified each other in real time. Credible fears of armed resistance were widely acknowledged, including by student leaders who later aligned themselves with the interim administration. A senior Jamaat e Islami figure has since admitted that Sheikh Hasina herself was a target.

In such volatility, the use of aerial surveillance or even controlled lethal force may have been misjudged, disproportionate, or unlawful under domestic law. But misjudgment is not mens rea. During the same period, the High Court Division itself, in a writ petition concerning police responses to mob violence, affirmed that domestic criminal law recognises the permissibility of controlled lethal force in situations of extreme unrest.[75] That position, embedded in public order jurisprudence, stands in sharp contrast to the Tribunal's portrayal of every coercive act as part of a premeditated criminal design.

5.7 Command responsibility

Equally problematic is the Tribunal's reliance on command responsibility. International law requires three cumulative elements: a genuine superior-subordinate relationship grounded in effective control, actual or constructive knowledge that crimes were being or were about to be committed, and failure to take necessary and reasonable measures to prevent or punish.[76] None of these elements is convincingly established in the July events.

Yet the Tribunal treated ambiguous political remarks and an audio call to the Vice Chancellor of Dhaka University and two political colleagues as if they were operational orders transmitted through a military

75 "গুলি না করার রিট খারিজের আদেশে যা বলেছেন হাইকোর্ট" (Dhaka Tribune, 4 August 2025)

76 *Prosecutor v Delalić* (Čelebići) IT-96-21-A; *Prosecutor v Halilović* IT-01-48-T

chain of command.[77] This reverses the doctrine. Civilian leaders incur liability only when they knowingly disregard specific information of impending crimes within their effective control. Heated political rhetoric during chaotic unrest does not satisfy that threshold.

The elevation of the alleged remark to Vice Chancellor ASM Moksud Kamal about the fate of *Rajakars* into an order to kill protesters exemplifies this doctrinal slippage.[78] Such inference is astonishingly casual, particularly when the cited incidents occurred in separate conditions, some after the accused had left office, and without evidence of operational control.

5.8 Selective attribution

A further puzzle lies in the selective construction of the case. Sheikh Hasina was charged with responsibility for six deaths in Chankharpul, four or five in Ashulia, and one in Rangpur. Yet many more people died across the country during the same period. If domestic criminal courts are competent to address those other deaths, why were only these three incidents selected for the Tribunal? Does the prosecution implicitly concede that the remaining deaths did not fall within the accused's command or knowledge?

By choosing these incidents as the entire canvas for crimes against humanity, the prosecution has effectively foreclosed the possibility of future international charges for other July events. For a case framed as a national tragedy of sweeping proportions, this selective attribution weakens both doctrinal coherence and moral persuasiveness.

5.9 Widespread but systematic?

Even if one concedes that the July violence was widespread, crimes against humanity require proof that the attack was also *systematic*.[79]

77 Kai Ambos, *Treatise on International Criminal Law, Volume I* (OUP 2013) 376–380

78 Reading part of the *Hasina verdict on 17 Nov 2025*

79 *Prosecutor v Kunarac, Kovač and Vuković* (Judgment) IT-96-23 & IT-96-23/1-A (ICTY Appeals Chamber, 12 June 2002) [94]–[96]; Rome Statute of the International Criminal Court, art 7(1); William A Schabas, *International Criminal Law* (3rd edn, OUP 2013) 149–152

That question remains unresolved. If systematicity is alleged, from whose side did it arise? Was it the result of coordinated action by law enforcement agencies, or the product of multiple miscreant forces operating within a chaotic environment? The verdict, as read out, offers no clear answer.

5.10 Punitive excess

Finally, the sentencing dimension of the verdict underscores its punitive zeal. The imposition of life imprisonment until death for the widely discussed "muktijoddhar natiputira" remark,[80] which can be read as an overcharged political jab or an assertive defence of affirmative state policy, stretches international criminal law beyond recognition. While Bangladesh retains the death penalty domestically, international criminal law does not.[81] To impose such a sentence for conduct framed as crimes against humanity places the judgment far outside international practice and invites scepticism rather than deference.

5.11 Accountability requires investigation before attribution

None of this is to deny that grave crimes occurred. People died. Fires burned. Firearms were discharged. Arson, lynching, police excesses, and counter-violence all took place. But these were layered events involving both state and non-state actors. Before assigning international criminal responsibility, especially to a political leader with a long public career, a credible and independent investigation is indispensable. That investigation must be impartial, temporally flexible across pre- and post-5 August events, and ideally internationally supervised.[82]

80 *Prosecution to appeal Hasina's life sentence, seek death penalty Dhaka Tribune* (19 November 2025) https://www.dhakatribune.com/bangladesh/court/398765/prosecution-to-appeal-hasina%E2%80%99s-life-sentence-seek accessed 22 December 2025

81 Rome Statute arts 77–78

82 Human Rights Watch, 'Bangladesh: Hasina Found Guilty of Crimes Against Humanity' (17 November 2025) https://www.hrw.org/news/2025/11/17/bangladesh-hasina-found-guilty-of-crimes-against-humanity accessed 22 December 2025. Some commentators have argued that imposing the

Murder is one thing. Attributing crimes against humanity under the strict doctrines of international law is another. The *Hasina verdict*, as presently articulated, collapses that distinction, and in doing so, exposes itself to sustained legal and scholarly doubt.

6. Conclusion: Law at the Edge of Power

This chapter has sought to examine the Hasina verdict not as an isolated judicial outcome, but as the product of a broader institutional and legal ecosystem that has evolved unevenly and controversially over time. When viewed in its full historical, constitutional, and doctrinal context, the judgment reveals a convergence of structural weaknesses that collectively strain the legitimacy of international criminal adjudication in Bangladesh.

The International Crimes Tribunal of Bangladesh was originally conceived as a juridical response to crimes that, by their nature, implicated the conscience of humanity. Its 1973 foundation was anchored in the moral afterlife of 1971 and in the State's claim to discharge obligations that international law treats as fundamental. That normative anchor, however, has progressively loosened. The Tribunal's revival after 2009 introduced enduring questions of due process and politicisation, while its reconstitution after 2024 has relocated it decisively into the terrain of contemporary political contestation. The Tribunal now adjudicates events that are recent, politically charged, and embedded within an unsettled transition of power, using legal tools originally designed for a very different historical crime.

Against this backdrop, the amendments to the 1973 Act in 2024 and 2025 assume particular significance. Taken individually, each amendment can be defended in the language of necessity, harmonisation, or

death penalty against Hasina may be *counter-productive to genuine accountability*, as it transforms justice into symbolic censure rather than a firm legal basis for extradition. See, Taqbir Huda, *'The ultimate penalty? How a death sentence might help Sheikh Hasina'* (Death Penalty Research Unit Blog, University of Oxford, 4 December 2025) https://blogs.law.ox.ac.uk/death-penalty-research-unit-blog/blog-post/2025/12/ultimate-penalty-how-death-sentence-might-help accessed 25 December 2025

accountability. Taken together, they reveal a pattern: expansion of jurisdiction and subject classes, doctrinal borrowing without parallel procedural safeguards, temporal techniques that strain the principle of legality, and the conversion of indictment into immediate political and civic disqualification. The cumulative effect is not merely legal innovation but a reengineering of the relationship between accusation, punishment, and political competition.

The institutional choices surrounding the Tribunal's personnel further complicate this picture. The appointment of probationary judges to an international crimes tribunal, followed by their confirmation immediately before delivering a politically momentous verdict, creates a structural tension with the principle of judicial independence. The concern here is not personal integrity but institutional design. Judicial independence is compromised not only by overt interference but by architectures that create reasonable perceptions of inducement. Similarly, the prosecutorial appointments, particularly at the level of Chief Prosecutor, raise questions about the visibility of impartiality in a context where prosecution functions as the narrative engine of accountability.

It is within this environment that the *Hasina verdict* must be assessed. The critique advanced here does not undermine the reality of violence during the July–August events, nor does it dismiss the suffering of victims. Rather, it questions whether the Tribunal's reasoning, evidentiary thresholds, and doctrinal applications meet the demanding standards of international criminal law. The non-compliance of due process safeguards, reliance on contested evidence, the expansive use of Joint Criminal Enterprise and command responsibility, the unresolved questions of systematicity and selective attribution, and the punitive posture reflected in both language and sentencing all point to a judgment that struggles to reconcile retribution with legal discipline.

International criminal law derives its authority not from the severity of its sanctions but from the credibility of its processes. Where courts appear hurried, incentives misaligned, and legal doctrines stretched to fit political urgency, accountability risks becoming performative

rather than principled. Justice, in such circumstances, may still be proclaimed, but it ceases to persuade.

The central lesson that emerges is therefore a cautionary one. The gravest crimes demand the most careful legal process. Transitional moments tempt states to use law as a stabilising instrument, a means of moral closure, or a tool of political settlement. Yet when law is pressed too hard into the service of power, it loses the very qualities that distinguish justice from judgment.[83] For Bangladesh, the challenge ahead is not whether to pursue accountability, but how to restore the conditions under which accountability can command confidence: judicial independence secured by structure, prosecution disciplined by restraint, and international criminal law applied with fidelity rather than fervour.

Only under those conditions can the Tribunal recover its original promise—not as an arena of political reckoning, but as a forum where law speaks with authority precisely because it refuses to hurry where power would prefer speed.

83 Lon L Fuller, *The Morality of Law* (rev edn, Yale UP 1969); Mark Drumbl, *Atrocity, Punishment, and International Law* (CUP 2007)

Chapter 2

Governance in Retreat

INSTITUTIONS UNDER SIEGE

1. Introduction

In mid-2024, Bangladesh witnessed a dramatic popular uprising – the Anti-Discrimination Student Movement initially sparked by a decision by the High Court Division to overturn a 2018 decision of the former Prime Minister Sheikh Hasina to scrap public sector job quotas that allegedly benefited politically connected individuals[1]. The movement rapidly broadened, as students, civil society, workers and everyday citizens joined in, protesting not only the quota policy but what they viewed as entrenched corruption, authoritarian governance, inequality, and the stifling of political and civic freedoms[2]. By late July and early August 2024, the protests had escalated into something

1 Caspian Rive, 'High Court upholds civil service quota for independence fighter descendants', JURIST (online, 14 July 2024) <https://www.jurist.org/news/2024/07/bangladesh-high-court-upholds-civil-service-quota-for-independence-fighter-descendents/> accessed 24 September 2025; see also, 'Senior Correspondent' Top court issues 'status quo' order on quotas, sets Aug 7 for next hearing', *bdnews24.com* (online, 10 July 2024) <https://bdnews24.com/bangladesh/037a68565f20> accessed 24 September 2025

2 Staff Correspondent, '100 injured, many held as student protests intensify' (New Age, 31 July 2024) <https://www.newagebd.net/post/country/241339/100-injured-many-held-as-student-protests-intensify> accessed 24 September 2025

far more sweeping, a mass uprising that forced out the then Prime Minister Sheikh Hasina and resulted in her departure, dissolving the 12th Parliament on 5 August 2024.

At the heart of the movement was the demand for a paradigm shift in governance – the people insisted on justice, accountability, non-discrimination, and an end to the alleged dominance of an elite class seen as having monopolised power and access. Central slogans and messages were about rejecting *"fascist"* tendencies in governance, demanding the restoration of democracy, equality and a functioning state that served citizens rather than privileges[3].

In response, on 8 August 2024, an interim government was constituted under the leadership of Nobel Laureate Dr Muhammad Yunus, following Constitutional provisions (Article 106) and with Supreme Court advice[4]. Hence, ideally, the Yunus government positioned itself explicitly as an agent of reform, committed to restoring democratic norms, prosecuting injustices committed during the uprising, reforming state institutions, and preventing a return of authoritarian excess. It adopted symbolic and legal measures granting official recognition to the *"July uprising,"* instituting mechanisms to commemorate the July martyrs, creating welfare programmes for those injured, and introducing declarations and Charters underlining

3 Golam Rasul, 'Understanding characteristics of July students' movement', The Daily Observer (Dhaka, 5 August 2025) <https://www.observerbd.com/news/498163 accessed 25 September 2025> accessed 25 September 2025; see also, Mawdudur Rahman and Habib Siddiqui, 'The July Revolution in Bangladesh is Rooted in MetaModernist Philosophy', Inter Press Service (9 October 2024) <https://www.ipsnews.net/2024/10/july-revolution-bangladesh-rooted-meta-modernist-philosophy> accessed 25 September 2025

4 FE Online Report, 'July Declaration unveiled on first anniversary of 2024 mass uprising' The Financial Express (5 August 2025, updated 5 August 2025) <https://thefinancialexpress.com.bd/national/prof-yunus-unveils-july-declaration-says-it-reflects-peoples-aspirations> accessed 25 September 2025; see also, Saleemul Huq, 'The July Revolution in Bangladesh is Rooted in MetaModernist Philosophy', Inter Press Service (9 October 2024) <https://www.ipsnews.net/2024/10/july-revolution-bangladesh-rooted-meta-modernist-philosophy> accessed 25 September 2025

governance, electoral and Constitutional reforms[5]. Therefore, the current government in Bangladesh emerged under the shadow of a popular upsurge that was deeply rooted in the aspirations for justice, equality, and participatory governance. People's movements and sacrifices had created expectations that state institutions would be revitalised to protect rights and ensure accountability[6].

However, as will be discussed throughout this Chapter, over time, the interim government has failed to live up to those expectations. Instead of fulfilling the promise of broad-based justice, inclusivity, and fairness, governance has taken a retreating course. Institutional autonomy is further eroded, oversight mechanisms are paralysed, and political space for dissent has contracted sharply. Citizens now increasingly perceive a widening gap between the ideals of equality and the realities of political dominance, institutional capture, and shrinking democratic space.[7] Rather than addressing systemic governance deficits, the new regime has intensified institutional capture, undermining confidence in state institutions and exacerbating public disillusionment[8]. This

5 Shaikh Abdullah, 'Govt drafts ordinance on financial aid for July uprising victims' (The Business Standard, 4 May 2025) <https://www.tbsnews.net/bangladesh/govt-drafts-ordinance-financial-aid-july-uprising-victims-1133631> accessed 29 September 2025

6 Tribune Desk, 'What's in the July Declaration' (Dhaka Tribune, 8 August 2024) <https://www.dhakatribune.com/bangladesh/government-affairs/388257/what%E2%80%99s-in-the-july-declaration> accessed 3 October 2025; see also, United News of Bangladesh (UNB), 'July Declaration Highlights People's Desire for Good Governance, Fair Polls, Social Justice' (UNB, 8 August 2024) <https://unb.com.bd/category/Bangladesh/july-declaration-highlights-peoples-desire-for-good-governance-fair-polls-social-justice/165564> accessed 3 October 2025

7 Meghna Guhathakurta, 'People's Expectations and the Crisis of Governance in Bangladesh' (2021) 56 *Economic and Political Weekly* 42; see also, Ali Riaz, *More Than Meets the Eye: Bangladesh's Democratic Backsliding* (Atlantic Council 2023); see more, Human Rights Watch, 'Bangladesh: Events of 2022' in *World Report 2023* (HRW 2023)

8 Anando Mostofa, 'Survey: Voters dissatisfied with interim govt; demand better economy, security', Dhaka Tribune (Dhaka, 8 March 2025) <https://www.dhakatribune.com/bangladesh/375726/survey-voters-dissatisfied-with-interim-govt> accessed 3 October 2025; see also, TSB Report, "80% of people feel public administration system not peoplefriendly:

disillusionment has fostered growing scepticism about whether the interim government is genuinely serving the public interest or simply handing over the reins for the narrow gain of ruling elites[9].

2. Erosion of State Institutions: Judicial Independence, Election Credibility, and Bureaucratic Neutrality in Context

The integrity of governance in any democratic state is contingent upon the independence of its judiciary, the credibility of electoral processes, and the neutrality of the bureaucracy[10]. In Bangladesh, these foundational pillars have increasingly come under strain, raising serious concerns regarding the erosion of institutional integrity.

2.1 Erosion of Judicial Independence

Judicial independence is enshrined as a cardinal principle in Bangladesh's Constitutional framework[11]. However, in practice under this interim government regime, the judiciary has faced mounting encroachments from the executive. The appointment and promotion of Justices of the High Court Division (HCD) and Judges of the subordinate courts have often been subject to political considerations rather than merit, leading to allegations of judicial politicisation. For instance, the President of the Supreme Court Bar Association, AM Mahbub Uddin Khokon, criticised the appointment of 23 additional HCD Justices under

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Survey", The Business Standard (Online, 8 February 2025) <https://www.tbsnews.net/bangladesh/80-people-feel-public-administration-system-not-people-friendly-survey-1064046> accessed 3 October 2025

9 Tribune Desk, 'PEPS survey: 40% rate interim govt 'good,' Dhaka most dissatisfied', *Dhaka Tribune* (Dhaka, 26 September 2025) <https://www.dhakatribune.com/bangladesh/392029/peps-survey-40%25-rate-interim-govt-%E2%80%98good-%E2%80%99-dhaka> accessed 3 October 2025

10 BRAC Institute of Governance and Development (BIGD), Democratic Consolidation in Bangladesh: A Reality Check (Institute of Governance Studies, BRAC University 2022) <https://bigd.bracu.ac.bd/wp-content/uploads/2022/02/9.-Democratic-Consolidation-in-Bangladesh-A-Reality-Check.pdf> accessed 9 October 2025; see also, Rohini Nilekani, 'Liberal Democracy' in Good Governance (Springer, 2021) <https://link.springer.com/chapter/10.1007/978-3-030-47408-9_11> accessed 9 October 2025

11 Constitution of the People's Republic of Bangladesh 1972

this current interim government regime, saying they were appointed *"without any Ordinance or policy"*, implying that political preference rather than merit is being used[12]. Under the interim government, judicial independence has declined further, with subordinate Judges'

Table 1.1: Politically Motivated Transfer and Promotion in the Judiciary

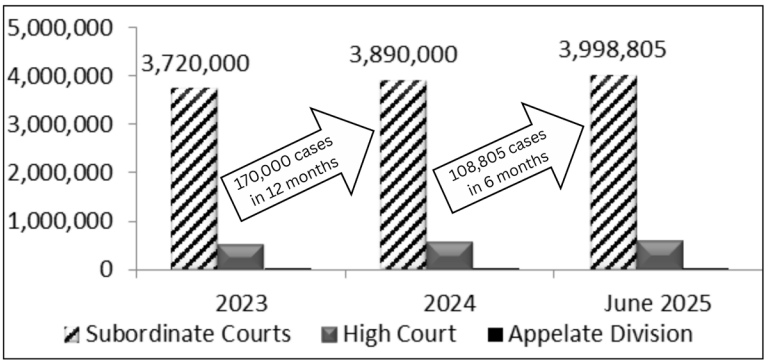
Date	Event of transfer and promotion
8 Sep 2024	**At the subordinate courts** 244 judges, including District Judges, Additional District Judges, metropolitan magistrates, and chief judicial magistrates in the subordinate courts, were transferred. Among them, 23 Joint District Judges were promoted to Additional District Judges.
9 Oct 2024	**At the High Court Division and the Appellate Division** 23 additional judges were appointed to the HCD after the interim government came in. Also, four justices were elevated from the High Court Division to the Appellate Division around the transition.
02 June 2025	**At the subordinate courts** 265 Judges were reshuffled. Of these, 13 Senior Assistant Judges were promoted to Joint District Judges.
25 Aug 2025	**At the subordinate courts** 230 trial court Judges transferred. This includes: 41 District and Sessions Judges, 53 Additional District and Sessions Judges, 40 Joint District and Sessions Judges, and 96 at the Assistant Judges / Senior Assistant Judges level.

Source: Reports in Daily newspapers as referenced in the text.

12 Senior Correspondent, 'SC Bar Association president slates appointment of High Court judges without policy', bdnews24.com (9 October 2024) <https://bdnews24.com/bangladesh/25c6537244a4> accessed 9 October 2025; 'No' to partisan, corrupt HC judges: ProBNP lawyers, New Age (14 October 2024) <https://www.newagebd.net/post/country/247738> accessed 9 October 2025

appointments increasingly dominated by partisan interests, and politically sensitive cases more often favouring government positions. Instances where courts have appeared to favour the ruling party in politically sensitive cases have further fuelled the perception that the judiciary is no longer acting as a robust check on executive excesses.[13] As indicated in Table 1, the interim government appears to be tightening its grip on the judiciary through a series of transfers and promotions that, in many instances, raise serious questions.

Figure 1.1: Increasing Trend in Case Backlog in the Judiciary



Source: The Financial Express and Daily Industry[14]

However, all these transfers and promotions are highly criticised as politically motivated to assert control over the judiciary, as many of these changes were made following student protests and, in some cases, harassment of Judges in court premises . The claim is substantiated as we observe the increasing trend in case backlog in the judiciary, demonstrated in Figure 1 below. For instance, through the case backlog increased by 170,000 cases from 2023 to

13 Chief Justice SK Sinha, *A Broken Dream: Rule of Law, Human Rights and Democracy* (2018)

14 Court Correspondent, 'Case backlog surpasses 4.65 m' (Daily Industry, 22 September 2025) <https://www.dailyindustrybd.com/news/1699> accessed 14 October 2025

2024, in the first six months of 2025 (i.e. from January 2025 to June 2025), the case backlog has increased by 108,805 cases. If this trend continues, the total case backlog from 2024 to 2025 could increase by 217,670 cases. Therefore, from objective data we can easily realise that the huge number of transfers of Judges has not made the system efficient rather slowed down the system.

BOX 1: Transition from Rule of Law to Rule by Mob: The Crisis of Judicial Independence in Bangladesh

The interview provides a thorough analysis of the legal and institutional crises that followed the July 2024 protests in Bangladesh. The respondent, a legal practitioner and former Assistant Secretary of the Supreme Court Bar Association, strongly defends the actions taken by the Sheikh Hasina government, arguing it upheld judicial supremacy and Constitutional integrity. Rather than by-passing legal norms, the government filed an appeal to the Appellate Division after the High Court Division reinstated a controversial 30% job quota for descendants of freedom fighters. This legal recourse resulted in a landmark decision that significantly reduced quotas and emphasized merit-based recruitment, while still protecting vulnerable groups like ethnic minorities and persons with disabilities. The respondent contrasts this with the interim government under Dr. Muhammad Yunus, accusing it of undermining the judiciary through politically motivated mass dismissals, forced resignations, and judicial interference.

Scholarly commentary has similarly emphasised that kangaroo courts often retain the outward trappings of legality—judges, indictments, hearings—while hollowing out core guarantees such as equality of arms, judicial independence, and the presumption of innocence. As Otto Kirchheimer famously noted, political trials are characterised not by the absence of law, but by the instrumentalisation of law to secure predetermined outcomes.

While the initial student protests reflected genuine frustration over unemployment and perceived inequities, the respondent condemns their rapid descent into violence and their attempt

to oust a democratically elected government. He stresses that Constitutional channels, such as filing an appeal under Article 103, were available and indeed utilized by the government and some students. However, the protests escalated due to opportunistic infiltration by opposition parties, leading to chaos, loss of life, and economic damage. In contrast to the constructive approach of the legal community aligned with the Awami League, particularly the Bangabandhu Awami Ainjibi Parishad (BAAP), the respondent noted that opposition- linked lawyers exploited the situation for political gain. The BAAP lawyers actively supported the legal process, held counter-protests, and provided courtroom support during key hearings, efforts which have now made them targets of reprisal under the interim administration.

Addressing the long-term impact of the post-protest violence, particularly the mob-driven campaign to force resignations of Judges and judicial officers, the respondent warns of a dangerous erosion of judicial independence and public trust in legal institutions. Forced resignations, vandalism, and public intimidation have normalized a culture of coercion that threatens to spread to other democratic institutions, undermining rule of law, governance, and economic stability.

In conclusion, the respondent laid out specific demands he would make: firstly, to establish robust protection mechanisms for lawyers and their families facing threats, including anonymous reporting tools and rapid response units; secondly, to initiate non-partisan bar reforms by forming independent oversight bodies that ensure suspensions and resignations are based on evidence, not political loyalty; and most importantly, to restore professional dignity and safety for lawyers across the political spectrum. These reforms, he argued, are essential not only for safeguarding individual rights but for reaffirming the judiciary as a neutral pillar of democracy in an increasingly polarized political environment.

Source: *Interview conducted by the author with a legal practitioner and former Assistant Secretary of the Supreme Court Bar Association.*

The interim government has weakened the judiciary not only in quantitative terms through mounting case backlogs and institutional stagnation, but also in qualitative terms, by undermining judicial independence, impartiality, and public confidence in the rule of law. For instance, following the fall of the Sheikh Hasina government, during the period from 9 August 2024 to 5 October 2025, a total of 120 elected Members of Parliament (MPs) were arrested by law enforcement authorities.

In the majority of these cases, arrests were carried out without specific charges or the issuance of warrants, raising serious concerns regarding due process of law[15].

Of the 120 detained MPs, only seven were granted bail, while the remaining 113 were repeatedly denied bail by the judiciary. These repeated denials have been widely alleged to be the result of political pressure exerted by the interim government on the judicial process. When a bail is granted by the HCD, the Attorney General's office sought a stay order from the Supreme Court. Sometimes high-profile politicians are re-arrested by police, showing another FIR, immediately after a bail is granted by the court following a full hearing[16]. Sadly, prominent MPs were insulted even when taken to hospital for medical treatment under police custody[17]. The discourse shared by a prominent lawyer (Box 1 above) at the Supreme Court of Bangladesh underscores how a principled commitment to judicial supremacy by the Sheikh Hasina Government has been substantially undermined during the tenure of the Muhammad Yunus-led interim government.

15 GCDG, '120 MPs got arrested in Bangladesh by the Interim Government to Score Political Vengeance' (Global Centre for Democratic Governance, 5 October 2025) <https://globalcdg.org/wp-content/uploads/2025/10/Over-100-MPs-arrested-in-Bangladesh.pdf> accessed 14 October 2025

16 David Bergman, "Imprisonment without evidence must stop" (Prothom Alo, 5 June 2025) <https://en.prothomalo.com/opinion/op-ed/7hl8p-frq90> accessed 14 October 2025

17 The Financial Express, 'Exminister Asaduzzaman Noor assaulted at BSMMU' (The Financial Express, 30 November 2024) <https://thefinancialexpress.com.bd/national/ex-minister-asaduzzaman-noor-assaulted-at-bsmmu> accessed 14 October 2025

Further, the broad application of contempt of court provisions has curtailed critical discourse and insulated judicial actors from legitimate scrutiny. For instance, following the filing of 227 cases against her, former Prime Minister Sheikh Hasina made a satirical remark in a leaked audio recording, stating that she now had a *"license to kill 227 people"* since she had not actually committed any killings. The comment was widely interpreted as a rhetorical critique of the politically motivated nature of the cases against her[18]. However, rather than being treated as political hyperbole, the remark led the International Crimes Tribunal to charge her with contempt of court[19]. In July 2025, the former Prime Minister Sheikh Hasina was sentenced in *absentia* to six months in prison[20] – a move that many observers viewed as part of a broader pattern of judicial intolerance toward dissent and criticism under the interim government.

In another instance, following a petition submitted by the prosecution, the *International Crimes Tribunal* (ICT) imposed a ban on the circulation of an allegedly hateful remark made by the former Prime Minister Sheikh Hasina on social media[21]. The Tribunal further directed the Bangladesh Telecommunication Regulatory Commission (BTRC) to take steps to remove any previously published content deemed to contain *"allegedly harmful"* rhetoric by the former Prime

18 TBS News, '"I've obtained licence to kill 227 people": ICT confirms it was Hasina's voice in leaked audio' *The Business Standard* (Dhaka, 3 July 2025)

19 International Center for Transitional Justice, 'Bangladesh Tribunal Sentences Hasina to Jail for Contempt over Claim She Had "License to Kill"' (ICTJ, 2 July 2025) <https://www.ictj.org/latest-news/bangladesh-tribunal-sentences-hasina-jail-contempt-over-claim-she-had-license-kill> accessed 14 October 2025

20 M. Moneruzzaman, 'Ousted Bangladesh PM Hasina Jailed for Six Months on Contempt of Court Charge' *New Age* (Dhaka, 2 July 2025) <https://www.newagebd.net/post/country/268844/ousted-bangladesh-pm-hasina-jailed-for-six-months-on-contempt-of-court-charge> accessed 14 October 2025

21 Senior Correspondent, 'Bangladesh tribunal bans circulation of Hasina's "hateful comments"' (*bdnews24.com*, 7 October 2025) <https://bdnews24.com/bangladesh/1fd1d00be7c6> accessed 14 October 2025

Minister[22]. These procedural obstacles have multiplied under the interim government, creating a stronger chilling effect on civil society actors and the press, who often refrain from exposing judicial failures for fear of reprisal. The consequence is a judiciary that appears more aligned with the ruling regime than with the Constitutional imperative of upholding justice impartially[23].

The *International Crimes Tribunal* (ICT) has faced significant criticism for various procedural shortcomings, including the controversial appointment of the same state-appointed defence counsel for both former Prime Minister Sheikh Hasina and former Home Minister Asaduzzaman Khan. This arrangement has raised serious concerns over a potential conflict of interest, undermining the accused's right to effective and independent legal representation. Moreover, the Second Amendment to the ICT Act has been criticised not only for procedural inadequacies but also for its legally questionable expansion of jurisdiction, particularly the power to proscribe or ban political parties[24]. Such a function appears to overstep the Tribunal's original mandate, as the regulation of political parties, including registration and deregistration, is already comprehensively governed by the *Representation of the People Order, 1972* (RPO). Under Section 90C of the RPO, the Election Commission of Bangladesh is vested with the authority to register, deregister, or refuse to register political parties based on specific legal grounds.

Pertinently, any political party aggrieved by a decision of the Election Commission under Section 90C of the RPO, such as refusal or cancellation of registration, may seek judicial review by filing a

22 TSB Report, *'International Crimes Tribunal bans publishing Hasina's "hate speech" on all media' The Business Standard* (Dhaka, 7 October 2025) <https://www.tbsnews.net/bangladesh/international-crimes-tribunal-bans-publishing-hasinas-hate-speech-all-media-1010701> accessed 14 October 2025

23 Tribune Desk, *'LDP: Interim Govt Fails to Meet Expectations of People', Dhaka Tribune* (Dhaka, 13 January 2025) <https://www.dhakatribune.com/bangladesh/dhaka/370704/colonel-oli-interim-government-fails-to-meet-the> accessed 14 October 2025.

24 International Crimes Tribunal (Second Amendment) Ordinance, 2025

writ petition under Article 102 of the *Constitution of the People's Republic of Bangladesh*. This Constitutional safeguard ensures that administrative decisions affecting fundamental political rights are subject to judicial scrutiny. In a significant and controversial development, the 2024 amendment to the *International Crimes (Tribunals) Act, 1973* (ICT), introduced an expanded definition of *"crimes against humanity"*, incorporating acts that are already punishable under criminal laws of Bangladesh[25]. While the original intent of the ICT Act, enacted in 1973, was to prosecute individuals responsible for atrocities during the 1971 Liberation War, critics argue that these recent amendments have broadened its scope well beyond that historical context.

Particularly contentious is the use of the ICT framework to initiate proceedings against contemporary political actors and parties. Article 47A of the Constitution specifically limits the application of fundamental rights for persons accused or convicted under the ICT Act, effectively excluding such individuals from Constitutional protections otherwise guaranteed under Part III of the Constitution[26]. While this exclusion was arguably justified in the context of prosecuting 1971 war crimes, the application of Article 47A to political opponents or ordinary citizens under the amended ICT regime raises grave concerns regarding due process, equal protection, and the misuse of exceptional legal frameworks for political purposes.

This practice is seen by many legal scholars and observers as dangerous and inconsistent with established judicial conventions. Notably, even *Jamaat-e-Islami*, a political party widely regarded as having harboured collaborators of the Pakistan army in 1971, was not banned under the ICT Act itself. The current use of the Tribunal's authority to restrict or suppress modern political dissent represents a sharp departure from past restraint and poses a serious threat to the foundational principles of Constitutional democracy and judicial neutrality in Bangladesh.

25 International Crimes Tribunal (First Amendment) Ordinance, 2024

26 Article 47A, Constitution of the Peoples' Republic of Bangladesh

(a) **Reform Proposals in Judicial Service Might Undermine Judicial Independence:** The *Bangladesh Judicial Service Association* (BJSA) has expressed serious concern that some proposals in the Public Administration Reform Commission's report submitted to the Yunus-led interim government *"pose a barrier to establishing an independent judiciary."*[27] Specifically, one recommendation would give District Commissioners (DCs) authority under Criminal case (CR) procedures, which the JSA argues could open the door to executive/political interference in the Judiciary[28].

(b) **Controversy over the Supreme Judicial Appointment Ordinance (2025):** According to Project O Five, a watchdog/think tank, the recently introduced *Supreme Judicial Appointment Ordinance 2025* is nominally aimed at protecting judicial independence, but has been criticised for **lack of transparency**, use of subjective criteria, and exclusion of legal community representation[29]. Such flaws are seen as possibly consolidating rather than reducing political control over the judiciary.

(c) **Prosecution & Legal Cases as Pressure on Legal Actors:** There are reports of lawyers being arrested, harassed, or detained under what appear to be politically motivated cases[30]. This contributes to the chilling of judicial actors and signals, critics say, that the judiciary is being used (or being encouraged) by the Interim Government to assist political ends rather than being a check on power[31].

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27 "Judicial Service Association: Certain reform proposals undermine judicial independence", *Dhaka Tribune* (Bangladesh, 9 September 2025) <https://www.dhakatribune.com/bangladesh/373048/judicial-service-association-certain-reform> accessed 14 October 2025

28 ibid

29 Project O Five, Bangladesh's Interim Government: From Democratic Promise to Authoritarian Drift (Project O Five, 2025) <https://projectofive.ca/bangladeshs-interim-government-from-democratic-promise-to-authoritarian-drift> accessed 14 October 2025

30 JMBF, 'BANGLADESH: Call for Immediate Release of Unlawful, Politically Motivated Arrests of Senior Lawyer Rezaul Karim & Zahurul Islam Selim in Cumilla' (JMBF, June 10, 2025) <https://www.jmbf.org/2025/06/bangladesh-call-for-immediate-release.html?utm> accessed 15 October 2025

31 AFP Dhaka, 'Bangladesh court detains 70 lawyers linked to ousted govt', Gulf Times (AFP, Dhaka, 7 April 2025) <https://www.gulf-times.com/arti-

(d) **Eroded Public Trust in the Judiciary:** On 20 November 2024, former Justice Moinul Islam Chowdhury made statements that the judiciary has become *"the weakest institution of the state"* due to a lack of attention and interference. He argued that public trust erodes as judicial officers are perceived to be constrained from acting independently[32].

2.2 Decline in Electoral Credibility

The Election Commission (EC) is Constitutionally mandated to conduct free and fair elections[33]. Yet, its credibility has steadily eroded due to allegations of partisanship and administrative weakness. The ruling party's overwhelming dominance in successive polls has raised questions about whether elections remain genuine instruments of democratic choice or have devolved into procedural rituals lacking substantive legitimacy[34]. As an interim government was formed under the leadership of Nobel Laureate Dr Yunus, people expected to experience an independent and reliable election commission. However, contrary to popular expectations, under the Dr Yunus-led interim government, election credibility has worsened due to administrative inconsistencies, partisan manipulation of voter registration, and suppression of opposition parties, including arbitrary bans on political parties imposed solely based on administrative decisions[35].

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cle/703029/international/bangladesh-court-detains-70-lawyers-linked-to-ousted-govt> accessed 15 October 2025

32 "Supreme Judicial Appointment Ordinance, 2025: A critical analysis of transparency and accountability", Dhaka Tribune (Dhaka, 2025) <https://www.dhakatribune.com/opinion/longform/374478/supreme-judicial-appointment-ordinance-2025-a> accessed 14 October 2025

33 The Constitution of the People's Republic of Bangladesh (adopted 4 November 1972, entered into force 16 December 1972) arts 118–119; see also, Transparency International Bangladesh (TIB), Bangladesh Election Commission: A Diagnostic Study (Transparency International Bangladesh, 2006) <https://www.ti-bangladesh.org/articles/research/495> accessed 15 October 2025

34 Ali Riaz, *Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election* (Routledge 2020).

35 'Bangladesh's interim government strips former ruling party of registration, barring it from polls' (AP News, 12 May 2025) <https://apnews.com/article/a9d0722c10becc1142ca5ed9f8d97634> accessed 15 October 2025

(a) **Delay in Holding Elections and Reform Preconditions:** The Yunus government has insisted that certain reforms (legal, electoral, administrative) must come first before elections can be held[36]. Critics argue that this is being used to delay the electoral mandate.[37] Though the Yunus-led Government has set a deadline of February 2026 to hold the national election, the Chief Election Commissioner himself felt scepticism that the draft voter list with all required amendments may not be published before March 2026[38]. Additional time required to make ancillary preparations other than preparing the voter list makes the timeline even more uncertain[39] and raises serious questions about the feasibility of upholding that commitment.

(b) **Banning of Opposition Political Activities:** There have been actions such as banning the Awami League's registration[40], curtailing its political activity[41], or prohibiting party gatherings under AntiTerrorism

36 Reuters, 'Party of Bangladesh's Former PM Khaleda Urges Elections by August 2025' (Reuters, 14 January 2025) <https://www.reuters.com/world/asia-pacific/party-bangladeshs-former-pm-khaleda-urges-elections-by-aug-2025-01-14/> accessed 15 October 2025; see also, The Daily Star, 'Interim Govt Committed to Key Reforms Before Polls: Yunus', The Daily Star (Dhaka, 10 August 2025) <https://www.thedailystar.net/news/bangladesh/news/interim-govt-committed-key-reforms-polls-yunus-3771351> accessed 15 October 2025

37 "Tarique slams interim govt for delaying reforms", The Dhaka Tribune (Bangladesh, 2 May 2025) — Tarique Rahman (BNP) voiced concern that reform efforts are being used as a delay tactic for holding elections; see also, TSB Report, 'People feel interim govt deliberately delaying election process: Fakhru', The Business Standard (3 , date) — expressing public sentiment that the interim government is dragging its feet in preparing for elections.

38 Mohiuddin Alamgir, 'EC to verify voter list', *The Daily Star* (Dhaka, 3 January 2025) <https://www.thedailystar.net/news/bangladesh/politics/news/ec-verify-voter-list-3790681> accessed 15 October 2025

39 Salahuddin Ahmed, 'Assure whether EC formally got CA's message on Feb polls' Dhaka Tribune (Dhaka, 27 June 2025) <https://www.dhakatribune.com/bangladesh/politics/384982/salahuddin-assure-whether-ec-formally-got-ca%E2%80%99s?utm> accessed 15 October 2025

40 Monirul Haque, "Bangladesh Election Commission suspends AL registration" (New Age, 12 May 2025) <https://www.newagebd.net/post/country/264708/ec-suspends-registration-of-al> accessed 15 October 2025.

41 FE Report, "Govt attains power to ban party, person, activity" (The Fi-

Act or other laws. This restricts opposition participation, which is a key component of credible elections[42].

(c) **Weak Opposition and Institutional Weakness:** Some analyses point out that credible elections are hard when opposition parties are weak, partly due to restrictions, arrests, or bans, and institutional actors (including the judiciary, civil service) may be under political influence[43].

2.3 Undermining Bureaucratic Neutrality

Bureaucratic neutrality is central to ensuring that governance operates in the service of the people rather than partisan interests. In Bangladesh, however, the bureaucracy has been increasingly politicised. Recruitment and promotion are frequently influenced by political loyalty rather than professional merit[44]. Under the interim government, bureaucratic neutrality has further deteriorated, with promotions and postings increasingly rewarding political loyalty and encouraging alignment with ruling party interests. This has led to a culture of sycophancy, where bureaucrats often prioritise serving ruling party interests over public service obligations[45].

The bureaucracy's involvement in electoral processes has further compromised neutrality[46]. Allegations of partisan bias in voter list

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nancial Express, 12 May 2025) <https://today.thefinancialexpress.com.bd/print/govt-attains-power-to-ban-party-person-activity-1746984932> accessed 15 October 2025

42 The Daily Star, 'Credible 10th Parliamentary Election Is Crucial: Participation by citizens and political parties'" The Daily Star (Bangladesh, 1 January 2014) <https://www.thedailystar.net/news/credible-1oth-parliamentary-election-is-crucial> accessed 15 October 2025

43 Shah Jalal, 'Sans strong opposition, will next election be credible?' Observer BD (Dhaka, 16 July 2025) <https://www.observerbd.com/news/534480> accessed 15 October 2025

44 Habib Zafarullah, 'Bureaucratic Culture and Political Partisanship in Bangladesh' (2014) *International Review of Administrative Sciences*

45 Meghna Guhathakurta, 'State, Bureaucracy and Development in Bangladesh' (2020)

46 TSB Report, 'Reshuffle field administration for neutrality, control during polls: Experts' *The Business Standard* (Dhaka, 07 October 2025) <https://www.tbsnews.net/bangladesh/politics/reshuffle-field-administration-neu-

preparation, election-day administration, and the suppression of opposition activities point to the erosion of bureaucratic impartiality[47]. Consequently, the bureaucracy, which should serve as the backbone of good governance, has become an instrument of political consolidation[48].

(a) **Favouritism and Political Appointments:** The interim government has undertaken a drive to remove officials alleged to have been politically favoured under the previous Awami League government. Since the interim government took office, 19,084 government officers and employees have been promoted in 100 days. Also, 13,429 people have been transferred, and disciplinary action has been taken against 12,636 people, which critics say contributes to instability and raises questions of politicised management of the civil service[49]. According to one article, many civil servants feel that the administration has been used historically for partisan purposes, and top officials have been expected to show loyalty to the ruling party to secure desirable postings and promotions. However, the interim government activities are not anything different[50].

(b) **Criticism by Opposition that Interim Government Advisors are Politically Aligned:** The BNP has publicly alleged that some of Yunus's

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trality-control-during-polls-experts-1255091> accessed 15 October 2025

47 Staff Correspondent, 'Yunus urges separate list, booths for youth voters' bdnews24 (Dhaka, 9 July 2025) <https://bdnews24.com/bangladesh/1069a824c6f5> accessed 15 October 2025

48 Freedom House, 'Freedom in the World: Bangladesh' (2023)

49 TSB Report "100 days interim govt: not just election speak, reforms too, Prof Yunus" The Business Standard (Bangladesh, 18 November 2024) <https://www.tbsnews.net/bangladesh/100-days-interim-govt-not-just-election-speak-reforms-too-prof-yunus-995821 accessed 15 October 2025

50 Special Correspondent, 'Interim govt repeats past practice: Promotions without posts in administration' (Prothom Alo, 1 September 2024) <https://en.prothomalo.com/bangladesh/ozm77bzzy1> accessed 16 October 2025; see also, Staff Correspondent, 'Civil service in image crisis for corruption, politicisation' New Age (Dhaka, 9 August 2025) <https://www.newagebd.net/post/country/272512/civil-service-in-image-crisis-for-corruption-politicisation> accessed 16 October 2025

advisers are compromising government neutrality. They have urged Prof Yunus to remove such advisers, arguing that their presence signals bias[51]. These criticisms imply that bureaucratic decisions may be influenced by political loyalty rather than merit; the presence of politically connected advisers is seen by some as undermining the idea of a neutral caretaker government[52].

(c) New Ordinance and Disciplinary Powers over Civil Servants: Civil servants protested against an ordinance that allows for dismissal without the usual procedural protections *("without due process")*[53]. This has been described as *"repressive"* by public sector workers and is seen as weakening the protections that help bureaucrats act independently. Such powers potentially give the executive branch tools to discipline or remove bureaucrats for political reasons or non-alignment, which threatens neutrality[54].

(d) Public Perception of Civil Servants as Rulers: In a large-scale survey by the Public Administration Reform Commission (>100,000

51 UNB, 'Fakhrul urges Yunus to remove advisers compromising govt neutrality' Dhaka Tribune (Dhaka, 30 March 2025) <https://www.dhakatribune.com/bangladesh/politics/377644/fakhrul-urges-yunus-to-remove-advisers?utm> accessed 16 October 2025

52 Transparency International Bangladesh, Public Administration Fragile State: One Year Interim Govt (The Business Standard, 4 August 2025) <https://www.tbsnews.net/bangladesh/one-year-interim-govt-public-admin-fragile-state-1211851> accessed 16 October 2025; see also, Bangladesh Pratidin, 'Advisers themselves making interim govt controversial' (13 June 2025) <https://en.bd-pratidin.com/special/2025/06/13/39280> accessed 16 October 2025

53 Reuters, 'Protests grip Bangladesh as pressure mounts on Yunusled government' (26 May 2025) https://www.reuters.com/world/asia-pacific/protests-grip-bangladesh-pressure-mounts-yunus-ledgovernment-2025-05-26/ accessed 16 October 2025

54 TSB Report, 'Govt amends service act to discipline 'unruly' employees amid protest at Secretariat' (25 May 2025) <https://www.tbsnews.net/bangladesh/public-service-act-amended-discipline-employees-1151621> accessed 16 October 2025; see also, TSB Report, 'Action coming against those violating service rules under guise of protests: Adviser Nahid' (27 December 2024) <https://www.tbsnews.net/bangladesh/action-against-bureaucrats-violating-service-rules-adviser-nahid-1028561> accessed 17 October 2025

respondents), 66% felt civil servants behave like rulers rather than servants of the public. Many respondents reported harassment, bribery, and difficulty in accessing services. Such perceptions undermine the legitimacy of the bureaucracy as a neutral body serving all citizens equally[55]. Also, 80% of respondents felt the public administration system is not people-friendly[56].

(e) Bureaucracy Functioning and Leadership Gaps: Reports suggest that many civil servants feel a lack of direction from leadership under the current government, particularly at higher echelons, leading to inertia. Some younger officers reportedly feel disconnected from senior leadership. This suggests that neutrality might not just be about political influence, but also institutional capacity and leadership integrity[57]. The discourse of a senior police official (Box 2 above) — who observed the July movement and its dramatic shifts- highlights the inefficiencies of the current interim government, which has precipitated a chaotic environment and eroded the confidence of publicservants in the government's genuine intentions for which they might commit their services.

3. Eroding Checks and Balances: Collapse of Accountability in Oversight Institutions

Oversight bodies are designed to provide checks on executive power, ensure transparency, and uphold citizens' rights[58]. In Bangladesh,

55 Staff Correspondent, '66% people think civil servants behave like rulers' The Daily Star (10 February 2025) <https://www.thedailystar.net/news/bangladesh/news/66-people-think-civil-servants-behave-rulers-3820281> accessed 17 October 2025

56 ibid

57 Baharam Khan, 'Bureaucracy falters without clear direction' The Daily Star (20 March 2025) <https://www.thedailystar.net/news/bangladesh/news/bureaucracy-falters-without-clear-direction-3852861> accessed 17 October 2025.

58 Professor Dr Mizanur Rahman, 'Ombudsman can be the key to ensuring good governance in Bangladesh' The Business Standard (6 February 2024) <https://www.tbsnews.net/thoughts/ombudsman-can-be-key-ensuring-good-governance-bangladesh-788186> accessed 17 October 2025

the Human Rights Commission[59] (HRC), the Right to Information Commission[60] (RTI), and the Anti-Corruption Commission[61] (ACC) were established as watchdogs. For instance, from August 2024 to March 2025, ACC initiated 525 inquiries and filed 297 cases. However, only five cases were disposed of during this period. It is a drastic decline in the disposal rate that remains as high as 223 cases in the first six months of 2024[62]. Similarly, after the resignation of the Chairman and two members of the RTI Commission in September 2024, the organisation got paralysed with no hearing of cases till then.[63] Therefore, during the tenure of Dr Yunus-led Interim Government, both of the oversee institutions have increasingly been criticised for failing to fulfil their mandates, thereby contributing to the collapse of accountability.

3.1 Institutional Paralysis of the National Human Rights Commission

The Bangladesh National Human Rights Commission (NHRC) was established to investigate human rights violations and promote

59 National Human Rights Commission Act, 2009 (Act No. 53 of 2009) (Bangladesh) <https://leap.unep.org/en/countries/bd/national-legislation/national-human-rights-commission-act-2009-act-no-53-2009> accessed 17 October 2025

60 Right to Information Ordinance, 2008 (Ordinance No. 50 of 2008) (Bangladesh) <https://www.wipo.int/wipolex/en/text/472238> accessed 17 October 2025

61 AntiCorruption Commission Act, 2004 (Act No. 5 of 2004) (Bangladesh) <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC023277/> accessed 17 October 2025

62 Shahadat Hossain, 'Caseload soars at ACC as officials grapple with high-profile cases', The Business Standard (Dhaka, 21 June 2025) <https://www.tbsnews.net/bangladesh/corruption/caseload-soars-acc-officials-grapple-high-profile-cases-1169916> accessed 17 October 2025

63 Shamsul Bari and Ruhi Naz, 'Right to Information Is Meaningless Without Information Commissioners' (BLAST, 18 December 2024) <https://blast.org.bd/2024/12/18/7303/> accessed 17 October 2025

human rights awareness[64]. However, it has been widely criticised for its passivity and selective engagement[65]. Under the interim government, the NHRC has become even more passive, failing to act on widespread reports of human rights abuses, including custodial torture, enforced disappearances, and suppression of protest. Reports of extrajudicial killings, enforced disappearances, custodial torture, and restrictions on freedom of expression have often gone unaddressed[66]. Rather than challenging abuses, the Commission has frequently echoed government positions, thereby compromising its credibility as an independent rights watchdog. The NHRC Chairperson Kamal Uddin Ahmed stated that the Commission *cannot investigate law-enforcing agencies*, and is limited to asking the government for reports. Critics see this as reflecting the NHRC's inability to challenge state agencies directly[67]. The reluctance to confront state security agencies, which have been implicated in human rights violations, suggests that the NHRC has been reduced to a symbolic institution devoid of enforcement capacity[68].

(a) **Legal Harassment of Human Rights Defenders:** There are reports, as indicated in Table 2 below, that human rights organisations and individuals have been subject to legal action and prosecution[69].

64 National Human Rights Commission Act, n50

65 Nilima Jahan, 'NHRC yet to be reconstituted seven months on' The Daily Star (Dhaka, 12 June 2025) <https://www.thedailystar.net/news/bangladesh/news/nhrc-yet-be-reconstituted-seven-months-3915056> accessed 17 October 2025

66 Amnesty International, 'Bangladesh: A Shrinking Space for Dissent' (2022); see also, Odhikar, 'Human Rights Monitoring Report 2022' (2023).

67 Hamimur Rahman Waliullah and Shoumik Hassin, 'Rights Secretariat commission can't probe 'Ayna Ghor': Kamal Uddin' bdnews24.com (2 September 2024) <https://bdnews24.com/bangladesh/07b1f31581d0> accessed 17 October 2025

68 Human Rights Watch, 'World Report 2024: Bangladesh' (2024).

69 AP, 'Rights groups condemn Bangladesh for canceling accreditation of 167 journalists' (AP News, 13 November 2024) <https://apnews.com/article/c6084ebc9dd6cee9c87101961d031f97> accessed 17 October 2025; see also, Committee to Protect Journalists (CPJ), 'Bangladesh journalists face threats from attacks, investigations, and looming cyber laws' (18 February 2025) <https://cpj.org/2025/02/bangladesh-journal-

Table 1.2: Repression of Journalists to Silence Dissent (Aug 2024-July 2025)

Nature of repression	No. of incidence
Murdered	3 journalists
Harassed	496 journalists
Accused of Murder during the July movement	266 journalists
Job loss	150 journalists
Cancellation of Press Accreditation	167 journalists
Cancellation of permission to enter the	All journalists

Source: TBS Report, 5 August 2025[70]

For instance, during a discussion, *'The State of the Media After the Mass Uprising'*, held at the National Press Club in Dhaka on 15 May 2025, Chief Advisor's Press Secretary Mr. Shafiqul Alam mentioned that since August 2024, a total of 266 cases have been filed against journalists, since then, many of which are murder cases. However, ironically, he reiterated that the government is not responsible for these cases[71].

(b) Government Response as Defensive Posture: Since assuming power in August 2024, the Yunus administration has adopted a markedly defensive posture in response to growing criticism from human rights groups, civil society, and political opponents. Many of the allegations, ranging from arbitrary detention and politically motivated judicial cases to attacks on religious minorities, have been met with denials, claims of exaggeration, or efforts to shift blame. For example, when over 272,000

ists-face-threats-from-attacks-investigations-and-looming-cyber-laws/> accessed 17 October 2025

70 TBS Report, '496 journalists faced harassment in one year: TIB', *The Business Standard* (Dhaka, 5 August 2025) <https://www.tbsnews.net/bangladesh/496-journalists-harassed-one-year-tib-1204716> accessed 18 October 2025

71 Online Desk, '"Govt didn't dismiss any Journalists in 9 months"' Bangladesh Pratidin (Dhaka, 15 May 2025) <https://en.bd-pratidin.com/national/2025/05/15/37167> accessed 18 October 2025

individuals (primarily opposition figures) were implicated in nearly 1,600 criminal cases within the first hundred days of Yunus's rule, his office dismissed such figures as inflated and challenged the credibility of their sources[72]. At the same time, attacks on journalists through harassment[73], revoking of credentials[74], and legal cases have prompted limited official acknowledgement but no substantive policy reform[75]. Such reactions reflect a broader strategy, contain dissent by controlling narrative, invoking security concerns, and delegitimising critique, rather than engaging directly with demands for accountability or institutional reform. The result is a defensive governance style that often diffuses international and domestic pressure but risks deepening mistrust and undermining public confidence in oversight institutions[76].

Table 1.3: Human Rights Violations in Bangladesh August 2024-July 2025

Incidence of Human Rights Violations	Frequency
Murder	2878

72 "Bangladesh: Are human rights eroding under Muhammad Yunus?" Deutsche Welle (30 December 2024) <https://www.dw.com/en/bangladesh-are-human-rights-eroding-under-muhammad-yunus/a-71185927> accessed 18 October 2025

73 Transparency International Bangladesh (TIB), '496 journalists faced harassment in one year: TIB' The Business Standard (5 August 2025)<https://www.tbsnews.net/bangladesh/496-journalists-harassed-one-year-tib-1204716> accessed 18 October 2025; see also, Admin, 'Editors alarm over legal harassment of journalists' Times of Bangladesh (Dhaka, 4 May 2025) <https://timesofbangladesh.net/2025/05/04/editors-alarm-over-legal-harassment-of-journalists/> accessed 18 October 2025

74 Rights groups condemn Bangladesh for cancelling accreditation of 167 journalists (The Associated Press, 13 November 2024) <https://apnews.com/article/c6084ebc9dd6cee9c87101961d031f97> accessed 18 October 2025

75 Deutsche Welle, n 60

76 Transparency International Bangladesh (TIB), 'Oneyear interim govt: Public administration a fragile state' The Business Standard (Dhaka, 2025) <https://www.tbsnews.net/bangladesh/one-year-interim-govt-public-admin-fragile-state-1211851> accessed 18 October 2025

Incidence of Human Rights Violations	Frequency
Mob Violence	195
Attacks on Minorities	35
Child Abuse	640
Extra-Judicial Killing	35
Push in from India	2000

Source: Dhaka Courier, October 10, 2025[77]

(c) Scrapping of Cases against Dr Yunus: Some legal cases against Yunus (labour law cases) have been scrapped and upheld by courts (High Court, then Supreme Court's Appellate Division)[78]. Critics argue that some of the prosecutions are politically motivated, while the judiciary has, in some cases, dismissed charges. This dynamic is relevant to how human rights institutions are engaged, whether they are effective in protecting rights, or whether judicial processes are used as tools of political pressure[79].

(d) Extra-judicial Killings and Custodial Deaths: NGOs like *AinoShalish Kendra* report that extra-judicial killings and deaths in custody have resurfaced under the Yunus government[80]. This raises questions about oversight, human rights protection, and the role of institutions created to guard those rights. As indicated in Table 3 above, besides extrajudicial killing, various other forms of human rights violations,

77 Dhaka Courier, 'The Interim Government's Mixed Record on Human Rights' (Dhaka Courier, 10 October 2025) <https://www.dhakacourier.com.bd/news/Reportage/The-Interim-Government%E2%80%99s-Mixed-Record-on-Human-Rights/9650> accessed 18 October 2025

78 TSB Report, 'SC upholds HC verdict scrapping five labour cases against Prof Yunus' The Business Standard (Dhaka, 8 December 2024) <https://www.tbsnews.net/bangladesh/sc-upholds-hc-verdict-scrapped-5-labour-cases-against-yunus-1013006> accessed 18 October 2025.

79 ibid

80 Zia Chowdhury, 'Extrajudicial killings, custody deaths resurface under Yunus govt, activists allege' BenarNews (3 March 2025) <https://www.benarnews.org/english/news/bengali/extrajudicial-killings-yunus-government-03032025124939.html> accessed 18 October 2025

including murder, child abuse and attacks on minorities, haunt the nation during the first year of the Yunus-led interim government in Bangladesh.

(e) **Lack of Commitments on Declarations:** Government statements (for example, the Chief Adviser Dr. Yunus speaking to human rights groups) emphasise that the interim government is committed to upholding human rights, freedom of speech, and has formed several commissions to carry out reforms.[81] However, there's a gap between declarations and observed practices, per critics[82]. For instance, after the resignation of the NHRC Chairman and members in November 2024, the positions remain vacant to date[83]. Hence, under the Dr Yunus-led interim government, the commission remains virtually paralysed, leaderless, powerless, and ineffective as officials are receiving complaints without any resolution of the complaints[84].

3.2 Institutional Paralysis of the Right to Information Commission

The *Right to Information Act, 2009* (RTI) was hailed as a landmark for transparency. The RTI Commission was tasked with ensuring com-

81 Staff Correspondent, 'Bangladesh interim head pledges to uphold human rights, freedom of speech' New Age (Dhaka, 26 September 2024) <https://www.newagebd.net/post/country/246229/bangladesh-interim-head-pledges-to-uphold-human-rights-freedom-of-speech> accessed 18 October 2025

82 TSB Report, 'Interim govt failing to meet human rights promises: HRW' The Business Standard (Dhaka, 31 July 2025) <https://www.tbsnews.net/bangladesh/interim-govt-failing-meet-human-rights-promises-hrw-1201371> accessed 18 October 2025; see more, Tasmiah Ahmed, 'Bangladesh: Are human rights eroding under Muhammad Yunus?' DW (30 December 2024) <https://www.dw.com/en/bangladesh-are-human-rights-eroding-under-muhammad-yunus/a-71185927> accessed 18 October 2025

83 Kamal Ahmed, 'NHRC Yet to Be Reconstituted Seven Months After All Members Resigned' (The Daily Star, 24 June 2025) <https://www.thedailystar.net/news/bangladesh/news/nhrc-yet-be-reconstituted-seven-months-3915056> accessed 18 October 2025

84 Nilima Jahan, 'NHRC Yet to Be Reconstituted Seven Months After All Members Resigned' (The Daily Star, 24 June 2025) <https://www.thedailystar.net/news/bangladesh/news/nhrc-yet-be-reconstituted-seven-months-3915056> accessed 18 October 2025

pliance with the Act and empowering citizens to access public information. In practice, however, bureaucratic resistance and weak enforcement have paralysed its effectiveness[85]. Under the interim government, bureaucratic obstruction has increased, and the Commission rarely enforces compliance, further weakening transparency mechanisms. Public authorities often ignore information requests or invoke vague national security exemptions to deny disclosure[86].

The Commission itself suffers from resource constraints and a lack of institutional assertiveness[87]. Instead of penalising defaulting agencies, it has often resorted to conciliatory approaches, thereby emboldening secrecy[88]. As a result, the promise of transparency has been subverted, and the RTI framework remains underutilised[89].

The Right to Information Commission (RTI Commission) was established as a cornerstone institution to uphold the public's right to access information held by public authorities, a critical mechanism for promoting transparency, accountability, and citizen oversight in governance[90]. Its role is not only to facilitate access to information but also to adjudicate complaints, enforce compliance, and promote a culture of openness within state institutions[91].

85 Right to Information Act 2009 (Bangladesh)

86 ARTICLE 19, 'Bangladesh: RTI and Freedom of Expression' (2021)

87 Transparency International Bangladesh, 'RTI in Practice: Trends and Challenges' (2022)

88 Dhaka Tribune, 'RTI Commission Struggles for Relevance' (2022)

89 The Daily Star, 'Lack of Enforcement Weakens RTI Framework' (2023)

90 Right to Information Act 2009 (Act No 20 of 2009) Ss 10–11; see also, Banglapedia: National Encyclopaedia of Bangladesh, 'Right to Information' <https://en.banglapedia.org/index.php/Right_to_Information> accessed 19 October 2025

91 Right to Information Ordinance 2008 (Ordinance No 50 of 2008, Bangladesh), Ss 13(1)–(5), 14, 15. Available at <https://www.wipo.int/wipolex/edocs/lexdocs/laws/en/bd/bd023en.pdf> accessed 19 October 2025

BOX 1.3: The Rise and Erosion of Digital Governance: Inside Bangladesh's "a2i" Transformation

In this interview, a former Minister of Information and Broadcasting, Mr. Mohammad A. Arafat, reflects on the transformative journey of governance and public service delivery in Bangladesh during the tenure of the former Prime Minister Sheikh Hasina. He underscores how the government prioritized transparency, citizen empowerment, and digital innovation, anchored by landmark initiatives like the Right to Information Act, 2009 (RTI) and the "a2i" (Access to Information) program. These efforts led to the creation of an accountable and citizen-centric state apparatus, where courts and government bodies were legally obligated to disclose information, and over 156,000 disclosures were facilitated by the independent Information Commission. The collaboration between the Ministry of Information and "a2i program" brought these services to the grassroots, institutionalizing transparency in governance nationwide. However, the interviewee laments that these hard-earned gains are now rapidly deteriorating under the current regime.

The interview also addresses the government's efforts to combat media disinformation and promote electoral integrity. During the former Prime Minister Sheikh Hasina's tenure, the administration approved numerous private electronic media outlets while establishing accountability mechanisms through the Press Council.Additionally, 81 electoral reforms were introduced to strengthen the independence of the Election Commission, which the interviewee believes helped ensure free, fair, and participatory elections. The former government's stance was that elections were open to all parties, and protest-related unrest should have been addressed through legal rather than violent means.

A significant part of the interview is dedicated to explaining how the "a2i program" under the Digital Bangladesh vision transformed public service delivery between 2009 and 2024. This included the creation of over 5,000 Digital Centers,

the digitization of land records and mutation services, the National Portal with over 45,000 linked websites, and mobile-based grievance redress systems. Other innovations included telemedicine, e-passport applications, digital classrooms, and mobile financial services for direct payments of social benefits. Many of these "a2i-backed initiatives" won international awards, including the UN Public Service Award and WSIS Prizes, marking Bangladesh as a global leader in digital governance. The interviewee, however, clearly notes with concern that many of these initiatives have been undermined under the current interim administration.

Source: *Interview conducted by the author with the former State Minister of Information and Broadcasting, Mr. Mohammad A. Arafat.*

However, under the Dr Yunus-led Interim Government, the effectiveness and independence of the RTI Commission have come under serious threat. The collapse or erosion of this institution can be seen in several key areas as follows:

(a) Delayed or Politicised Appointments: The failure to appoint commissioners in a timely and transparent manner has significantly hampered the functioning of the Commission. In some cases, appointments have been made without due consultation or independence, raising concerns about political interference[92].

(b) Underfunding and Administrative Neglect: Budgetary constraints and lack of administrative support have left the RTI Commission under-resourced. This directly affects its ability to process complaints,

92 'RTI Forum urges govt to appoint information commissioners' The Business Standard (Dhaka, 17 December 2024) <https://www.tbsnews.net/bangladesh/rti-forum-urges-interim-government-appoint-information-commissioners-1020916> accessed 19 October 2025; see also, 'HC rules over not appointing info commissioner as per Act' BSS News (Dhaka, 31 August 2025) <https://www.bssnews.net/news/307094> accessed 19 October 2025

conduct investigations, and carry out awareness campaigns, functions essential to its mandate[93].

(c) **Weak Enforcement Powers:** Even when decisions are made in favour of information disclosure, public authorities often ignore or delay compliance, exploiting the Commission's limited enforcement capacity. This undermines public trust in the RTI process and discourages citizen engagement[94].

(d) **Chilling Effect on Transparency:** The deterioration of the RTI Commission reflects a broader trend in the collapse of the accountability mechanism of the interim government. For instance, out of three Commissioners of RTI, two resigned in September 2024, and the third one was removed in January 2025. However, the vacant positions are not filled to make RTI function.[95] Hence, although RTI is receiving complaints, the commission remains ineffective without making any resolution[96]. The discourse shared by

93 TSB Report, 'End Prolonged Paralysis of Information Commission: TIB urges govt', *The Business Standard* (Dhaka, 27 September 2025) <https://www.tbsnews.net/bangladesh/end-prolonged-paralysis-information-commission-tib-urges-govt-1247181> accessed 19 October 2025; see also, Stream Report, '75% people unaware of Right to Information Law, commission ineffective', *Dhaka Stream* (Dhaka, 28 September 2025) <https://www.dhakastream.net/bangladesh/75-people-unaware-right-information-law-commission-ineffective-185803> accessed 19 October 2025

94 Tribune Desk, 'Right to Information Forum demands end to stalemate at Information Commission', *Dhaka Tribune* (Dhaka, 28 September 2025) <https://www.dhakatribune.com/bangladesh/392721/right-to-information-forum-demands-end-to> accessed 19 October 2025; see also, TSB Report, 'End Prolonged Paralysis of Information Commission: TIB urges govt', *The Business Standard* (Dhaka, 27 September 2025) <https://www.tbsnews.net/bangladesh/end-prolonged-paralysis-information-commission-tib-urges-govt-1247181> accessed 19 October 2025.

95 Senior Correspondent, 'Information Commission set for revival' (bdnews24, 26 July 2025) <https://bdnews24.com/bangladesh/18e162f83746> accessed 13 October 2025> accessed 19 October 2025

96 TSB Report, 'End 'prolonged paralysis' of Information Commission, TIB urges govt' (The Business Standard, 27 September 2025) <https://www.tbsnews.net/bangladesh/end-prolonged-paralysis-information-commission-tib-urges-govt-1247181> accessed 19 October 2025

the former State Minister of Information (Box 3 above) underscores how the ambitious elevation of the country to an *"information society"* has been undermined by the unruly and arbitrary denial of citizens' right to information. The dysfunction of the Information Commission of Bangladesh, the statutory body established under the Right to Information Act, 2009, sends a broader signal that transparency is no longer a political or institutional priority. Instead, the current trajectory indicates that restrained access to information risks becoming a strategic tool to keep the country on a narrower, controlled track rather than empowering open citizenparticipation in national progress. Civil society organisations have repeatedly flagged serious concerns that the RTI Commission remains non-functional due to prolonged vacancies at the top, which in turn has frozen complaint resolution under the RTI during this interim government regime.

3.3 Institutional Paralysis of the Anti-Corruption Commission

The Anti-Corruption Commission (ACC) was established with the mandate to combat corruption, a persistent governance challenge in Bangladesh. Initially viewed as a bold initiative, the ACC has since been plagued by allegations of selective prosecution and political bias[97]. Under the interim government, the ACC has pursued politically selective investigations, targeting opposition figures while avoiding scrutiny of ruling party allies. Critics argue that it disproportionately targets opposition figures while avoiding investigations into corruption allegations involving ruling party elites[98].

97 Noman Mosharef , 'ACC credibility questioned as conviction rate in cases drops', *The New Nation* (Dhaka, 22 August 2025) <https://dailynewnation.com/acc-credibility-questioned-as-conviction-rate-in-cases-drops/> accessed 19 October 2025

98 Shahadat Hossain, 'ACC goes after ministers, MPs while avoiding bureaucrats', The Business Standard (Dhaka, 19 September 2024) <https://www.tbsnews.net/bangladesh/acc-goes-after-ministers-mps-while-avoiding-bureaucrats-944836> accessed 19 October 2025; see also, Shahadat Hossain, 'Caseload soars at ACC as officials grapple with highprofile cases', The Business Standard (Dhaka, 21 June 2025) <https://www.tbsnews.net/bangladesh/corruption/caseload-soars-acc-officials-grapple-high-profile-cases-1169916> accessed 8 October 2025

The Commission's lack of independence stems largely from the fact that its leadership appointments and operational decisions remain subject to executive influence[99]. Though the reform commission formed by the interim government has made recommendations to free the ACC from executive influence, no initiative has been taken by the Government to implement this suggestion[100]. This selective enforcement has eroded public confidence in the ACC, reducing it to a political instrument rather than a guardian of integrity[101].

The Anti-Corruption Commission (or its national equivalent, such as the Commission to Investigate Allegations of Bribery or Corruption – CIABOC in Sri Lanka) is meant to be one of the most critical watchdog institutions in a democratic system[102]. Its primary mandate is to investigate, prevent, and prosecute corruption in the public sector, thereby upholding the rule of law, promoting ethical governance, and protecting public resources. However, the decline or collapse of this institution in practice, especially the Dr Yunus-led interim government, has become emblematic of the broader breakdown in accountability and oversight mechanisms**.** This collapse manifests in several interrelated ways.

(α) *Lack of Independence: Despite being set up as an independent body, the Anti-Corruption Commission often suffers from* ***undue political influence*** *in appointments, operations, and prosecutorial decisions[103]. Commissioners are frequently*

99 Solamain Salman, 'ACC reform gets stuck' New Age (Dhaka, 16 August 2025) <https://www.newagebd.net/post/country/273151/acc-reform-gets-stuck> accessed 19 October 2025

100 Prothom Alo, 'Unfinished Investigations and ACC's Failures' (2023).

101 Mamun Rashid and Fatema Johara, 'Corruption and Institutional Integrity: The Case of Bangladesh' (2018) 5(2) International Journal of Engineering Technologies and Management Research 133

102 Nurul Huda Sakib, 'One size does not fit all: an analysis of the corruption preventative approach of the AntiCorruption Commission (ACC) in Bangladesh' (2019) 27 *Asian Journal of Political Science* 211

103 TSB Report, 'Interim govt failing to meet human rights promises: HRW' *The Business Standard* (Dhaka, 31 July 2025) <https://www.tbsnews.net/bangladesh/interim-govt-failing-meet-human-rights-promises-hrw-1201371> accessed 19 October 2025

appointed based on political loyalty rather than merit, compromising their impartiality and willingness to pursue high-profile or politically sensitive cases. Despite a regime change on 5 August 2024, the Anti-Corruption Commission is still not able to act independently under the interim government[104].

(β) *Selective Enforcement and Inaction:* ***In many instances, the Commission is seen as selectively targeting opponents of the ruling regime while turning a blind eye to allegations against politically connected individuals***[105]***. This selective enforcement erodes public confidence and reinforces the perception that the institution is a tool of political vendetta rather than a neutral guardian of public integrity.***

(χ) *Weak Investigative and Prosecutorial Capacity: Even when corruption is exposed, investigations are often* ***slow, superficial, or inconclusive****, and very few cases lead to meaningful prosecutions or convictions*[106]*. This is partly due to*

104 Solamain Salman, 'ACC not yet free from influences' *New Age* (Dhaka, 28 November 2024) <https://www.newagebd.net/post/country/251404/acc-not-yet-free-from-influences> accessed 19 October 2025; see also, Solamain Salman, 'ACC reform gets stuck', *New Age* (Dhaka, 16 August 2025) <https://www.newagebd.net/post/country/273151/acc-reform-gets-stuck> accessed 4 October 2025

105 Shahadat Hossain, 'Caseload soars at ACC as officials grapple with highprofile cases' (The Business Standard, 21 June 2025) <https://www.tbsnews.net/bangladesh/corruption/caseload-soars-acc-officials-grapple-high-profile-cases-1169916> accessed 20 October 2025; see also, Senior Correspondent, 'ACC rejects Hasnat's Facebook claim of phone call bribe demand' (bdnews24, 25 June 2025) <https://bdnews24.com/bangladesh/8471d2de1a3a> accessed 20 October 2025. TIB, 'Is the Government Trying to Shield Corruption and Make the ACC Ineffective? TIB Raises Concerns' *Press Release* (Transparency International Bangladesh, 18 February 2025) <https://www.ti-bangladesh.org/en/articles/press-release/7205> accessed 6 October 2025

106 Solamain Salman, 'Graft enquiries surge but conviction rate drops' New Age (Dhaka, 6 April 2025) <https://www.newagebd.net/post/country/261721/graft-enquiries-surge-but-conviction-rate-drops> accessed 20 October 2025; see also, Dipan Nandy, 'ACC convictions hit 8yr low' The Daily Star (4 February 2025) <https://www.thedailystar.net/news/bangladesh/news/convic-

limited technical expertise, lack of coordination with other agencies, and bureaucratic inefficiency, *but also, at times, due to deliberate obstruction or sabotage from within*[107]*. The inefficiency of the ACA during the Yunus-led interim government is vivid from the data presented in Table 4 below.*

Table 1.4: Paralysed Disposal and Conviction of Cases in the Anti-Corruption Commission

	2021	2022	2023	2024	Aug 24-Mar 25
Complaints received[108]	14789	19338	15437	15842	10,725[109]
Accepted for enquiry[110]	533	901	845	1894	525

tions-graft-cases-hit-8-year-low-3815476> accessed 20 October 2025

107 Staff Correspondent, 'Anticorruption efforts will fail without change in political, bureaucratic culture: Iftekharuzzaman' (Prothom Alo, 8 December 2024) <https://en.prothomalo.com/bangladesh/5gnouspdbp> accessed 20 October 2025

108 Solamain Salman, 'Graft enquiries surge but conviction rate drops', *New* Age (Dhaka, 6 April 2025) <https://www.newagebd.net/print/post/261721?utm> accessed 210 October 2025

109 A total of 15482 complaints were received in 2024 of which 8623 were received after 5 August 2024, Solamain Salman, 'Graft enquiries surge but conviction rate drops', *New Age* (Dhaka, 6 April 2025) <https://www.newagebd.net/print/post/261721?utm> accessed 20 October 2025; According to another report, from August 2024 to June 2025 the ACC received 12,827 cases, Staff Correspondent, 'ACC gets over 12,000 corruption allegations in 11 months' (New Age, 08 July 2025) <https://www.newagebd.net/post/country/269398/acc-gets-over-12000-corruption-allegations-in-11-months?utm> accessed 20 October 2025. It means (12,827-8,623) cases or 4,204 cases were filed between January 2025 to June 2025. Now if we assume equal numbers of cases were filed in each month, total number of cases filed between January 2025 to March 2025 was 2,102 cases. Therefore, cases filed between August 5 to March 2025 were (8,623+2,102) cases or 10,725 case

110 Dipan Nandy, '451 cases filed in 2024, highest in 5 years' The Daily Star (Bangladesh, 12 April 2025) https://www.thedailystar.net/news/bangladesh/crimejustice/news/451-cases-filed-2024-highest-5-years-3869286

Cases filed by ACC[111]	347	406	404	451	297
Cases Disposed[112]	203	346	361	341	5
Cases Convicted[113]	122	211	207	160	0

Source: Various daily newspapers as indicated in the Table

As shown in Table 4, although the interim government filed over 10,000 corruption cases during its first eight months in office, only five of those cases were disposed of within the same period, resulting in a conviction rate of zero. Consequently, the Anti-Corruption Commission's (ACC) efforts to curb corruption during this time yielded no tangible results.

Hence, despite the Yunus-led government's strong rhetoric against corruption, its actions during this period suggest otherwise, revealing a significant gap between its stated intentions and actual performance.

As illustrated in Figure 2 below, there is a significant surge in corruption cases reported in 2024 compared to previous years. However, when examining the number of cases actually filed, particularly during the tenure of the Dr Yunus-led interim government, which began after August 5, 2024, the rate of case filing remained lower than in any of the earlier years. For example, in 2021, the commission accepted 533

accessed 20 October 2025

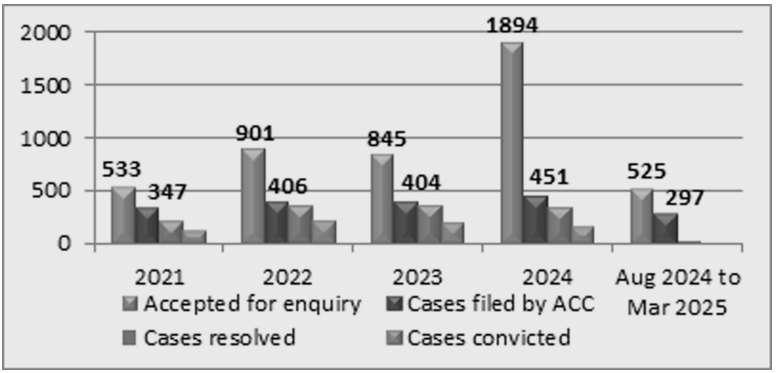
111 Dipan Nandy, '451 cases filed in 2024, highest in 5 years' The Daily Star (Bangladesh, 12 April 2025) https://www.thedailystar.net/news/bangladesh/crimejustice/news/451-cases-filed-2024-highest-5-years-3869286 accessed 20 October 2025

112 Jamal Uddin, 'ACC faces challenge as over 6,500 cases await disposal' Dhaka Tribune (14 August 2023) <https://www.dhakatribune.com/bangladesh/322484/acc-faces-challenge-as-over-6-500-cases-await?utm> accessed 10 October 2025; see also, Yeasin M, 'Conviction, disposal rate of ACC cases drops' The Daily Observer (27 March 2024) <https://www.observerbd.com/news/466096?utm> accessed 20 October 2025

113 Solamain Salman, 'Graft enquiries surge but conviction rate drops', *New* Age (Dhaka, 6 April 2025) <https://www.newagebd.net/print/post/261721?utm> accessed 20 October 2025

complaints for inquiry, of which 347 were formally filed as corruption cases, representing a filing rate of 65.10%. In contrast, between August 2024 and March 2025, during Dr Yunus's tenure, the commission received 525 complaints, but only 297 cases were filed, resulting in a lower filing rate of 56.6%. Even more striking is the decline in case disposal. Only five cases (1.7%) were resolved during this period, compared to 75.6% in 2024 and 89.4% in 2023. Therefore, the ACC's activities in combating corruption were effectively paralysed during this time.

Figure 1.2: Debilitated Disposal and Conviction of Cases in the Anti-Corruption Commission



Source: Various daily newspapers mentioned in Table 4 above

(d) **Undermining Human Rights through Neglect to uphold Commitment:** The Commission may be underfunded or administratively neglected, limiting its ability to recruit qualified staff, invest in modern investigative tools, or conduct public education campaigns. More pertinently, after the chairman and two commissioners of the ACC resigned in late October 2024, the Commission reportedly lost its ability to initiate new inquiries or approve charge sheets[114]; the legal requirement of having a full commission in place blocked any

114 Amunur Rashid, 'Delay in appointing new ACC leadership halts anticorruption efforts', *Observer BD* (Dhaka, 7 December 2024) <https://www.observerbd.com/news/502085> accessed 20 October 2025

fresh major action, leaving many allegations in limbo. Therefore, after the change of regime on 5 August 2024, though the Yunus-led interim government has repeatedly signalled that corruption remains a serious concern, its efforts are undermined by delays in reform implementation, selective application of anti-corruption measures, and insufficient institutional capacity, suggesting a broader lack of political will to combat corruption in any truly transformative way.

(e) Impact on Public Trust and Governance: The perceived collapse of the Anti-Corruption Commission sends a powerful message that ***impunity prevails at the highest levels of power****. When corruption goes unchecked, it not only weakens state institutions and wastes public resources. The apparent reluctance of the interim government to reconstruct the Anti-Corruption Commission also undermines democratic norms, investor confidence, and the social contract between citizens and the state*[115]*.*

4. Abuse of Power: Weaponisation of Constitutional Offices to Silence Dissent

Constitutional offices are entrusted with the responsibility of serving as neutral guardians of the democratic order. However, in Bangladesh, several of these institutions have been systematically weaponised to suppress dissent and consolidate authoritarian control. As discussed earlier, the interim government led by Dr. Yunus significantly eroded the credibility of state institutions, including the judiciary, while weakening the effectiveness of oversight bodies over its one-year tenure. This deliberate subversion of Constitutional checks and balances not only undermines the principles of justice and accountability but also fosters an environment in which dissenting voices are marginalised or punished. The following section will explore how these actions have facilitated the suppression of opposition and constrained democratic expression to silence dissent.

115 Habib Zafarullah, 'Bangladesh's governance crisis is beyond superficial solutions' The Daily Star (Dhaka, 12 December 2024) <https://www.thedailystar.net/opinion/views/news/bangladeshs-governance-crisis-beyond-superficial-solutions-3774071> accessed 20 October 2025

4.1 Politicisation of the Presidency

The office of the President, although largely ceremonial, has been utilised to legitimise controversial government actions. Presidential assent to contentious laws has been granted without hesitation, reinforcing perceptions of executive dominance. A pertinent reference supporting the statement is the enactment of the *Interim Government Ordinance, 2024*. This ordinance, provisionally approved in November 2024, grants legal validity to all actions of the interim government, specifying that no court or authority, including the Supreme Court of Bangladesh, can question the validity of any action taken by the government. It further stipulates that no lawsuits can be filed regarding these actions, effectively consolidating executive authority and limiting judicial oversight[116]. Under the interim government led by Muhammad Yunus, the Office of the President has increasingly been leveraged to consolidate executive control and marginalise political opposition[117].

The politicisation of the Presidency is a defining feature of institutional decay in modern governance systems. These offices are meant to function as stabilising pillars of the state, the presidency serving as the guardian of the constitution and national interest. However, when this role is captured by partisan interests, their Constitutional purpose is fundamentally compromised, accelerating the broader collapse of accountability and oversight mechanisms. This deterioration reveals itself through several interrelated dynamics.

(a) **Erosion of Executive Neutrality:** The presidency, especially in systems with broad Constitutional powers, often transforms into a centralised political authority driven by party interests. Rather than operating above politics, the president may actively use their office to

116 Senior Correspondent, 'Interim Govt's Actions Valid, Term Indefinite' bdnews24.com (Dhaka, 8 November 2024) <https://bdnews24.com/bangladesh/b10e72a65443> accessed 20 October 2025

117 Aritra Banerjee, 'Bangladesh's Interim Government: From Democratic Promise to Authoritarian Drift' (Project O Five, 12 August 2025) <https://projectofive.ca/bangladeshs-interim-government-from-democratic-promise-to-authoritarian-drift/> accessed 20 October 2025

appoint loyalists to key oversight institutions, including the judiciary, public commissions, and anti-corruption agencies. For instance, according to Article 64(1) and Article 95(1) of the Constitution of Bangladesh President appoints the Attorney General[118] and Chief Justice of the Supreme Court of Bangladesh, respectively. Article 118(1) and Article 127(1) further vest power in the President to appoint the Chief Election Commissioner and the Comptroller and Auditor General of Bangladesh, respectively[119]. Therefore, politicised control over the President weakens institutional independence and neutralises potential checks on executive overreach.

(b) Presidential Shielding of Power and Patronage: Instead of fostering transparency and accountability, a politicised presidency may act as a shield for those within its political network. Corruption investigations into allies are often obstructed or dismissed, while resources of the state, including law enforcement and regulatory bodies, are used to pursue critics and opposition figures. For instance, after the interim government secured power in August 2024, the judiciary and the ACC are increasingly being used as tools to harass opposition political parties and to silence dissent. Such selective application of justice institutionalises impunity and undermines the credibility of oversight institutions.

(c) Collapse of Institutional Balance: As these high offices become politicised, the balance of power envisioned in a Constitutional democracy is systematically dismantled. The executive dominates the legislature, the legislature fails to check the executive, and independent institutions lose their autonomy[120]. The entire framework

118 Constitution of the Peoples' Republic of Bangladesh, Article 64(1), Article 95(1)

119 Constitution of the Peoples' Republic of Bangladesh, Article 118(1), Article 127(1)

120 William A. Galston, 'Is the growth of executive power a threat to Constitutional democracy?' Brookings (2 July 2025) <https://www.brookings.edu/articles/is-the-growth-of-executive-power-a-threat-to-constitutional-democracy/> accessed 20 October 2025; see more, Tarunabh Khaitan, 'Executive aggrandizement in established democracies: A crisis of liberal democratic constitutionalism' (2019) 17(1) International Journal of Constitutional Law 342

of horizontal accountability collapses, allowing political leaders to operate without meaningful scrutiny[121].

(d) **Implications for Democracy and Public Trust:** The politicisation of the presidency corrodes the rule of law and devalues democratic processes. Citizens lose faith in the fairness of institutions, viewing them as instruments of political manipulation rather than guardians of the public interest[122]. This erosion of public trust contributes to political apathy, social division, and, ultimately, democratic backsliding.

4.2 Weaponising the Election Commission as an Instrument of Political Control

Rather than acting as an impartial guardian of electoral integrity, the Election Commission has often been accused of colluding with the ruling party. Its failure to ensure a level playing field for opposition parties has entrenched the ruling party's electoral hegemony. The Commission's role in legitimising controversial elections has further diminished its credibility as a Constitutional safeguard.

The Election Commission is meant to serve as a cornerstone of democratic governance, tasked with ensuring free, fair, and credible elections. As an independent Constitutional body, it plays a vital role in upholding electoral integrity, maintaining public confidence in the democratic process, and providing a level playing field for all political actors. Its legitimacy hinges on its neutrality, professionalism, and ability to function free from political influence. However, in many contexts, the Election Commission has increasingly become an instrument of executive control, contributing to the broader collapse of accountability and oversight mechanisms. This transformation is evident through several interrelated developments.

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121 Melis G. Laebens & Anna Lührmann, 'What halts democratic erosion? The changing role of accountability' (2021) 28(5) Democratization 908. They show how effective horizontal (and other forms of) accountability can halt democratic erosion—implying that when such accountability fails or collapses, the executive becomes unchecked

122 Claudia Wiesner, 'Politicisation and Democracy: The Consequences of Contingency' (2025) 13 Politics & Governance <https://doi.org/10.17645/pag.9723> accessed 20 October 2025

(a) **Erosion of Institutional Independence:** Although established as an autonomous body, the Election Commission frequently suffers from undue political influence in its composition, decision-making processes, and enforcement actions. In many cases, appointments to the Commission are made without transparency or consultation, with individuals perceived as politically loyal or pliant being placed in key positions[123]. This undermines the Commission's impartiality and raises serious concerns about its ability to conduct elections independently of government interference[124].

(b) **Uneven Enforcement of Electoral Laws:** One of the clearest indicators of politicisation is the selective application of electoral rules. Opposition parties are often held to higher standards and subjected to more rigorous scrutiny, while violations by ruling party actors are ignored or downplayed[125]. Complaints of media bias[126], misuse of state resources, voter intimidation, and campaign finance violations are frequently dismissed or inadequately addressed when lodged against the incumbent regime. For instance, on 10 May 2025, the interim government under Muhammad Yunus issued a government circular banning all activities of the Awami League and its affiliates under the AntiTerrorism Act[127].

123 Tim Worstall, 'Bangladesh faces an uncertain electoral future under Muhammad Yunus' Times of Oman (25 August 2025) <https://timesofoman.com/article/161999-bangladesh-faces-an-uncertain-electoral-future-under-muhammad-yunus> accessed 20 October 2025

124 The Business Standard, "2024: A year of mass uprising that reshaped Bangladesh's Election Commission" (28 December 2024) <https://www.tbsnews.net/bangladesh/2024-year-mass-uprising-reshaped-bangladeshs-election-commission-1028761> accessed 20 October 2025.

125 Shah Jalal, 'Sans strong opposition, will next election be credible?' The Observer (Bangladesh) (16 July 2025) <https://www.observerbd.com/news/534480> accessed 20 October 2025

126 'Bangladesh Revokes Credentials of 167 Journalists, Raising Press Freedom Concerns' AP News (23 September 2024) <https://apnews.com/article/c6084ebc9dd6cee9c87101961d031f97> accessed 20 October 2025

127 'Bangladesh awaits interim administration notice on Hasina Sheikhled Awami League ban', *The Times of India* (Delhi, 11 May 2025) <https://timesofindia.indiatimes.com/world/south-asia/bangladesh-awaits-interim-administration-notice-on-hasina-sheikh-led-awami-league-ban/articleshow/121077403.cms> accessed 20 October 2025

Shortly thereafter, the Election Commission suspended the registration of the Awami League with immediate effect, citing the government ban rather than a full independent investigation[128]. This hasty enforcement reinforces the perception that the Commission serves partisan interests rather than democratic norms.

(c) **Manipulation of Electoral Timelines and Procedures:** Recent developments in Bangladesh have raised concerns regarding the Election Commission's (EC) neutrality, particularly in the scheduling of upcoming elections. Reports suggest that proposed changes to election timing, such as advancing polls to the week before Ramadan, may disproportionately benefit the BNP and other opposition-aligned parties[129]. Allegations from political actors, including the National Citizen Party (NCP), claim the EC has acted with bias and has been *"shamelessly favouring a particular party"*[130]. Moreover, criticism has emerged that certain EC officials may be connected to Jamaat-e-Islami, further undermining public confidence in the Commission's impartiality[131].

(d) **Marginalisation of Stakeholder Confidence:** As the Election Commission becomes increasingly seen as biased or ineffective, public confidence in the electoral process declines[132]. Civil society

128 'Activities of AL, affiliates banned: Govt bans Awami League activities … Hours later, the Election Commission also suspended the party's registration', *The Daily Star* (Dhaka, 13 May 2025)

129 Julfikar Ali Manik, 'New polls timing: BNP upbeat, process irks Jamaat, NCP' The Daily Star (Dhaka, 12 October 2025) <https://www.thedailystar.net/news/bangladesh/politics/news/new-polls-timing-bnp-upbeat-process-irks-jamaat-ncp-3916976> accessed 20 October 2025

130 Star Online Report, 'Election Commission shamelessly favouring a particular party' The Daily Star (Dhaka, 13 October 2025) <https://www.thedailystar.net/news/bangladesh/elections/news/election-commission-shamelessly-favouring-particular-party-3969711> accessed 20 October 2025

131 Sajjad Hossain, 'Jamaat shadow over EC's polls plan' The Daily Star (Dhaka, 20 October 2025) <https://www.thedailystar.net/news/bangladesh/politics/news/jamaat-shadow-over-ecs-polls-plan-4010266> accessed 20 October 2025

132 TBS Report, 'Trust deficit of voters a key challenge for election: EC', The Business Standard (Dhaka, 4 December 2024) <https://www.tbsnews.

organisations, independent observers, and opposition parties may disengage from electoral processes altogether, citing a lack of credibility[133]. This disenchantment is not merely a political problem; it reflects a broader democratic erosion, where elections lose their meaning as tools of peaceful change and political accountability.

(e) **Consequences for Democratic Accountability:** The capture of the Election Commission has far-reaching implications. It enables governments to maintain power without genuinely securing public consent, undermines the legitimacy of elected institutions, and weakens the principle of representative democracy. More broadly, when citizens believe that elections are neither free nor fair, they are less likely to participate in the democratic process and more likely to turn to extra-parliamentary forms of protest or disengagement.

4.3 Use of Security and Legal Apparatus to Silence Dissent

The weaponisation of the legal system has been a key tool for silencing dissent. Laws such as the *Anti-Terrorism Act, 2009t* have been used to suspend a leading political party arbitrarily[134]. Constitutional protections for freedom of expression have been hollowed out through expansive legal interpretations that criminalise criticism of state actors[135].

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net/bangladesh/trust-deficit-voters-key-challenge-election-ec1010206> accessed 20 October 2025; see also, 'Restoring public trust an uphill task for EC', The Daily Star (Dhaka, 7 October 2025)

133 DataSense, 'Most citizens hopeful of higher growth, sceptical about public institutions, survey shows' The Business Standard (Dhaka, 8 February 2025) <https://www.tbsnews.net/economy/mostcitizenshopefulhighergrowthscepticalaboutpublicinstitutionssurveyshows1063471> accessed 20 October 2025

134 TBS Report, 'Awami League, all its affiliates now officially banned' The Business Standard (Dhaka, 12 May 2025) <https://www.tbsnews.net/bangladesh/politics/awami-league-banned-1140321> accessed 20 October 2025

135 Editors' Council, '"Amended antiterror law can significantly curtail freedom of expression": Editors' Council expresses deep concern' The Business Standard (Dhaka, 20 May 2025) <https://www.tbsnews.net/bangladesh/amendedantiterrorlaw-cansignificantlycurtailfreedomexpression-editorscouncil> accessed 20 October 2025

The security apparatus, empowered by legal impunity, has acted as an enforcer of political order rather than a protector of citizen rights. Surveillance, arbitrary arrests, and harassment of civil society actors have become routine, undermining the democratic space for dissent[136]. The security and legal apparatus, including the military, police, intelligence services, Attorney General's Department, and other prosecutorial bodies, is intended to serve the rule of law, ensure public safety, and uphold Constitutional order. In a healthy democracy, these institutions function independently of political influence and are held accountable to both legal standards and civilian oversight.

However, the deliberate instrumentalisation of security forces and legal institutions by those in power has emerged as a central feature in the collapse of accountability and oversight[137]. Rather than being protectors of the people and the constitution, these entities are increasingly repurposed to defend political incumbents, suppress dissent, and entrench executive dominance.

136 Human Rights Watch, 'HRW urges interim govt to end retaliatory arrests, disband RAB' The Business Standard (Dhaka, 28 January 2025) <https://www.tbsnews.net/bangladesh/hrwurges-bangladesh-interimgovtendretaliatoryarrests1054381> accessed 21 October 2025; see more, Human Rights Research, 'Bangladesh's Interim Government Accused of Political Repression Under Amended AntiTerrorism Law' (2025) <https://www.humanrightsresearch.org/post/bangladeshsinterimgovernmentaccusedofpoliticalrepressionunderamendedantiterrorismlaw>accessed 21 October 2025

137 TBS Report, 'How criminal justice was systematically weaponised to suppress dissent' The Business Standard (Dhaka, 16 June 2025) <https://www.tbsnews.net/bangladesh/commissionflagsweaponisationjusticesystemenforceddisappearancecases1166186> accessed 21 October 2025.

BOX 4: Silencing Scholars: Political Retaliation and the Crisis of University Governance in Bangladesh

The scholar harshly criticizes the inaction or, in his view, the complicity of university authorities and the interim government, accusing them of intentionally allowing lawlessness to fester for political gain. The creation of "ineffectual fact-finding committees" is dismissed as a performative measure aimed at side-lining teachers suspected of political affiliation with the former ruling party. These teachers have faced professional exclusion from all academic and professional activities, character attacks, and even physical threats, amounting to serious violations of Constitutional rights and international human rights obligations. The situation has reached a crisis point, with many educators being stripped of their professional and personal dignity, contributing to a broader chilling effect across academia.

To address this institutional collapse, the interviewee outlines a set of urgent reforms: Firstly, reasserting the rule of law through prosecution of perpetrators; Secondly, dissolving politically driven investigative committees or fact-finding committees; Thirdly, reinstating wrongfully targeted faculty members, and most notably launching a national dialogue to restore academic sovereignty. The authority should call for a televised summit to establish a new "Charter for Academic Integrity" that would safeguard the autonomy of educational institutions from partisan influence and mob-violence. Ultimately, the interview is a scathing indictment of the current political leadership, which the interviewee accuses of "deliberately engineering a breakdown of governance in the education sectors" to serve the current administration's own political ends.

Source: *Interview conducted by the author with a Professor, University of Dhaka*

(a) **Politicisation of Law Enforcement and Intelligence Services:** In many contexts, police and intelligence agencies are no longer neutral enforcers of the law but function as extensions of ruling government interests[138]. Senior positions are filled based on loyalty rather than merit, and operational directives are often politically motivated[139]. These agencies may selectively pursue investigations against opposition figures, activists, journalists, and critical voices, while ignoring or covering up wrongdoing within government ranks. As a result, the distinction between criminal justice and political retaliation becomes blurred, undermining the credibility of the entire law enforcement framework.

As highlighted by a scholar from the University of Dhaka (Box 4 and 5 above), the suppression of dissent is not limited to government administration alone; similar practices are being imposed on other autonomous bodies including the academicianas at the University of Dhaka, through various means. Therefore, the underlying agenda of the interim government appears to be aimed at silencing differing opinions across all sectors of society.

BOX 5: Fear and Intimidation in the Faculties: A Senior Educator's Testimony on How "Mob-violence" is Destroying Academic Freedom and Congeniality in Bangladesh

The interview sheds light on the deepening crisis in Bangladesh's education sector, particularly within public universities,

138 Transparency International Bangladesh, 'One year of interim govt: Public admin in 'fragile' state', The Business Standard (Dhaka, 2025) <https://www.tbsnews.net/bangladesh/one-year-interim-govt-public-admin-fragile-state-1211851> accessed 22 October 2025; see also, Syed Munir Khasru, 'Six months of the interim government: Bangladesh stands at a critical crossroads' The Daily Star (Dhaka, 2025) <https://www.thedailystar.net/opinion/views/news/six-months-the-interim-government-bangladesh-stands-critical-crossroads-3818606> accessed 22 October 2025

139 Staff Correspondent, '"Ministries under inexperienced, unskilled leadership," 25 cadres say', bdnews24.com (Dhaka, 3 January 2025) <https://bdnews24.com/bangladesh/145d352e701d> accessed 23 October 2025.

where the once-respectful relationship between students and teachers has been severely undermined by rising incidents of mob-violence, public humiliation, and political targeting of educators. A senior academic, with over 30 years of teaching experience at leading institutions, including University of Dhaka, BUET, and other reputed institutions, expressed alarm at the current state of affairs, describing it as unprecedented in the country's academic history. The interviewee emphasized that universities, historically known as spaces for intellectual freedom and critical thinking, have increasingly become sites of fear and intimidation. Following the political transition in August 2024, more than a hundred teachers were boycotted by students for their alleged affiliations with the previous government.

In response, university administrations, most notably at University of Dhaka, formed "non-functional fact-finding and inquiry committees" to assess these allegations. However, these committees largely failed to function as intended. The interviewee pointed out that they were formed without following proper legal procedures, including required Syndicate approval under the Dhaka University Order of 1973. As a result, many of the alleged accused teachers were removed from their duties "without due process", and the committees were seen as mechanisms to delay justice rather than uphold it.

This administrative failure has contributed to a climate of uncertainty, fear, and demoralisation among educators. Teachers have been denied access to their workplaces, stripped of academic and administrative roles, and subjected to financial hardship and psychological trauma, all without formal charges or proven misconduct. Across the country, similar patterns have emerged, including forced resignations, politically motivated dismissals, and restrictions on professional advancement.

Source: Interview conducted by the author with a Senior Professor, University of Dhaka

(b) **Suppression of Civil Liberties:** The security apparatus is often used to crack down on peaceful protests, restrict freedom of assembly, and silence or intimidate dissidents. Emergency laws, anti-terrorism legislation, and sedition charges are routinely invoked to bypass standard legal protections and suppress opposition movements. These actions are typically justified under the guise of national security or public order, but are, in practice, designed to neutralise political threats to the ruling establishment.

(c) **Undermining Civilian Oversight:** The collapse of independent oversight mechanisms, such as police commissions, parliamentary committees on national security, and human rights watchdogs, further entrenches the power of the executive over the security and legal sectors[140]. Attempts to investigate misconduct or abuse within these institutions are often obstructed or ignored, allowing violations to continue unchecked and fostering a culture of impunity[141].

(d) **Long-term Implications for Rule of Law and Governance:** The repurposing of security and legal institutions as tools of political control not only violates Constitutional norms but also corrodes public trust in democratic governance[142]. Citizens come to see these institutions as hostile or partisan rather than protective, which delegitimises the state and deepens social divisions[143]. Over time,

140 Lauren A McCarthy, 'Oversight of the Legal System in an Authoritarian Regime: Police and Court Monitoring in Russia' (2025) 13 Journal of Law and Courts 195–219 <https://doi.org/10.1017/jlc.2024.27> accessed 23 October 2025;

141 Pranto Kumar Sarker, Maruf Ahmed, and Zahidul Islam, 'Accountability Mechanisms: Effectiveness and Challenges — Police Accountability in Criminal Investigation: USA and Bangladesh' (2024) 10 Journal of Asian and African Social Science and Humanities 1 <https://doi.org/10.55327/jaash.v10i4.354> accessed 23 October 2025

142 Berk Esen, 'Judicial Transformation in a Competitive Authoritarian Regime: Evidence from the Turkish Case' (2024) 47 Law & Policy e12250

143 Sha Jalal, Akramul Hasan, Mahmuda Akter, 'Public Confidence towards Judiciary Court: An Empirical Study in Bangladesh' (2024) 17(2) International Journal of Emerging Trends in Social Sciences, 46 <https://scipg.com/index.php/103/article/view/848/667> accessed 23 October 2025;

this leads to a breakdown of the social contract, increased political instability, and the erosion of fundamental rights and freedoms[144]. As demonstrated in Box 5 above, a veteran academic from the University of Dhaka explained how lawlessness and impunity over mob violence may foster anarchy, deepen social divisions, and ultimately erode the social cohesion necessary to uphold the fundamental rights and freedoms of citizens.

5. Conclusion and Reflections: Accountability, Governance, and Rights of People

The retreat of governance in Bangladesh is marked by the *"systematic weakening of institutions"* that are meant to act as checks on executive authority. Under the interim government, these trends have accelerated – the judiciary is more politicised, electoral processes are less credible, and bureaucratic neutrality is further undermined. Oversight bodies, such as the NHRC, RTI Commission, and ACC, have been rendered ineffective, while Constitutional offices have been repurposed to stifle dissent. These trends point towards a broader phenomenon of institutional capture, where formal democratic institutions remain in place but are hollowed out of their substance.

This process not only undermines the rule of law but also erodes citizen trust in governance. Unless institutions are revitalised and adequately insulated from partisan interference, the prospect of genuinely accountable and participatory governance will remain elusive. Since the erosion of rights and public trust has spread not only throughout government mechanisms but also across oversight bodies and civilsociety organisations, it is high time that the nation unite behind a comprehensive series of reform initiatives, as prescribed by scholars,

see also, Africa Judicial Independence Fund (AJIF), The Current State of Judicial Independence in Africa: Overview Analysis of the State of Judicial Independence in Africa (Landscape Scan Report, AJIF, 26 July 2024) <https://ajif.online/wp-content/uploads/2024/07/The-State-of-Judicial-Independence-in-Africa-AJIF-report.pdf> accessed 23 October 2025

144 Markus Loewe and Tina Zintl, 'State Fragility, Social Contracts and the Role of Social Protection: Perspectives from the Middle East and North Africa (MENA) Region' (2021) 10 Social Sciences 447 <https://doi.org/10.3390/socsci10120447> accessed 23 October 2025

legislators, prominent lawyers, and senior security officials from their respective fields. Further, the unquestioning faith placed in the interim government led by Dr. Yunus following the July protest of 2024 has burdened and saddled the nation with false promises. This misplaced trust must be critically reassessed without delay – we must confront the gaps between their promises and the realities faced. Hence, this situation calls for reflection and a thoughtful reconsideration of our beliefs and expectations. We must acknowledge the concerns of our nation and work towards a more transparent and accountable future. Together, we can strive for a government that truly serves the genuine needs and interests of our people.

Chapter 3

The Illusion of Stewardship

HUMAN RIGHTS REGRESSION UNDER THE YUNUS-LED INTERIM GOVERNMENT IN BANGLADESH

1. Introduction

The appointment of an interim government under Professor Yunus in 2024, following a significant student-led political protest, presented a critical juncture in Bangladesh's political history. In an address to an international forum, Professor Yunus asserted that the removal of Sheikh Hasina's government was the result of a meticulous design, which subsequently culminated in his own installation as the nation's leader by the student movement. Such caretaker administrations are theoretically designed as neutral arbiters to oversee democratic transitions and ensure electoral integrity[1].

However, the unique composition of this government—where several key officials held dual citizenship—immediately provoked profound constitutional and ethical questions regarding national loyalty, accountability, and sovereignty.[2] Rather than stewarding a return to democratic norms, this administration has undertaken many

1 Pastor, R. A. (1999). The role of electoral administration in democratic transitions: Implications for policy and research. *Democratization*, 6(4), 1-27

2 Ginsburg, T., Huq, A. Z., and Versteeg, M. (2018). *How to save a constitutional democracy.* University of Chicago Press

initiatives beyond its legal jurisdiction and constitutional norms, which have consequently led to the severe and systematic decline in human rights and civil liberties in the country.

This paper contends that the interim government of Professor Yunus orchestrated a comprehensive assault on civil-political rights, oversaw a significant deterioration of socio-economic conditions, and blatantly violated Bangladesh's international human rights obligations. The regime's structure, featuring leaders with allegiances to other nations, created a perilous accountability deficit, facilitating the use of the state apparatus for widespread repression. The initial promise of stability quickly devolved into a period of targeted persecution, particularly against the political opposition and ideological sympathisers of the Awami League, the oldest political party, which played the key role in achieving independence in the country. As documented by national civil society groups, supporters of the pro-liberation forces and the Hindu minority experienced a wave of violence, including looting, property destruction, and communal intimidation, forcing many to flee their homes.[3] This transformation of a student-led protest into a vehicle for political victimisation created widespread public disillusionment and fear among the common people in the country.

To systematically investigate this period, our analysis is guided by the following research questions: How were civil and political freedoms, including expression, assembly, and due process, curtailed? What patterns of political persecution emerged against the Awami League and its supporters? How did economic, social, and cultural rights (e.g., labour, education, health) deteriorate? How were minorities, indigenous groups, and refugees treated? Did the administration, despite its international composition, respect Bangladesh's obligations under international human rights law? For addressing the critical questions, the paper is structured to first establish a theoretical and legal framework, reviewing literature on authoritarian drift in quasi-democratic systems and the interdependence of human rights. It then

3 Ain o Salish Kendra (ASK). (2025). Human Rights Situation in Bangladesh: Quarterly Report, January-March 2025 <https://www.askbd.org/ask/> accessed 22 December 2025

outlines the qualitative methodology, which relies on triangulated data from international and national human rights reports, legal analysis, and media documentation. The subsequent findings detail the suppression of freedoms, the patterns of persecution, and the plight of marginalised groups. The discussion synthesises these findings to assess the breaches of national and international law, leading to a conclusion that summarises the implications and offers concrete recommendations.

2. Literature Review and Theoretical Framework

This review synthesises three critical streams of scholarship to construct a comprehensive analytical lens for examining human rights under the interim government. It connects theories of authoritarian drift, the interdependence of rights, and the specific obligations of international law.

2.1 Conceptualising Authoritarian Drift in Quasi-Democratic Systems

The establishment of a temporary, non-elected government is often presented in political discourse as a necessary remedy for deep-seated democratic crises, a neutral mechanism to shepherd a state from turmoil to legitimate elections.[4] However, a significant body of scholarly work reveals a persistent paradox: these ostensibly corrective regimes can themselves become engines of democratic backsliding and authoritarian consolidation.[5] The conceptual framework of "authoritarian drift" provides a critical lens for understanding this phenomenon, whereby the very structures designed to ensure a democratic future create perverse incentives and opportunities for rights suppression and the erosion of political pluralism. The foundational ideal of such an arrangement, as articulated by Pastor (1999), is that of a neutral "trustee" or "caretaker" administration whose sole mandate is to ensure electoral integrity and a level playing

4 Brown, A. (2014). *The myth of the strong leader: Political leadership in the modern age.* Basic Books

5 Shain, Y., Linz, J. J., and Berat, L. (1995). *Between states: Interim governments in democratic transitions.* Cambridge University Press.

field.[6] Yet, the transition period inherently creates a governance vacuum. It is within this vacuum that the risk of authoritarian drift emerges. A primary catalyst is the radical concentration of power in the absence of democratic accountability. Ginsburg, Huq, and Versteeg (2018) argue that interim governments often operate in a constitutional and legal "grey zone," where the ordinary checks and balances of a functioning legislature and an empowered judiciary are suspended. This legal ambiguity allows for executive action to go largely unchecked, creating a precedent for governance by decree.[7]

Furthermore, the mandate to ensure "stability" and "public order" provides a potent justification for the systematic repression of dissent. As Tushnet (2003) theorises in the context of emergencies, extraordinary powers tend to have a ratchet effect; measures initially justified as temporary responses to crisis often become embedded in the state's permanent administrative and security apparatus. In the context of an interim government, this dynamic allows the regime to frame political opposition, public assembly, and critical speech not as fundamental democratic rights but as existential threats to the transition process itself. This re-framing is frequently facilitated by what Scheppele (2018) identifies as "autocratic legalism"—the strategic use of legal statutes, court rulings, and administrative regulations to legitimise and codify anti-democratic actions, such as dissolving established political parties or imposing stringent constraints on the media under the guise of upholding electoral integrity.[8]

The composition of such governments further exacerbates this drift. Often comprised of technocrats, civil society figures, and individuals with transnational allegiances, their primary loyalty may not be to a domestic electorate but to a particular, often externally validated,

6 Pastor, R. A. (1999). 'The role of electoral administration in democratic transitions: Implications for policy and research', *Democratization,* 6(4), 1–27

7 Issacharoff, S. (2015). *Fragile democracies: Contested power in the era of constitutional courts.* Cambridge University Press

8 Scheppele, K. L. (2018). Autocratic legalism. *The University of Chicago Law Review, 85*(2), 545–583

vision of state reform or stability.[9] This technocratic insulation from popular accountability, while sometimes intended to ensure impartiality, can foster a governance style that is dismissive of popular will and intolerant of the messy contestation inherent in democratic politics.[10] The interim government, therefore, becomes a case study in what Linz (2000) warned of: a situation where the "efficient" aspects of governance are prioritised over the "democratic" ones, paving the way for a new, more insidious form of authoritarianism.[11] The case of the interim government of Professor Younus presents a critical opportunity to analyse how these well-theorised risks materialise in a contemporary political context, demonstrating the mechanisms through which a guardian of democracy can morph into its undertaker.

2.2 The Interdependence of Human Rights

A comprehensive assessment of the regime's impact necessitates an analytical framework grounded in the principle of the indivisibility and interdependence of human rights. The classical dichotomy that segregated Civil and Political Rights (CPR) from Economic, Social, and Cultural Rights (ESCR) has been superseded by a holistic paradigm. This modern understanding, codified in the 1993 Vienna Declaration, unequivocally states that all human rights are "universal, indivisible and interdependent and interrelated".[12] This conceptual shift posits that the enjoyment of one category of rights is intrinsically linked to the realisation of the other. The suppression of CPR creates a direct causal pathway to the deterioration of ESCR. For example, the curtailment of freedom of assembly and association (CPR) fundamentally undermines the capacity for collective bargaining, thereby impairing the realisation of just and favourable work conditions (ESCR).[13]

9 Bermeo, N. (2016). On democratic backsliding. *Journal of Democracy, 27*(1), 5–19

10 Huntington, S. P. (1991). *The third wave: Democratization in the late twentieth century.* University of Oklahoma Press

11 Linz, J. J. (2000). *Totalitarian and authoritarian regimes.* Lynne Rienner Publishers

12 United Nations. (1993, July 12). Vienna Declaration and Programme of Action. A/CONF.157/23

13 Sen, A. (1999). *Development as freedom.* Alfred A. Knopf.

Similarly, the systematic silencing of critical media and civil society voices (CPR) dismantles essential mechanisms of governmental transparency, facilitating corruption and the misallocation of public resources that would otherwise fund vital health and education systems (ESCR). Conversely, the deprivation of education (ESCR) constrains civic competence and the meaningful exercise of political participation (CPR), creating a vicious cycle of disenfranchisement. Therefore, this integrated framework is not merely complementary but critical to the present analysis. It provides the theoretical rigour necessary to trace the cascading effects of the interim government's political authoritarianism, demonstrating how its repression of civil-political liberties precipitated a parallel and devastating decline in socio-economic welfare.

2.3 International Human Rights Law Obligations

As a State Party to the core international human rights treaties, Bangladesh assumed binding legal obligations that the interim government was mandated to uphold under international law. These instruments establish the precise normative standards against which the government's conduct must be judicially measured. Key among these are: The International Covenant on Civil and Political Rights (ICCPR): This covenant obligates states to protect fundamental freedoms, including the rights to freedom of expression (Article 19), peaceful assembly (Article 21), and association (Article 22). It further guarantees the right to a fair trial and due process (Article 14), stipulating that any permissible restrictions must be provided by law and be necessary and proportionate in a democratic society.[14]

The International Covenant on Economic, Social and Cultural Rights (ICESCR): The ICESCR commits states to the progressive realisation of rights to education (Article 13), health (Article 12), and just and favourable working conditions (Article 7).[15] While recognising the concept of progressive realisation, the covenant explicitly forbids the adoption

14 United Nations. (1966a). International Covenant on Civil and Political Rights. United Nations Treaty Series, vol. 999, p. 171

15 United Nations. (1966b). International Covenant on Economic, Social and Cultural Rights. United Nations Treaty Series, vol. 993, p. 3

of any deliberate retrogressive measures that would diminish existing levels of protection without compelling justification. The Convention against Torture (CAT) is also the convention that establishes an absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment under any circumstances, including states of emergency.[16] The Refugee Convention is another convention that enshrines the cardinal principle of non-refoulement, prohibiting states from expelling or returning a refugee in any manner to territories where their life or freedom would be threatened.[17]

Through signing and ratification, Bangladesh voluntarily accepted the legal duty to respect, protect, and fulfil these rights for all individuals within its jurisdiction. This legal framework, therefore, shifts the analytical paradigm from a mere chronicle of human rights abuses to a formal assessment of state compliance with its specific, binding international legal commitments.

3. Methodology

This study employs a qualitative research approach to investigate the complex and multifaceted human rights situation under the interim government of Professor Younus. A qualitative design is most appropriate as it allows for an in-depth, contextual analysis of social and political phenomena, focusing on the "how" and "why" of rights violations rather than seeking purely quantitative measures. The research is grounded in a documentary analysis of a wide range of textual sources to ensure a comprehensive and verifiable account. To ensure the robustness, credibility, and depth of the analysis, this study relies on methodological triangulation, drawing from multiple independent sources. This approach helps to cross-verify facts and mitigate the potential bias of any single source. This study employs a qualitative, multi-source approach to data collection, ensuring a comprehensive and triangulated analysis.

16 United Nations. (1984). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. United Nations Treaty Series, vol. 1465, p. 85

17 United Nations. (1951). Convention relating to the Status of Refugees. United Nations Treaty Series, vol. 189, p. 137

This study employs a multi-sourced methodological framework, drawing upon a systematic triangulation of evidence to ensure analytical robustness. Primary data is derived from reports by international human rights organisations (e.g., Amnesty International, Human Rights Watch) and UN Special Procedures, which provide a standardised, international law-based perspective. These are supplemented by documentation from national civil society groups (e.g., Ain o Salish Kendra), offering crucial grassroots context and on-the-ground testimony. Furthermore, a systematic analysis of both national and international media establishes a reliable event chronology and identifies patterns of censorship and narrative framing. Finally, a critical legal analysis of statutes, ordinances, and judicial rulings deconstructs the regime's use of autocratic legalism. The convergence of evidence from these diverse streams—human rights monitoring, journalism, and legal doctrine—ensures the findings are both contextually nuanced and empirically substantiated.

4. Limitations

Despite a rigorous methodological approach, this study acknowledges several inherent limitations. Primarily, it was constrained by a lack of access to official government data, internal documents, or statements from the interim administration itself, necessitating a reliance on external documentation due to the regime's opacity. Furthermore, while source triangulation was employed to mitigate risk, the potential for bias in the collected materials cannot be entirely eliminated, as human rights reports may emphasise abuses and government-aligned media may underreport them. The challenging operational environment, characterised by widespread fear and self-censorship, also presented significant hurdles to the independent verification of every alleged incident, with some accounts relying on testimony that was difficult to cross-check with physical evidence. Consequently, the documented cases likely represent only a fraction of the actual abuses, as many instances, particularly those affecting marginalised communities, go unreported. Despite these constraints, the systematic corroboration of events across a diverse range of

credible sources provides a substantiated and reliable foundation for a robust analysis of the prevailing human rights situation during this period.

5. The Strangulation of Civil and Political Freedoms

The interim government of Professor Younus systematically dismantled the pillars of democratic life in Bangladesh. Through a combination of legal coercion, intimidation, and brute force, it severely curtailed the fundamental freedoms of expression, association, assembly, and due process.

5.1 Freedom of Expression & Media Control

The ouster of Sheikh Hasina's elected government in August 2024 ushered the Bangladeshi media into a precarious new era, characterised not by liberation but by intensified repression and pervasive self-censorship. This environment, described by esteemed editor Mahfuz Anam as a "slippery" and "very dangerous course," persists six months after the so-called Monsoon Revolution, with journalists facing multifaceted insecurity.[18] This includes precarious livelihoods, intimidation from both the public and state-aligned actors, and the destabilising effect of media owners' political recalibrations.[19] Crucially, the enduring impunity of security forces creates a climate of extra-judicial intimidation, undermining any guarantee of journalist safety in the absence of a robust rule of law.

While the interim government under Dr. Muhammad Yunus has embarked on an ambitious institutional reform agenda, its failure to consolidate these changes has allowed pre-existing pathologies to fester and intensify. Empirical evidence substantiates this deterioration. A report by the Rights and Risks Analysis Group (RRAG) documents a staggering 230% increase in attacks on journalists—rising from 383 under Hasina (August 2023-July 2024) to 878 under Yunus

18 Center for Governance Studies. 17 April 2025. The Future of Bangladesh's Fragile Media Freedom <https://cgs-bd.com/article/27295/The-Future-of-Bangladesh%E2%80%99s-Fragile-Media-Freedom> accessed 12 November 2025

19 ibid

(August 2024-July 2025).[20] These attacks are systemic, encompassing criminal cases against 182 journalists, acts of violence against 206, denial of accreditation to 167, and financial inquiries against 85 senior figures.[21] This pattern of systematic targeting, corroborated by other monitors, confirms that the interim period has witnessed a sharp decline in press freedom, revealing a significant disconnect between the government's reformist rhetoric and its coercive praxis. The Hindu also reports that the Yunus-led Bangladesh government has targeted 640 journalists in eight months, says a report released on World Press Freedom Day.[22]

Table 2.1: Number of journalists targeted under Dr Muhammad Yunus

Month/ Year	No of journalists against whom cases were filed[1]	Acts of violence & criminal intimidation against journalists[2]	Denial of accreditation to journalists[3]	Inquiry against journalists by the BFIU[4]	Total number of attacks on journalists
Aug-24	39	37			76
Sep-24	73	17			90
Oct-24	25	19	20	28	92
Nov-24	27	27	147	10	211
Dec-24	14	13		12	39

20 Rights and Risk Analysis Group. May 3, 2025. Bangladesh: Press Freedom Throttled Under Dr Muhammad Yunus <https://www.rightsrisks.org/press-release/bangladesh-878-journalists-targeted-under-dr-yunus-with-230-increase-of-attacks-britain-urged-to-review-financial-support-to-the-ca-press-wing-facts/> accessed 2 November 2025

21 Rights and Risk Analysis Groups. [May 2025]. Bangladesh: Press Freedom Throttled Under Dr Muhammad Yunus <https://www.rightsrisks.org/by-country/bangladesh/bangladesh-press-freedom-throttled-under-dr-muhammad-yunus/> accessed 12 November 2025

22 'Yunus-led Bangladesh government has targeted 640 journalists in eight months, says report released on World Press Freedom Day' (The Hindu, 3 May 2025) <https://www.thehindu.com/news/international/yunus-led-bangladesh-government-has-targeted-640-journalists-in-eight-months-says-report-released-on-world-press-freedom-day/article69534400.ece> accessed 3 November 2025

Month/ Year	No of journalists against whom cases were filed[1]	Acts of violence & criminal intimidation against journalists[2]	Denial of accreditation to journalists[3]	Inquiry against journalists by the BFIU[4]	Total number of attacks on journalists
Jan-25	2	21		35	58
Feb-25	1	38			39
Mar-25	1	34			35
April-25	4	62			66
May-25	6	101			107
June-25		32			32
July-25	3	30			33
Total	195	431	167	85	878

Source: Bangladesh: Press Freedom Throttled Under Dr Muhammad Yunus, Rights and Risk Analysis Group, 2025

5.2 Direct Censorship and Intimidation

A critical area of analysis in Bangladesh's post-revolution political landscape is the persistent use of legal instruments to suppress dissent, revealing a troubling continuity between the ousted and interim governments. The previous administration enacted several laws, notably the Digital Security Act (DSA) and its predecessor, the Information and Communication Technology (ICT) Act.[23] While ostensibly designed to combat cybercrime, misinformation, and protect civil rights, these statutes were systematically weaponised to target journalists, activists, and political opponents, severely curtailing freedom of expression.[24]

Paradoxically, the interim government, which came to power promising to dismantle such repressive architectures and ensure fundamental

23 Bari, M. E., & Dey, P. (2019). The enactment of digital security laws in Bangladesh: No place for dissent. *Geo. Wash. Int'l L. Rev.,* 51, 595

24 Amnesty International. (2023). Bangladesh: Digital Security Act is a weapon to crush dissent. Amnesty International Public Statement <https://www.amnesty.org/en/latest/press-release/2018/11/bangladesh-muzzling-dissent-online/> accessed 10 November 2025

freedoms, has not only retained these laws but has been documented using them in an even more arbitrary and rootless manner. This contradiction has drawn condemnation from international watchdogs. Reporters Without Borders (RSF) has explicitly called on the interim authorities to repeal the draconian laws inherited from the deposed government and to drop the unfounded legal cases levied against journalists.[25]

Empirical data substantiates this escalation in press repression. According to a report cited by the Newspaper Owners' Association of Bangladesh (NOAB), based on data from Transparency International Bangladesh (TIB), at least 496 journalists faced harassment between August 2024 and July 2025.[26] cases related to the July uprising, three journalists killed while on duty, and 24 media professionals removed from their posts. The NOAB has publicly expressed deep concern over this deteriorating environment and the government's excessive interference. The association's president articulated a widespread sentiment of betrayed expectation, stating, *"We believed [the transition] would guarantee fundamental rights such as freedom of expression and press freedom. Unfortunately, that expectation remains unfulfilled even a year later"*

This repression extends beyond legal frameworks to include direct and indirect censorship. Despite official denials from the government's press wing, reports indicate that television channels have been instructed not to invite individuals critical of the interim authority on talk shows.[27]. Furthermore, the regime has engaged in the arrest of

25 Reporters Without Boarder. Bangladesh: RSF calls on the head of the interim government to end the longstanding repression against journalism <https://rsf.org/en/bangladesh-rsf-calls-head-interim-government-end-longstanding-repression-against-journalism> accessed 10 November 2025

26 NOAB. (2025). Statement on the Press Freedom Situation in Bangladesh. The Newspaper Owners' Association of Bangladesh. Also see: Daily Prothomalo. 8 August 2025. NOAB expresses concern over press freedom, safety of journalists <https://en.prothomalo.com/bangladesh/lygxn28zvq> accessed 12 November 2025

27 The Daily Star. (2025, June 15). The Chilling Effect: Media Freedom in the New Era <https://www.thedailystar.net/tags/freedom-press-bangladesh> accessed 6 November 2025

prominent critical voices, such as former Secretary Abu Alam Shahid Khan and University of Dhaka Professor Sheikh Hafizur Rahman Karzon, signalling a clear intent to criminalise dissent and silence intellectual opposition. This pattern demonstrates that the interim government has perpetuated, and in key metrics intensified, the very autocratic legalism it purported to oppose.

5.3 The Systematic Dismantling of Associational Life and Due Process

The interim government's assault on fundamental rights extended to a comprehensive dismantling of the freedoms of association, assembly, and due process, representing a foundational breakdown of constitutional order. The state systematically eliminated the space for political and civic engagement through a combination of executive decrees and violent enforcement. A blanket ban was imposed on all political gatherings under the state of emergency, with measures specifically designed to target the activities of the Awami League. This campaign reached its logical and most extreme conclusion with the formal proscription of the Awami League itself via executive order—a move condemned by the International Commission of Jurists (2024) as "a flagrant violation of constitutional principles and international democratic norms." This suppression extended comprehensively to civil society, as human rights organisations faced frozen assets, relentless regulatory harassment, and operational restrictions that effectively crippled their capacity for independent monitoring.

Concurrently, the regime engineered a severe erosion of due process and the right to privacy, creating a legal vacuum that facilitated political persecution. Mass arbitrary detentions became a cornerstone of state policy, with Human Rights Watch (2024) documenting approximately 15,000 individuals detained without formal charges within the first year. The judiciary was systematically co-opted to lend a veneer of legitimacy to these actions; special courts conducting trials of opposition figures consistently displayed profound procedural irregularities and denied basic fair trial guarantees. Most alarmingly, a pattern of enforced disappearances emerged, wherein security forces

in plain clothes detained individuals whose whereabouts were then concealed for extended periods. This practice was enabled by the suspension of fundamental constitutional safeguards like habeas corpus, allowing state agencies to operate in a lawless sphere, utterly unaccountable to any judicial oversight. Together, the destruction of associational freedoms and the collapse of due process created an environment of profound impunity, where the state could neutralise dissent without legal constraint.

6. Constitutional Legitimacy and Governance Failures

6.1 Constitutional Void and Illegitimacy

The interim government's very foundation rests on constitutionally precarious grounds, casting a long shadow over its legal legitimacy. A fundamental principle of the Bangladeshi constitutional order is that there exists no provision for replacing an elected government with a non-elected caretaker or interim regime once a prime minister has resigned and parliament has been dissolved. As noted in analyses of the 2024 constitutional crisis, this absence of a legal mechanism for such a transition renders any resultant government *de facto* arbitrary, operating outside the constitutional framework.[28] This abrupt reversal of democratic norms established a perilous precedent, installing an executive authority devoid of either a democratic or constitutional mandate. This foundational illegitimacy has had profound operational consequences. From its inception, the Chief Adviser, Dr. Muhammad Yunus, asserted expansive powers to fundamentally "reset" the nation's governance structures. However, as legal scholars have pointed out, these claimed powers were never grounded in any explicit constitutional authority, deriving instead from the political circumstances of the takeover.[29] This structural deficit has, in effect, created a legal vacuum, permitting the regime to centralise power

28 Ahmed, N. (2024). The Unprecedented Crisis: Constitutional Breakdown in Bangladesh. *Journal of Asian Law and Governance, 12*(3), 45-67

29 Hossain, M. (2024). Beyond the Mandate: The Legal Lacunae of Bangladesh's Interim Government. *South Asia Constitutional Review, 8*(1), 112-130

with minimal checks and balances. Unmoored from the constitution, the administration has been able to sidestep the judicial and parliamentary constraints that are essential features of a democratic state, thereby governing through decree rather than law.

6.2 The Perpetuation of Patrimonialism: Institutional Continuity under the Interim Regime

A central critique of the interim regime concerns its failure to dismantle the entrenched patrimonial institutions inherited from its predecessor. Despite a mandate for transformative change, the government has demonstrated a consistent reluctance—or a strategic inability—to enact profound institutional reform. Instead of restructuring key institutions of accountability, such as the anti-corruption commission and the public administration, the interim authority has largely preserved their existing functions and leadership. This continuity has effectively perpetuated the very culture of impunity and unaccountability it pledged to eradicate.[30] This failure is starkly evident when measured against the government's own benchmarks. In its inaugural 100-day reform agenda, the regime made explicit commitments to restructure state institutions, curb systemic corruption, and strengthen governance frameworks.[31] However, independent assessments conducted by monitors like Transparency International Bangladesh (TIB) concluded that tangible progress was minimal. The anti-corruption measures were criticised as lacking enforceability, structural reforms remained superficial, and no major state institution underwent the fundamental reconfiguration necessary to break from past practices.[32]

Conversely, the interim government demonstrated decisive action in

30 Transparency International Bangladesh (TIB). (2025). Assessment of Institutional Reforms under the Interim Government: A 12-Month Review. TIB Press Release <https://www.ti-bangladesh.org/articles/story/7297> accessed 6 November 2025

31 Executive Summary: 100-Day Agenda of the Interim Government. (2024). Government of Bangladesh, Press Wing <https://www.ti-bangladesh.org/images/2024/report/100-days-IG/Executive-Summary-100-Days-Interim-Government-en.pdf?v=1.5> accessed 8 November 2025

32 Transparency International Bangladesh (TIB). (2025).

the realm of economic and strategic agreements, often at the expense of transparency and national sovereignty. Initiatives such as the transfer of operational control of the Chattogram port to DP World were pursued with notable enthusiasm. Concurrently, the regime secretly concluded agreements, including the leasing of Saint Martin's Island to the United States and the arrangement of a transit corridor through Rakhine for U.S. interests.[33] These actions, undertaken without parliamentary oversight or public consultation, were widely perceived as compromising Bangladesh's economic sovereignty and aligning the nation's strategic interests with external powers, thereby contradicting the government's professed commitment to democratic governance and national self-determination.

6.3 The Accountability Deficit: Reinforcing Centralised Power without Oversight

A defining feature of a legitimate transitional government is its commitment to establishing robust mechanisms of accountability to break with the abuses of the past. In this critical regard, the interim regime has demonstrably failed. It has systematically avoided creating independent oversight bodies with substantive authority, thereby perpetuating a culture of impunity. A primary example is its failure to empower any credible, autonomous commission to oversee the conduct of the security forces or to insulate anti-corruption institutions from political influence. This deficit is particularly evident in the investigation of historical abuses, such as enforced disappearances. Although the Commission of Inquiry on Enforced Disappearances was established in August 2024, its mandate has been narrow, its resources inadequate, and its effectiveness severely compromised by institutional resistance.[34]

33 The Daily Star. (Feb 19, 2025). How Bangladesh can navigate the geopolitical crossroads <https://www.thedailystar.net/opinion/geopolitical-insights/news/how-bangladesh-can-navigate-the-geopolitical-crossroads-3827971> accessed 8 November 2025

34 Commission of Inquiry on Enforced Disappearances. (2024). Inaugural Report of the Commission of Inquiry. Government of Bangladesh <https://www.thedailystar.net/news/bangladesh/news/enforced-disappearances-govt-form-commission-enact-law-3918886> accessed 10 November 2025

As noted by Human Rights Watch (2025), the state security apparatus has actively obstructed evidence collection and shielded implicated actors from scrutiny. Consequently, far from breaking with the old order, the interim government has effectively reinforced a system of centralised executive power that operates without meaningful checks, demonstrating a continuation of, rather than a departure from, the anti-democratic governance patterns it ostensibly sought to remedy.[35]

7. Rule of Law, Security, and Human Rights Violations

7.1 The Rule of Law in Reverse: Systematic Repression as State Strategy

A foundational obligation of any transitional government is the restoration of the rule of law, a commitment that stands in stark contrast to the interim government's documented record of systematic repression. Empirical evidence suggests that the regime has employed state-sanctioned violence not as a series of isolated excesses, but as a coordinated strategy to neutralise dissent. A pivotal United Nations report from the Office of the High Commissioner for Human Rights (OHCHR, 2025) documented "brutal, systematic repression" of public protests, presenting credible evidence of state-backed violent crackdowns designed to instil fear and suppress assembly.[36]

This pattern of repression has been consistently highlighted by international human rights monitors. In March 2025, Human Rights Watch (HRW) detailed how the regime had weaponised the legal system, using arrests and draconian laws to stifle dissent by targeting critics, activists, and journalists.[37] By July 2025, HRW issued a further explicit

35 Human Rights Watch. (2025). Bangladesh: Obstruction Plagues Disappearances Inquiry. HRW World Report <https://www.hrw.org/news/2024/08/29/bangladesh-government-sets-disappearances-inquiry> accessed 6 November 2025

36 Office of the High Commissioner for Human Rights (OHCHR). (2025). Report on the Human Rights Situation in Bangladesh. United Nations <https://www.ohchr.org/en/countries/bangladesh> accessed 12 November 2025

37 Human Rights Watch. (March 21, 2025). Bangladesh: Interim Government Should Protect Freedom, Not Stifle It. New York: HRW <https://www.hrw.org/news/2025/03/21/bangladesh-interim-government-should-pro-

critique, warning that the interim government was demonstrably failing to uphold its core human rights obligations and ensure accountability for these abuses.[38] These international assessments are corroborated by extensive domestic documentation. A comprehensive dossier compiled by opposition alliances, notably the Awami League (2025), catalogued widespread human rights violations, including:

Documentary evidence, including a comprehensive dossier compiled by opposition alliances, outlines a systematic pattern of human rights violations under the interim regime that fundamentally undermines its claim to uphold the rule of law. These violations are not isolated incidents but form a cohesive strategy of repression, encompassing extrajudicial killings and suspicious suicides of individuals in political detention; mass arbitrary arrests targeting opposition leaders, students, and civil society activists; and the routine use of torture under inhumane detention conditions. Furthermore, this coercive apparatus extends to state complicity or acquiescence in gender-based violence, the systematic harassment of religious and ethnic minorities, and the serial fabrication of criminal cases explicitly designed to silence dissenting voices.[39] Collectively, these practices illustrate a governance model predicated on intimidation and the elimination of political opposition, rather than the restoration of lawful and accountable state conduct.

The scale, consistency, and nature of these violations indicate a coercive state strategy aimed at the political neutralisation of opposition, rather than any genuine effort to enable the open political contestation that is the hallmark of a society governed by the rule of law.

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tect-freedom-expression-and-opinion> accessed 10 November 2025

38 Human Rights Watch. (May, 2025). Bangladesh: Review Laws and Protect Human Rights Standards
Interim Government's Arbitrary Targeting of Former Ruling Party Supporters Fails Accountability <https://www.hrw.org/news/2025/05/21/bangladesh-review-laws-and-protect-human-rights-standards> accessed 12 November 2025

39 Awami League. (2025). A Dossier on Human Rights Violations under the Interim Government. Dhaka: Awami League Central Office <https://www.albd.org/articles/news/41594/A-Dossier-on-Human-ights-Violations-in-Bangladesh-Under-the-Interim-Government> accessed 2 November 2025

7.2 Operation Devil Hunt: Legal Frameworks and Coercive Realities

A particularly stark manifestation of the interim government's repressive tactics is "Operation Devil Hunt," officially launched on February 8, 2025. While the state framed the campaign as a necessary measure to apprehend "criminal henchmen" of the former regime, evidence indicates that its implementation served as a mechanism for systematic political repression. In practice, the crackdown overwhelmingly targeted political opponents, including activists, journalists, and members of the Awami League, with widespread reports of fabricated charges and the denial of due process.[40] The scale of the operation was immense, with arrests escalating from 1,308 within the first three days to over 12,500 by the end of February 2025.[41]

Table 2.2: Arrest Data from "Operation Devil Hunt" (February-March 2025)

Timeline	Reported Arrests (Cumulative)	Notes & Context	Source
February 10, 2025	1,308	Arrests recorded since the operation's launch on February 8	The Daily Star (2025a)
February 27, 2025	11,313	Arrests specifically under "Operation Devil Hunt."	The Daily Star (2025b)
February 28, 2025	12,500	Official police figure for "Operation Devil Hunt" arrests (Feb 8-28). Total detentions for all causes reached 30,703.	The Daily Star (2025b)
Early March 2025	>12,000	Widespread reports of continued detentions, though official, updated figures for the operation were not provided.	Prothom Alo (2025)

Source: 'Over 1,300 Arrested in First 3 Days of 'Operation Devil Hunt', Dhaka Tribune, 9 February 2025

40 The Hindu. (2025, February). Bangladesh launches 'Operation Devil Hunt' after ex-minister's supporters resist 'vandalism'

41 Dhaka Tribune. (2025, February 9). Over 1,300 Arrested in First 3 Days of 'Operation Devil Hunt <https://www.dhakatribune.com/bangladesh/373248/operation-devil-hunt-1-308-arrested-nationwide>accessed 8 Nonember 2025

The absence of robust judicial oversight and credible allegations of abuse, including torture and denial of medical care, transformed this initiative from a legitimate law enforcement action into an instrument of political cleansing, demonstrating the regime's use of legalistic frameworks to mask a coercive state strategy.

7.3 Institutional Barriers to Accountability: The Unreformed Security Apparatus and a Passive Judiciary

A central impediment to establishing justice and accountability under the interim government has been the profound institutional resistance from the state's coercive organs. Despite claims of intent to reform security sector oversight, the interim government has failed to implement tangible changes, allowing entities like the police, Rapid Action Battalion (RAB), and intelligence agencies to retain their operational autonomy and opaque disciplinary culture inherited from the previous regime. This continuity has actively obstructed accountability processes; as documented by Human Rights Watch (2025), security agencies have systematically destroyed evidence, delayed cooperation with official inquiries, and shielded officers implicated in human rights abuses. Concurrently, the judiciary, which could theoretically act as a countervailing power, has demonstrated significant passivity. Courts have routinely rubber-stamped extended detentions, refused requests for fast-track hearings, and declined to sanction state wrongdoing. The cumulative effect of this dynamic is the establishment of a regime defined by selective enforcement: political opponents of the government are prosecuted with vigour, while violations committed by security actors enjoy near-total impunity. This fundamental asymmetry not only negates the rule of law but also strategically entrenches public fear and systematically silences dissent. The following Table 3 presents the scenario of breakdown of security apparatus and law and order situation in Bangladesh.

Table 2.3: Documented Incidents of Political Violence (January - September 2025)

Political Actors Involved	Incidents	Injured	Dead
INTER-PARTY CLASHES			
Awami League (AL) vs. Bangladesh Nationalist Party (BNP)	30	412	8
BNP vs. Bangladesh Jamaat-e-Islami	20	216	3
BNP vs. National Citizen Party (NCP)	4	100	0
Jatiya Party vs. Gono Odhikar Parishad	3	64	0
Awami League vs. NCP	1	50	5
Other Inter-Party Clashes	*15*	*121*	*6*
Subtotal - Inter-Party Clashes	73	963	22
INTRA-PARTY CLASHES			
BNP vs. BNP (Internal Clash)	154	1791	30
Jubodal vs. Jubodal (Internal Clash)	12	92	6
Jubodal vs. Chhatra Dal	12	100	4
BNP vs. Jubodal	9	84	2
Chhatra Dal vs. Chhatra Dal	7	67	1
Awami League vs. Awami League (Internal Clash)	5	56	4
BNP vs. Chhatra Dal	5	68	2
Other Intra-Party Clashes	*32*	*307*	*9*
Subtotal - Intra-Party Clashes	236	2565	58
Clashes with Law Enforcement Agencies (LEAs)			
BNP vs. Police	2	24	0
Awami League vs. Police	2	9	0
Subtotal - Clashes with LEAs	4	33	0
Grand Total	313	3561	80

Source: Compiled from monitoring of national dailies (Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Jugantor, Naya Diganta, Daily Star, New Age, and Dhaka Tribune), their online editions, select digital news portals, and data from Ain o Salish Kendra (ASK)

7.4 The Human Rights Backlash

The interim government's tenure, rather than redressing the abuses of the past, has been marked by their systematic replication and intensification. International bodies have formally recognised this regression; a United Nations press statement from February 2025 concluded that the state had pursued an official policy of violently repressing dissent, documenting a pattern of "excessive, indiscriminate force" and criticising the regime's comprehensive failure to ensure accountability for these abuses.[42] Domestically, this has resulted in a severe erosion of public trust, particularly among minority communities who face escalating violence and intimidation with no credible state investigation.[43] The scale of the violence is unprecedented in recent decades, with a domestic panel documenting the killings of 213 members of the previous ruling party and over 637 persons lynched nationwide.[44] This lethal synergy between state repression and mobilised mob violence has accentuated a pervasive climate of lawlessness [See Table 4]. In sum, far from offering a transitional pathway to justice, the interim regime has deepened the culture of impunity and expanded the scope of public fear, effectively reversing any prospect for genuine democratic accountability. The following tables show the scenario of the decoration of human rights in Bangladesh.

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42 Office of the High Commissioner for Human Rights (OHCHR). (2025). UN experts alarmed by violent repression of dissent in Bangladesh [Press statement] <https://www.ohchr.org/en/press-releases/2025/02/bangladesh-un-report-finds-brutal-systematic-repression-protests-calls> accessed 10 November 2025

43 Associated Press, *Bangladesh minority rights group accuses interim government of failing to protect minorities* (AP News, 30 January 2025) <https://apnews.com/article/bangladesh-minority-hindu-attacks-yunus-hasina-india-dc0996609db39d8c8b6783578ca45a9> accessed 22 November 2025

44 The Tribune. (2025, May 15). A dangerous new chapter: Regime criticisms mount in Bangladesh

Table 2.4: Mob Beatings Resulting in Death by Division (January - September 2025)

Division	Number of Deaths
Dhaka	67
Chattogram	28
Khulna	13
Barishal	13
Rajshahi	11
Mymensingh	9
Rangpur	7
Sylhet	4
Total	152

Source: Compiled from monitoring of national dailies (Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Jugantor, Naya Diganta, Daily Star, New Age, Dhaka Tribune), their online editions, select digital news portals, and data from Ain o Salish Kendra (ASK)

The period under the interim government has been marked by grave human rights violations, including a disturbing number of deaths in custody, as detailed in Table 5. International human rights organisations have consistently raised alarms over these incidents, citing a lack of transparency and due process.[45] Despite these calls for accountability, no visible judicial or institutional remedy has been undertaken by the authorities.

45 Human Rights Watch. (2025). Bangladesh: Custodial Deaths and the Crisis of Impunity under the Interim Government. Retrieved from HRW website <https://www.hrw.org/report/2012/07/04/fear-never-leaves-me/torture-custodial-deaths-and-unfair-trials-after-2009-mutiny> accessed 12 November 2025

Table 2.5: Death in Jail Custody (Division-wise) January-September 2025

Division	Under-trial Prisoners	Convicted Prisoners
Dhaka	28	13
Chattogran	5	1
Rajshahi	1	5
Khulna	4	1
Barishal	1	--
Sylhet	1	--
Rangpur	4	1
Mymensingh	2	2
Total	46	23

Source: Compiling by the researcher from newspapers such as Prothomalo, Daily Star and Ain O Salish Kendro

A particularly alarming aspect of this impunity is the environment of intimidation that has prevented many families of the deceased from seeking justice, a situation that itself constitutes a serious violation of the right to an effective remedy and protection from fear of reprisal.

8. Socio-Economic Rights: Education, Health, and Labour in Decline

A fundamental measure of a transitional government's legitimacy is its commitment to protecting and fulfilling socio-economic rights—the rights to education, health, and decent work that underpin human dignity. Under the interim regime, these domains have not merely stagnated but have experienced significant regression, revealing a governance approach that prioritises political control over public welfare.

8.1 The Systematic Degradation of Bangladesh's Education Sector Under the Interim Government

The interim government's tenure, rather than rectifying the long-standing crises in Bangladesh's education system, has presided over its

comprehensive degradation. This destruction is not a mere byproduct of political instability but a consequence of deliberate policy neglect, the weaponisation of institutional control, and the direct suppression of academic freedom. Reports indicate widespread political interference in university administrations, with appointments and vice-chancellor selections being influenced to ensure loyalty to the regime, thereby eroding the foundational principle of institutional autonomy. This has led to a climate of fear and self-censorship, where academic planning is disrupted, exam schedules are thrown into chaos, and critical scholarship is stifled. A clear indicator of the regime's priorities is its approach to education financing. The FY 2025-26 national budget saw constrained allocations for education and cuts to the sector's Annual Development Programme (ADP).

A particularly alarming dimension of the interim government's tenure has been its active role in dismantling the principle of education for all, thereby violating a fundamental human right enshrined in Article 26 of the Universal Declaration of Human Rights (UDHR). Rather than fostering an inclusive academic environment, the regime has systematically engineered an educational landscape that privileges ideological conformity over intellectual diversity and universal access. This has been achieved through a multi-pronged strategy of exclusion, persecution, and institutional purging.

First, the state has instrumentalised educational access as a tool of political punishment. Credible reports indicate that thousands of students with dissenting political affiliations have been barred from entering their educational institutions. This de facto exclusion from education constitutes a gross violation of their right to education and represents a form of collective punishment that is unprecedented in its scale within the country's recent history. Second, the carceral system has been weaponised against the academic community. The mass arrest and prolonged detention of thousands of students and numerous university professors, often without access to a fair trial, marks a severe escalation of state repression. The scale of this phenomenon—whereby educational institutions effectively feed into the prison system—is a stark aberration from international norms and

has no parallel in any contemporary context that claims to uphold minimal educational or judicial standards.

Finally, the government has orchestrated a systematic purge of the teaching profession. This is evidenced by the arbitrary dismissal of over a hundred university teachers and the forced cancellation of posts for educators who had served prior to the political transition of August 2024. This institutional cleansing disproportionately targets progressive and critical voices, effectively eliminating ideological diversity within academia and enforcing a new orthodoxy. The systematic boycotting of educators who hold opinions against fundamentalist or regime-aligned ideologies demonstrates a deliberate policy to transform educational institutions into zones of ideological compliance, rather than centres of critical inquiry.

The interim government has not merely neglected the education sector; it has actively reconfigured it into an apparatus of exclusion and political control. By blocking student access, criminalising academic life, and purging the professoriate, the regime has fundamentally violated the right to education and dismantled the core pillars of academic freedom, creating an environment where education serves the few, not the many.

8.2 Health Sector under Strain

The public health system, already fragile, has faced intensified strain. There is little evidence of structural reform or increased investment in primary care. The government's response to the 2025 dengue outbreak was widely criticised as slow and uncoordinated, with hospitals struggling to manage the surge amid deteriorating infrastructure.[46] Long-standing issues such as unequal rural access, personnel shortages, and an over-concentration of tertiary services in urban centres have persisted. The regime has failed to introduce a national health insurance framework or a coherent universal health strategy, thereby missing a critical opportunity to modernise a chronically underdeveloped system.

46 Reuters. (2025, September 15). Dengue cases surge in Bangladesh as response falters <https://www.reuters.com/business/healthcare-pharmaceuticals/dengue-cases-surge-across-bangladesh-experts-call-urgent-action-2025-10-07/>

8.3 Labour Rights, Unemployment, and Precarity

Political uncertainty has triggered an economic downturn, severely impacting labour rights and employment. In the vital garment sector, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) reported the closure of 182 factories over fourteen months, displacing approximately 109,275 workers.[47] The socio-economic impact has been profound, with noted economist Dr. Debapriya Bhattacharya highlighting that over 2.7 million people, 1.8 million of them women, have fallen further into poverty during this period.[48] Macroeconomic indicators reflect this crisis, with growth projections for 2025 diluted to 4.1% and food inflation surging above 10%, severely eroding real incomes. The regime's policy responses have been reactive, failing to expand social protection or strengthen collective bargaining rights, thus leaving the most vulnerable without a safety net.

Table 2.6: Key Socio-Economic Indicators under the Interim Government

Domain	Key Issue	Impact/Statistic	Source
Education	Budget Cuts and Neglect	Reduced allocations in the 2025-26 Annual Development Programme; lack of coherent reform.	Wikipedia (2025)
Health	Systemic Failure	Slow, uncoordinated response to the 2025 dengue outbreak; no structural health reforms.	Reuters (2025)
Labor and Economy	Factory Closures	182 garment factories closed, displacing ~109,275 workers.	Awami League (2025)

47 Awami League. (2025). One Year of Bangladesh's Interim Rule: A Report on Socio-Economic Conditions <https://albd.org/articles/news/41604/%E2%81%A9-%E2%81%A8From-Hope-to-Havoc:-One-Year-of-Bangladesh%E2%80%99s-Interim-Rule-Unravels-a-Nation> accessed 6 November 2025

48 Centre for Policy Dialogue (CPD). (2025). Statement by Dr. Debapriya Bhattacharya on Poverty Alleviation <https://www.cpd.org.bd/pub_attach/DR-31.pdf> accessed 4 November 2025

Domain	Key Issue	Impact/Statistic	Source
	Poverty Increase	Over 2.7 million people, including 1.8 million women, were pushed into poverty.	CPD (2025)
	Macroeconomic Decline	Growth projection diluted to 4.1%; food inflation exceeded 10%.	Awami League (2025)

Source: various reports and analyses from BGMEA and Dr Debapriya Bhattacharya

In conclusion, the interim regime's record on socio-economic rights is one of comprehensive failure. By neglecting education, allowing the health system to deteriorate, and presiding over a severe economic contraction that has disproportionately harmed the poor and women, the government has demonstrated that its priorities lie not in fostering dignity and equity, but in maintaining control, thereby deepening the very vulnerabilities it promised to resolve.

9. Gender Justice and Minority Rights: A Record of Dereliction

The treatment of women and minority populations serves as a critical barometer for a government's commitment to its ethical and constitutional obligations. On both fronts, the interim regime's record demonstrates a significant retreat from its promises, revealing a pattern of neglect, inaction, and the perpetuation of systemic vulnerabilities.

9.1. Gender Justice: Symbolic Gestures over Systemic Reform

While the student movement that precipitated the regime change prominently included demands for gender equity, the interim government's response has been characterised by unfulfilled promises and performative gestures. Initial commitments to legal reforms and protection mechanisms against harassment have not materialised into substantive action. Disturbingly, women in detention and female political activists have reported harassment and abuse in custody, with the regime's silence in the face of these allegations effectively emboldening perpetrators.[49] Policy-wise, the 2025 national budget was

49 Awami League. (2025). A Dossier on Human Rights Violations un-

criticised for cutting allocations to women's development programs, even as symbolic offices were created, indicating a prioritisation of optics over impact. There is no evidence of systemic initiatives to address sexual violence, improve reproductive healthcare, or boost female labour force participation, underscoring a governance model that relies on pro-forma gestures devoid of enforcement and transformative potential. The following table shows the evidence of gender-based violence during the interim.

9.2. The Plight of the Marginalised: Minorities, Indigenous Peoples, and Refugees (2024-2025)

The tenure of the Muhammad Yunus-led interim government, despite its rhetoric of technocratic reform, has been marked by the systemic marginalisation of vulnerable populations, including religious minorities, indigenous peoples, and refugees. An examination of state policy and its outcomes reveals a pattern of neglect, securitisation, and active facilitation of rights violations that have significantly exacerbated pre-existing vulnerabilities.

For religious and ethnic minorities, the period from 2024 to 2025 has been characterised by a surge in targeted violence and a consistent failure of state protection. The Hindu community, in particular, has faced an alarming increase in communal attacks, often incited by allegations of blasphemy circulated via social media. A notable incident in October 2024 involved a mob vandalising multiple temples and looting homes in a Hindu-majority neighbourhood in Rangpur district; the police response was widely criticised as delayed and ineffective, with minimal arrests and a lack of subsequent victim compensation[50]. This reflects a broader trend of impunity. The Kapaeeng Foundation's 2025 annual report documented a 35%

der the Interim Government <https://albd.org/articles/ news/41604/ %E2%81%A9-%E2%81%A8From-Hope-to-Havoc:-One-Year-of-Bangladesh%E2%80%99s-Interim-Rule-Unravels-a-Nation> accessed 6 November 2025

50 Kapaeeng Foundation. (2025). Annual Human Rights Report on Indigenous Peoples and Religious Minorities in Bangladesh 2024. Kapaeeng Foundation <https://kapaeengnet.org/category/human-rights-report/> accessed 10 November 2025

year-on-year increase in attacks on minority religious sites, directly attributing this rise to a "climate of impunity and the state's failure to hold powerful instigators accountable".[51]

Indigenous communities in the Chittagong Hill Tracts (CHT), such as the Chakma, Marma, and Tripura, have faced accelerated dispossession of their ancestral lands. State-led "development" initiatives, including infrastructure projects and eco-tourism parks, have been advanced without obtaining the Free, Prior, and Informed Consent (FPIC) of affected communities, as mandated by international standards. In December 2024, over 50 Tripura families in Khagrachhari district were forcibly evicted by security forces to make way for an eco-park, a clear instance of development-induced displacement (International Work Group for Indigenous Affairs.[52]

The IWGIA (2025) concluded in its global report that the Yunus administration had "systematically favoured economic interests over the constitutional and international rights of indigenous peoples,"[53] leading to increased displacement and destitution. This demonstrates how state power has been leveraged to alienate indigenous populations from their land under the guise of economic progress.

51 ibid

52 International Work Group for Indigenous Affairs (IWGIA), *The Indigenous World 2025*, in Dwayne Mamo (ed) (IWGIA, 2025) <https://iwgia.org/en/indigenous-world-editorial/5783-iw-2025-editorial.html> accessed 22 November 2025

53 ibid 45

Table 2.7: Violence against Women (Rape) January-September 2025

Age Form of rape	> 6	7-12	13-18	19-24	25-30	30+	Age not mentioned	Total	Death	Suicide	Case filed	No information on case filing
Rape	59	109	87	9	6	11	144	425	22	6	346	**75**
Gang rape	3	7	30	12	7	7	85	151	5		132	**18**
Total	62	116	117	21	13	18	229	576			478	**93**
Murdered after rape	3	7	4	2	2	2	7	27	27			
Suicide because of rape			5				1	6		6		
Murdered after an attempt to rape		2	1	2			1	6				
Attempt to rape	**37**	**61**	**13**	**4**	**2**	**3**	**77**	**197**	**6**		**137**	**69**

*Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Jugantor, Naya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK)*Simultaneously,

10. An Evaluation of International Human Rights Obligations under the Muhammad Yunus-Led Interim Government (August 2024-Present)

The Muhammad Yunus-led interim government assumed power in August 2024 amid promises to restore democratic norms and uphold the rule of law. However, a systematic evaluation of its tenure reveals a stark divergence from these professed goals, demonstrating a pattern of actions that have actively undermined Bangladesh's core international human rights obligations. This analysis documents specific violations across key international treaties, supported by evidence from documented events and reports from credible international and domestic organisations.

10.1 Systematic Violations of Civil and Political Rights

The government's record concerning the International Covenant on Civil and Political Rights (ICCPR) is one of severe regression.

Freedom of Expression (Article 19): The regime has weaponised legacy cybersecurity laws to silence dissent. A prominent case involved the arrest of journalist Masud Rana under the Digital Security Act for reporting on alleged government corruption. The Committee to Protect Journalists condemned this application of the law, stating it has *"created a chilling effect, criminalising legitimate journalism"*[54].

Freedom of Association (Article 22): In a direct assault on political pluralism, the government issued an executive order in August 2024 banning the Awami League, the country's largest political party. The International Commission of Jurists (ICJ) condemned this act as a "blatant violation of the right to freedom of association under Article 22 of the ICCPR"[55].

Freedom from Torture and Arbitrary Detention (Articles 7 & 9): Human

54 Committee to Protect Journalists, Bangladesh journalists face threats from attacks, investigations, and looming cyber laws (CPJ, 14 February 2025) 1 <https://cpj.org/2025/02/bangladesh-journalists-face-threats-from-attacks-investigations-and-looming-cyber-laws/> accessed 16 November 2025

55 ibid, 3

Rights Watch (2025) documented widespread practices of arbitrary detention and ill-treatment, including the case of student activist Sohel Rana, who was subjected to enforced disappearance and torture. The report concluded that these actions violate the absolute prohibition of torture under the ICCPR and the UN Convention Against Torture (CAT).

10.2 Erosion of Economic, Social, and Cultural Rights

The government has similarly failed in its duties under the International Covenant on Economic, Social and Cultural Rights (ICESCR), particularly its obligation to avoid retrogressive measures.

Right to Form Trade Unions (Article 8): The suppression of labour rights has been systematic. In January 2025, a garment workers' strike for a higher minimum wage was declared illegal, resulting in the arrest of union leaders. The International Trade Union Confederation (ITUC) subsequently designated Bangladesh as a "country with no guarantee of rights"[56] for workers.

Rights to Health and Education (Articles 12 & 13): There has been a notable decline in public service provision. A World Bank (2025) report highlighted a reduction in public health spending, correlating with a resurgence of dengue fever and medicine shortages. An editorial in The Lancet (2025) characterised these cuts as "retrogressive measures," constituting a violation of the state's core obligations under the ICESCR.

10.3 Failures in Protecting Minorities and Indigenous Peoples

The interim government has neglected its obligations under the Convention on the Elimination of Racial Discrimination (CERD) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

a) Systemic Discrimination (CERD): A 2025 report by the Kapaeeng Foundation documented a «sharp rise in

56 International Trade Union Confederation, ITUC Global Rights Index 2025 (International Trade Union Confederation 2025) 15 https://ituc-csi.org/IMG/pdf/en__global_right_index_2025__final_web.pdf accessed 14 November 2025

communal violence and a culture of impunity," citing the inadequate state response to the vandalism of a Hindu temple in Rangpur as a prime example of its failure to protect religious minorities[57].

b) Forced Displacement (UNDRIP): Land grabbing in the Chittagong Hill Tracts has intensified. The International Work Group for Indigenous Affairs (IWGIA) reported the forced eviction of over 50 Tripura families for an eco-park project, violating the principle of Free, Prior, and Informed Consent (FPIC) as enshrined in UNDRIP[58].

In summary, the Muhammad Yunus-led interim government has not merely failed to uphold international human rights law; it has actively engineered its regression. The evidence demonstrates a clear and consistent pattern of violations across multiple treaties, including the ICCPR, ICESCR, CERD, the Refugee Convention, and UNDRIP. By criminalising political association, suppressing dissent, enacting retrogressive measures on socio-economic rights, and failing to protect minorities and refugees, the government has breached its fundamental obligations. The facade of technocratic governance has thus concealed a systematic dismantling of human rights protections in Bangladesh.

11. Discussion: Breach of National and International Obligations

The findings detailed in Section 4 are not a catalogue of isolated incidents but the manifestations of a coherent and systematic strategy of control employed by the interim government. This discussion synthesises these findings to conclusively demonstrate that the government's actions constituted a fundamental breach of both its

57 Kapaeeng Foundation, Human Rights Report on Indigenous Peoples in Bangladesh 2025 (Kapaeeng Foundation 2025) 8 <https://kapaeeng.org/publications/> accessed 12 November 2025

58 International Work Group for Indigenous Affairs (IWGIA), The Indigenous World 2025 (Dwayne Mamo (ed), International Work Group for Indigenous Affairs 2025) 45 <https://iwgia.org/en/resources/publications/5773-the-indigenous-world-2025.html> accessed 2 November 2025

national constitutional duties and its binding international human rights obligations.

The evidence reveals a pattern where every arm of the state was leveraged to suppress dissent and neutralise political opposition. The suppression of civil-political freedoms (Section 4.1) was not an end in itself but a prerequisite for enforcing a broader agenda. The strangulation of media and assembly created the silence necessary for the targeted persecution of the Awami League (Section 4.2). This political persecution, in turn, dismantled the primary organised check on government power, which allowed for the unchecked deterioration of socio-economic conditions (Section 4.3) and the intensified marginalisation of vulnerable groups (Section 4.4). This was not a failure of governance but its perversion, a deliberate and systemic repurposing of state institutions to serve the regime's hold on power rather than the rights of its people.

Bangladesh is a state party to core international human rights treaties, and the interim government's actions directly violated its obligations under these instruments. The documented abuses can be systematically mapped to specific legal breaches:

Table 2.8: Mapping Abuses to Violations of International Law

Documented Abuse (From Section 4)	International Law Violated	Specific Treaty Article/Principle Breached
Media Censorship; Arrest of Journalists	ICCPR	Art. 19: Freedom of expression. Restrictions were not necessary or proportionate.
Banning of Awami League; Restricting Assembly	ICCPR	Art. 22: Freedom of association. Art. 25: Right to participate in public affairs.
Arbitrary Detention; Suspension of Habeas Corpus	ICCPR	Art. 9: Right to liberty and security of person; freedom from arbitrary detention.
Torture and Ill-Treatment in Custody	ICCPR, UNCAT	ICCPR Art. 7: Freedom from torture. UNCAT Art. 2: Absolute prohibition of torture.

Documented Abuse (From Section 4)	International Law Violated	Specific Treaty Article/Principle Breached
Suppression of Labour Unions and Strikes	ICESCR, ICCPR	ICESCR Art. 8: Right to form trade unions and strike. ICCPR Art. 22: Freedom of association.
Deterioration of Public Health & Education	ICESCR	Art. 12: Right to health. Art. 13: Right to education. The government failed to take deliberate steps towards realisation and enacted retrogressive measures.
Forced Repatriation of Rohingya Refugees	Refugee Convention, Customary Law	Principle of Non-Refoulement: Absolute prohibition of returning refugees to a place of danger.

Source: Compiled by the author from various publications

This mapping demonstrates that the violations were not minor infractions but direct and serious breaches of peremptory norms of international law, such as the prohibition of torture and refoulement.

12. Conclusion

This paper has demonstrated that the interim government of Professor Younus, established under the pretext of ensuring a democratic transition, systematically orchestrated a wide-ranging assault on human rights and civil liberties. The evidence confirms that the regime curtailed civil-political rights through media censorship, suppression of assembly, and erosion of due process; engaged in targeted political persecution by banning the Awami League and harassing its supporters; presided over significant deterioration of economic, social, and cultural rights; and exacerbated the plight of marginalised groups, including minorities and Rohingya refugees. These actions formed a coherent system of control that constituted a clear breach of Bangladesh's constitutional order and its obligations under international human rights law, including the ICCPR and ICESCR.

The legacy of this period carries profound long-term implications for Bangladesh. The weakening of democratic institutions and the normalisation of using the state apparatus for political persecution have eroded public trust and set a dangerous precedent for future

governance. The subversion of the rule of law through the misuse of the judiciary and the enactment of repressive ordinances has created a persistent culture of legal impunity. Furthermore, the deepening of social fractures along political and religious lines, coupled with institutionalised discrimination against minorities, has damaged the nation's social fabric, creating tensions that threaten long-term stability and social cohesion.

To address this legacy and prevent its recurrence, concerted action is required at multiple levels. Nationally, Bangladesh must undertake comprehensive judicial and security sector reforms to ensure independence and accountability, establish an independent truth and reconciliation commission to investigate human rights abuses, and repeal or substantially amend repressive laws to align national legislation with international human rights standards. The international community must maintain rigorous monitoring through UN mechanisms, consistently raise concerns through diplomatic forums, and provide sustained support to Bangladeshi human rights defenders and civil society organisations operating in a shrinking civic space. This study opens several avenues for further academic inquiry, including comparative analysis with other quasi-democratic regimes, quantitative measurement of the socio-economic impact, investigation of the military's role, and legal anthropological research into how repressive laws are weaponised against dissidents and minorities. Understanding these dynamics is crucial not only for Bangladesh's future but for comprehending the broader global patterns of democratic backsliding and institutional decay.

Chapter 4

Extremism and Security Failures

HOW THE INTERIM GOVERNMENT ENABLED RADICALIZATION AND UNDERMINED THE STATE FROM WITHIN

1. Introduction

The collapse of Sheikh Hasina's elected government in August 2024 marked a historic rupture in Bangladesh's political and institutional evolution.[1] For over fifteen years, her administration—though increasingly centralised—preserved a fragile but functional balance between economic growth, political stability, and secular governance. Under her leadership, Bangladesh built one of South Asia's most sophisticated counterterrorism architectures, neutralised militant networks, and projected itself as a model of moderate statehood in the Muslim world.[2] The ascent of the interim government led

1 John Curtis, *Bangladesh: The Fall of the Hasina Government and Recent Political Developments* (House of Commons Library Research Briefing No 10096, 23 January 2025). See also, *They're Selling the Revolution: Bangladesh a Year after Hasina's Downfall Al Jazeera* (5 August 2025) <https://www.aljazeera.com/news/2025/8/5/theyre-selling-the-revolution-bangladesh-a-year-after-hasinas-downfall >accessed 24 December 2025; *Bangladesh: The Fall of a Dynasty Le Monde* (7 August 2024) <https://www.lemonde.fr/en/international/article/2024/08/07/bangladesh-the-fall-of-a-dynasty_6711012_4.html >accessed 24 December 2025

2 International Crisis Group, *Countering Jihadist Militancy in Bangladesh*, Asia Report No 295 (28 February 2018) <https://www.crisisgroup.org/asia-pacific/bangladesh/295-countering-jihadist-militancy-bangladesh>accessed 24 December 2025

by Muhammad Yunus, framed as a transitional reform regime, promised civic renewal but delivered structural decay. Its narrative of depoliticisation concealed an agenda of ideological reprogramming.

Under the guise of moral purification, the new administration dismantled the institutions that had ensured internal stability. The Counter Terrorism and Transnational Crime (CTCC), Anti-Terrorism Unit (ATU), and intelligence wings of the Directorate General of Forces Intelligence (DGFI) and Rapid Action Battalion (RAB) were disempowered, their leadership purged, and their operations constrained by clerical oversight. This administrative disarmament coincided with a profound ideological shift.[3] Governance was moralised; faith replaced law as the organising principle of authority. Ministries traditionally guided by professional expertise were subordinated to religious councils and advisory boards. Educational and cultural institutions, once bastions of pluralism, were restructured to promote moral citizenship. Extremist preachers previously prosecuted under anti-terror laws re-emerged as voices of reconciliation. In this climate, the line between governance and proselytisation dissolved.

The consequences were immediate and cumulative. The police and bureaucracy—demoralised by purges and resource shortages—retreated from enforcement. Vigilantism, gender repression, and clerical arbitration filled the vacuum of state authority. As deterrence eroded, extremist groups reactivated dormant networks, exploiting both the ideological permissiveness and administrative paralysis of the regime. By mid-2025, Bangladesh had undergone a transformation from a secular security state to a moralised shadow state, governed by fear, faith, and fatigue.

This chapter examines that transformation across interlinked dimensions—political, institutional, psychological, and regional.

3 Sreoshi Sinha and Abu Obaidha Arin, 'How Yunus's Regime Has Driven Bangladeshi Army towards Internal Rift and Radicalization' *Firstpost* (24 October 2025) https://www.firstpost.com/opinion/yunus-bangladesh-army-rift-and-radicalisation-13944768.html accessed 24 December 2025

It argues that Bangladesh's experience between 2024 and 2025 represents a new archetype of moral authoritarianism, where virtue is weaponised to dismantle reason, and faith becomes the architecture of control.[4]

2. The Political Roots of the Security Collapse

2.1 The Myth of a Transitional Government

The interim administration formed under Muhammad Yunus in August 2024 styled itself as a moral and civic antidote to a corrupted political order. Its declared aim was to restore peace and democracy and rebuild public trust through de-politicised, technocratic governance.[5] Yet this rhetoric obscured a profound constitutional rupture. The cabinet was unelected, drawn from a loose coalition of technocrats, civil-society elites, and religious populists whose only unifying principle was hostility to the Awami League (AL). In the absence of parliamentary endorsement or judicial oversight, the administration functioned within an accountability vacuum that blurred the boundary between legality and convenience.[6]

Within this void, Islamist moral populism emerged as a surrogate

4 This chapter draws substantially on unpublished analytical papers and internal assessments prepared by an independent policy and security think tank between November 2024 and October 2025, to which the author had privileged access in a professional capacity. As these materials remain restricted and non-public, they are not cited directly. Non-public information is used for analytical interpretation rather than evidentiary attribution and has, where possible, been cross-verified through publicly available sources and field triangulation. The analysis is qualitative and interpretive in nature; any statistical data are used illustratively. The confidentiality of restricted materials is respected, and the views expressed are solely those of the author

5 *Nobel laureate Muhammad Yunus urges peace as he is sworn in as Bangladesh leader The Guardian* (7 August 2024)<https://www.theguardian.com/world/article/2024/aug/07/nobel-laureate-muhammad-yunus-urges-peace-ahead-of-return-to-bangladesh >accessed 24 December 2025

6 Mohd Shoaib Raza, '*Bangladesh at the Crossroads: Analyzing the Yunus Government's Legitimacy and the Plight of Minorities*' *Chintan: India Foundation* (24 December 2024) https://chintan.indiafoundation.in/articles/bangladesh-at-the-crossroads-analyzing-the-yunus-governments-legitimacy-and-the-plight-of-minorities/ accessed 24 December 2025

for legitimacy. The Yunus regime rationalised its exceptional powers under the language of "transitional necessity," invoking divine providence and anti-Indian nationalism as moral justifications for rule. These narratives fostered a *praetorian logic*—a self-appointed moral guardianship that normalised the suspension of democratic norms. Decision-making became symbolic and reactive: administrative reshuffles lacked due process, laws were issued by circulars, and national security decisions reflected sectarian appeasement more than strategy. Under the veneer of reform, Bangladesh's secular and constitutional ethos began to erode, replaced by a politicised piety that conflated virtue with authority.

2.2 The Politicised "De-Politicisation" of the Security Sector

The first institutional casualty of this moral populism was the national security establishment. Within weeks, the government launched a sweeping "de-politicisation campaign," targeting what it labelled a "demonised security apparatus."[7] In practice, this was an ideological purge, not a reform. Senior officers from the Bangladesh Police—especially from the DB, CTTC, and intelligence agencies such as the DGFI, SB and NSI—were dismissed, detained, or prematurely retired.[8]

Many of these officers had proven records in countering violent extremism, particularly against Neo-JMB (Islamic State in Bangladesh), AAI, al-Qaeda in the Indian Subcontinent (AQIS), and HuJI-B.[9] Their removal not only crippled institutional memory but also dissolved operational continuity. Investigations stalled, intelligence networks withered, and coordination among agencies disintegrated under the pretext of administrative cleansing.

7 For example, see *Bangladesh launches Operation Devil Hunt The Hindu* (6 November 2023) <https://www.thehindu.com/news/international/bangladesh-launches-operation-devil-hunt/article69197395.ece >accessed 24 December 2025

8 Conversation between the author and a former Director of the Counter Terrorism and Intelligence Bureau (CTIB), Directorate General of Forces Intelligence (DGFI), Dhaka, on file with the author

9 Iftekharul Bashar, 'Managing Recidivism: A Vision for Terrorist Rehabilitation in Bangladesh' in Rohan Gunaratna and Sabariah Hussin (eds), *International Case Studies of Terrorist Rehabilitation* (Routledge 2018) 81–89

The purge's symbolism was unmistakable: professionalism was subordinated to political loyalty. Junior officers learned that competence invited suspicion, while compliance ensured survival. Intelligence briefs grew self-censored; risk aversion replaced initiative. Into this vacuum stepped ideologically compliant loyalists—often individuals with tenuous operational credentials but strong sectarian affiliations. The result was a security architecture hollowed out from within—present in form but paralysed in function.

2.3 The Re-Islamisation of the Bureaucratic Core

Parallel to the purge of secular officers, a re-Islamisation of the civil bureaucracy unfolded. Core ministries—including Public Administration, Home Affairs, Education, Religious Affairs, Social Welfare, Youth and Sports, and Information—were restructured to accommodate clerics, madrasa heads, and NGO figures aligned with Hefazat-e-Islam (HeI), Islami Andolon Bangladesh (IAB), and Jamaat-e-Islami (JeI) networks.[10]

Presented as "inclusive governance," these appointments entrenched ideological capture. Religious preachers and conservative bureaucrats began to influence policymaking, often at the expense of rational, evidence-based decision-making. Education reforms privileged dogma over critical reasoning; social welfare programmes were channelled through faith-based NGOs; and state communication adopted an overtly moralising tone. Bureaucratic merit was redefined through the language of piety—competence now meant conformity.

The effect was epistemological as much as administrative: the bureaucracy ceased to serve as a neutral technocratic body and evolved into an instrument of moral governance. The state's vocabulary—of *citizenship, rights*, *obedience,* and *moral accountability*—was gradually replaced by a lexicon of *virtue order*. Rational policy design gave way to doctrinal validation, transforming governance into a theatre of religious morality.

10 Ishrat Hossain, *Bangladesh's Democratic Transition: Revolution and Its Discontents* (GIGA Focus Asia No 4, German Institute for Global and Area Studies, June 2025) <https://www.giga-hamburg.de/en/publications/giga-focus/bangladesh-s-democratic-transition-revolution-and-its-discontents> accessed 24 December 2025

2.4 The Bureaucratic Moral Economy

Beyond institutional restructuring, the interim regime cultivated what may be termed a bureaucratic moral economy—a system where moral alignment replaced constitutional obligation as the currency of power[11]. Civil servants quickly learned that upward mobility depended on religious visibility: participation in prayer events, public affirmations of faith, and rhetorical adherence to Islamic governance thereby blurring the boundary between personal belief and professional duty[12]. This informal system of moral signalling functioned as a mechanism of discipline within the bureaucracy, reshaping incentives and redefining loyalty in ways that undermined constitutional neutrality and secular administrative norms[13].

Policy debates became moral discourses; administrative dissent was reframed as impiety. Those who resisted clerical intrusion were marginalised, transferred, or subjected to moral defamation. As bureaucratic incentives aligned with ideological conformity, the state apparatus itself became the vehicle of ideological reproduction. The secular public service ethic that had underpinned Bangladesh's administrative identity since independence eroded into a faith-based patronage system.

2.5 From Institutional Reform to Structural Regression

By mid-2025, the cumulative impact of these policies was unmistakable. The security collapse was not born in the streets but engineered within the bureaucratic heart of the state**.** Through a calculated blend of purges, moral populism, and ideological co-

11 James C Scott, The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia (Yale University Press 1976)

12 Ali Riaz, Faithful Education: Madrassahs in South Asia (Rutgers University Press 2008); International Crisis Group, Bangladesh: Back to the Future (Asia Report No 226, 2012)

13 United Nations Human Rights Council, Report of the Special Rapporteur on Freedom of Religion or Belief (A/HRC/46/30, 2021); David Lewis, 'Bangladesh: Politics, Economy and Civil Society' (Cambridge University Press 2011).

optation, the Yunus administration dismantled the safeguards that once insulated Bangladesh's secular governance.

The conflation of moral virtue with political legitimacy institutionalised confusion: loyalty to faith replaced loyalty to law, and obedience supplanted professionalism[14]. The result was a polity adrift between moral absolutism and administrative paralysis—a republic that mistook moral piety for political renewal[15]. What began as an experiment in "transitional reform" had, within a year, become a case study in how states implode from within when ideology consumes institutions[16].

3. From Zero Tolerance to State Patronage: The Enabling of Extremism

3.1 Amnesty as Appeasement: The Release of Convicted Militants

Between September 2024 and March 2025, Bangladesh's interim administration launched a judicial "reform" drive that re-engineered the country's counterterrorism architecture. Under the banner of *restorative justice*, the Ministry of Home Affairs initiated a sweeping review of convictions under the Anti-Terrorism Act (ATA). In practice, this became an exercise in ideological appeasement—transforming justice into political concession.

More than 400 convicted militants—including senior members of Jama'atul Mujahideen Bangladesh (JMB/Neo-JMB), Ansarullah Bangla Team (ABT), Harkat-ul-Jihad Bangladesh (HuJI-B), Jama'atul-Ansar-fil-Hind al-Sharqiya (JAFHS), Hizb-ut-Tahrir (HuT), Allahar Dal, and the Kuki-Chin National Front (KNF)—were released or granted bail.[17]

14 Guillermo O'Donnell, 'On the State, Democratization and Some Conceptual Problems' (1993) 21 World Development 1355

15 Haldun Gülalp, 'Debating secularism: A liberal cosmopolitan perspective' Frontiers in Sociology 8 (2023) 1113208; see also, Talal Asad, Formations of the Secular: Christianity, Islam, Modernity (Stanford University Press 2003)

16 Francis Fukuyama, Political Order and Political Decay: From the Industrial Revolution to the Globalisation of Democracy (Profile Books 2014); United Nations Development Programme, Governance for Peace: Securing the Social Contract (UNDP 2022

17 '98 Militants Escaped from Prisons, 15,000 Granted Bail amid Unrest' *The Financial Express* (Bangladesh) <https://thefinancialexpress.com.bd/national/98-militants-escaped-from-prisons-15000-granted-bail-amid-un-

They were publicly framed as *victims of political persecution* under the former AL government.[18]

Table 3.1: Extremists Released or Granted Bail by the Yunus-led Government.

SL	Group	Released	Comment
1	JMB / Neo-JMB	216	Convicted / Acquitted / Bail
2	HuJI-B	27	Convicted / Acquitted / Bail
3	HuT	15	Convicted / Acquitted / Bail
4	ABT / AAI	40	Convicted / Acquitted / Bail
5	JAFHS	21	Bail
6	KNF	150	Bail
7	ARSA	8	Bail
8	Allahar Dal	40	Mostly bail
9	Others	32	Bail

Source: Compiled by the author from rports published in various newspapers including Prothom Alo, Business Standard, Dhaka Tribune and the Hawk

This amnesty symbolised not reform but *state-endorsed impunity*. The long-standing "zero-tolerance" doctrine—once central to Bangladesh's counterterrorism policy—was supplanted by a politics of moral relativism. Terrorism ceased to be treated as an existential threat and was reframed as a by-product of social grievance.

The concept of deradicalisation, formerly grounded in risk assessment and rehabilitative science, was trivialised into blanket clemency

rest> accessed 24 December 2025

18 Abul Kalam Azad, 'Release on Bail of Those Accused of Terrorism' *BBC Bangla* (11 April 2025) <https://www.bbc.com/bengali/articles/c3v95k-kvq2no> accessed 24 December 2025

severing it from its empirical foundations[19]. Several released militants were even placed in religious NGOs claiming to promote "community reconciliation," effectively providing extremist ideologues with fresh platforms and institutional legitimacy upon extremist ideologues[20]. Beyond operational peril, the policy delivered a devastating psychological blow to the security establishment eroding morale and undermining confidence in the coherence and seriousness of counter-terrorism governance[21]. Years of painstaking investigations, trials, and sacrifices by the CTTC, RAB, and intelligence officers were invalidated overnight. Former detainees now re-emerged as public preachers, romanticising "repentant mujahideen." Justice was inverted; vigilance was mocked. For many in law enforcement, the state had moved from *enemy of extremism* to *enabler of its return*.

3.2 The Dismantling of Counterterrorism Infrastructure

The regime's second phase involved the deliberate dismantling of the nation's counterterrorism backbone. Budgetary allocations for the CTTC and the ATU were reduced by almost 60 per cent.[22] Long-standing partnerships with India, the United States, and European intelligence networks—vital for joint operations, forensic training, and data fusion—were suspended under the populist banner of "sovereignty." In practice, *sovereignty* became a euphemism for

19 John Horgan, Walking Away from Terrorism: Accounts of Disengagement from Radical and Extremist Movements (Routledge 2009); see also, United Nations Office on Drugs and Crime, Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons (UNODC 2016)

20 International Crisis Group, Deradicalisation and Disengagement in Indonesia (Asia Report No 142, 2007); see also, United Nations Development Programme, Preventing Violent Extremism through Inclusive Development and the Promotion of Tolerance (UNDP 2016)

21 David Kilcullen, Counterinsurgency (Oxford University Press 2010) 263–285; see also, Bruce Hoffman, Inside Terrorism (2nd edn, Columbia University Press 2017) 356–372

22 Conversation between the author and Monirul Islam, founding Chief of the Counter Terrorism and Transnational Crime (CTTC) Unit, Bangladesh Police, on file with the author

strategic isolation[23]. Key operational nodes—digital forensic labs, tactical training centres, and intelligence fusion cells—were rendered dysfunctional[24]. Experienced investigators were reassigned to clerical duties, while inter-agency coordination mechanisms disintegrated[25]. Critical intelligence wings such as the Counter-Terrorism Intelligence Bureau (CTIB) of DGFI**,** RAB's Intelligence Wing**,** and the CTTC Cyber Wing were "temporarily deactivated for restructuring," effectively blinding the state to online jihadist resurgence.

The results were immediate. Recruiters reappeared in madrasas, campuses, and youth forums, exploiting the surveillance vacuum. Encrypted extremist propaganda multiplied, while dormant factions regrouped under the façade of humanitarian or educational organisations. By mid-2025, Bangladesh had regressed from proactive vigilance to institutional paralysis—a self-inflicted security vacuum that radical actors swiftly filled. The so-called "restructuring" was, in reality, institutional sabotage—a calculated retreat from the responsibility of safeguarding the republic.

3.3 The Politics of Denial: From Blindness to Complicity

The third stage of this regression was an official culture of denial. Ministers repeatedly asserted that "there are no militants in the country," dismissing intelligence reports and incidents as remnants of "fear politics" propagated by the previous regime. The rhetoric echoed the BNP-Jamaat era of the early 2000s, when similar complacency had incubated JMB and HuJI-B's violent ascent. Government spokesmen branded independent intelligence assessments as "secular propaganda" or "foreign misinformation."[26] Meanwhile, state media

23 David H Bayley, Police Reform: Who Will Watch the Watchmen? (2nd edn, Lynne Rienner 2008) 102–115

24 Bruce Hoffman, Inside Terrorism (2nd edn, Columbia University Press 2017) 359–372; United Nations Office on Drugs and Crime, Strengthening Criminal Justice Responses to Cybercrime (UNODC 2020)

25 International Crisis Group, Bangladesh: Security Sector Reform and Counterterrorism Challenges (Asia Report No 281, 2020); UN Development Programme, Governance for Peace: Securing the Social Contract (UNDP 2022) 28–34

26 *Shafiqul Alam Exclusive Interview on Indian misinformation and Ban-*

sanitised reports of jihadist activity, and dissenting journalists faced intimidation.

Within the security services, this denial bred paralysis. Officers hesitated to submit threat reports for fear of reprisal. Investigations into incendiary sermons, clandestine meetings, or online recruitment were frequently blocked by political orders. As early-warning systems collapsed, radicalisation networks penetrated schools, madrasas, and youth forums without challenge. Denialism soon hardened into a doctrine, and doctrine matured into complicity. Through bureaucratic suppression and ideological conformity, the state normalised the presence of extremism—transforming an existential danger into an administrative taboo.

3.4 Silencing the Secular Voice: Media Under Siege

The fourth dimension of Bangladesh's extremist re-enabling has been the systematic persecution of secular and pro-liberation media. Since August 2024, the interim administration's Press Wing, operating under the Chief Adviser's Office, has overseen an aggressive campaign against independent journalism. Prominent outlets such as Ekattor TV**,** Somoy TV**,** Prothom Alo, and The Daily Star were branded "anti-state" or "Indian-backed," justifying raids, licence suspensions, and criminal prosecutions. Journalists known for secular or liberationist leanings were charged with sedition, terrorism, or spreading misinformation, while others faced mob violence from radical groups emboldened by official rhetoric.

Over 388 journalists have been implicated in politically motivated cases; dozens remain incarcerated without bail.[27] Editorial

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gladesh government response (YouTube, 23 July 2025) <https://www.youtube.com/watch?v=P-WlQyK0peY> accessed 24 December 2025; see also, *Misinformation a 'big threat' to democracy, says Shafiqul Alam The Business Standard* (20 July 2025) <https://www.tbsnews.net/bangladesh/misinformation-big-threat-democracy-shafiqul-alam-1278876> accessed 24 December 2025

27 Global Coalition for Diversity and Rights, *Press Under Siege: The Crisis of Media Freedom in Bangladesh* (2025) <https://globalcdg.org/press-under-siege/> accessed 24 December 2025

independence has been systematically dismantled through legal manipulation and coercive appointments. Formerly neutral editorial boards were replaced by figures linked to BNP- and JeI-aligned media syndicates, converting once-independent newsrooms into vehicles of Islamist populism. The regime also amended the ATA and re-purposed the International Crimes Tribunal (ICT) to criminalise journalism sympathetic to secular politics or the AL. Together, these measures constitute not just repression of the press but an orchestrated attempt to rewrite the ideological fabric of the state. The persecution of secular journalists thus serves a dual purpose: to erase the liberation ethos from Bangladesh's collective memory and to legitimise an Islamist-populist narrative aligned with the regime's political survival.

The latest development is that, after launching a series of attacks on secular forces, extremists have set fire to the offices of the country's two leading daily newspapers—*Prothom Alo* and *The Daily Star.* The Daily Star termed the incident the darkest day for independent journalism.[28]

3.5 State Capture of the Narrative

By simultaneously releasing militants**,** dismantling counterterrorism institutions**,** denying extremist threats, and silencing the secular media, the interim regime achieved a comprehensive re-engineering of the national narrative. Extremism was rebranded as reconciliation; vigilance was dismissed as hysteria; secularism was vilified as treachery. Bangladesh's transformation from *zero tolerance* to *state patronage* is not merely an institutional failure—it is an ideological realignment. The state now mediates between extremism and legitimacy, granting jihadist actors both moral rehabilitation and political space. In effect, the government has moved from countering terrorism to curating its acceptability, marking a historic inversion of national security doctrine and a profound betrayal of the secular ideals that underpinned the republic's founding.

28 'A Dark Day for Independent Journalism' *The Daily Star* (22 December 2025) <https://www.thedailystar.net/news/bangladesh/news/dark-day-independent-journalism-4061941> accessed 20 December 2025

4. Ideological Radicalisation of Society: Engineering Faith as State Policy

4.1 Islamisation of Education and Culture

The ideological transformation of Bangladesh under the interim regime found its most lasting imprint in education and culture—the twin foundations of national consciousness. In early 2025, the National Curriculum and Textbook Board (NCTB) underwent a sweeping overhaul, placed under the direct supervision of a newly constituted Advisory Council on Faith and Values.[29] Dominated by clerics, madrasa principals, and ideologues affiliated with Islamist networks, this body restructured the national curriculum to align with its faith-driven vision of citizenship. Themes of moral jihad, pan-Islamic solidarity, and religious nationalism replaced lessons that once celebrated pluralism, rational inquiry, and secular patriotism. Textbooks chronicling the Liberation War's inclusive ethos disappeared, while Tagore, Nazrul, and Sufia Kamal—symbols of cultural humanism—were replaced by medieval conquerors and theologians. The very idea of citizenship was recast: patriotism became synonymous with piety, and civic duty was subordinated to religious conformity.

Administrative orders reinforced this intellectual regression. University vice-chancellors were instructed to appoint "faith advisers" to ensure "moral discipline," effectively institutionalising surveillance on campuses. Cultural events—from theatre to poetry recitals—were subject to "ethical scrutiny." Pohela Boishakh, long a symbol of secular cultural identity, was reduced to token observance under fabricated "security advisories." Creativity became dissent; conformity became virtue. Through this cultural sanitisation, the regime converted educational and artistic arenas into instruments of indoctrination, producing a generation unable to distinguish between civic loyalty and religious obedience.

29 *Dissolution of Textbook Committee Shows Fault Lines in Reform Drive* *The Daily Star* (1 August 2024) <https://www.thedailystar.net/opinion/editorial/news/dissolution-textbook-committee-shows-fault-lines-reform-drive-3715401> accessed 20 December 2025

4.2 Clerical Capture of Media and Public Discourse

Parallel to the educational re-engineering was the clerical capture of information and media space. State-run television and radio stations expanded religious programming, granting airtime to preachers previously known for anti-secular rhetoric. Sermons denouncing women's participation in public life, branding modern art as "immorality," and condemning Western education as "cultural invasion" became routine broadcast fare. This was not spontaneous conservatism—it was policy-driven ideological outsourcing. The Ministry of Religious Affairs institutionalised stipends for over 20,000 imams and madrasa teachers, many affiliated with HeI and JeI, under the guise of "religious education enhancement."[30] In effect, the pulpit was nationalised as a state propaganda channel.

Friday sermons began to echo government narratives, portraying the interim administration as a divinely mandated reformist order. In return for patronage, clerics lent the regime moral legitimacy and helped suppress dissenting voices. Secular intellectuals, journalists, and academics were not silenced by censorship alone but by a pervasive culture of moral intimidation. The public sphere was thus transformed into a theocratic information order—a space where political authority derived legitimacy not from constitutional consent but from clerical endorsement. Rational discourse gave way to doctrinal absolutism, and the line separating governance from proselytisation dissolved.

4.3 Vigilantism and the Erosion of Civil Order

The ideological radicalisation engineered through schools and media soon found expression on the streets. Empowered by the rhetoric of "moral correction," religious vigilante groups—such as Tawhidi Janata and Shariah Raksha Bahini—emerged as self-appointed enforcers of virtue. Their campaigns ranged from harassing women for "un-Islamic attire" to attacking book fairs, art exhibitions, and cultural events

30 Government announces interest-free loans and financial aid for imams and muezzins nationwide, *The Report Live* (Bangladesh, 26 November 2025) <https://thereport.live/bangladesh/government-announces-interest-free-loans-and-financial-aid-for-imams-and-muezzins-nationwide/34699> accessed 22 December 2025

deemed "anti-Islamic." The state's response was marked by apathy and complicity. With law enforcement demoralised and intelligence networks paralysed, vigilantes operated with near-total impunity. Videos circulated of police officers standing idle as mobs vandalised cultural spaces or assaulted artists and activists. Civil society watchdogs recorded over 1,700 incidents of mob violence in 2025, including 148 targeted attacks on minorities, artists, and secular activists.[31]

These were not isolated breaches of order but symptoms of a collapsing monopoly on coercive power. The interim regime reinterpreted vigilantism as "popular moral awakening," glorifying mob action as an expression of public virtue. By sanctifying intolerance and equating repression with piety, the state legitimised violence as an extension of civic duty. The outcome was the emergence of a parallel moral state—where faith replaced law, clerics substituted administrators, and fear governed citizens more effectively than statutes.

4.4 The Theocratic Turn: From Secular Republic to Faith-Based Polity

Through the systematic Islamisation of education, the clerical capture of media, and the sanctioning of vigilantism, Bangladesh's interim regime achieved a profound ideological transformation. This was not a by-product of governance failure but a deliberate political design—to replace democratic legitimacy with spiritual symbolism. Faith was elevated from a private conviction to a state ideology, and piety became a prerequisite for political survival. The regime cultivated an aura of divine sanction, portraying itself as the custodian of moral order against the "decadence" of secularism.

The transformation was structural, not rhetorical. Ministries adopted "ethical oversight" committees, religious NGOs received preferential grants, and faith-based narratives pervaded every branch of public administration. Bangladesh, long defined by its pluralist constitution, began to resemble a hybrid theocracy, where divine authority

31 Anjuman A Islam, 'How Yunus Embraced Islamist Extremists in Bangladesh' *Eurasia Review* (24 September 2025) <https://www.eurasiareview.com/24092025-how-yunus-embraced-islamist-extremists-in-bangladesh-oped/>accessed 21 December 2025

superseded constitutional law. By eroding intellectual pluralism and cultural diversity, the regime dismantled the mental defences of secularism—ensuring that radicalisation was not merely tolerated but engineered at the level of consciousness itself.

4.5 Faith as Governance: The Institutionalisation of Piety

By mid-2025, the ideological project had transcended rhetoric to become governance by faith[32]. State institutions, from education boards to municipal administrations, adopted Islamic terminologies in their operations[33]. Civil service directives referenced *shariah-compliant ethics*, and bureaucrats were encouraged to "demonstrate moral character" in public dealings[34]. The bureaucracy became a moral apparatus—disciplining behaviour rather than administering policy. Official communiqués opened with Qur'anic verses; state ceremonies began with clerical blessings; even disaster relief was routed through faith-based NGOs. This transformation institutionalised piety as a metric of loyalty, merging the administrative machinery with religious authority. The result was a new form of ideological governance where obedience was both political and theological—where the citizen was redefined as a believer, and dissent as apostasy.

4.6 The Ideological Endgame: Engineering the Mind of the Nation

In the final analysis, Bangladesh's interim government did not merely fail to contain extremism—it reprogrammed national consciousness

32 The Diplomat, 'Bangladesh's Interim Government Bows to Islamists' Pressure' (The Diplomat, 12 November 2025) <https://thediplomat.com/2025/11/bangladeshs-interim-government-bows-to-islamists-pressure/> accessed 5 January 2026

33 Associated Press, 'Minority rights organisations accuse Yunus administration of failing to prevent communal violence' (AP News, 15 December 2025) https://apnews.com/article/cdc0996609db39d8c8b6783578ca45a9 accessed 5 January 2026

34 The Economic Times, 'Sheikh Hasina slams Yunus, flags religious extremism in Bangladesh' (Economic Times, December 2025) https://m.economictimes.com/news/international/world-news/violence-a-norm-interim-government-powerless-sheikh-hasina-slams-religious-extremism-in-bangladesh/articleshow/126112418.cms accessed 5 January 2026

around it. From classrooms to pulpits, from television studios to public squares, the state became the chief patron of an ideological revolution that reversed five decades of secular progress. What began as political expediency evolved into a project of social transformation—one that sanctified intolerance, institutionalised fear, and replaced critical thought with devotional conformity. The collapse of security that started in the ministries and barracks thus culminated in the collective psyche of society itself. Bangladesh's journey from zero tolerance to ideological patronage reached completion when extremism ceased to be an external threat and became the defining principle of governance.

5. Complicity of State and Clergy — The Politics of Sanctified Power

5.1 Moral Legitimacy and Political Survival

By late 2024, the interim administration under Dr. Muhammad Yunus had squandered its initial reservoir of moral credibility. Bereft of electoral legitimacy and paralysed by administrative inertia, the regime sought new foundations of authority in the language of piety. Political survival demanded a substitution: the regime replaced democratic consent with moral sanctity. To achieve this, it cultivated an alliance with religious power brokers capable of mobilising public emotion. HeI, IAB, and JeI—once contained by the state's counter-extremism policies—were rehabilitated as "moral partners" in national reform.

This convergence was not born of shared belief but of reciprocal expediency. The regime offered clerical networks access to public platforms, financial patronage, and state-controlled media in exchange for religious legitimisation. Sermons that once denounced secular governance now glorified the regime's "moral awakening." In return, these endorsements furnished the government with a simulacrum of popular support that no constitutional process could provide. Friday pulpits, once sites of community reflection, became extensions of the state's communication strategy—transforming theological discourse into political validation. Governance thus became a performance of virtue, not a performance of capacity. The state's legitimacy was no longer measured by its delivery of justice or development but by its public enactment of moral piety.

5.2 Institutional Capture through Alliance

The clerical alliance swiftly evolved from political endorsement to institutional penetration. Under the rhetoric of "inclusive governance," clerics and madrasa administrators were inducted into ministerial committees, advisory councils, and policy boards. This infiltration did not dismantle the bureaucracy overnight—it redirected its orientation. Decision-making became filtered through the prism of religious morality rather than administrative rationality. Senior bureaucrats began to self-censor policy proposals for fear of being branded "anti-Islamic." The relationship between civil authority and religious influence inverted: the state no longer disciplined the clergy; it sought their approval.

This structural inversion marked the collapse of Bangladesh's secular administrative ethos. Ministries such as Education, Religious Affairs, and Social Welfare transformed into instruments of moral arbitration, where technical expertise was replaced by theological oversight. Bureaucratic obedience was recast as moral duty; dissent as impiety. While this arrangement temporarily ensured social calm and diffused discontent, it simultaneously entrenched clerical dependency within the machinery of governance—eroding the autonomy of state institutions and embedding faith as a condition for authority.

5.3 The Political Economy of Faith

The convergence of political and religious authority extended beyond ideology into the economy of piety. Throughout 2025, the interim government dramatically expanded allocations for zakat, waqf, and madrasa development, ostensibly to promote "moral welfare." In practice, these funds were channelled through religious NGOs and trusts aligned with HeI and JeI-affiliated networks. This created a parallel fiscal ecosystem governed by loyalty and theological conformity rather than accountability. The flow of public money into religious institutions generated patronage economies that fused devotion with dependency. Bureaucratic oversight was sidelined under the pretext of "faith-based decentralisation." The outcome was a religious economy of legitimacy, where moral virtue was monetised,

and political loyalty was rewarded through spiritual patronage. Piety became currency; charity became control. By converting economic resources into instruments of clerical influence, the regime entrenched a new political order in which faith dictated access, and obedience ensured survival.

5.4 The Clericalisation of Governance: From Moral Guidance to Policy Control

As the alliance deepened, religious influence expanded from symbolic endorsement to operational control of governance. Key ministries began incorporating clerical representatives into policy formulation processes, particularly in education, information, and welfare. Advisory councils composed of ulema acquired de facto veto power over policies deemed "religiously sensitive." In several cases, reform proposals related to women's rights, minority protection, and civic education were stalled or rewritten to reflect conservative orthodoxy. Civil administration adapted to this new moral order through ritualised compliance. Official events began with recitations of religious texts; clerical blessings preceded policy announcements; and bureaucrats were evaluated on moral rectitude rather than merit. The state apparatus internalised piety as both a method and a measure of governance. In effect, clerical consent replaced constitutional process as the final arbiter of policy legitimacy. The state had not merely allied with the clergy—it had been absorbed into clerical authority, marking the formal clericalisation of governance.

5.5 The Consequences: Sanctified Power and the Death of Accountability

The institutionalisation of sanctified power produced a regime that was simultaneously moralised and unaccountable. By presenting itself as the custodian of divine order, the interim government shielded itself from political criticism—framing dissent as blasphemy and opposition as sin. This conflation of morality and power dissolved the boundaries between sacred and political authority. The judiciary hesitated to challenge clerical influence; journalists feared prosecution under newly amended "blasphemy-related" clauses of the Cyber Security

Act; and secular voices were increasingly marginalised from national discourse. The alliance between the state and the clergy thus became self-perpetuating. The state conferred material power upon the clergy; the clergy, in turn, endowed the state with divine legitimacy. Each reinforced the other's immunity from scrutiny. In this cycle of mutual absolution, accountability ceased to exist. Bangladesh's political order, once grounded in the secular ideals of 1971, now operated on the politics of sanctified survival—where governance was moral theatre, faith was policy, and piety became the language of power.

5.6 The Sacred Compact: Faith as the Final Instrument of Rule

In its final form, the state–clergy alliance transcended politics to become a theological compact of governance. The regime's authority no longer rested on law, consent, or coercion but on its ability to embody divine sanction. By embedding religious legitimacy into the administrative structure, the interim government created a moralised authoritarianism—a system in which obedience was both a civic obligation and a spiritual command. Thus, what began as a pragmatic accommodation of religious forces matured into a sanctified order of rule. The state became the executor of divine narrative; the clergy, its interpreter. Together, they replaced the secular republic with a faith-state hybrid that governed not by persuasion or law, but by sanctity and fear.

6. The Security Vacuum and the Fragmentation of Authority

6.1 Disempowered and Demoralised Law Enforcement

By mid-2025, Bangladesh's internal security architecture had entered a state of visible decomposition. The police, once the operational backbone of national authority, stood disarmed both materially and psychologically. The 2024 "de-politicisation" purge—marketed as institutional reform—removed a generation of seasoned leadership, leaving behind a demoralised force bereft of command continuity, morale, or purpose. District superintendents reported crippling shortages of vehicles, fuel, and rations; communication networks failed across multiple divisions for lack of maintenance. Officers in peripheral districts went unpaid for months—an unprecedented

breach of discipline that symbolised the collapse of the state's frontline institutions.

The consequences were immediate and severe. Investigations froze; riot-control capacity eroded; community policing disintegrated into sporadic reaction. Nearly one-quarter of police stations became effectively non-operational, especially in frontier and coastal regions such as Sunamganj, Chapai Nawabganj, and Barguna. Patrols ceased entirely in some zones as officers, fearing mob reprisal and lacking logistical support, retreated into self-preservation. In their absence, mob justice replaced the rule of law. Suspected thieves, blasphemers, and political opponents were lynched in public while uniformed officers stood by. The dismantling of the CTTC Fusion Cell, once the coordinating hub for counter-terror intelligence, left extremist networks free to reorganise. International observers characterised the trend as paralysis by ideology—a law-enforcement culture trapped between bureaucratic neglect and clerical intimidation. Deterrence gave way to appeasement; authority was replaced by anxiety. Law enforcement no longer embodied the state's monopoly on coercion—it embodied its abdication of responsibility.

6.2 The Rise of Parallel Moral Authorities

As the coercive capacity of the state withered, clerical and community networks filled the vacuum. Across rural upazilas and small towns, sharia councils, mosque committees, and madrasa boards assumed quasi-administrative roles—mediating disputes, adjudicating property conflicts, and issuing moral verdicts. What began as informal arbitration evolved into a parallel judiciary, claiming divine jurisdiction where the civil state had withdrawn. By late 2025, district bureaucrats increasingly deferred to these moral tribunals. Land officers and municipal administrators sought clerical endorsement to avoid charges of blasphemy or "anti-Islamic bias." The result was a patchwork of dual sovereignties—the constitutional state retaining nominal authority while the moral state exercised real power.

In urban peripheries surrounding Dhaka, Chittagong, and Khulna, mosque committees expanded their control to education boards,

zakat funds, and community-policing units. The interim regime lauded this as "grass-roots participation," but it represented the devolution of sovereignty—governance outsourced to intermediaries of faith rather than institutions of law. Civil administrators faced a grim dilemma: enforcing secular law risked mob violence; submitting to clerical arbitration meant betraying their constitutional oath. Most chose capitulation, converting state offices into moral outposts of the religious order.

6.3 The Gendered Cost of Moral Governance

The most immediate human cost of this transformation was borne by women, whose freedom and security deteriorated as the moral state expanded. Professional women—teachers, administrators, officers—were systematically marginalised or transferred to remote postings under the guise of "ethical realignment." Dress codes became markers of obedience; enforced veiling, "moral counselling," and coerced resignations became common. Female police and bureaucrats found themselves humiliated in workplaces now dominated by clerical oversight. Government rhetoric baptised this regression as "modest governance."

State-funded gender programmes were dismantled. Women's shelters, legal-aid centres, and donor-supported equality projects were defunded as "foreign-inspired." The official narrative celebrated domestic confinement as protection—turning exclusion into virtue. Police discouraged victims of sexual assault from filing cases, advising "family reconciliation" in the name of moral harmony. This regression had measurable consequences: female enrolment declined by nearly 20 percent in conservative districts; microcredit networks collapsed as women's groups lost access to funds; and female-led NGOs faced systematic ostracism. Visibility itself became a liability. The state's silent pact was unmistakable: women would be "safe" only if they conformed. Protection became conditional, rights negotiable, and obedience the currency of survival.

6.4 Fragmented Sovereignty: From Abdication to Anarchy

By late 2025, the cumulative effect of these trends was a hollowed security state—a government that still possessed the instruments

of order but no longer the will or legitimacy to use them. The police, stripped of leadership and morale, had become a symbolic presence; clerical networks had usurped judicial authority; and half the population—women and minorities—were reduced to moral dependents. What emerged was not an absence of governance but its mutation: a divided sovereignty where religion commanded obedience and violence maintained order. In this fractured republic, the state ceased to govern through law and began to survive through fear and faith. Mobs dispensed justice; clerics issued decrees; administrators sought absolution rather than accountability. Bangladesh's celebrated doctrine of "zero tolerance" against extremism had mutated into zero vigilance, zero protection, and zero accountability. The apparatus of order endured, but its purpose—and its soul—had perished.

6.5 The Militarisation of Faith: From Security Doctrine to Divine Order

As the formal security establishment disintegrated, religious militancy re-emerged in paramilitary form. Faith-based groups such as Tawhidi Janata, Shariah Raksha Bahini, and splinter factions of KNF and JAFHS positioned themselves as defenders of "Islamic order." Equipped with locally procured weapons and enjoying clerical protection, these groups began to police public morality and suppress dissent.

Local administrators tolerated, even courted, their presence—inviting them to "assist" during protests and processions. The regime's silence legitimised its coercive authority. A new security paradigm took shape: the militarisation of piety, in which faith justified force and violence sanctified power. Under this order, the monopoly of coercion was not lost—it was transferred. The divine replaced the constitutional as the source of command. The language of national security was rephrased into the idiom of jihad and moral purification. Bangladesh's internal disorder thus matured into a hybrid faith-security complex, where the instruments of violence spoke the vocabulary of virtue.

6.6 The Anatomy of Collapse: Security Without Sovereignty

By the end of 2025, Bangladesh confronted a paradox unprecedented in its history: a state still visibly intact, yet functionally dismembered.

The institutions of security, law, and governance continued to exist—but as shells inhabited by moral authority rather than legal power. The transformation was complete:

Law enforcement no longer protected the citizen; it avoided the crowd. Bureaucrats no longer executed policy; they sought clerical consent. Citizens no longer appealed to justice; they submitted to faith.

This was not mere weakness—it was strategic dissolution, a conscious retreat of the state from its secular and coercive responsibilities. Authority was no longer vested in the constitution but dispersed among sermons, mobs, and militias. Bangladesh, once a model of post-conflict counter-extremism, now exemplifies a new kind of disorder: security without sovereignty, a polity governed by sanctity instead of law, and sustained not by legitimacy but by fear.

7. The Psychological Capture of the Nation: Faith as the Architecture of Control

7.1 The Battle for the Mind

By 2025, Bangladesh's Islamist resurgence had advanced beyond politics and security into the deepest stratum of power: the human mind. The transformation no longer required violence or coercion; it unfolded through the slow colonisation of thought. The interim regime's deliberate use of religious moralism as political legitimacy produced what observers describe as *psychological capture*—the internalisation of sectarian and authoritarian values as moral truth. Mosques, madrasas, digital platforms, and talk shows became instruments of cognitive conditioning. Sermons fused theology with governance, recasting democracy as disorder, secularism as sin, and pluralism as Western intrusion. The lexicon of faith supplanted the vocabulary of citizenship. Through repetition and moral framing, obedience was sanctified as virtue while dissent was condemned as impiety. This transformation required no overt repression; it operated through linguistic colonisation—the quiet replacement of the very words through which a nation once understood freedom. Citizens ceased to resist not because they were silenced, but because they no longer possessed the language to describe their subjugation.

7.2 The Displacement of Democratic Language

Political sociologists term this process *discursive replacement*—the substitution of civic language with moral-theological idioms that reshape collective consciousness.[35] In Bangladesh, this transformation proceeded with calculated precision. Expressions such as *nagorik odhikar* (citizens' rights) and *ganatantra* (democracy) gradually vanished from government vocabulary, replaced by phrases like *iman o shanti* (faith and peace) or *shariah shashon* (divine order). Official rhetoric exalted harmony over justice, obedience over participation, and piety over accountability.

Educational reform institutionalised this semantic shift. Textbooks instructed students that the state's purpose was "to uphold moral order," not to guarantee freedom. University curricula replaced civic studies with "moral philosophy", narrowly confined to religious ethics. On social media, clerically sponsored influencers popularised slogans such as *Amra Muslim desh chai* ("We want a Muslim nation"). What began as sentimental piety matured into an ideological creed: defending secularism became synonymous with betraying the nation. By late 2025, the word *secular* itself had degenerated into a public slur—connoting irreligion, elitism, or treachery. The semantic universe of 1971's civic nationalism was overwritten by a theocratic idiom of belonging, where faith and patriotism became indistinguishable.

7.3 Governing Through Moral Fear

The consolidation of psychological control depended not only on language but on moral intimidation. Citizens were coerced into conformity not through direct repression but through fear of social and spiritual exclusion. To question clerical authority invited accusations of blasphemy; to criticise government policy was to risk moral damnation. The regime perfected the art of governing through guilt—transforming obedience into moral necessity.

Religious broadcasters branded feminists and secular writers as "enemies of faith." Bureaucrats cited "Islamic values" to justify

35 M J Cousineau, 'Revisiting the Sociology of Identities and Selves With Discursive Resources' (2017) 11 *Sociology Compass* e12541.

censorship, surveillance, and disciplinary action. Public discourse withered as individuals internalised invisible boundaries of permissible speech. Surveys by the BRAC Institute of Governance and Development in mid-2025 revealed that 61 percent of respondents favoured laws based on Islam—a sharp reversal of two decades of secular majorities.[36] This was not a transient trend but empirical evidence of cognitive realignment engineered through state-endorsed religiosity. Even the once-liberal urban middle class succumbed to self-censorship, retreating into private resignation. The population no longer required policing; it policed itself through moral anxiety.

7.4 From Piety to Patriotism: Sanctifying the Nation

The final stage of psychological conquest was the fusion of faith and nationalism. Through orchestrated propaganda, piety was reframed as patriotism, and loyalty to religion as loyalty to the state. The slogan *Bangladesh for Muslims* supplanted the foundational vision of secular democracy. The militant, once feared as a fanatic, was reimagined as the *mujahid of the homeland*—a guardian of moral sovereignty. Youth groups, student forums, and online communities celebrated Islamist figures as authentic patriots defending "spiritual independence." The Muslim nation replaced the civic republic; sanctity replaced citizenship. A new hegemonic consciousness**,** in Gramscian terms, emerged: a moral consensus that rendered authoritarianism not only acceptable but desirable.[37] By spiritualising obedience and moralising power, the regime achieved what repression never could—the internalisation of authoritarian virtue. In this sanctified polity, dissent became sin, secularism treason, and democracy profanity. Extremism no longer appeared as a deviation from the nation's essence—it became its defining reflection.

7.5 The Manufacture of Consent: The Mind as the Final Frontier

By the close of 2025, the regime's most potent conquest was neither territorial nor institutional—it was cognitive. Through the

36 BRAC Institute of Governance and Development, *Faith and Governance Survey* (Survey Report, May 2025)

37 Antonio Gramsci, *Selections from the Prison Notebooks* (Quintin Hoare and Geoffrey Nowell Smith eds and trans, International Publishers 1971).

orchestration of faith, fear, and moral discourse, it had manufactured consent without coercion. The architecture of control was self-sustaining:

- Pulpits disseminated moral narratives that legitimised power.
- Schools and universities produced citizens trained to obey rather than to question.
- Digital platforms amplified pious nationalism as the default civic sentiment.

This triad of mosque, classroom, and screen became the new apparatus of governance. The state no longer needed secret police or surveillance to enforce conformity—the citizens' own consciences performed the task. The result was the final frontier of authoritarianism: a population that internalised its own subordination as moral duty.

7.6 The End of Reason: From Conscience to Conformity

The psychological capture of Bangladesh marked the culmination of the regime's transformation from political authority to moral absolutism. What began as the rehabilitation of clerical influence ended as the colonisation of conscience. In this inverted republic, thought itself became suspect. Rational inquiry was derided as heresy; compassion was recast as weakness; faith became the final arbiter of truth. The Enlightenment foundations of Bangladesh's liberation—the pursuit of reason, equality, and justice[38]—were eclipsed by a moral theocracy that ruled not by force but by sanctity. By capturing the mind, the regime achieved total control without visible chains. The tragedy of Bangladesh in 2025 was thus not only the fall of its institutions but the surrender of its imagination—a nation that once dreamt of freedom now learning to worship its captivity.

38 The Proclamation of Bangladesh's Independence (10 April 1971) read jointly with the Preamble of the Constitution of Bangladesh.

8. Strategic Consequences: The Collapse of Deterrence and State Coherence

8.1 Administrative Consequences of Ideological Capture

By mid-2025, the alliance between the interim government and its clerical partners—originally forged as a survival strategy—had redefined the very grammar of governance. Bangladesh's administrative machinery no longer functioned as an instrument of the state; it had become an apparatus of moral authority. The capture was not merely about personnel or policy—it was a reprogramming of institutional behaviour and purpose. The first casualty was bureaucratic rationality. Decision-making, once grounded in legal frameworks and developmental priorities, became subordinated to religious interpretation. Routine approvals in education, welfare, or media required informal clerical endorsement. Officers reframed memos in faith-compliant language, avoiding phrases such as *gender equality, secular citizenship,* or *human rights*—terms now deemed subversive. Caution replaced creativity, and administrative paralysis was sanctified as prudence. The second casualty was psychological autonomy. Civil servants, long accustomed to partisan supervision, now faced the subtler tyranny of moral surveillance. Fear of being labelled *anti-Islamic* bred pervasive self-censorship. Reporting chains selectively omitted data on extremism, minority persecution, or mob violence to preserve the illusion of harmony. Silence replaced falsification as the bureaucratic mode of survival.

Institutional competence eroded in parallel. Recruitment and promotion became informally tied to piety rather than merit. Training on counter-extremism, gender sensitivity, or civic education was replaced by workshops on ethical governance and moral leadership, conducted largely by madrasa-affiliated NGOs with little technical knowledge. The erosion of professional norms fractured inter-ministerial coordination, leaving a bureaucracy obedient but inert. Finally, inefficiency itself was moralised. Procurement delays, project stagnation, and budget diversions were justified as acts of ethical restraint. The pragmatic developmental state was replaced by a

moral bureaucracy incapable of distinguishing virtue from fear. In sum, administrative institutions became echo chambers of clerical rhetoric—obedient, cautious, and hollow. Expertise yielded to orthodoxy; initiative to inhibition. This moralised paralysis paved the way for the deeper strategic collapse that followed.

8.2 Breakdown of Deterrence and Institutional Fear

The erosion of administrative coherence translated directly into the collapse of deterrence—the foundation of Bangladesh's past counterterrorism success. For fifteen years before 2024, deterrence had been both psychological and operational: extremists feared detection, prosecution, and punishment. The interim government inverted this principle. The 2024–2025 "reform" cycle—mass release of militants, downsizing of counterterrorism budgets, and dismissal of veteran officers—signalled that the state no longer viewed extremism as an existential threat. Militants who once operated in the shadows now re-emerged publicly, emboldened by perceived state indulgence. Within law enforcement, this reversal produced institutional fear. Police, prosecutors, and intelligence officers internalised a new risk calculus: confronting radicals was more dangerous than ignoring them. Oversight committees, increasingly influenced by clerical advisors, discouraged decisive action against religious networks. Senior officers privately described the environment as *administrative jihad*—a condition in which moral intimidation replaced command authority.

The politicisation of intelligence deepened the breakdown. Strategic assessments were sanitised to conform to the regime's narrative of moral order. Reports minimised extremist mobilisation, converting the intelligence apparatus into an instrument of denial. The CTTC—once a model of data-driven policing—was reduced to symbolic relevance, stripped of both autonomy and access. The consequences extended beyond institutions. Public confidence in state protection evaporated. Citizens increasingly sought refuge in clerical or community networks rather than police stations. Fear of punishment gave way to fear of ostracism. Deterrence, once anchored in state authority, was now

socially relocated to religious legitimacy. What emerged was not simply a failure of security but a collapse of the state's psychological monopoly over fear—the very essence of sovereign control.

8.3 Strategic Drift and Loss of State Coherence

As deterrence collapsed and administration succumbed to ideological inertia, Bangladesh entered a phase of strategic drift. The state's core functions—law enforcement, economic governance, and diplomacy—became reactive and incoherent. Coordination between ministries dissolved, leaving a governance vacuum filled by clerical mediation and bureaucratic improvisation. Strategic drift is best understood as a loss of narrative coherence. The state no longer possessed a story of itself. Earlier visions like *Digital Bangladesh or Vision 2041* were abandoned in favour of vague invocations of *moral renewal* and *divine guidance*. These slogans offered emotional comfort but no policy direction. Governance turned introspective—preoccupied with virtue rather than results. Operationally, national security is fragmented into institutional silos. Without unified command, mid-level administrators interpreted "moral governance" according to local pressures. In rural areas, madrasa networks and mosque committees exercised de facto autonomy; in cities, rival bureaucrats competed for clerical approval. The concept of *national interest* dissolved into parochial moralities.

The economy mirrored this drift. Development budgets were diverted to religious charities; infrastructure projects halted as investors lost faith in state predictability. Fiscal policy, once technocratic, became symbolic—sacrificed to gestures of moral virtue. Underpaid officers sought patronage from clerical patrons, deepening corruption disguised as devotion. Even the state's strategic institutions began to ideologically diverge. The military, long grounded in secular professionalism, found itself alienated from a civil administration steeped in theological rhetoric. Though the tension remained latent, it foreshadowed an emerging civil-military fault line: an army reluctant to rescue a collapsing moral state. By late 2025, Bangladesh's strategic posture had inverted—from a security-exporting nation admired for counterterrorism capability to a security-importing state reliant

on foreign assistance and moral appeasement. The drift was not bureaucratic but existential: the state had lost the ability to define its own purpose.

8.4 From Internal Decay to External Exposure

The cumulative effects of ideological capture and deterrence collapse exposed Bangladesh to unprecedented external manipulation. Administrative weakness eroded the boundary between domestic governance and foreign influence. Gulf-based charities, transnational NGOs, and diaspora-funded networks filled the vacuum left by retreating state institutions. Educational and welfare programmes became conduits of ideological influence. In parallel, traditional security partnerships with India, the United States, and the European Union atrophied amid mutual mistrust. This reconfiguration produced a new form of dependency—a hybrid sovereignty guided as much by transnational religious funding as by national policy. Bangladesh's internal politics became entangled with external religious and financial interests. The very mechanisms once designed to ensure self-reliance now operated as vectors of soft penetration. By moralising domestic governance, the regime disarmed itself strategically. It forfeited diplomatic credibility, economic leverage, and internal resilience. The experiment in moral populism had converted domestic virtue into geopolitical vulnerability, leaving the republic ideologically naked before both insurgents and international opportunists.

8.5 The International Repercussions: From Strategic Partner to Liability

Externally, the transformation altered Bangladesh's geopolitical identity. Once hailed as a model of moderate Islam and counter-extremism, it now appeared to regional and Western partners as a source of instability. Intelligence cooperation declined; regional counter-terror platforms such as BIMSTEC and SAARC security dialogues quietly sidelined Dhaka. International aid agencies began redirecting funds through non-governmental intermediaries to bypass a compromised bureaucracy. Gulf states, sensing opportunity, expanded religious investments under the guise of humanitarian

support, while India recalibrated its border security posture to counter cross-border radicalisation. By late 2025, Bangladesh's diplomatic persona had shifted from partner to problem state—a moral republic adrift in a region of pragmatic powers. Its foreign policy became reactive, defined not by strategic choice but by ideological dependence.

8.6 Anatomy of Strategic Failure: The Moral State and the Vanishing Republic

The ideological capture of governance, the collapse of deterrence, and the fragmentation of institutions culminated in a profound strategic implosion. What began as the moral rebranding of politics ended as the disintegration of state coherence. By replacing secular authority with sanctified legitimacy, the interim regime dismantled the psychological and institutional foundations of sovereignty. The republic survived in form but perished in function. Its bureaucracy prayed instead of planning; its police feared mobs more than criminals; its citizens sought salvation rather than justice. Bangladesh in late 2025 represented a paradoxical state—morally vigilant yet strategically defenceless, governed by faith but abandoned by reason. The collapse of deterrence marked not only the failure of security policy but the end of the republic's secular covenant. The state that once stood as a bulwark against extremism had become its echo chamber. Its fall was not a moment of conquest but a slow moral corrosion—a nation that traded power for piety, and sovereignty for sanctity.

9. Regional and International Implications: From National Regression to Transnational Instability

9.1 South Asian Security Reverberations

The internal disarmament of Bangladesh's counter-extremism apparatus has produced cascading security externalities across South Asia. For over a decade, Dhaka had served as a stabilising node between India's northeast, Myanmar's Rakhine, and the Bay of Bengal maritime corridor. The interim regime's retreat from proactive intelligence cooperation reopened these fault lines. Militant actors—HuJI-B, JMB, Ansar al-Islam, and elements of ARSA—revived logistics

networks along the Cox's Bazar–Teknaf–Maungdaw axis, exploiting the permissive ideological climate.[39] Indian intelligence recorded renewed infiltration attempts through Sylhet and Meghalaya, facilitated by the weakening of Bangladesh's border surveillance. In Myanmar, the convergence of Rakhine insurgency and Islamist mobilisation threatens to transform a contained ethnic conflict into a transnational insurgent theatre. The erosion of deterrence also destabilised maritime security. The Bay of Bengal, once central to cooperative disaster-relief and counter-trafficking frameworks, is witnessing increased unregistered vessel movement and financial transfers tied to Gulf-based charities. With the CTTC's maritime intelligence unit dismantled, the Bay risks devolving into a permissive transit zone connecting South Asia's coastal jihadist ecosystems.[40]

9.2 Diplomatic Realignment and Strategic Drift

Bangladesh's ideological reorientation has disrupted decades of equilibrium in its foreign policy. Historically, Dhaka maintained a careful balance—anchoring its economy in Western markets while cultivating religious affinity with the Gulf. The interim regime's reliance on clerical legitimacy dismantled that equilibrium, tilting the nation toward Gulf patronage and away from its secular-developmental partners. India, once Dhaka's principal security partner, now faces a dual threat: instability along its eastern flank and ideological contagion in border districts. The suspension of the annual India–Bangladesh Counter-Terror Dialogue in mid-2025 marked the first formal rupture in two decades of strategic trust. For Western allies—notably the United States and the European Union—Bangladesh has shifted from a development partner to a counter-radicalisation liability**.** Aid and trade are now conditioned on civic education and secular governance benchmarks. In contrast, Qatar, Saudi Arabia, and Turkey have expanded their footprint through financial, educational, and

39 Global Arakan Network, *Growing Extremist Activities of the Islamic Jihadist Groups in Northern Arakan* (Special Report, 25 November 2024)

40 Conversation between the author and Monirul Islam, founding Chief of the Counter Terrorism and Transnational Crime (CTTC) Unit, Bangladesh Police, on file with the author

media channels—embedding Bangladesh in a new ideological orbit of religious soft power.[41] This diplomatic drift represents not merely a change of alignment but a loss of strategic autonomy. Dhaka's foreign policy, once pragmatic, has become reactive and devotional, shaped more by theological allegiance than national interest.

9.3 Economic and Humanitarian Fallout

The ideological turn has generated economic fragility and humanitarian strain**.** Investor confidence has plummeted as sectarian intimidation and clerical interference infiltrate industrial sectors. Global apparel brands, wary of reputational risk, are diversifying supply chains toward Vietnam and Indonesia. Insurance premiums for foreign projects have risen amid escalating radicalisation risk. On the humanitarian front, the fusion of ideological governance with the protracted Rohingya crisis has compounded regional volatility. Diminished oversight of refugee camps, coupled with militant infiltration, threatens to transform Cox's Bazar into a regional flashpoint. Recruiters exploiting despair and faith-based grievances are radicalising displaced populations, potentially fuelling secondary refugee flows toward India, Thailand, and Malaysia. Without renewed international monitoring, this dynamic could ignite a new humanitarian-security nexus, where extremism, trafficking, and displacement intersect across South and Southeast Asia.

9.4 The Indo-Pacific and Global Counterterrorism Dimension

Bangladesh's regression carries profound implications for the Indo-Pacific security architecture. Until recently, Dhaka was regarded by the United States, Japan, India, and Australia—the Quad partners—as a moderate Muslim democracy capable of balancing China's influence in the Bay of Bengal. That expectation has disintegrated. The regime's moral populism and withdrawal from multilateral cooperation have eroded confidence in platforms such as BIMSTEC and the Indian Ocean Rim Association. Regional intelligence assessments now warn

41 Michael Rubin, '*Will Qatar Add Bangladesh to Its "String of Misbaha?"*' *Middle East Forum Observer* (23 April 2025) <https://www.meforum.org/mef-observer/will-qatar-add-bangladesh-to-its-string-of-misbaha>accessed 24 December 2025

of a potential "digital caliphate corridor" linking South Asian content producers with Southeast Asian audiences. The threat is increasingly cognitive rather than territorial—propelled through social media, diaspora networks, and religious charities. If unaddressed, Dhaka risks sliding into "grey-zone" status—neither hostile nor trustworthy, but ideologically unpredictable. Such ambiguity complicates joint operations, disrupts maritime intelligence sharing, and undermines the broader Indo-Pacific counterterrorism architecture painstakingly built over the past decade.

9.5 Strategic Imperatives for Regional and Global Stakeholders

Mitigating the regional fallout from Bangladesh's internal transformation demands a coordinated and conditional engagement strategy. Five imperatives stand out:

(a) **Reinstate Regional Intelligence Coordination:** India, Myanmar, Thailand, and Sri Lanka must reactivate trilateral and maritime-security mechanisms under BIMSTEC, re-engaging Bangladesh once minimum secular oversight returns.

(b) **Conditional Re-engagement with Dhaka:** Western partners should maintain dialogue but tie aid, trade, and visa access to verifiable progress in counter-extremism and civic education reform.

(c) **Accountability for Gulf Patronage:** Saudi Arabia and Qatar must ensure that religious and philanthropic funding adheres to international transparency norms to curb ideological laundering.

(d) **Humanitarian Safeguards in Refugee Zones:** The UNHCR, IOM, and ASEAN observers should jointly monitor Rohingya and internal displacement camps to prevent militant infiltration and trafficking.

(e) **Civil-Society Reinforcement:** Regional think tanks and universities should empower Bangladeshi civil-society actors working on pluralism, women's rights, and counter-narrative development.

Only a multi-layered coalition of secular and democratic actors can reverse the contagion of moral populism before it hardens into regional orthodoxy.

9.6 Toward a Regional Doctrine of Preventive Secularism

The Bangladesh crisis exposes a deeper truth: extremism flourishes not in failed states but in morally confused ones. The gradual Islamisation of governance—masked as reform—demonstrates how ideological appeasement can unravel decades of economic and social progress. For regional stability to endure, secular governance must be treated as a collective security principle, not a domestic preference. South Asian resilience arguably requires a doctrine of preventive secularism—a coordinated framework integrating counter-terror cooperation, digital regulation, and civic education to immunise societies against moral authoritarianism.[42] Bangladesh's regression should be viewed not as an anomaly but a warning—a case study in how moral populism erodes the very institutions it claims to purify.

9.7 The Global Lesson: Moral Populism and the Crisis of Modern Governance

Bangladesh's descent mirrors a global pattern—the rise of regimes that weaponise morality to mask authoritarian consolidation. From South Asia to the Middle East and parts of Africa, faith-based populism increasingly substitutes ethical rhetoric for democratic legitimacy. This convergence blurs ideological lines: governments justify repression as a moral duty, and clerics legitimise power as divine trust. Bangladesh's transformation, therefore, resonates beyond its borders—it exemplifies a new authoritarianism of virtue, where governance and faith become indistinguishable instruments of control. For the international community, the challenge is philosophical as much as political: how to defend pluralism not merely as tolerance, but as a survival condition for democracy itself.

10. Conclusion

The trajectory of Bangladesh between August 2024 and the end of 2025 represents not a transient political disturbance but a structural transformation of the state itself. What began as an experiment

42 Nadeem Malik, *Secular and Religious Politics in Pakistan, India, and Bangladesh: A Comparative Analysis* (Palgrave Macmillan 2025)

in transitional reform evolved into an unprecedented ideological inversion—where secular governance gave way to moral absolutism, and administrative institutions became instruments of faith-based control. The interim regime under Muhammad Yunus dismantled the architecture of deterrence, hollowed out bureaucratic rationality, and surrendered national sovereignty to clerical mediation. The consequences were multidimensional. Politically, the state traded legitimacy for sanctity; bureaucratically, it substituted professionalism with piety; psychologically, it engineered conformity through fear; and strategically, it exposed the nation to transnational manipulation. The erosion of counterterrorism capacity, the normalisation of extremist discourse, and the co-option of educational and cultural institutions together produced a moralised state without moral competence—a system that was governed by sermons instead of statutes[43].

This transformation was not spontaneous but systemically manufactured. The alliance between the regime and the clergy provided short-term legitimacy but long-term decay. Through this compact, governance became a ritual of virtue signalling rather than a pursuit of justice. The moral vocabulary that once justified reform eventually sanctified repression. In the name of restoring purity, the regime dismantled reason. Regionally, the internal collapse of Bangladesh radiated instability across South and Southeast Asia. Militant movements exploited the ideological vacuum; border securitisation intensified; and Dhaka's diplomatic posture shifted from strategic balance to external dependency. What had been a regional stabiliser became a vector of volatility. Yet within this disintegration lies a profound lesson. Bangladesh's crisis underscores that secularism is not a cultural luxury—it is a security imperative. The collapse of deterrence and the corrosion of civic rationality reveal that governance grounded in moral populism cannot sustain order; it only recycles chaos in the language of virtue.

The restoration of Bangladesh's secular and constitutional integrity will therefore require more than elections or institutional reforms. It

43 SecDev Group, Bangladesh's Security Paradox: When Counterterrorism Becomes the Threat (October 2025)

demands a reclamation of moral clarity—a return to the foundational principle that faith belongs to conscience, and governance to law. Only by separating sanctity from sovereignty can Bangladesh, and the region it anchors, rediscover the path from moral authoritarianism to democratic resilience.

Chapter 5

Collapse of Rule of Law and Public Security

EVALUATION OF THE YUNUS REGIME (AUGUST 2024 – NOVEMBER 2025)

1. Introduction

The period between August 2024 and November 2025 marks one of the most turbulent chapters in Bangladesh's political and legal history. Following the fall of the Bangladesh Awami League (ALBD) government amid the July–August 'colour revolution' spearheaded by the American NGOs,[1] the interim regime led by Muhammad Yunus emerged with promises of democratic renewal, anti-corruption reforms, and national reconciliation. However, what unfolded instead was a systematic erosion of the rule of law and a collapse of public security, plunging the country into a state of fear, repression, and lawlessness. Political parties, like – Bangladesh Nationalist Party (BNP), are already claiming this regime a 'fraud' because of the false promises to the people.[2] As a part of witch-hunting through the

1 Brahma Chellaney, *X* (formerly Twitter, 9 November 2025) <https://x.com/Chellaney/status/1863191293079248991> accessed 10 November 2025. For more on USA NGOs spearheading colour revolutions, see: Sreeram Chaulia, *Democratisation, NGOs and "colour revolutions"* (openDemocracy, 19 January 2006) <https://www.opendemocracy.net/en/colour_revolutions_3196jsp/> accessed 10 November 2025

2 Bangla News Point, "Dr Yunus and his government have committed a grave betrayal against the nation and the BNP," said Manna [ÒW±i BDb~Q Ges Zvi miKvi RvwZ I we Gb wci m‡½ Pig cÖZviYv K‡i‡QbÓ gvbœv],

judiciary, different judicial bodies, including the International Crimes Tribunals (ICTBD), have found Sheikh Hasina guilty in her absence and sentenced her to different terms of imprisonment[3] [4] including death penalty[5]. The UN Working Group of Arbitrary Detention (UN-WGAD) in their opinion[6] found that Bangladesh under Yunus has arbitrarily detained Shahriar Kabir, a senior journalist, filmmaker, author and secular activist, illegally and has failed to ensure fair trial rights to him and directed the government to release him immediately with compensation, which the Yunus regime totally ignored and in response to the UN-WGAD's opinion, the government used ICTBD to summon[7] Kabir for a false and fabricated charge for alleged killing of

<https://www.youtube.com/watch?v=YiPeSwN8OHk>, accessed on 10 November 2025. Also see: Anjuman A Islam, *The Great Betrayal: Why the Reforms Led by Dr Yunus Turned Out Just a Mask for Authoritarian Rule?* (Eurasia Review, 14 July 2025) <https://www.eurasiareview.com/14072025-the-great-betrayal-why-the-reforms-led-by-dr-yunus-turned-out-just-a-mask-for-authoritarian-rule-oped/> accessed 10 November 2025

3 FP News Desk, 'Dhaka court sentences ousted PM Sheikh Hasina 21-year jail term after death sentence' Firstpost (Mumbai, 27 November 2025) <https://www.firstpost.com/world/dhaka-court-sentences-ousted-pm-sheikh-hasina-21-year-jail-term-after-death-sentence-13954523.html> accessed 1 December 2025

4 Press Trust of India, 'Bangladesh court sentences Sheikh Hasina to 5-year jail term in land scam case' The Economic Times (New Delhi, 27 November 2025) <https://economictimes.indiatimes.com/news/international/world-news/bangladesh-court-sentences-sheikh-hasina-to-5-year-jail-term-in-land-scam-case/articleshow/125687475.cms> accessed 1 December 2025

5 BBC News, 'Live: Latest updates on Bangladesh political developments' BBC News (London, 1 December 2025) <https://www.bbc.com/news/live/cpwvg0w4ljrt> accessed 1 December 2025

6 Human Rights Council Working Group on Arbitrary Detention, *Opinion No. 40/2025 concerning Shahriar Kabir (Bangladesh)* (21 October 2025) UN Doc A/HRC/WGAD/2025/40 <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session103/a-hrc-wgad-2025-40-bangladesh-aev.pdf> accessed 1 December 2025

7 The Business Standard, 'Shapla Chattar killing: ICT orders authorities to produce Shahriar Kabir on 12 Jan' (30 November 2025) <https://www.tbsnews.net/bangladesh/court/shapla-chattar-killing-ict-orders-authorities-produce-shahriar-kabir-12-jan-1298531> accessed 1 December 2025

Islamist right wing protesters (many termed them as terrorists) in 2013 at Motijheel, Dhaka.

In this backdrop, this article critically evaluates the Yunus regime's governance through the lens of legal and institutional decay. It explores how law and order deteriorated over the course of the year, how mob violence became normalised and, in many cases, state-orchestrated, and how special laws such as the ICT Act, Anti-Terrorism Act, and Anti-Corruption Commission (ACC) regulations were weaponised to suppress dissent. The analysis also interrogates the role of security forces—once tasked with protecting citizens—as instruments of intimidation and ideological enforcement.

At the heart of this inquiry lies a deeper question: What does this period reveal about the status of the rule of law and constitutionalism in Bangladesh? Through a thematic exploration of repression, impunity, and legal manipulation, this article argues that the Yunus regime not only failed to uphold the rule of law but actively dismantled its foundations, replacing democratic accountability with authoritarian expediency.

2. What is the Rule of Law?

The rule of law is a fundamental principle of governance that ensures all individuals, institutions, and authorities—public and private—are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated and consistent with international human rights norms.

In the context of Bangladesh, the rule of law is enshrined in the Preamble and Articles 27, 31, and 102 of the Constitution[8]. It guarantees equality before the law, protection of legal rights, and judicial review of executive actions. The Supreme Court of Bangladesh has interpreted the rule of law as part of the basic structure of the Constitution, meaning it cannot be amended or undermined even by Parliament.[9]

8 For the constitution of Bangladesh, <http://bdlaws.minlaw.gov.bd/act-367.html> accessed 10 November 2025

9 Md Milan Hossain, 'Bangladesh Supreme Court and Rule of Law: Constitutional Approach and Practice' (2021) 7 International Journal of Law 127 accessed on 10 November 2025

The Supreme Court of Bangladesh has consistently upheld the rule of law as a cornerstone of constitutional governance, interpreting it as the supremacy of law over arbitrary power and the guarantee that no individual or institution is above the law. In *Anwar Hossain Chowdhury v Bangladesh* (1989) 41 DLR (AD) 165, the Court famously invalidated the 8th Amendment, affirming that the rule of law is part of the Constitution's basic structure and cannot be abrogated by parliamentary fiat. Similarly, in *Secretary, Ministry of Finance v Masdar Hossain* (1999) 52 DLR (AD) 82, the Court emphasised that judicial independence is essential to the rule of law, mandating the separation of the judiciary from executive control. These decisions, along with others such as *Government of Bangladesh v Syed Shahidur Rahman* (2005), underscore that the rule of law in Bangladesh entails equality before the law, access to justice, accountability of public authorities, and protection of fundamental rights. Embedded in Articles 27, 31, and 102 of the Constitution, the rule of law is not merely a legal doctrine but a constitutional imperative that safeguards democratic order and restrains authoritarian excess.

Now the breakdown of the law-and-order situation under the current "illegal, unconstitutional and undemocratic"[10] interim government together with a reflection on the rise of mob violence, state-sponsored or state-tolerated repression, misuse of special laws, violating constitutional provisions of law making while promoting indemnity and culture of impunity, and intimidating both law enforcing and security agencies will show that there is no rule of law in Bangladesh. The essay will also reveal that it is not only the Yunus government, but also the judicial system has invariably failed to uphold the norms of the rule of law.

10 Raghav Awasthi and Udayan Raj Singh, *Bangladesh at the Crossroads: Analyzing the Yunus Government's Legitimacy and the Plight of Minorities* (Chintan, India Foundation, 24 December 2024) <https://chintan.indiafoundation.in/articles/bangladesh-at-the-crossroads-analyzing-the-yunus-governments-legitimacy-and-the-plight-of-minorities/> accessed 10 November 2025; see also, R Das, 'Muktangon, Why the Colour Revolution in Bangladesh Lacks Philosophical Legitimacy: A Kantian and Weberian Critique' (মুক্তাঙ্গন, August 7, 2025) <https://muktangon.blog/en/robidas/24784>, accessed on 10 November 2025

3. Breakdown of Law and Order

The Yunus government took oath on 8 August 2024, but the anarchy started from the early hours of 5 August, following the terrorist activities of the BNP-Jamat hooligans and other right-wing terrorist activists during the July-August colour revolution. After taking up the power, the Yunus regime's first few decisions were issuing blanket impunity[11] over the terrorists and criminals who are responsible for police killing and destruction of both public and private infrastructures, pardoning radical elements, dismantling judicial independence, and mass detentions. Due to these radical decisions, the collapse of law and order in Bangladesh under the Yunus-led interim regime has been unprecedented in scale and severity.

According to the Global Centre for Democratic Governance (GCDG), the year following the July–August 2024 uprising witnessed a surge in mob violence, extrajudicial killings, and targeted attacks on state institutions. At least 637 individuals, including 41 police officers, were lynched in vigilante violence between August 2024 and July 2025,[12] marking a twelvefold increase compared to 2023 figures. This wave of mob justice was not spontaneous; evidence suggests tacit state tolerance and, in some cases, orchestration by regime-affiliated groups, e.g., Jamat-e-Islami, Bangladesh Nationalist Party, Hizb-ut-Tahrir, Hefazat-e-Islam, National Citizens' Party (NCP), etc. Law enforcement agencies, instead of curbing violence, often stood by as mobs razed properties and attacked political opponents. More than 500 police stations were vandalised or set ablaze, and 182 police personnel remain missing, underscoring the collapse of institutional authority.[13]

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11 For discussion on the immunity and the culture of impunity, see: See Chapter 6

12 Global Center for Democratic Governance (GCDG), *The Summary of the One Year of Anarchy in Bangladesh Under the Interim Government* (2025) <https://globalcdg.org/the-summary-of-the-one-year-of-anarchy-in-bangladesh-under-the-interim-government/> accessed 11 November 2025

13 ibid

Political violence compounded the crisis. Reports confirm that 205 Awami League leaders and activists were murdered, while 116 Members of Parliament, including 14 women, were illegally detained. Over 359,000 individuals—mostly Awami League supporters—were arrested between August 2024 and May 2025,[14] reflecting a systematic campaign of repression. One pattern was alarming after 5 August 2024, i.e., mobs were attacking thousands of school and college teachers all around Bangladesh, among whom 42 were Hindus, and the mobs forced these teachers to submit their resignations.[15] These teachers were publicly vilified and ridiculed. The Yunus government has yet to file any criminal investigations against the miscreants who committed these crimes. Videos on social media of attacking teachers brought back the images of intellectual killings during the 1971 war of liberation. It is pertinent to mention here that Jamat-e-Islami and its student wing, Islami Chatra Sangha, now known as Islami Chatra Shibir, are responsible for committing these crimes against the teachers.

Simultaneously, cultural and historical symbols were desecrated: the Bangabandhu Museum and the historic house of Bangabandhu at Dhanmondi 32 were demolished under military supervision, and 80 shrines were destroyed, signalling an ideological purge. Scores of monuments and sculptures related to the war of liberation, Bangabandhu, the four leaders, and war heroes are destroyed,[16] and

14 ibid

15 The Daily Star, *At Least 49 Minority Teachers Forced to Resign Since Aug 5* (2025) <https://www.thedailystar.net/news/bangladesh/crime-justice/news/least-49-minority-teachers-forced-resign-aug-5-3691011> accessed 12 November 2025

16 Prothom Alo, '1,500 sculptures and murals vandalised all over country' (Dhaka, 2024) <https://en.prothomalo.com/bangladesh/ext2ewhp81> accessed 11 November 2025; see also, The Daily Star, *Cultural Heritage Under Attack* (2024) <https://www.thedailystar.net/news/bangladesh/news/cultural-heritage-under-attack-3671896> accessed 11 November 2025; see more, The Financial Express, 'Over 600 Sculptures Damaged in Attack on Mujibnagar Memorial Complex' (Dhaka, 2024) <https://the-financialexpress.com.bd/national/over-600-sculptures-damaged-in-attack-on-mujibnagar-memorial-complex> accessed 10 November 2025

the government is still silent since this is part of Yunus's 'reset button' policy[17] to rewrite the history of Bangladesh.

Minority communities bore the brunt of this breakdown, with 27 minority individuals killed, 20 women raped, and 17 churches torched on Christmas Day 2024.[18] In the Chattogram Hill Tracts, 103 human rights violations were documented, including arbitrary arrests and land seizures.[19] The Yunus government is still silent about the mob attacks on young students like Utsav Mondal of minority communities for allegedly making derogatory comments against Islam, and for the illegal attack of joint forces comprised of police and army in *Hajarir Goli*, an area in Chattogram. The government listed Hindu civil servants and police officials and terminated them *en masse,* and till today, no one has dared to file any writ petition before the Supreme Court of Bangladesh. The attacks, together with tacit support of the government through silence and denial, have created a sense of fear in the minds of minorities. In addition, the government has filed false and fabricated criminal cases against civil rights activists, like Rana Das Gupta,[20] Kajol Debnath, etc. Due to these cases, the activists are totally silent in public. Currently, the minority communities and their leaders do not have the courage to demand the rule of law.

BdDigest corroborates these findings, highlighting the regime's complicity in mob violence and targeted arson. Rioters destroyed memorials of Sheikh Mujibur Rahman and hoisted ISIS flags atop the ruins, acts carried out in full view of security forces who failed to intervene. The interim government's inability—or unwillingness—to

17 Weekly Blitz, *Reset Button of Prof Yunus Starts Erasing Bangladesh's History* (17 October 2024) <https://weeklyblitz.net/2024/10/17/reset-button-of-prof-yunus-starts-erasing-bangladeshs-history/> accessed 13 November 2025

18 Bangladesh Hindu Buddhist Christian Unity Council (BHBCOP), *Press Releases* (2025) <https://bhbcop.org/publications/press-releases> accessed 10 November 2025

19 GCDG, ibid No. 7

20 'Murder case against human rights activist' (Save BD Hindu, September 2024) <https://savebdhindu.blogspot.com/2024/09/murder-case-against-human-rights.html> accessed 14 November 2025

prevent such attacks reflects a deliberate effort to rewrite national history and intimidate political opponents. Sporadic petrol bomb attacks, assassinations of opposition activists, and violent student clashes further illustrate the pervasive insecurity. Despite official claims of intensified policing, experts note that criminals operate with impunity due to administrative weakness and political patronage.[21]

Extrajudicial killings and custodial deaths have become normalised. Between August 2024 and July 2025, 60 incidents of extrajudicial killings and custodial deaths claimed 70 lives, with victims ranging from political activists to ordinary citizens. Torture, "crossfire" shootings, and medical negligence were common causes of death. Alarmingly, these abuses implicate multiple state agencies, including the police, army, Rapid Action Battalion, and intelligence units, revealing systemic failure rather than isolated misconduct.[22]

Human rights organisations also corroborate this grim picture. Ain o Salish Kendra (ASK) recorded a surge in extrajudicial killings, custodial deaths, and mob beatings, alongside widespread torture and arbitrary arrests.[23] Their monitoring reports highlight that victims often lacked access to legal remedies, as courts were politicized and judicial independence eroded. Bangladesh Mahila Parishad (BMP) reported alarming increases in violence against women and girls, including rape, gang rape, and sexual harassment, exacerbated by the breakdown of policing and patriarchal impunity.[24] BMP's legal aid initiatives reveal that many cases remain unresolved due to intimidation and non-cooperation by law enforcement agencies. Similarly, Manabadhikar Shongskriti Foundation (MSF) documented patterns of state inaction and collusion in rights violations, stressing that marginalised communities faced heightened vulnerability during

21 BdDigest, *Chronicles of Violence: Bangladesh Under Yunus* (2025) <https://en.bddigest.com/> accessed 12 November 2025

22 ibid

23 Ain o Salish Kendra (ASK), *Human Rights Monitoring Reports* (2025) <https://www.askbd.org/ask/> accessed 11 November 2025

24 Bangladesh Mahila Parishad (BMP), *Annual Report and Legal Aid Activities* (2025) <https://mahilaparishad.org/> accessed 12 November 2025

this period.[25] The alarming side is – police often arrest the victims who suffered physical abuse at the hands of the activists of Jamat, BNP or NCP. For example, on 13 November 2025, a woman was assaulted by the NCP leaders just because she is a supporter of the Bangladesh Awami League, and later the police arrested her on a murder charge.[26]

Extrajudicial measures became normalised, with 60 incidents of custodial deaths and "crossfire" killings claiming 70 lives between August 2024 and July 2025.[27] ASK's urgent communications to authorities on law-enforcing agencies' role in Gopalganj,[28] Khagrachori,[29] custodial death,[30] etc., demanding accountability were ignored, reinforcing a culture of impunity. The combined evidence from these organisations demonstrates that the Yunus regime presided over a governance structure devoid of legality, where violence was instrumentalised to consolidate power. Constitutional guarantees under Articles 27 and 31—ensuring equality before law and protection of life—were rendered meaningless. The state's failure to prevent mob violence, its orchestration of political repression,

25 Manabadhikar Shongskriti Foundation (MSF), *Rights Advocacy Reports* (2025) <https://www.msf.org.bd/> accessed 12 November 2025

26 'Woman assaulted in Dhanmondi 32 sent to jail in July attempted murder case', *The Daily Star* (Dhaka, 14 November 2025) <https://www.thedailystar.net/news/bangladesh/politics/news/woman-assaulted-dhanmondi-32-sent-jail-july-attempted-murder-case-4034996> accessed 14 November 2025

27 Global Center for Democratic Governance (GCDG), *Annual Report on Bangladesh: Governance and Security* (2025) <https://globalcdg.org/> accessed 10 November 2025

28 The Business Standard, *5 Killed in Political Clash in Gopalganj: ASK Demands Independent Investigation* (2025) <https://www.tbsnews.net/bangladesh/5-killed-political-clash-gopalganj-ask-demands-independent-investigation-1196561> accessed 11 November 2025

29 'ASK Demands Judicial Probe into Khagrachhari Violence' *Daily Morning Times* (Dhaka, 29 September 2025) <https://dailymorningtimes.com/2025/09/29/ask-demands-judicial-probe-into-khagrachhari-violence/> accessed 11 November 2025

30 Views Bangladesh, *ASK Demands Judicial Probe into Two Deaths in Police Custody* (2025) <https://viewsbangladesh.com/ask-demands-judicial-probe-into-two-deaths-in-police-custody/> accessed 11 November 2025

and its tolerance of gender-based and communal atrocities signify a transition from rule of law to rule by law, where legal instruments were weaponised to legitimise authoritarian control. In essence, Bangladesh during this period ceased to function as a constitutional democracy, descending instead into a state of anarchy and coercion, with devastating implications for human rights and social stability.

Al Jazeera's investigation reveals that extrajudicial killings occurred under the Yunus-led interim government, despite promises of reform and accountability. Human rights monitors and victims' families report that security forces continue to employ "crossfire" tactics and custodial torture, particularly against political activists and suspected criminals. While official figures remain opaque, rights groups estimate dozens of deaths since August 2024, with patterns resembling those under the previous regime. The article underscores that these killings occur in a climate of impunity, as judicial oversight is weak and inquiries into abuses since 5 August 2024 have been stalled. Analysts warn that the continuation of such practices not only violates constitutional guarantees of due process but also entrenches a culture of state violence, undermining public trust in legal institutions and perpetuating lawlessness.[31]

The Yunus government and its allies, Jamat-e-Islami, Hizb-ut-Tahrir, Hefazat-e-Islam and Bangladesh Nationalist Party (BNP) have categorically targeted human rights defenders, secular activists and minority rights activists. The arrest of Shahriar Kabir[32] and Chinmoy Krishna Das[33] are glaring examples of meticulous

31 Al Jazeera, *Have Extrajudicial Killings Continued Under Bangladesh's Yunus Government?* (13 November 2025) <https://www.aljazeera.com/features/2025/11/13/have-extrajudicial-killings-continued-under-bangladeshs-yunus-government> accessed 10 November 2025

32 Dhaka Tribune, *Shahriar Kabir Arrested in Dhaka* (2025) <https://www.dhakatribune.com/bangladesh/dhaka/358683/shahriar-kabir-arrested-in-dhaka> accessed 13 November 2025

33 The Hindu, *The Arrest of Hindu Monk Chinmoy Das in Bangladesh Explained* (2025) <https://www.thehindu.com/news/international/the-arrest-of-hindu-monk-chinmoy-das-in-bangladesh-explained/article68913583.ece> accessed 10 November 2025

steps that are taken by the Yunus regime to silence the voices of the dissenters. Kabir and Chinmoy, both been imprisoned for more than a year in false and fabricated cases. The UN Working Group on Arbitrary Detention has already declared in their opinion (taken on the 103rd session of the Group) that the arrest of Shahriar Kabir is arbitrary and a flagrant violation of the international bill of rights and fundamental rights guaranteed by the constitution of Bangladesh.

The lawyers are also not safe in the Yunus regime. The situation of lawyers in Bangladesh under the Yunus regime has deteriorated sharply, as documented in a joint statement by leading legal advocacy groups.[34] The statement highlights a systematic crackdown on the legal profession, with lawyers facing harassment, arbitrary arrests, and intimidation for representing opposition figures or speaking out against government abuses. Court premises have become unsafe, with reports of physical attacks on defence counsels and restrictions on access to case files. These actions undermine the independence of the Bar and violate constitutional guarantees of fair trial and access to justice. The statement warns that such repression not only silences critical voices within the judiciary but also erodes public confidence in the legal system, accelerating the collapse of the rule of law in Bangladesh.

4. Pardoning Islamist Militants: A Blow to Justice and Security

One of the most controversial actions of the Yunus regime was the decision to pardon and release high-profile Islamist militants, including individuals with documented links to transnational terror networks and Pakistan's ISI. Reports indicate that among those freed were operatives convicted for orchestrating deadly attacks such as the Holey Artisan massacre and serial bombings that claimed hundreds of lives.[35] The regime justified these pardons under the rhetoric

34 Justice Makers Bangladesh in France (JMBF), *Joint Statement: Crackdown Against Lawyers in Bangladesh* (10 November 2025) <https://www.jmbf.org/2025/11/joint-statement-crackdown-against.html> accessed 13 November 2025

35 Organiser, *Release of Top Militants and Criminals: Is the Yunus Govt Driv-*

of "national reconciliation," yet investigative accounts reveal that these moves were politically motivated, aimed at appeasing radical factions and consolidating support among Islamist groups.[36] This policy not only emboldened extremist networks but also undermined counterterrorism efforts painstakingly built over decades.[37] Critics argue that such actions amount to state complicity in terrorism, as they dismantle deterrence mechanisms and normalise impunity for crimes against humanity.[38]

From a rule of law perspective, pardoning convicted terrorists represents a fundamental breach of constitutional principles and international obligations. The rule of law demands equality before the law and accountability for grave offences; by selectively absolving perpetrators of mass violence, the state signals that justice is negotiable and contingent on political expediency. This erodes public trust in legal institutions, delegitimises judicial verdicts, and creates a precedent where political power overrides judicial authority. Furthermore, these pardons contravene Bangladesh's commitments under global counterterrorism frameworks, exposing the country to heightened security risks and international isolation. In essence, the Yunus regime's actions illustrate a transition from governance under law to governance by discretion—an antithesis of constitutionalism and a direct assault on the foundations of democratic order.

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ing Bangladesh Towards Civil War? (4 December 2024) <https://organiser.org/2024/12/04/267972/world/release-of-top-militants-and-criminals-is-the-yunus-govt-driving-bangladesh-towards-civil-war/> accessed 10 November 2025

36 The Economic Times, *Bangladesh Yunus Regime Pardons One of the Most Wanted Terrorists with ISI Links* (2024) <https://economictimes.indiatimes.com/news/international/world-news/bangladesh-yunus-regime-pardons-one-of-the-most-wanted-terrorists-with-isi-links/articleshow/117071250.cms> accessed 10 November 2025

37 Time, *Muhammad Yunus Trial and Sheikh Hasina's Fall* (2024) <https://time.com/6991107/muhammad-yunus-trial-sheikh-hasina-bangladesh/> accessed 12 November 2025

38 Asia Times, *Yunus Leading a Quiet Islamist Coup in Bangladesh* (2025) <https://asiatimes.com/2025/11/yunus-leading-a-quiet-islamist-coup-in-bangladesh/> accessed 13 November 2025

5. Judiciary Politicised

After 5 August 2024, the behaviour of the judges, both in the lower and higher judiciary, has significantly changed, and it has become apparent that the judges, rather than using their judicial mind, have started to consider the political wishes of the Yunus government and its allies. The judges started to disregard the standards of natural justice and rule of law in the case where leaders, activists and supporters of Awami League are named as a party, either as an accused in a criminal case, or a plaintiff or a defendant in a civil claim. Sentencing the death penalty to Sheikh Hasina[39] or two years imprisonment to British Member of Parliament Tulip Siddiq[40] because she is a niece of Sheikh Hasina, are examples of a shambolic legal system which has completely given in to government pressure. 100 UK lawyers have slammed the Tulip trial as contrived[41] , and these proceedings are termed as *kangaroo court proceedings*[42].

Analysts identified several patterns which judges followed in these cases, e.g., not protecting the dignity of the accused persons in the court premises, not allowing lawyers to represent the alleged Awami League leaders and activists, not allowing them to sit or to direct police and the jail authority to provide medical assistance or to provide special treatment in jail custody, etc. In the first few months, leaders and activists of Jamat, BNP and NCP attacked the Awami League leaders in the court premises, but the government was totally silent about it. Later, the press wing of the Chief Advisor started to

39 FP News Desk, 'Dhaka court sentences Hasina' (n 5).

40 BBC News, 'Bangladesh: Tulip Siddiq MP given jail sentence in Bangladesh after trial in her absence', BBC News (London, [insert date of article]) <https://www.bbc.com/news/articles/c4g9dyd84lwo> accessed 1 December 2025

41 London Daily, 'UK lawyers condemn Bangladesh trial of former minister Tulip Siddiq as contrived' (London, 28 November 2025) <https://londondaily.com/uk-lawyers-condemn-bangladesh-trial-of-former-minister-tulip-siddiq-as-contrived> accessed 1 December 2025

42 Bangladesh2024JusticeWatch, 'The need to end Bangladesh's kangaroo court proceedings' (30 November 2025) <https://bangladesh2024justicewatch.org/the-need-to-end-bangladeshs-kangaroo-court-proceedings/> accessed 1 December 2025

justify these attacks, which was followed by blanket impunity for the miscreants. The government is trying to legalise all the actions of these judges and those miscreants under the so-called July Declaration. The judges themselves mistreated not only the Awami League leaders, but also secular activists, former Chief Justice, judge of the Appellate Division, journalists[43] and academicians, e.g. Shahriar Kabir, Abul Barkat[44], Hafizur Rahman Karzon[45], former Chief Justice Khairul Huq[46], Justice Shamsuddin Manik[47], Shyamol Dutta[48] , etc. Another pattern is the prosecutors are appointed politically, mostly from Jamat and BNP and they are violating all the international norms, e.g., Office of the High Commissioner for Human Rights' (OHCHR) Guidelines on the Role of the Prosecutors[49], International Criminal Court's (ICC) Staff Regulation[50], etc. while performing their duties by

43 Reporters Without Borders, 'Bangladesh: violent attacks on journalists are surging — the government must take action' (14 February 2025) <https://rsf.org/en/bangladesh-violent-attacks-journalists-are-surging-government-must-take-action> accessed 1 December 2025

44 Dhaka Tribune, 'Economist Abul Barkat arrested from Dhanmondi' (11 July 2025) <https://www.dhakatribune.com/bangladesh/386112/economist-abul-barkat-arrested-from-dhanmondi> accessed 1 December 2025

45 He is provided bail recently. See: The Business Standard, 'HC grants bail to DU Prof Karzon in anti-terrorism case' (24 November 2025) <https://www.tbsnews.net/bangladesh/court/hc-grants-bail-du-prof-karzon-anti-terrorism-case-1293346> accessed 1 December 2025

46 BDNews24, 'Former chief justice ABM Khairul Haque arrested in Dhaka ' (24 July 2025) <https://bdnews24.com/bangladesh/84f1ae07f143> accessed 1 December 2025

47 Dhaka Tribune, 'Former justice Manik arrested' (23 August 2024) <https://www.dhakatribune.com/bangladesh/nation/355872/former-justice-manik-arrested> accessed 1 December 2025

48 Telegraph India, 'Daughter appeals to UN as Bangladeshi journalist Shyamal Dutta completes year in jail' (21 September 2025) <https://www.telegraphindia.com/world/daughter-appeals-to-un-as-bangladeshi-journalist-shyamal-dutta-completes-year-in-jail/cid/2124268> accessed 1 December 2025

49 Office of the High Commissioner for Human Rights, *Guidelines on the Role of Prosecutors* <https://www.ohchr.org/en/instruments-mechanisms/instruments/guidelines-role-prosecutors> accessed 1 December 2025

50 International Criminal Court, *Staff Regulations* (ICC, 4 July 2012) <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/3119BD70-DFB6-4B8C-

constantly threatening[51] to file sedition or contempt cases[52] against the lawyers.

The former Chief Justice has appointed nearly 50 judges on two occasions.[53] The criteria were – the incumbents are anti-Awami League, anti-Mujib and anti-India, supporters of Jamat, BNP and NCP, and most of them do not believe in the high ideals of the 1971 war of liberation. In less than one year in service, the first batch of Assistant Judges has been confirmed as Judges of the High Court Division, which earlier took two years.[54] So, what was the criterion for confirming their job? The only qualification was that they served the government well in denying bail to those who are termed as 'agents of Awami League' by Yunus and his allies, sentencing Sheikh Hasina and her family members *in absentia*, and supporting every single policy of the government, even if those policies are anti-constitutional and violate the basic norms of natural justice and rule of law. Other criteria considered by the Chief Justice were that the appointees are relatives of Jamat, BNP and NCP Leaders. For example, two judges,

BC17-3019CC1D0E21/140182/Staff_Regulations_120704EN.pdf> accessed 1 December 2025

51 New Kerala, 'Bangladesh ICT chief prosecutor slammed for issuing threats to defence lawyer' (25 November 2025) <https://www.newkerala.com/news/o/bangladesh-ict-chief-prosecutor-slammed-issuing-threats-defence-lawyer-326> accessed 1 December 2025; see also, Justice and Media Freedom Foundation, 'Bangladesh Alert: JMBF condemns threats' (30 November 2025) <https://www.jmbf.org/2025/11/bangladesh-alert-jmbf-condemns-threats.html> accessed 1 December 2025

52 The Daily Star, 'ICT prosecution files contempt petition against BNP leader Fazlur Rahman' (30 November 2025) <https://www.thedailystar.net/news/bangladesh/news/ict-prosecution-files-contempt-petition-against-bnp-leader-fazlur-rahman-4043931> accessed 1 December 2025

53 The Daily Star, '25 new High Court judges sworn in' (3 November 2025) <https://www.thedailystar.net/news/bangladesh/news/25-new-high-court-judges-sworn-3971221> accessed 1 December 2025.

54 The Business Standard, '22 additional judges appointed as permanent High Court judges' (18 November 2025) <https://www.tbsnews.net/bangladesh/court/22-additional-judges-appointed-permanent-high-court-judges-1283296> accessed 1 December 2025

i.e., Lutfor Rahman is the father-in-law of Sarjis Alam,[55] a co-ordinator of meticulously designed colour revolution, and Urmee Rahman is the wife of Tanim Hossain Shawon, who is a member of the Judicial Reform Committee and Special Advisor to Asif Nazrul, the Advisor to the Ministry of Law, Justice and Parliamentary Affairs. These appointments have further politicised the judiciary of Bangladesh.

6. Rise of Mob Violence

The surge in mob violence in Bangladesh following the ouster of Sheikh Hasina on 5 August 2024 is not merely a spontaneous eruption of public anger; it reflects systemic complicity and political opportunism. Reports by the GCDG reveal that 637 people, including 41 police officers, were lynched between August 2024 and July 2025, marking a twelvefold increase from 2023 figures.[56] This escalation coincided with the rise of the National Citizen Party (NCP) and other interim power brokers who allegedly tolerated or orchestrated mob attacks to consolidate influence.[57] Law enforcement's paralysis—partly due to demoralisation and political interference—created a permissive environment where mobs operated with near-total impunity.[58] The interim government's failure to prosecute perpetrators, despite public pledges of "zero tolerance," has entrenched a culture of vigilantism.[59]

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55 Prothom Alo, '25 including Sarjis' father-in-law appointed High Court's additional judges' (26 August 2025) <https://en.prothomalo.com/bangladesh/j07u819krh> accessed 1 December 2025

56 Global Centre for Democratic Governance, *Broken Trust, Rising Rage: Bangladesh Completes a Year of Mob Rule and Violence* (GCDG, 2 August 2025) <https://globalcdg.org/bangladesh-completes-a-year-of-mob-rule-and-violence/> accessed 1 December 2025

57 The Daily Star, 'The Architectonics of Mob Violence in Bangladesh' (Dhaka, 15 July 2025) <https://www.thedailystar.net/opinion/views/news/the-architectonics-mob-violence-bangladesh-3969276> accessed 1 December 2025

58 ibid

59 Economic Times, 'Mob Rule Grips Bangladesh after Hasina's Exit; 637 Lynched in a Year' (New Delhi, 5 August 2025) <https://economictimes.indiatimes.com/news/international/world-news/mob-rule-grips-bangladesh-after-hasinas-exit-637-lynched-in-a-year/articleshow/123103455.cms> accessed 1 December 2025

Mob violence has disproportionately targeted groups perceived as ideological or political adversaries. Awami League leaders and Chhatra League activists bore the brunt of retaliatory killings during and after the July uprising, with 87 party affiliates murdered between 4 and 6 August alone, alongside 36 police officers.[60] Hindu and Ahmadiyya minorities, secular activists, and journalists have also faced brutal attacks, often triggered by viral misinformation branding them as "anti-Islamic" or "pro-Hasina."[61] One chilling example was the lynching of Lal Chand Sohag, a Hindu social worker, livestreamed outside Mitford Hospital in July 2025.[62] Women have been subjected to gendered violence and moral policing under the guise of defending "Islamic values," with mobs harassing women for attire and disrupting cultural events.[63] The UNFPA Violence Against Women Survey 2024 underscores this trend, noting a sharp rise in public-space assaults and technology-facilitated harassment during political unrest.[64]

Shrines and Sufi heritage sites have emerged as another major target. Since August 2024, over 100 shrines have been vandalised, looted, or set ablaze, including historic sites like Shah Poran's Mazar in Sylhet and Dewanbagh Darbar Sharif in Narayanganj.[65] These attacks, often led by hardline Islamist groups such as Touhidi Janata, aim to

60 Prothom Alo, '326 Killed in 4–6 August' (Dhaka, 11 August 2024) <https://en.prothomalo.com/bangladesh/uehg958yy8> accessed 1 December 2025

61 Human Rights Watch, *World Report 2025: Bangladesh* (HRW, 2025) <https://www.hrw.org/world-report/2025/country-chapters/bangladesh> accessed 1 December 2025

62 Economic Times, 'Mob Rules Grip Bangladesh...' (n 59)

63 The Business Standard, 'Violence Against Women in First Half of 2025 Shows Sharp Increase' (Dhaka, 17 July 2025) <https://www.tbsnews.net/bangladesh/crime/violence-against-women-first-half-2025-shows-sharp-increase-over-previous-2-years> accessed 1 December 2025

64 UNFPA Bangladesh, *2024 Violence Against Women Survey* (UNFPA, 13 October 2025) <https://bangladesh.unfpa.org/en/2024-violence-against-women-survey> accessed 1 December 2025

65 The Daily Star, 'Silence of the Shrines' (Dhaka, 23 February 2025) <https://www.thedailystar.net/news/bangladesh/news/silence-the-shrines-3831166> accessed 1 December 2025

erase centuries-old traditions of pluralism and spiritual tolerance.[66] Rights monitors warn that this campaign represents not only religious extremism but a cultural genocide against Bangladesh's syncretic identity.[67]

Far from being random, mob violence has evolved into a calculated political instrument. Property seizures, intimidation of dissenters, and suppression of secular voices are recurring patterns. Human rights organisations, including Ain o Salish Kendra (ASK), report that mobs frequently act on fabricated allegations—such as theft or blasphemy—circulated via social media to justify attacks and dispossession.[68]

This pattern is evident from the attacks on the Hindu populace all over the country. For example, on 22 June 2025, an elderly Hindu barber, Paresh Chandra Shil (69), and his son Bishnu Chandra Shil (35) were brutally assaulted by a Muslim mob in Lalmonirhat after rumours spread that they had insulted Islam and the Prophet Muhammad. Video footage shows Paresh being punched, kicked, and stripped, while Bishnu was beaten for trying to protect his father.[69] Shockingly, both victims were later arrested under charges of "hurting religious sentiments," a law increasingly weaponised against minorities.[70] The same report highlights that at least fifteen similar incidents of mob violence have occurred across Bangladesh since the ouster of Sheikh Hasina in August 2024. In Dinajpur, in June 2025, Sohag Das faced death threats over a Facebook post, with the Islamist group Al Insaf

66 Religion Unplugged, 'Sufi Shrines Face Wave of Attacks in Bangladesh' (Dhaka, 5 September 2024) <https://religionunplugged.com/news/sufi-shrines-face-wave-of-attacks-in-bangladesh> accessed 1 December 2025

67 JusticeMakers Bangladesh, 'Why Are Sufi Shrines and Spiritual Sites Under Attack in Bangladesh?' (Paris, 24 February 2025) <https://www.jmbf.org/2025/02/why-are-sufi-shrines-and-spiritual.html> accessed 1 December 2025

68 Ain o Salish Kendra, *Annual Human Rights Report 2025* (ASK, October 2025) <https://askbd.org> accessed 1 December 2025

69 Borderlens, 'From Rumor to Rage: Hindus Attacked Amid Blasphemy Fury in Bangladesh' (24 June 2025) <https://www.borderlens.com/2025/06/24/from-rumor-to-rage-hindus-attacked-amid-blasphemy-fury-in-bangladesh/> accessed 1 December 2025

70 ibid

Islami Sangh leading rallies demanding his execution.[71] In May 2025, Bikash Dhar Deepta was detained in Moulvibazar under the Cyber Security Act for allegedly defaming the Prophet.[72] Earlier, in April 2025, Akhil Chandra Mondal was brutally attacked in Tangail despite the presence of police officers who failed to intervene.[73] One of the most shocking cases occurred in Faridpur in October 2024, where student Hridoy Pal was assaulted and blindfolded after a hacked Facebook post was deemed blasphemous; disturbing video footage shows him being beaten even by uniformed personnel.[74] These incidents underscore a growing pattern of mob violence fuelled by rumours, religious extremism, and state complicity, leaving minorities increasingly vulnerable to persecution.

There is another pattern of mob handing over dissenters to the police, where apparently the victims have done nothing but exercise their freedom of opinion and expression and freedom of association, which are their constitutional rights. For example, Aqib Masud,[75] an Islamic University student, or Lavlu Mollah Shishir,[76] a Deputy Registrar of Dhaka University, were handed over to the police after mobs assaulted them. Their crime was to dissent with the government's decision or to criticise the recent judgment against Hasina. Another target group is the *'Bauls',* in English they are known as bards, who sing country songs telling a story or a philosophy. Extremist groups are attacking

71 ibid

72 ibid

73 ibid

74 ibid

75 BdDigest, 'Facebook post in favor of Awami League: Another student in Islamic University caught by mob, handed over to police' (date unknown) <https://en.bddigest.com/facebook-post-in-favor-of-awami-league-another-student-in-islamic-university-caught-by-mob-handed-over-to-police/> accessed 1 December 2025

76 BdDigest, 'Opposing Sheikh Hasina's verdict: Dhaka University deputy registrar handed over to police by a mob' (date unknown) <https://en.bddigest.com/opposing-sheikh-hasinas-verdict-dhaka-university-deputy-registrar-handed-over-to-police-by-a-mob/> accessed 1 December 2025

them all over Bangladesh,[77] even university authorities, like the proctor of Jahangirnagar University,[78] use mobs to stop *Baul* festivals on the campus. Through such active and inactive support from the authorities, the government is fuelling extremism in the country.[79]

In rural districts, mobs have forcibly occupied lands belonging to political opponents and minorities, while urban vigilante groups have targeted journalists and cultural activists to silence criticism of the interim regime.[80] The Daily Star describes this phenomenon as "a deeper structural malaise," where decades of politicised policing and judicial inertia have normalised collective lawlessness.[81]

The July–August uprising itself illustrated how mobs were weaponised for political ends. During the protests, BDNews24 found that 29 police stations were torched, arms looted, and officers lynched, creating a security vacuum that opportunistic actors exploited to settle scores and grab assets, whereas the real number is much higher.[82] Subsequent months saw mobs storming court premises, attacking defence lawyers, and disrupting trials of former ministers—acts that blur the line between popular justice and orchestrated terror.[83] Analysts argue that these dynamics reflect a broader crisis of

77 The Daily Star, 'Attack on Bauls: Govt inaction risks fuelling extremism' (30 November 2025) <https://www.thedailystar.net/news/bangladesh/crime-justice/news/attack-bauls-govt-inaction-risks-fuelling-extremism-4042921> accessed 1 December 2025

78 BdDigest, 'JU proctor leads mob to shut down Bauler Droho protest performance at Jahangirnagar University' (date unknown) <https://en.bddigest.com/ju-proctor-leads-mob-to-shut-down-bauler-droho-protest-performance-at-jahangirnagar-university/> accessed 1 December 2025

79 The Daily Star, 'Attack on Bauls: Govt inaction risks fuelling extremism'

80 Dhaka Tribune, 'At Least 111 Deaths in Mob Attacks After July Uprising' (Dhaka, 8 October 2025) <https://www.dhakatribune.com/bangladesh/393525/at-least-111-deaths-in-mob-attacks-after-july> accessed 1 December 2025

81 The Daily Star, 'The Architectonics of Mob Violence in Bangladesh', (n 57)

82 bdnews24.com, 'Signs of Vandalism, Looting at Every Police Station' (Dhaka, 8 August 2024) <https://bdnews24.com/bangladesh/a148fb64e639> accessed 1 December 2025

83 The Daily Star, 'ICT Prosecution Files Contempt Petition Against BNP Lead-

governance: when formal institutions fail, informal violence becomes a tool for power negotiation.[84]

The rise of mob violence in Bangladesh since the July–August 2024 upheaval is symptomatic of a profound institutional collapse. What began as a student-led movement for reform has metastasised into a cycle of vigilantism, sectarian aggression, and political score-settling. State complicity—whether through silence or active orchestration—has emboldened mobs to target shrines, minorities, journalists, and women, eroding the pluralistic foundations of Bangladeshi society. Unless decisive measures are taken to restore the rule of law, strengthen accountability, and protect vulnerable communities, mob violence risks becoming a permanent feature of the country's political landscape.

7. Critical Analysis: How These Events Demonstrate the Absence of the Rule of Law

The events documented throughout this period collectively expose a governance structure that has abandoned the core principles of the rule of law. First, the state's tacit approval and, in some cases, active orchestration of mob violence directly contravene constitutional guarantees of equality before the law and protection of life and liberty under Articles 27 and 31. Law enforcement agencies, instead of acting as guardians of public security, have been repurposed as instruments of intimidation, eroding the foundational principle that policing exists to protect citizens rather than persecute them. Second, the normalisation of extrajudicial killings and custodial deaths signals a collapse of due process and judicial oversight, violating both domestic constitutional safeguards and international human rights obligations. Third, the systematic destruction of cultural and historical monuments, coupled with targeted attacks

er' (Dhaka, 30 November 2025) <https://www.thedailystar.net/news/bangladesh/news/ict-prosecution-files-contempt-petition-against-bnp-leader-fazlur-rahman-4043931> accessed 1 December 2025

84 The Diplomat, 'Why Is Mob Violence So Common in Bangladesh?' (Washington, 26 June 2025) <https://thediplomat.com/2025/06/why-is-mob-violence-so-common-in-bangladesh/> accessed 1 December 2025

on minorities and dissenters, demonstrates how violence has been politicised to consolidate power and rewrite national identity. Fourth, the arbitrary use of special laws—such as the ICT Act and Anti-Terrorism Act—against political opponents and civil society actors reflects a shift from rule of law to rule by law, where legal instruments are weaponised to legitimise authoritarian control rather than ensure justice.

In essence, these developments confirm that Bangladesh under the Yunus regime has transitioned from a constitutional democracy to a state of coercion and impunity. Legality has been subordinated to political expediency, and justice replaced by systemic repression. The absence of accountability and the institutionalisation of violence signify the complete erosion of the rule of law—a condition that not only destabilises domestic governance but also poses grave risks to regional security and human rights.

8. Conclusion

The course of Bangladesh under the Yunus-led interim regime reveals a governance model that has systematically dismantled the foundations of constitutionalism and the rule of law. What began as a promise of reform and reconciliation has devolved into a state of coercion, impunity, and institutional decay. The documented patterns—state complicity in mob violence, extrajudicial killings, arbitrary arrests, and the politicisation of the judiciary—underscore a deliberate shift from governance under law to governance by discretion. Legal instruments have been weaponised to silence dissent, while mobs have been mobilised to enforce ideological conformity and intimidate opponents. Cultural and historical erasures, persecution of minorities, and gendered violence further illustrate how lawlessness has been normalised as a tool of political control.

This collapse is not merely a domestic crisis; it poses profound implications for regional stability and international human rights obligations. By subordinating legality to expediency, the Yunus regime has transformed Bangladesh from a constitutional democracy into a fragile state where justice is negotiable, and

violence is institutionalised. Restoring the rule of law will require more than rhetorical commitments—it demands structural reforms, accountability for perpetrators, and a reaffirmation of constitutional guarantees. Until such measures are taken, the country remains trapped in a cycle of fear and authoritarianism, with devastating consequences for its democratic future.

Chapter 6

Reemergence of Impunity in Bangladesh

VICTIMS IGNORED AND DEFENCE DENIED

1. Introduction

On 14 October 2024, the Ministry of Home Affairs, Bangladesh, issued a press release stipulating that no police complaints be filed, and no arrests or harassment undertaken, against anyone alleged to have been involved in activities/events between 15 July and 8 August 2024 that led to the July mass-uprising in Bangladesh.[1] The interim government's decision not to pursue justice for the July-August violence has raised concerns for the reemergence of impunity in Bangladesh.[2]

1 Ministry of Home Affairs, Bangladesh; Press Release dated 14 October 2024 < https://moha.gov.bd/site/press _release/654abf8a-2389-4449-a40c-725f07dd2c38/ > accessed 22 September 2025

2 Tasmiah Ahmed, 'Bangladesh: Are human rights eroding under Muhammad Yunus?' (*Deutsche Welle,* 30 December 2024) [online] < https://www.dw.com/en/bangladesh-are-human-rights-eroding-under-muhammad-yunus/a-71185927> accessed 22 September 2025; Aleya Sekh, 'Bangladesh Directive on Indemnity Demoralizes Police (*Eurasia review,* 20 October 2024) [online] <https://www.eurasiareview.com/20102024-bangladesh-directive-on-indemnity-demoralizes-police-oped/> accessed 22 September 2025; see also, 'Bangladesh immunity order sparks fears of justice denied' (*Radio France Internationale*, 28 October 2024) [online] < https://www.rfi.fr/en /international-news/20241028-bangladesh-immunity-order-sparks-fears-of-justice-denied> accessed 22 Sept 2025

Previously, indemnities in Bangladesh were established in the form of presidential ordinances, parliamentary acts, or constitutional amendments; this is the first instance in the country's history of one being announced solely through a ministry press release.[3] Moreover, in the absence of any gazette notification, the legal foundation for this grant of impunity is unclear. Given its immediate backlash on constitutionally guaranteed civic rights, concerns have been raised about the constitutionality of the alleged impunity.[4]

Media and human rights reports agree that the July uprising unfolded in three distinct phases: first, non-violent demonstration; second, violent demonstration followed by killing, arrest, and detention of protesters by security forces; third, revenge violence followed by killing and injury of security forces and Awami League supporters, rape and sexual violence against female, arson, destruction, and looting of public and private properties, and public humiliation of individuals by the protesters.[5] Yet, the government does not specify which activities or events the indemnity covers, nor explain how this omission aligns with the government's default role in criminal cases brought by individual victims and heard before the Court of Session or the International Crimes Tribunal, Bangladesh.[6] Presumably, the vagueness in the indemnity is deliberately designed to avoid public scrutiny due to the selective use of the criminal justice system.

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3 Indemnity Ordinance 1975; Constitution (Fifth Amendment) Act 1979; Constitution (Seventh Amendment) Act 1986; Joint Drive Immunity Act 2003; and Quick Enhancement of Electricity and Energy Supply (Special Provision) Act 2010

4 Radio France Internationale, n 2

5 UN OHCHR, *Fact-Finding Report Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh*, (Geneva, 12 February 2025)

6 Code of Criminal Procedure 1898, section 265A states that: "In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor." International Crimes (Tribunals) Act, 1973 section 7. (1) states that: "The Government may appoint one or more persons to conduct the prosecution before a Tribunal on such terms and conditions as may be determined by the Government; and every such person shall be deemed to be a Prosecutor for the purposes of this Act."

Allegedly, the interim government's refusal to seek accountability for the murdered and injured security personnel has reinforced a culture of impunity, especially because the post-uprising mob culture discourages individuals from pursuing justice on their own, unless it aligns with the interests of the government or new political voices.[7] This vulnerability equally affected the activists and supporters of the Awami League and their allies. What raises alarm is that, in addition to barring accountability, the unrestrained indemnity has been weaponised to deny justice to victims of crimes entirely independent and unrelated to the July uprising.[8] As a result, both domestic and international observers have sounded an alarm over the emerging culture of impunity that threatens the rule of law and access to justice in Bangladesh.[9] Moreover, the offenders charged for police violence during the uprising are likely to be seriously prejudiced in their defence as the alleged impunity barred investigation into their own victimisation, which might impact their criminality.

Against this backdrop, this study first traces Bangladesh's entrenched culture of impunity since independence and its legal ramifications. It then makes an in-depth examination of the judicial scrutiny of the indemnity laws by the Supreme Court of Bangladesh. Drawing on the Bangladesh Constitution and judicial decisions, it assesses the legality of the 2024 indemnity directive. Finally, this study examines the international legal framework and jurisprudence of the International Criminal Court to evaluate the impact of the alleged impunity on the defence of those accused of causing protesters' deaths by firearms and subject to prosecution in different criminal courts. It concludes with a nuanced observation that seeks to overcome the cloud over the legality of the ongoing prosecution of the July uprising-related violence, while upholding the rule of law and constitutional supremacy.

7 Aleya Sekh, n 2; Radio France Internationale, n 2

8 For detail, see UN OHCHR, n 5 at pp. 51-58; Radio France Internationale, n 2

9 Tasmiah Ahmed, n 2; Radio France Internationale, n 2

2. Culture of Indemnity in Bangladesh

The emergence of Bangladesh is defined by a protracted struggle for liberation, followed by a nine-month war of independence against the Pakistani occupying forces and their local collaborators. From Pakistan's standpoint, this conflict amounted to unlawful secession, making anyone involved or any related activity punishable under Pakistani law. In the aftermath of independence, distinguishing the legitimate defensive actions of freedom fighters from the Pakistani atrocities proved essential for pursuing post-war justice against Pakistani war criminals. To cement that distinction and shield the new nation's defenders, the Bangladesh National Liberation Struggle (Indemnity) Order 1973 was promulgated.[10] This Order constituted the first indemnity law in independent Bangladesh, barring all suits, prosecutions, and legal proceedings against any person for acts committed between 1 March and 16 December 1971, in connection with the war of liberation, as well as for efforts to maintain or restore order up to 28 February 1972.[11]

The second indemnity law followed swiftly. Following the assassination of President Bangabandhu Sheikh Mujibur Rahman and unlawful regime change on 15 August 1975, the new President, Moshtaque Ahmed, issued the Indemnity Ordinance 1975, barring accountability of the killers of Bangabandhu, his family members, and other civilian and military officers, and actors involved in the regime change.[12]

The third and fourth indemnity laws came in the form of constitutional amendments. After assuming the presidency, Ziaur Rahman validated the 1975 Indemnity Ordinance, along with his martial law regime, through the fifth amendment to the Bangladesh Constitution.[13] In 1986, another Military ruler, HM Ershad, indemnified his regime through the Seventh Amendment of the Constitution.[14] Notably,

10 President's Order Number 16 of 1973 dated 28 February 1973

11 Clause 2 of President's Order No. 16 of 1973 dated 28 February 1973

12 Indemnity Ordinance 1975, dated 26 September 1975

13 The Constitution (Fifth Amendment) Act 1979, dated 6 April 1979, validated and ratified all actions of the martial law regimes between 15 August 1975 and 9 April 1979

14 The Constitution (Seventh Amendment) Act 1986, dated 11 November

since 1975, the successive military regimes had been marked by unlawful assumption of state power, extra-judicial killing, summary execution by military court, and torture of both defence personnel and civilians.[15] The military rulers instrumentalised the indemnity legislation to exonerate their liability.

The fifth indemnity law, namely the Joint Drive Immunity Act, 2003, came to exonerate the members of the joint forces who took part in the Operation Clean Heart that led to 57 deaths and torture of many civilians between 16 October and 9 January 2003.[16] The Act shielded the joint forces from any casualty, damage to life and property, violation of rights, and physical or mental damage during the alleged operation.[17]

The sixth indemnity law in Bangladesh has exempted the government and state-owned or controlled institutions involved in power production or procurement from financial liabilities since October 2010.[18] The Quick Enhancement of Electricity and Energy Supply (Special Provision) Act 2010 continued to indemnify the quick rental and rental power procurement process until declared unconstitutional by the High Court of Bangladesh on 14 November 2024.[19]

Notably, the October 2024 indemnity, issued by the Home Ministry, is strikingly different from earlier indemnity legislation.[20] It appears

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1986, validated and ratified all actions undertaken pursuant to the proclamation of martial law on 24 March

15 Lawrence Ziring, *Bangladesh: From Mujib to Ershad: An interpretive Study* (University Press Limited, Dhaka, 1992); Anthony Mascaranhas, *Bangladesh: A Legacy of Blood* (Hodder and Stoughton: London, 1986); Taj Hashmi, *Fifty Years of Bangladesh, 1971–2021: Crises of Culture, Development, Governance, and Identity* (Palgrave Macmillan, 2022), pp. 111-190

16 Act No. 1 of 2003

17 Joint Drive Immunity Act 2003, section 3

18 Quick Enhancement of Electricity and Energy Supply (Special Provision) Act 2010, section 9

19 'High Court declares immunity provision in quick rental power act unconstitutional' (*Dhaka Tribune,* 14 November 2024) [online] <https://www.dhakatribune.com/bangladesh/court/365125/high-court-declares-immunity-in-quick-rental-act> accessed 23 September 2025

20 Ministry of Home Affairs, Bangladesh, n 1

as a press release rather than a formal legal instrument, creating uncertainty about its legal status since a press release in Bangladesh is ordinarily informational, not legislative. Despite this atypical form, the 2024 indemnity rallies the same detrimental consequences as earlier indemnities: firstly, the police are prohibited from initiating complaints on their own; secondly, individual victims are barred from filing complaints about their victimisation; and thirdly, it stalls any investigations tied to complaints lodged before the indemnity.

The indemnity laws promulgated between 1975 and 2010 were alleged to have contravened the fundamental rights guaranteed by the Constitution and had been challenged before the Supreme Court of Bangladesh. This study, therefore, undertakes a legal scrutiny of the Supreme Court's indemnity jurisprudence to evaluate the legality of the 2024 indemnity directive.

3. Judicial Scrutiny of the Indemnity Laws in Bangladesh

In Bangladesh, the culture of impunity, facilitated by the indemnity laws, faced no legal or parliamentary scrutiny until the Awami League formed its second government in 1996. In its first parliamentary session, the Awami government passed the Indemnity (Repeal) Act 1996, repealing the 1975 Indemnity Ordinance.[21] Though no reason was assigned in the preamble of the Repeal Act, accountability for the assassination of Bangabandhu and others was its main legislative intention. Two opposition parties in the Parliament, the BNP and Jamaat-e-Islami, were absent during the voting on the Repeal Act, but their absence did not affect its passage as the government had a clear majority.[22] However, two writ petitions[23] were filed challenging the legality of the Repeal Act, arguing that the 1975 Indemnity Ordinance, being protected by the Fifth Amendment of the Constitution, formed part of it and could not be repealed without any constitutional amendment prescribed under Article 142.[24] The High Court Division

21 Indemnity (Repeal) Act 1996 (Act number 21 of 1996), section 2.

22 Amnesty International, *Bangladesh: Trial of Alleged Killers of Sheikh Mujibur Rahman* (AI Index: ASA 13/02/97), p. 3

23 Writ Petition No. 5313 of 1996 and Writ Petition No. 5321 of 1996

24 ibid

(HCD) of the Supreme Court jointly heard the petitions and dismissed the challenge, declaring the 1975 Indemnity Ordinance *void ab initio* for being violative of the constitutional primacy enshrined in Articles 7(2) and 26(2) of the Constitution.[25] The Appellate Division of the Supreme Court also held that the Indemnity Ordinance did not form part of the Constitution and its repeal required no constitutional amendment.[26]

The Fifth Amendment of the Bangladesh Constitution was intended to confer constitutional validity on the martial law proclamation, as well as the "acts and things done" under the martial law regulations.[27] But the subject matter of the 1975 Indemnity Ordinance, i.e., exonerating responsibility for extra-judicial killings, did not qualify for protection under the Fifth Amendment, because the killings took place before martial law was proclaimed and lacked nexus with the "acts and things done" under martial law. [28]

The 1975 Indemnity Ordinance was promulgated by President Moshtaque under Article 93 of the Constitution. Generally, such an Ordinance is presented to Parliament for its continuing validity.[29] Parliament accordingly repealed the Indemnity Ordinance in 1996, exercising its legislative power. Chief Justice Afzal opined that approving a law is a fundamentally different action from enacting it. Although the 1975 Indemnity Ordinance received constitutional approval under the Fourth Schedule of the Constitution, it remained

25 ibid. Article 7(2): "This Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void." Article 26(2): "The State shall not make any law inconsistent with any provisions of this Part, and any law so made shall, to the extent of such inconsistency, be void."

26 Judgment delivered by the Appellate Division on 2 April 1998 in the Shahriar Rashid Khan vs. Bangladesh and others and Col. (Retd.) Sayed Faruque Rahman vs. Bangladesh and others (Civil Appeal No. 18 and 19 of 1997)

27 ibid

28 ibid

29 Constitution of Bangladesh, Article 93(2)

an Ordinance, did not become part of the Constitution, and was amenable to repeal by Parliament.[30]

Martial law has no basis in the Constitution of Bangladesh, but numerous actions were taken under martial law regulations. As a result, it became necessary to confer constitutional validity, ratification, and confirmation to preserve legal continuity.[31] By proclamation of martial law, an existing legal order is suspended, and a new, extra-constitutional regime is imposed, and constitutional amendments are therefore invoked to provide retroactive constitutional cover.[32] Such amendments function like an indemnity law commonly enacted after the proclamation of martial law, retroactively confirming and legitimising the measures and acts executed at that time.[33]

The Fifth and Seventh Amendments of the Constitution, which indemnified the actions of martial law regimes, also came under judicial scrutiny. Both divisions of the Supreme Court invalidated the amendments, declaring them to be *ultra vires* of the Constitution.[34] In both cases, the Appellate Division reasoned that the basic structure of the Constitution does not approve any unconstitutional military takeover or actions taken under a martial law proclamation.[35] As a

30 Chief Justice A.T.M. Afzal in the Shahriar Rashid Khan v. Bangladesh and others and Col. (Retd.) Sayed Faruque Rahman v. Bangladesh and others (Civil Appeal No. 18 and 19 of 1997)

31 Justice Latifur Rahman in Shahriar Rashid Khan v. Bangladesh and others and Col. (Retd.) Sayed Faruque Rahman v. Bangladesh and others (Civil Appeal No. 18 and 19 of 1997)

32 ibid

33 ibid

34 The Constitution (Fifth Amendment) Act 1979 has been declared illegal, void, and non-est by the High Court Division (Writ Petition No. 6016 of 2000) and confirmed by the Appellate Division of the Supreme Court (Civil Petition for Leave to Appeal No. 1044-1045/2009); see also, the Constitution (Seventh Amendment) Act 1986 has been declared void *ab initio* by the High Court Division (Writ Petition No. 696/2010) and confirmed by the Appellate Division in Siddique Ahmed v. Government of Bangladesh (Civil Appeal No. 48 of 2011). Reported in 65 DLR (AD) (2013) 8

35 ibid

result, the acts of indemnity, though entrenched in the constitutional framework, become void automatically.

The Supreme Court, in the Fifth and Seventh Amendment cases, relied on the inviolability of the Constitution's basic structure to invalidate the indemnities, while subsequent decisions emphasised incompatibility with constitutionally guaranteed fundamental rights. For example, when the Joint Drive Immunity Act 2003 was challenged before the HCD, the Court annulled it, terming it violative of the rule of law, the constitutional guarantee of protection of law, the right to life and personal liberty,[36] and the statutory limitations on indemnity legislation.[37]

The Court upheld the constitutional promise for individual immunity only for or in connection with "national liberation struggle or the maintenance or restoration of order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area."[38] Undoubtedly, the Joint Drive was not something equal to or connected to the national liberation struggle, nor was the Court convinced about the objective threshold of urgency or deterioration of the law and order situation requiring oppressive measures leading to unlawful killing and torture. The Constitution's rejection of impunity is so unequivocal that it even covers wartime atrocities.[39]

On 14 November 2024, the HCD scrapped the indemnity under the Quick Enhancement of Electricity and Energy Supply (Special Provision) Act 2010.[40] The Court opines that the government's unrestrained power to engage in energy contracts contradicts the principles of constitutional

36 Under Article 32

37 Under Articles 46, 47(3), and 47A; see more, Z.I. Khan Panna v. Bangladesh and Others (Writ Petition No. 7650 of 2012), judgment on 13 September 2015, p. 52

38 see, Article 46

39 see, Article 47(3)

40 Dr. Shahdeen Malik and Another vs. Bangladesh and Others (Writ Petition 10378/2024), judgment on 14 November 2024

democracy and governance. Moreover, a bar on legal scrutiny[41] is contrary to the constitutional promise of judicial accountability for executive organs.[42] The indemnity places the executive in a "supra-law" position, contrary to the equality before the law[43] and the rule of law guaranteed by the Constitution. Thus, the Act of 2010, which categorises citizens in terms of their accountability, is inconsistent with the existing constitutional scheme[44] and is declared to be *ultra vires*. Following the verdict, the Act was scrapped, saving the contracts that had already come into force under it.[45]

Until now, except for the Bangladesh National Liberation Struggle (Indemnity) Order 1973, all indemnity laws have faced legal challenge and failed to survive the scrutiny of the Supreme Court. It is worth noting that the HCD, in its obiter dictum in *Z.I. Khan Panna v. Bangladesh and Others*[46] characterised the 1973 Indemnity Order "fundamentally, prospectively and notionally different" from other indemnity law.[47] While making a comparison, senior advocate Shahdeen Malik also submitted that the Immunity Act 2003, which exonerated the Clean Heart Operation, "inherently and conceptually does not stand comparison" with the 1973 indemnity by any yardstick.[48] To Malik, what makes the 1973 indemnity distinct from other indemnity laws, is the fact that it was "promulgated in order to give Indemnity to the persons in the service of the Republic and to other persons for or on account of or in respect of any acts done by them" in connection with the struggle for national liberation or for maintenance or restoration of law and order up to 28 February, 1972.[49]

41 Quick Enhancement of Electricity and Energy Supply (Special Provision) Act 2010, section 9

42 Constitution of Bangladesh, Article 145(2)

43 ibid, Article 27

44 ibid, Articles 7, 26(2), 27, and 31

45 Ordinance No. 15 of 2024 dated 28 November 2024, section 2

46 Z.I. Khan Panna, n 37.

47 ibid, para. 41

48 ibid, para. 6

49 ibid, para. 6

Thus, the entire gamut of indemnity-related jurisprudence developed by the Supreme Court leads to the conclusion that: firstly, indemnity legislation is inherently incompatible with the constitutional promise of the rule of law, democracy, and fundamental rights, i.e., equality before the law and equal protection of the law; secondly, inclusion of indemnity within the constitutional framework does not inherently ensure its legality; thirdly, an indemnity violative of constitutional guarantee(s) is liable to be void; fourthly, indemnity for the national liberation struggle is absolute and cannot be equated with any other indemnity legislation.

4. Assessing Legality of the Post-uprising Indemnity:

The bar on accountability for crimes committed between 15 July and 8 August 2024 is violative of the equality before the law and protection of law guaranteed by Article 27 and Article 31 of the Bangladesh Constitution, respectively. The guarantee of constitutional supremacy, the rule of law, and the division of power between the legislature and the executive also do not permit the barring of constitutionally guaranteed fundamental rights by administrative decision or a ministry press release.[50]

The indemnity legislation also contradicts the evolving international human rights obligations. As a party to the International Covenant on Civil and Political Rights 1976 (ICCPR), Bangladesh is obliged by the prohibition on extrajudicial executions.[51] The Human Rights Committee (HRC) established under the ICCPR also emphasises that the guarantee of the right to life applies equally to everyone, including those suspected or convicted of the most serious crimes. [52] The HRC considers any deprivation of life arbitrary if it conflicts with international or domestic law.[53] The ICCPR requires the state parties

50 Bangladesh Constitution, preamble, Articles 7(2), 26(2), and 65(1)

51 Article 6(1) of which states: "Every human being has the inherent right to life. This shall be protected by law. No one shall be arbitrarily deprived of his life."

52 HRC General Comment no. 36 (3 September 2019) CCPR/C/GC/36, para. 3

53 ibid, para. 12. Also see, African Commission on Human and Peoples' Rights, General Comment No. 3 on the African Charter on Human and

to ensure that any person whose recognised rights or freedoms are violated shall have an effective remedy. [54]

In 1989, the Economic and Social Council of the UN adopted the Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.[55] Principle 1 requires governments to outlaw and criminalise all extrajudicial, arbitrary, and summary executions with penalties proportionate to their gravity, irrespective of war, political unrest, or emergencies.

Thus, the 2024 impunity, which bars criminal accountability, violates the constitutional commitments and guarantees of rights, as well as international obligations.

5. Prosecution of the July Violence and Backlash of Impunity on the Defence

The interim government estimates that roughly 800 protesters were killed and thousands more were injured, including about 400 with eye injuries (35 blinded in both eyes), with many survivors left with limb amputations.[56] The UN OHCHR reported that attacks during the July uprising destroyed or damaged 450 of Bangladesh's 639 police stations. [57] The violence inflicted heavy casualties across all security forces: 44 police officers killed and 2,308 injured, 3 Border Guards killed and 129 injured, 3 Ansar/VDP killed and 63 injured, and 2 RAB officers killed and 307 injured. [58] Between 13 and 28 August 2024, a total of 302 cases were filed naming 94 police officials and others, alleging brutality during the uprising.[59] However, even as security forces and protesters

Peoples' Rights: The Right to Life (Article 4) (2015), para. 12

54 ICCPR, Article 2(3)

55 Adopted by the UN Economic and Social Council resolution 1989/65 of 24 May 1989

56 Statement of Bangladesh to the UN in New York at the 6th Committee General Debate on "Crimes Against Humanity (Item:80)", 10 October 2024, Trusteeship Council Chamber, UNHQs

57 UN OHCHR, n 5, para. 214, p. 53

58 Ibid, para. 223, p. 54

59 Nawaz Farhin Antara, '302 cases filed against 94 police officers for brutality during July revolution' (*Dhaka Tribune*, 4 September 2024) <https://

alike endured heavy casualties, the alleged impunity barred access to justice for the former. This starkly selective enforcement exposes a glaring inequality: identical facts that victimised different groups have been treated unevenly, allowing some to pursue legal recourse while denying it to others.

Following the July uprising, the interim government revamped the International Crimes Tribunal Bangladesh (ICTBD) to prosecute the crimes against humanity (CAH) allegedly committed by former prime minister Sheikh Hasina and her associates during the uprising. Since the Tribunal discontinued its online portal, observers and researchers have found it increasingly difficult to access case-related documents. However, the media reported[60] that on receipt of the prosecution's investigation report, the Tribunal on 1 June 2025 indicted Sheikh Hasina, her home minister, and police chief for their command responsibility in violent crackdowns on mass protests amounting to CAH under the International Crimes (Tribunals) Act.[61] While the police chief has been given five years of imprisonment, Sheikh Hasina and her home minister have been sentenced to death *in absentia*.[62] Amongst others, the Human Rights Watch has expressed concerns over fair trial on account of the imposition of the death penalty *in absentia*.[63]

Bangladesh, as a state party to the Rome Statute, has consistently shown commitment to ending impunity.[64] Accordingly, every act of

www.dhakatribune.com/bangladesh/357252/302-cases-filed-against-94-police-officers-for> accessed 9 October 2025

60 SM Najmus Sakib, 'Bangladesh's former Premier Hasina charged with 'crimes against humanity'' (*Anadolu Ajansi Asia-Pacific*, 1 June 2025) <https://www.aa.com.tr/en/asia-pacific/bangladesh-s-former-premier-hasina-charged-with-crimes-against-humanity-/3585839>accessed 8 October 2025

61 Act No. XIX of 1973, section 3(2)(a)

62 Human Rights Watch, 'Bangladesh: Hasina Found Guilty of Crimes Against Humanity Fair Trial Concerns Over Proceedings in Absentia, Death Penalty' (17 November 2025) < https://www.hrw.org/news/2025/11/17/ bangladesh-hasina-found-guilty-of-crimes-against-humanity> accessed 13 December 2025

63 ibid

64 Statement of Bangladesh to the UN in New York at the 6th Committee

violence related to the uprising must be investigated and prosecuted in accordance with established rules of evidence and procedure. To avoid any doubt about its legality and legitimacy, the ICTBD is expected to adhere strictly to the jurisprudence developed by the International Criminal Court (ICC). In prosecuting CAH, the ICC has consistently applied the presumption of innocence, upheld the prosecutorial burden of proof, and required that guilt be established beyond a reasonable doubt.[65] The Rome Statute does not preclude the ICC from using circumstantial evidence.[66] It also makes "a holistic evaluation and weighing of all the evidence taken together in relation to the fact at issue."[67]

Per the principle of "holistic evaluation and weighing of all the evidence", the ICC assesses the reliability and credibility of the evidence relevant to its determination.[68] The probative value of evidence is analysed in consideration of other relevant evidence in the record.[69] Both inculpatory and exculpatory pieces of evidence are objectively analysed in accordance with their weight, and inferences of the alleged facts and circumstances are drawn beyond a reasonable doubt.[70] The concern now is that, as with the ICC, the ICBTD cannot assess the probative value of the full body of evidence

General Debate on "Crimes Against Humanity (Item:80)", 10 October 2024, Trusteeship Council Chamber, UNHQs

65 Rome Statute, Article 66. Also see, Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06), Trial Chamber I, judgment on 14 March 2012, para. 111

66 Prosecutor v. Germain Katanga (ICC-01/04-01/07) Trial Chamber II, judgment on 7 March 2014, para. 109

67 Prosecutor v. Jean-Pierre Bemba Gombo (ICC-01/05-01/08), Trial Chamber III, judgment on 21 March 2016, para. 218; Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06 A 5), Appeal Chamber Judgment on 1 December 2014, para. 22; Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06), Trial Chamber I, judgment on 14 March 2012, para. 94

68 Thomas Lubanga Dyilo, Appeal Judgment and Trial Judgment; Prosecutor v. Mathieu Ngudjolo (ICC-01/04-02/12), Trial Chamber II, judgment on 18 December 2012, para. 45; and Katanga Trial Judgment, para. 79

69 Thomas Lubanga Dyilo, Trial Judgment, para. 94; Katanga Trial Judgment, para. 79; Mathieu Ngudjolo, Trial Judgment, para. 45

70 Mathieu Ngudjolo, Trial Judgment, para. 46; and Katanga Trial Judgment, para. 80

because the alleged indemnity law has blocked investigation of exculpatory elements.

Furthermore, many national and international legal instruments are available to scrutinise the legality of the use of force by the security personnel during the July uprising. For instance, the Police Regulations of Bengal 1943 constrain the use of lethal force by requiring a warning[71] and minimal injury[72] in any hostile situation. International conventions, such as the UN Code of Conduct for Law Enforcement Officials (1979), the Council of Europe Declaration on the Police (1979), and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), have emphasised the importance of urgency, reasonableness, and proportionality in the use of lethal force. The US Supreme Court in *Tennessee v. Garner* (1985) also suggested that the use of lethal force against fleeing, unarmed suspects who pose no threat to officers or others is unacceptable.[73]

Parallel to restrictions, the law also permits the use of force for limited purposes. Consistent with international standards, the Bangladeshi legal framework permits the use of lethal force both by private individuals and security forces. The Penal Code 1860 legalises the deprivation of life for the defence of person and property.[74] The Code of Criminal Procedure 1898 permits the law enforcers to kill any person (accused of any offence punishable with death) if such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest.[75] The Police Regulations of Bengal 1943 permit the use of firearms for the defence of a person and property, dispersing unlawful assemblies, and in some cases, for making an arrest.[76] Bangladesh's authorization to use lethal force is consistent with international legal standards, as evident from the HRC's General Comment on the right to life,[77] HRC's

71 Section 154

72 Section 155

73 Tennessee v. Garner, 471 U.S. 1 (1985)

74 Sections 100 and 103

75 Section 46

76 Section 153

77 HRC General Comment no. 36 (3 September 2019) CCPR/C/GC/36, para. 12

view in the *Suarez de Guerrero v. Colombia* (1982),[78] Article 2(2) of the European Convention of Human Rights 1950, and views of the European Court of Human Rights in *Steel and Others v. UK* (1998).[79]

As there is both legal authorisation and limitation on the use of lethal force, the attribution of criminality requires an objective assessment of the whole incriminatory and exculpatory facts as one series of acts forming the same transaction. Yet, the alleged impunity bars the defense from accessing the probable mitigating evidence, as there is no investigation into their own victimisation. This has led to selectivity, allowing the prosecution to exploit incriminating evidence while making mitigating evidence inaccessible to the defence. This inequality of arms in the July violence trial prejudices the defence and undermines the pursuit of justice. Clearly, it overlooks the ICC's evidential standard of "holistic evaluation and weighing of all the evidence".

Given that the security forces suffered heavy casualties, the alleged impunity barred access to the evidence that might justify the use of lethal force and vary their criminality. For the sake of a fair trial, any mitigating factors, if applicable, cannot be excluded from judicial consideration when assessing the overall criminality of the alleged offenders. The renewed International Crimes (Tribunals) Act 1973 also requires the prosecutor to disclose to the defence "any evidence in the prosecutor's possession which he believes shows the innocence of the accused, or mitigates the guilt of the accused, or which may affect the credibility of prosecution evidence."[80] However, the alleged impunity hinders a full disclosure by barring legal proceedings into the July violence. Therefore, a thorough, prompt, and impartial investigation shall be conducted to ensure complete accountability for the full cycle of the July violence, in accordance with the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions.[81]

78 CCPR/C/15/D/45/1979; decision on 31 March 1982; paras. 13.2 and 13.3

79 Steel and Others vs. UK (1998) (67/1997/851/1058)

80 Section 12 (2)

81 Adopted by the UN Economic and Social Council resolution 1989/65 of 24 May 1989

6. Conclusion

The alleged 2024 impunity has ensued selectivity in prosecutorial accountability and inequality of arms between prosecution and defence in the trial of violence centred on the July uprising. Additionally, it does not conform to the fundamental rights guaranteed by the Constitution of Bangladesh. As discussed above, the Supreme Court of Bangladesh has consistently ruled that any law granting impunity is illegal. Therefore, the alleged impunity must be recalled, allowing equality before the law and equal protection of the law. During the July mass violence, there was no static victim group or offender group; the high casualties from both sides, as recorded by the UN OHCHR,[82] highlight the reality that they frequently shifted their role. Therefore, it is unjust to impose an impunity resolution that perpetuates their position, whether as a victim or a wrongdoer.

It is unlikely that all the July violence (attacks and counterattacks) were legitimate. It is equally untrue that no risk ever justified the use of force. Given that there was sporadic violence across the country, only a case-by-case factual inquiry can determine who was the victim and who was the offender. For that, it is crucial to know – was a specific use of lethal force unlawful? Was a particular victim an innocent victim? Did a particular offender transgress legal limits? Was there any mitigating factor to vary criminality? Did a particular offender comply with the legal requirements before using lethal force? Only an objective assessment of facts can clarify these inquiries.

If the use of firearms by the security forces is found to be legally necessary and proportionate, then there can be no question of criminality for the use of lethal force, either by the executor or by the superior. Accordingly, there must be case-by-case objective fact-finding to attribute responsibility for the July mass violence. The mass violence that occurred between 15 July and 8 August 2024 did not constitute isolated anomalies; they formed a sequentially interconnected and interdependent series of acts that should be investigated and prosecuted concurrently. The UN OHCHR warns

82 UN OHCHR, n 5, para. 223, p. 54

that the revenge violences that surrounds the July uprising "if left unaddressed, pose major risks to the country's social fabric, democratic culture and cohesion going forward."[83] Therefore, the impunity and selectivity shall be withdrawn, and every incident of transgression shall be brought to justice following the international standard of evidence.

83 UN OHCHR, n 5, p. 54, para. 224

Chapter 7

Economic Decline and Social Discontent

1. Introduction

Bangladesh has entered one of the most challenging phases of its economic journey in decades. Over the past year, the Bangladesh economy has faced unprecedented uncertainty following the sudden change of government. An elected government with a long record of economic stability and business confidence was replaced by a Zen-G-led street protest (more precisely, a conspiracy) carefully orchestrated by a group of internal and external stakeholders, creating an environment for an illegally formed interim government. Because of its lack of constitutional legitimacy and operating within deeper divisions in society and politics, it faced the dual challenge of stabilising a shock-driven, fragile macroeconomic environment while responding to rising social and political expectations.

High inflation, newly introduced market-oriented exchange rate, weaknesses in revenue mobilisation, investment flows, and business confidence remain unresolved. While the Awami League government laid a solid foundation of inclusive growth with more than one and half a decade-long focused investment on mega-projects, including bridges, metro-rail, ports, and power, to transform the transport and energy sectors without compromising its favoured strategy of financing agriculture and

SMEs, reflecting a consistent growth rate of 6-7 percent with peaks around 7.3-7.9 percent in strong years, the interim government could not initiate any such project over the last year. Rather, it opted for the completion and operations of the earlier projects with no cost relief.

The economic growth rate has come down to half of the average of that of the earlier regime, hovering around 3-3.5 percent. Inflation generally remained stable during the AL period, dropping from 12 percent in 2008 to 5-6 percent in most years. The AL period also witnessed rising incomes (per capita income quadrupled), and sharp poverty reduction eased the burden of the cost of living. On the contrary, under an interim government regime, inflation spiked (10.47% by the end of 2024), food and essentials remained persistently expensive, leading to a sudden rise in poverty rate, both extreme and overall.

Major credit rating agency Moody's downgraded its outlook in November 2025 on the Bangladesh economy to negative from stable, owing to increased risks of political uncertainty, further deterioration in law and order, and weak domestic demand under the Yunus regime. It cut Bangladesh's ratings from B1 to B2, incorporating heightened political risks and lower growth forecasts. A B2 rating means "highly speculative," and it comes with high credit risks. [1]

The growth momentum and infrastructure rollout supported optimism in business confidence during the AL regimes (The LightCastle Partners Business Confidence Index (BCI) was recorded at 28.69 in 2022-23). Over the last year, the country witnessed weaker business sentiment due to inflation, high import costs, and financing constraints (the BCI fell to 6.44 in 2024-25). Overall, the country experienced consistent structural upgrades, boosting long-term growth capacity during the AL rule. On the contrary, the country has been experiencing high pain due to high prices, weak business conditions, amid mounting insecurity and extortion. So, the comparison is very clear: people in general experienced the benefits of a steady growth trajectory,

1 Moody's downgrades Bangladesh's ratings to B2, changes outlook to negative for first time, (https://www.tbsnews.net/economy/moodys-changes-bangladeshs-outlook-negative-stable-996281).The Business Standard, 18 November 2024, Dhaka, accessed on 20 December 2025

reflecting high confidence in the development process earlier, which dropped abruptly now, with no optimism around.

The broader picture is 'Bangladesh faces its worst financial crisis in decades' (The Dhaka Tribune, September 24, 2025) as it tops Asia in defaulted loans, as has been reported recently by ADB. Bangladesh Bank has been struggling hard to make some temporary policy adjustments to restore the economy. However, in the absence of trust in the existing 'political' leadership, these measures only slowed deterioration but have not restored durable confidence in the economy. To understand this performance, it is essential to examine the interconnected themes of inflation and cost-of-living pressures, exchange-rate management, fiscal shortfalls, credit dynamics, investment behaviour, inequality, and business confidence.

2. Regulatory Chaos

2.1 Inflation and the Cost-of-Living Crisis Intensified

Inflation has remained the most visible economic burden on households. After peaking at double digits in 2024, the consumer price of essentials has stubbornly remained above comfort levels. [2] For the average family, this has meant a prolonged squeeze on real incomes, particularly as food and energy costs continue to rise relative to wages.

The interim government's policy tools have been constrained by the lack of optimism among the entrepreneurs who are not willing to take any risk in the prevailing uncertainties is not only economic leadership but also the overall political environment, which certainly looks more divisive, exclusive, and vengeful. Monetary tightening slowed credit growth[3] but did little to counter imported price pressures, particularly for fuel and essential commodities. The import of energy prices remained high due to fewer options for such imports from lower-cost sources. Limited fiscal space meant that subsidies and social safety-net programs remained insufficient. [3,4]

2 Bangladesh Bank/ Bangladesh Bureau of Statistics CPI data, 2024–2025

3 Bangladesh Bank monetary policy statements, FY25

4 World Bank country briefs on Bangladesh poverty & inflation, 2025

In fact, a substantial part of the social programs initiated by the earlier government was discontinued, creating an existential pressure on the extremely poor. As a result, the cost-of-living crisis has persisted, with growing frustration among low- and middle-income households. Too much focus on so-called constitutional reform, ignoring the immediate attention on economic crisis management (compare this with the deeper engagement of the highest political leadership for bailing out the COVID-affected distressed business community and the lower income groups), has been at the root of existential challenges for many in today's Bangladesh.

Inflation in Bangladesh saw a marginal decline in the second quarter of the current fiscal year, averaging 11.1 percent, with food prices contributing more than half to the overall increase in prices. According to a Bangladesh Bank report on inflation dynamics, food prices accounted for 53 percent of the rise in prices during the October-December quarter, an increase from 50 percent logged in the previous quarter. [5]

The point-to-point inflation in August 2025 was 8.29%.[6] In April, the Daily Prothom Alo, quoting the World Bank, reported, "food inflation in India is now below 6 percent. In Pakistan, inflation is now 'minus' (negative), meaning food prices are falling. The picture is the same in Sri Lanka. Food inflation in Nepal and the Maldives is below 8 percent. Bhutan's figures were not available. Food inflation in the SAARC country, Afghanistan, is also now minus.[7] When the previous government raised bank interest rates to curb inflation caused by rising food and energy prices in the global market in the aftermath of high inflation in the European and US markets and the Ukraine War, leading economists, including the present Bangladesh Bank Governor Ahsan H. Mansur, assured in public

5 Food prices responsible for 53% of inflation (https://www.thedailystar.net/top-news/news/food-prices-responsible-53-inflation-3843406), The Daily Star, 10 March 2025, Dhaka, accessed 20 December 2025

6 Inflation eases slightly to 8.29% in August (https://www.thedailystar.net/business/news/inflation-eases-slightly-829-august-3980176), The Daily Star, 7 September 2025, Dhaka, accessed 20 December 2025

7 দক্ষিণ এশিয়ার খাদ্য মূল্যস্ফীতি এখন বাংলাদেশেই বেশি (https://www.prothomalo.com/business/economics/93vt99vjr9), The Daily Prothom Alo, 28 April 2025, Dhaka, accessed 20 December 2025

that prices would stabilise within seven to eight months. Those months concluded in September or October of 2024, but inflation remains stubborn despite the easing of prices in international markets.

The root cause of the current high inflation under the interim government regime primarily originates from the disruptive supply side. Unchecked extortion in the food supply chain by politically linked activists is believed to be at the root of the cost escalation of essentials. The so-called July mobsters have been charging exorbitant tolls in markets and on the roads while law enforcement remains virtually absent. Therefore, by the time goods reach Dhaka, their costs have multiplied several times, placing them beyond the reach of ordinary consumers.

The shrinking real income of the lower-income groups, including the informal sector and the working class, has been causing severe existential challenges as they cannot simply buy their daily necessities with their meagre incomes. As a result, people go hungry or eat meagrely, and poverty deepens. Continuing corruption, inactive law enforcement agencies, mobocracy, and ensuing violent political scenario emanating from mistrust and infighting among political parties would further worsen the law-and-order situation in the wake of the upcoming 'general election' (not yet certain), which would lead to further price rise and sufferings of the ordinary people if the current level of economic uncertainty persists.

2.2 Increased Government Borrowing Amid Lowest ADP Implementation

The government's total outstanding debt increased to nearly Tk. 20 lakh crore by March 2025, intensifying the pressure of debt servicing on the national budget. The total debt reached Tk. 19,99,928 crore, posting a 5.9 percent increase from Tk. 18,88,787 crore in June 2024, according to the Quarterly Debt Bulletin released by the Ministry of Finance.[8] Domestic debt increased by 7.6 percent, while external debt increased by 3.7 percent under the Yunus regime.

8 Quarterly Debt Bulletin , Issue 14, Finance Division, Ministry of Finance Government of the People's Republic of Bangladesh (https://spfms.gov.bd/uploads/publications/a3c3ccad-a563-4843-a106-8904ca49549e.pdf), March 2025, Dhaka, accessed 20 December 2025

The amount of foreign debt in the history of Bangladesh has reached a new record. At the end of June 2025, the total foreign debt stood at 112.15 billion US dollars[9], which is about 13 lakh 68 thousand 352 crore taka in Bangladeshi currency (based on Tk. 122 per dollar). The foreign debt was $103.40 billion at the end of June 2024. During June 2024 to June 2025, the external debt has increased by 8.75 billion dollars or 8.47 percent. Accordingly, the per capita debt of the country's citizens is now about 638 dollars or 77 thousand 433 Taka. [10]

According to the Daily Star (May 2025), Taka 1,13,500 crore was allocated for interest payments and debt servicing in the last fiscal year. The current budget added another Tk. 20,000 crore solely for interest payments. Taka devaluation under the interim regime raised the cost of repaying foreign loan principals. In June 2024, the exchange rate was Tk. 110 per dollar, which stood at Tk 120 at the end of June 2025. According to the Economic Relations Division, debt servicing on foreign loans rose by 24 percent in dollar terms during the first nine months of the fiscal year.

Earlier, because the government failed to keep key economic indicators within targets, the IMF refused to disburse loan instalments. It was not only the IMF: seeing the return of an era of ignorance, all foreign creditors cut promised loans. From July to February, net foreign borrowing fell by 49 percent, and commitments by 67 percent. Economic Relations Department (ERD) showed in January that in the first six months of the current fiscal year (July-December 2025), $3.53 billion of foreign debt was disbursed. In the same period last year, the disbursement was $4.06 billion. Debt commitments came in just $2.29 billion in the six months, compared to $6.98 billion in the same period of last year.[11]

9 Foreign debt rises to $112b (https://www.thedailystar.net/business/news/foreign-debt-rises-112b-3988991) The Daily Star, 19 September 2025, Dhaka, accessed 20 December 2025

10 External debt rises slightly (https://www.thedailystar.net/business/news/external-debt-rises-slightly-3798886) The Daily Star, 14 January 2025, Dhaka, accessed 20 December 2025

11 ঋণের প্রতিশ্রুতি কমেছে ৬৭% (https://www.kalerkantho.com/print-edition/industry-business/2025/01/27/1473358), The Daily Kaler Kantho, 27 Janu-

2.3 Money Printing Thwarted Inflation Easing

With a view to controlling inflation, Bangladesh Bank followed a contractionary monetary policy at the beginning of the fiscal year 2023-24. Interest rates on loans were increased to reduce the market cash flow. The target for private sector credit growth had been lowered. This policy was continued by the central bank during the interim government as well. BB data for FY25 shows credit growth falling to the 6–7 percent range, far short of the 10–14 percent target.[12] High borrowing costs, cautious lending practices, and subdued business expectations have constrained credit expansion.

This has translated into weak private investment, particularly in small and medium enterprises that lack privileged access to financing. Larger firms with political connections or stronger balance sheets have fared better, reinforcing perceptions of inequality of opportunity.[13] Imports have been reduced by 21 percent over the last year, indicating a severely stagnating economy.

Demand for commodities fell alongside a reduction in industrial production during this period. However, printing of money, another source of inflation, continued unabated. The amount of printed money has increased by more than Tk. 52,500 crores since August 2024.[14] This is also a reflection of the weak fiscal management. The fiscal position remains under strain.

This has constrained the government's spending flexibility. Increased reliance on domestic borrowing has created crowding-out pressures

ary 2025, Dhaka, accessed 20 December 2025.

12 Credit flow to businesses at historic low (https://thefinancialexpress.com.bd/trade/credit-flow-to-businesses-at-historic-low), The Financial Express, 25 September 2025, Dhaka, accessed 20 December 2025

13 BCI Report 2024-25: Steering Through Economic & Political Shifts (https://lightcastlepartners.com/insights/2025/06/bci-2024-25/) LightCastle Partners, Business Confidence Index 2024–25, 23 June 2025, Dhaka, accessed 20 December 2025

14 BB lends Tk 520 billion to 12 weak banks by printing money (https://thefinancialexpress.com.bd/economy/bangladesh/bb-lends-tk-520b-to-12-weak-banks-by-printing-money), The Daily Financial Express, 28 June 2025, Dhaka, accessed 20 December 2025

on private-sector lending.[15] More importantly, fiscal weakness has limited the capacity to expand social-protection programs at a time when demand for relief is most acute. Without significant reforms in revenue collection, fiscal fragility will continue to undermine economic stability.

2.4 ADP Implementation Lowest in Two Decades

The fiscal position remains under strain. The National Board of Revenue (NBR) recorded one of its largest shortfalls in recent years, with FY25 falling billions short of its target.[16] This reflects both structural weaknesses in the tax base and administrative disruptions linked to governance and political unrest.

In March 2025, the Financial Express reported, projects and costs both saw deep cuts as the interim government downsized the annual development programme (ADP) to Tk. 2 lakh 16 thousand crore. The revised annual development programme or RADP for the 2024-25 fiscal year shed Tk. 49 thousand crore from the original ADP outlay. Briefing the press, Planning Adviser Dr Wahiduddin Mahmud said Tk. 59.88 thousand crore, only 21.52 per cent of the original ADP, had been spent in the first seven months of the fiscal year 2024-25. Around 18.49 per cent of the original ADP was reduced in response to "lower implementation rate, resource constraints, and reprioritisation of development activities.[17] Bdnews24.com reported in July 2025 that, implementation of ADP in the outgoing fiscal year had been the lowest in two decades due to the slow pace of development projects. At the end of the 2024-25 fiscal year, 67.85 percent of the total allocation

15 High bank borrowing by govt to crowd out private sector (https://www.thedailystar.net/business/economy/news/high-bank-borrowing-govt-crowd-out-private-sector-3633426), The Daily Star, Dhaka, accessed 20 December 2025

16 NBR incurs record revenue shortfall in FY25 (https://www.newagebd.net/post/economy/271446/nbr-incurs-record-revenue-shortfall-in-fy25), *The New Age* (Dhaka, 28 July 2025) accessed 20 December 2025

17 Interim govt downsizes ADP by Tk 490 billion (https://thefinancialexpress.com.bd/economy/bangladesh/interim-govt-downsizes-adp-by-tk-490-billion), The Financial Express, 4 March 2025, Dhaka, accessed 20 December 2025

of the revised ADP has been spent. This rate is about 13 percentage points lower than the same period in the previous fiscal year. In the previous 2023-24 fiscal year, the ADP spending rate was 80.63 percent.

2.5 Revenue Deficit was at a Record Low

In July 2025, the Daily Desh Rupantor reported that, according to the provisional estimates of the National Board of Revenue, the deficit in customs and tax collection in the last fiscal year was Tk 92,626 crore, which was the worst recorded deficit so far. The concerned believe that the political unrest since the beginning of the fiscal year, the slowdown in trade and commerce, and the recent agitation at the NBR have accelerated the deficit.[18]

Due mainly to economic downturn and sluggish business ambience, coupled with unrest in the revenue-gathering entities, the revenue-to-GDP (gross domestic product) ratio dropped to 7.69 per cent in the FY2024-25 after having maintained a stand above 8.0 per cent in the last five years, according to the Ministry of Finance (MoF) data.[19]

2.6 Exchange Rates Made Volatile Under External Pressures

The interim government moved toward a more flexible exchange-rate regime, allowing the taka to float within a wider band.[20] This shift aimed to reduce pressure on foreign exchange reserves and bring the currency more in line with market conditions.

In practice, outcomes have been mixed. While the move reduced the need for direct central bank intervention, the taka has seen bouts of instability.[21]Episodes of depreciation fuelled further inflationary

18 এনবিআরের রাজস্ব ঘাটতি ৯৩ হাজার কোটি টাকা (https://www.deshrupantor.com/amp/607155/এনবিআরের-রাজস্ব-ঘাটতি-৯৩-হাজার-কোটি-টাকা), The Desh Rupantor, 18 July 2025, Dhaka, accessed 20 December 2025

19 Low revenue-GDP ratio stokes worry (https://thefinancialexpress.com.bd/economy/low-revenue-gdp-ratio-stokes-worry), The Financial Express, 21 August 2025, Dhaka, accessed 20 December 2025

20 BB to adopt more flexible exchange rate to meet IMF conditions (https://www.thedailystar.net/business/news/bb-adopt-more-flexible-exchange-rate-meet-imf-conditions-3894111), The Daily Star, 14 May 2025, Dhaka, accessed 20 December 2025

21 Taka gains ground under flexible rate regime (https://www.thedai-

pressures, while occasional appreciation reflected short-term flows rather than fundamental improvements in trade balances. The exchange rate remains a sensitive fault line closely tied to investor sentiment, import bills, and reserve adequacy.

In compliance with the conditions of the International Monetary Fund (IMF), in May 2025, the central bank allowed banks to "freely" negotiate the dollar rate for both interbank and customer transactions. That marks a formal return to a pricing framework driven by demand and supply.[22] On 7 August 2025, Bangladesh Bank's US dollar selling rate was Tk. 121.90, which was Tk. 118.00 just a year back. The value of USD fell by 3.3% in a year.

On 13 July 2025, in a maiden intervention in the foreign-exchange market, the central bank bought US$171 million from banks through an auction to buttress the falling dollar. The Financial Express reported that the US dollar depreciated by around Tk. 3.0 against the local currency mainly due to lower demand for the dollar despite higher inflow of remittances and export earnings.

Instead of intervening in the foreign currency market, Bangladesh Bank could have decided to let the dollar fall, which would reduce the cost of imported goods and services, mainly energy and food items, and improve the inflation situation. The central bank's decision benefited some exporters, who were experiencing growth in their earnings, at the cost of the general people of Bangladesh, who had to buy imported goods at higher prices, with cascaded price effects on the domestic goods and services.

2.7 Utility Crisis and Input Price Increase: Lost Businesses and Increased Poverty

Electricity and gas crisis wreaks havoc on the industrial sector, reported

lystar.net/business/news/taka-gains-ground-under-flexible-rate-regime-3939836), The Daily Star, 15 July 2025, Dhaka, accessed 20 December 2025

22 BB eases currency controls in IMF reform push (https://www.thedailystar.net/business/news/bb-eases-currency-controls-imf-reform-push-3894811), The Daily Star, 15 May 2025, Dhaka, accessed 20 December 2025

The Daily Samakal in November 2024[23] based on a seminar titled 'Ways to Solve the Energy Crisis in the Country's Industrial Sector' organised by the Bangladesh Chamber of Industries (BCI). Professor Dr. Ijaz Hossain presented the keynote address at the event. He said that due to the power and energy crisis, production in the garment sector has decreased by 30-35 percent. Production in steel factories has decreased by 25-30 percent. Production in ceramic factories has halved. Costs have increased due to the use of diesel and additional work for workers. Small industries under rural electricity are being affected the most. It was not possible to run their diesel generators. As a result, about 40 percent of small industries were on the verge of closure. In fact, most of them are already inoperative.

In a circular issued to its members on July 15, Bangladesh Inland Container Depots Association (BICDA) announced raising different charges for handling export and empty containers in the range of 30 percent to 80 percent. The raise was announced at a time when the country's readymade garment sector was facing many challenges both locally and globally, and exporters were struggling to run their factories. The challenges were the ongoing Middle East crisis, the US reciprocal tariff, labour unrest, energy crisis, high bank interest rates, and increased costs at every stage of production, including raw material prices and transportation costs[24].

In the first major tariff review in almost four decades, the Chittagong Port Authority (CPA) raised service charges at Chattogram port by 41 percent. The increase took effect in early September 2025 following a gazette notification. The increase pushed up the cost of foreign trade and eroded competitiveness[25].

23 বিদ্যুৎ-গ্যাস সংকটে বিপর্যয় শিল্প খাতে (https://samakal.com/bangladesh/article/266690/বিদ্যুৎ-গ্যাস-সংকটে-বিপর্যয়-শিল্প-খাতে), The Samakal, 23 November 2024, Dhaka, accessed 20 December 2025

24 BGMEA urges ICDs not to hike container handling charges (https://www.thedailystar.net/business/news/bgmea-urges-icds-not-hike-container-handling-charges-3946526), The Daily Star, 24 July 2025, Dhaka, accessed 20 December 2025

25 After ICDs, Ctg port hikes service charges by 41% (https://www.thedailystar.net/business/port-and-shipping/news/after-icds-ctg-port-hikes-

It is widely believed that the current interim government has implemented several anti-people decisions that have slowed the economy, raised unemployment, and increased poverty. These include fixing the exchange rate of foreign currency at the market's whim; failing to meet electricity and fuel demands; turning relations with neighbouring countries into antagonism; raising VAT on everyday necessities after failing to collect revenue elsewhere; cutting electricity subsidies; and more.

Electricity and fuel are the lifeblood of any economy—and here the caretaker government has signed its biggest failure. A November report in a respected daily revealed that power and fuel shortages have cut garment production by 30–35 percent, steel output by 25–30 percent, and ceramic production by half. Diesel costs and overtime wages have soared. Small rural industries on the national grid are hardest hit—they cannot run diesel generators, and about 40 percent face shutdown.[26]

2.8 Capital Markets Lost Tk. 55 thousand Crores

The Dhaka Stock Exchange has mirrored broader economic uncertainty. While the index has seen short-lived rallies, these have largely been speculative and unstained. Institutional investors remain hesitant, citing weak corporate earnings and governance concerns.

The lack of new equity issuance highlights the market's stagnation. This prevents household savings from being channelled into productive enterprises and represents a missed opportunity to strengthen domestic capital formation.

It may be noted that during August 2024 to June 2025, in a span of 9 months, the market capitalisation has decreased by Tk. 54,930 crore to Tk 6,46,984 crore.[27] The stock market has regressed five years; on

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service-charges-41-3986556), The Daily Star, 16 September 2025, Dhaka, accessed 20 December 2025

26 বিদ্যুৎ-গ্যাস সংকটে বিপর্যয় শিল্প খাতে (https://samakal.com/bangladesh/article/266690/বিদ্যুৎ-গ্যাস সংকটে বিপর্যয় শিল্প খাতে), The Samakal, 23 November 2024, Dhaka, accessed 20 December 2025

27 ৯ মাসে বাজার মূলধন কমেছে ৫৪ হাজার কোটি টাকা (https://www.kalbela.com/

May 16, 2025, the DSE index stood at 4,781 points—comparable only to the COVID-19 slump of 2020. The Dhaka Tribune (September 24, 2025) further reported that half of the firms are now trading below the face value of Taka 10. This only indicates how badly these companies are performing, and investors have no faith in their shares.

2.9 National Interest Sold Out in the Name of Foreign Trade

The key feature of foreign trade during the current interim regime was a trade deal with the United States. The US had imposed a 37% reciprocal tariff on 2 April 2025, where it imposed much lower rates for Bangladesh competitors in their market: India 25%, Sri Lanka 20%, Vietnam 20%, Indonesia 19%, Pakistan 19% and Cambodia 19%. Yunus administration negotiated with the US trade body, United States Trade Representative (USTR), and finally reduced it to 20 percent, one percent above Indonesia, Pakistan, and Cambodia. The reduction came at the cost of signing a Non-Disclosure Agreement (NDA), which has not yet been disclosed to the public, and pledging to buy US wheat, soybeans, cotton, energy, and 25 Boeing planes. A Bangladeshi firm had also signed major deals, including $130M soybean imports.[28] Farida Akhtar, advisor to the Ministry of Fisheries and Livestock of the interim government, has expressed fears that the United States is trying to take over Bangladesh's agricultural sector. According to her, the United States will introduce genetically modified organisms (GMOs) in agriculture, and multinational companies will enter this sector.[29]

Bangladesh and the United States have signed a long-term energy

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ajkerpatrika/lastpage/198583), The Kalbela, 23 June 2025, Dhaka, accessed 20 December 2025

28 How Bangladesh finally succeeded in US tariff negotiation (https://www.tbsnews.net/economy/how-bangladesh-finally-succeeded-us-tariff-negotiation-1202226), The Business Standard, 2 August 2025, Dhaka, accessed 20 December 2025

29 বাংলাদেশের কৃষি খাতকে দখলে নিতে চায় যুক্তরাষ্ট্র: শঙ্কা প্রাণিসম্পদ উপদেষ্টার (https://samakal.com/bangladesh/article/310413/বাংলাদেশের-কৃষি-খাতকে-দখলে-নিতে-চায়-যুক্তরাষ্ট্র:-শঙ্কা-প্রাণিসম্পদ-উপদেষ্টার), The Samakal, 14 August 2025, Dhaka, accessed 20 December 2025

import agreement to reduce the trade deficit. Under this agreement, US company Accelerate Energy will supply LNG worth Tk. 1 lakh crore to Bangladesh in phases over the next 15 years. Former Ambassador Peter de Haas, who is believed to be deeply involved in the July conspiracy has joined the US multinational company Accelerate Energy in late September last year[30]. Earlier, Bangladesh had decided to import 7 lakh tonnes of wheat annually from the US, worth about $200 million, as part of the government's efforts to secure a lower tariff from the Trump administration on its exports[31]. This will obviously put a significant price push on the imported energy, with implications for competitiveness for the business community.

2.10 Unbridled Corruption

Corruption under Professor Yunus's administration increased manyfold. Corruption allegations were brought against almost all the Advisors working under him, the July conspiracy student leaders, whom he introduced to the nation as his employers, and the government officials. According to BNP Secretary General Mirza Fakhrul Islam Alamgir, corruption rose five times under the Yunus regime. A few of the corruption allegations that came out in national news outlets from August 2024 to July 2025 are cited below.

Bangladesh has scored its lowest in 13 years on the Corruption Perceptions Index (CPI) 2024 released by Berlin-based Transparency International (TI). With a score of 23, down by one point from that in 2023, Bangladesh ranks 151st out of 180 countries, marking a two-step decline from its previous position. It is now the 14th most corrupt country in the world. The 2024 score is the lowest since 2012, reflecting a concerning trend of deteriorating governance and rising corruption.[32]

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30 পিটার হাসের প্রতিষ্ঠান নয়, যাচাই করে এলএনজি কিনছি (https://www.kalerkantho.com/print-edition/last-page/2025/09/17/1578478), The Kaler Kantho, 17 September 2025, Dhaka, accessed 20 December 2025

31 Govt to import 7 lakh tonnes of US wheat yearly (https://www.thedailystar.net/business/news/govt-import-7-lakh-tonnes-us-wheat-yearly-3943776), The Daily Star, 21 July 2025, Dhaka, accessed 20 December 2025

32 Bangladesh 14th most corrupt nation in the world: TI (https://today.

Millions of primary and secondary students did not have their new books even in March of 2025, while they used to receive them on the first day of the academic year, i.e., the first January under the Awami League government. The delay in book distribution was the result of the Yunus government's mismanagement and corruption. Gazi Salauddin Tanvir, joint member secretary of the National Citizen Party (NCP), was the man behind this delay. He was accused of corruption of Tk. 400 crores regarding the procurement of papers for textbooks under the National Curriculum and Textbook Board (NCTB), and illegal interference in the appointment of deputy commissioners. His party relieved him from all organisational responsibilities following allegations based on a party-level investigation report. [33]

Dr. Yunus' name was found in suspicious transactions of 17,345 in the 2023-24 fiscal year, as identified by the Bangladesh Financial Intelligence Unit. The BFIU chief did not say anything else about him. He also did not reveal the total financial figure of suspicious transactions identified by the central bank. [34]

Extortion through the 'July Fund' in the name of the Health Advisor. The Pabna Medical College authorities have formed a committee to form a 'July Fund' to inquire about the families of the victims of the anti-discrimination student movement and mass uprising. The principal of the college mentioned in the memorandum that the fund was being collected under the direction of the Health Advisor. The contribution had been fixed for everyone, from the professors of the medical college to the outsourcing workers. However, the concerned

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thefinancialexpress.com.bd/first-page/bangladesh-14th-most-corrupt-nation-in-the-world-ti-1739297666) The Financial Express, 12 February 2025, Dhaka, accessed 20 December 2025

33 NCP relieves its jt member secy from party duties (https://www.thedailystar.net/news/bangladesh/news/ncp-relieves-its-jt-member-secy-party-duties-3876921), The Daily Star, 22 April 2025, Dhaka, accessed 20 December 2025

34 সন্দেহজনক লেনদেনে ইউনূসের নাম? যা বললেন বিএফআইইউ প্রধান (https://bangla.bdnews24.com/economy/3fcc47bd1af2), The bdnews24.com, 28 May 2025, Dhaka, accessed 20 December 2025

official said that no such instructions have been given by the ministry and the department[35].

The demand was only for 26 terabytes of bandwidth, yet equipment with a capacity of 126 terabytes was being purchased, at about Tk. 326 crore. Whereas a maximum of 165 crore taka is sufficient to meet the actual need. Ignoring the recommendations of the Bangladesh University of Engineering and Technology (BUET) and even the clear objections of the Anti-Corruption Commission (ACC), an influential syndicate of the Ministry of Posts and Telecommunications was taking the initiative to purchase this unnecessary equipment. According to information, the Special Assistant to the Chief Advisor, Faiz Ahmed Tayyab, had directly intervened in the activities of the ACC to keep this process running. He created pressure to move the project forward by sending letters on his pad[36].

A video clip has gone viral in which an expelled Bangladesh Ganatantrik Chhatra Sangsaad leader is seen confessing to extorting money from former Awami League MP Shammi Ahmed. In the video, the leader, Jane Alam Opu, claimed that on the day they took money from the former MP's house in Gulshan, he had met Adviser Asif Mahmud Shojib Bhuyain in Gulshan[37].

Former secretary ABM Abdus Sattar claimed to have evidence of "unlimited corruption" of eight advisors to the interim government. He said that appointments to important positions are neither made nor transferred without communication with these advisors. He made the allegation at a seminar organised by the Bangladesh Administrative

35 স্বাস্থ্য উপদেষ্টার নামে 'জুলাই ফান্ড' করে চাঁদাবাজি(https://www.kalbela.com/ajker-patrika/firstpage/194627), The Kalbela, 5 June 2025, Dhaka, accessed 20 December 2025

36 দুদককে থামিয়ে দিতে বিশেষ সহকারীর চিঠি (https://www.kalbela.com/ajkerpatrika/firstpage/202365), The Kalbela, 6 July 2025, Dhaka, accessed 20 December 2025

37 Extortion allegation: Asif Mahmud denies any involvement (https://www.thedailystar.net/news/bangladesh/politics/news/extortion-allegation-asif-mahmud-denies-any-involvement-3962831), The Daily Star, 15 August 2025, Dhaka, accessed 20 December 2025

Service Association (BASA). He did not mention any specific names. However, he claimed to have evidence to support his allegations.[38]

BNP Secretary General Mirza Fakhrul Islam Alamgir said, 'Earlier, a bribe of 1 lakh taka had to be paid; now it has to be paid Tk. 5 lakh.' He said that a big businessman gave him this information. Mirza Fakhrul said this at the book launch ceremony in July 2025 at the CIRDAP auditorium in Dhaka.[39]

More than 31.67 percent of the people had to pay bribes to get government services in the last year, according to a Bangladesh Bureau of Statistics report published in June 2025. The study was conducted across the country at 45,888 households in rural and urban areas. The surveyors interviewed a woman and a man, both aged over 18, from each household to measure citizen perceptions on several factors over the past 12 months. The BBS released the report at its office in the capital in June. Addressing the event as the chief guest, Planning Adviser Wahiduddin Mahmud said those who paid bribes were mostly from middle-income groups because low-income people could hardly afford to pay bribes.[40]

3. Banking Systems Gone Astray

3.1 Private Sector Credit Fell

Agriculture credit, a specific category of loans given to farmers, fell by over 14.39 percent in July-November of the 2024-25 fiscal year compared to the previous year, reported the Financial Express

38 অন্তত ৮ উপদেষ্টার দুর্নীতির তথ্যপ্রমাণ দিতে পারব: সাবেক সচিব সাত্তার (https://samakal.com/bangladesh/article/309622/অন্তত-৮-উপদেষ্টার-দুর্নীতির-তথ্যপ্রমাণ-দিতে-পারব:-সাবেক-সচিব-সাত্তার), The Samakal, 9 August 2025, Dhaka, accessed 20 December 2025

39 আগে ঘুষ দিতে হতো ১ লাখ টাকা, এখন দিতে হয় ৫ লাখ: মির্জা ফখরুল (https://www.prothomalo.com/business/economics/ch95qsg8hn), The Prothom Alo, 26 July 2025, Dhaka, accessed 20 December 2025

40 Almost 32% had to bribe to get govt services (https://www.thedailystar.net/news/bangladesh/news/almost-32-had-bribe-get-govt-services-3921421), The Daily Star, 20 June 2025, Dhaka, accessed 20 December 2025

in January 2025.[41] Also, private sector credit growth hit a decade low, reported the Daily Star in March 2025[42]. The same report also informed that, in January this year, credit flow to private firms grew by only 7.15 percent, the lowest since at least 2015, according to data from the Bangladesh Bank. Credit appetite of the local private firms continues to fizzle out as the ongoing battle against inflation makes bank borrowing more expensive amid a volatile political climate after the August political changeover. The growth in credit to the private sector came down to 6.82 percent in February 2025 on a year-on-year basis from 7.15 percent a month ago, according to the central bank's latest statistics, reported the Financial Express in April 2025[43].

3.2 Deposits Decreased

The Daily Bonik Barta reported in February, according to Bangladesh Bank data, deposits in the country's banking sector increased by Tk 59,333 crore in the first six months of the 2023-24 fiscal year (July-December). And in the same period of the 2024-25 fiscal year, deposits increased only by Tk 34,517 crore. Accordingly, the amount of deposit growth in the current fiscal year has decreased by about 42 percent compared to the previous fiscal year. The interest rate on term deposits in the country's banking sector is now 12-13 percent. Such high interest rates on deposits have not been seen in the last few years. However, even this high interest rate has not been able to attract deposits now. The growth in deposits has come down to almost half compared to the last fiscal year[44].

41 Agriculture credit disbursement falls significantly (https://today.thefinancialexpress.com.bd/trade-market/agriculture-credit-disbursement-falls-significantly-1736872557) The Financial Express, 15 January 2025, Dhaka, accessed 20 December 2025

42 Private sector credit growth hits decade-low (https://www.thedailystar.net/business/news/private-sector-credit-growth-hits-decade-low-3843711), The Daily Star, 10 March 2025, Dhaka, accessed 20 December 2025

43 Private credit growth keeps falling in recent months (https://thefinancialexpress.com.bd/economy/private-credit-growth-keeps-falling-in-recent-months), The Financial Express, 8 April 2025, Dhaka, accessed 20 Dec. 25

44 ছয় মাসে আমানত বৃদ্ধি পরিমাণে কমেছে ৪২ শতাংশ (https://www.bonikbarta.

This certainly reflects a lack of trust among the depositors in the banking system, who have been keeping part of their money under their pillows. This was never the case during the days of the last regime. Some of the banks, of course, had governance problems. But they never failed to provide the trust needed by the depositors. In fact, the structural weaknesses of these banks have further accentuated despite some attempts at restructuring them. What is more surprising is that the banking sector is now glutted with a huge amount of idle money despite a decline in deposits. This only indicates that investors have no appetite for any investment now.

3.3 Capital Deficit in 20 Banks

At the end of the second quarter (October-December) of the 2024-25 fiscal year, the capital deficit in 20 banks in the country stood at Tk 1,71,789 crore. However, at the end of the first quarter (July-September) of the fiscal year, the combined capital deficit of these 20 banks was Tk 53,253 crore. That is, in just three months, the capital deficit in the banks has increased by Tk 1,18,534 crore or 123 percent, reported The Daily Kalbela in May 2025[45].

3.4 Default Loans Doubled

The total defaulted loans stood at Tk. 420,335 crore at the end of the March quarter of 2025, which is 24.13 percent of the total loans disbursed, which was 12.56 percent[46] in June 2024. At the end of June 2024, the amount of defaulted loans was Tk 345,765 crore. From July 24 to March 25, the default loan increased by Tk. 74.6 thousand crores or 21.6 percent. After the interim government came to power, the amount of defaulted loans has increased more than ever before amid so-called reforms and various initiatives in the banking sector. During

com/bangladesh/7xxTJS1sqouxLM4N), The Bonik Barta, 19 February 2025, Dhaka, accessed 20 Dec. 25

45 ২০ ব্যাংকে মূলধন ঘাটতি পৌনে ২ লাখ কোটি টাকা (https://www.kalbela.com/ajkerpatrika/firstpage/185131), The Kalbela, 6 May 2025, Dhaka, accessed 20 December 2025

46 Bad loans hit record Tk 420,355cr (https://www.thedailystar.net/business/economy/news/bad-loans-hit-record-tk-420355cr-3917841), The Daily Star, 16 June 2025, Dhaka, accessed 20 Dec. 2025

the first nine months of the rule of the interim government amount of defaulted loans doubled compared to the same period of the previous government. Some observers anticipate a collapse in the banking sector, given the acute trust deficit prevailing in this sector.

3.5 Banks' Profits Taken a Big Hit

The net profit of the country's banking sector has taken a big hit. In the latest 2024, the combined net profit of banks decreased by about Tk 2,700 crore or 18 percent compared to the previous year. However, this year, the interest income of the banking sector increased by 24 percent and investment income by 30 percent, reported The Daily Prothom Alo[47].

4. Shattered business confidence

4.1 Vengeance and mob violence destroyed the Local Business Environment

The business community raised concerns over the law-and-order situation almost every month since 5 August 2025. High interest rates, gas shortages despite high prices, currency devaluation, mob terrorism, extreme deterioration of law and order, bribery, corruption, extortion, and many other problems have weighed down the businessmen and entrepreneurs since 5 August 2024. The country's business community is in a difficult crisis. Even after a year of the interim government, neither peace, relief, nor confidence has returned. On the contrary, in many cases, they have been insecure and at risk. The current regime and its backers extort businessmen by means of media trials, harassment, involvement in false cases, and bans on travelling abroad before any crime is proven, along with the freezing of many bank accounts. As a result, there has been a slowdown in investment. Many are becoming involuntary defaulters. Businessmen allege that during this time, some vested interests misled the government and 'targeted' top businessmen and harassed them in various ways. This picture was found by The Daily Kaler Kantho by talking to the businessmen and

47 লোকসানি ব্যাংকের চাপে পুরো খাতে মুনাফা কমল ২,৭০০ কোটি টাকা (https://www.prothomalo.com/business/bank/v9dbys097q), The Prothom Alo, 22 August 2025, Dhaka, accessed 20 Dec. 2025

entrepreneurs of the country and reviewing various information and data.[48]

Mills and factories that were vandalised, ransacked, or set ablaze during and after the July violence have been struggling to reopen due to financial crises, unavailability of bank loans, and their politically exposed owners facing legal consequences. Nearly 1 lakh workers were employed in these production lines, many of which now remain closed, leaving employees to bear the brunt of the disruptions. These attacks took place following the political changeover in August last year and during labour unrest from July to October last year. The direct impact of the attacks on businesses caused economic losses of Tk. 2.460 crores only in three business houses, namely Gazi Group, Bengal Group, and Big Boss Garments, reported the Daily Star on March 25.[49]

Business confidence had surely declined under Professor Yunus's administration. Surveys and anecdotal evidence suggest that firms are increasingly hesitant to invest, citing fiscal uncertainty, legal enforcement challenges, and the influence of vested interests on market competition.[50]

In addition, the vengeance and the mob violence witnessed immediately after the regime change have eroded a substantial part of the business confidence that was established under the strong political leadership of the previous regime.

This erosion of business confidence matters beyond boardrooms. It weakens prospects for job creation, limits wage growth, and constrains Bangladesh's capacity to sustain its growth trajectory.

48 বৈষম্যে বিপন্ন ব্যবসায়ীরা (https://www.kalerkantho.com/print-edition/first-page/2025/09/20/1579821), The Kaler Kantho, 20 September 2025, Dhaka, accessed 20 December 2025

49 Factories shut after July uprising struggle to reopen (https://www.thedailystar.net/business/news/factories-shut-after-july-uprising-struggle-reopen-3840701), The Daily Star, 6 March 2025, Dhaka, accessed 20 December 2025

50 BCI Report 2024-25: Steering Through Economic & Political Shifts (https://lightcastlepartners.com/insights/2025/06/bci-2024-25/) LightCastle Partners, Business Confidence Index 2024–25, 23 June 2025, Dhaka, accessed 20 December 2025

Without stronger governance and predictable policies, private-sector dynamism will remain suppressed.

Business leaders have repeatedly pleaded with the government to restore law and order, but nothing has changed. From the head of government down to the leaders of the parties complicit in July's violence, no one has attempted to rebuild the country since the regime change on August 5. They have acted only to exact revenge. The country is engulfed in anarchy, as though in a medieval age of ignorance. Under such conditions, what alternative is there but economic decline?

The situation for around 78 lakh CMSMEs across the country, which contribute one-fourth of the gross domestic product (GDP) and employ 40 percent of the total workforce, has worsened in late 2024. On top of the stubbornly high inflation, nationwide protests, violence, recurrent flooding, and punishingly high interest rates (in the absence of low-cost special credit for them) on bank loans have brought the CMSMEs to their knees. Credit data from the central bank also shows the economic disaster facing the CMSMEs. Bank credit flow to the sector plummeted by Tk. 11,573,000 crores or by 21.22 percent during Jul-Sept 2024.

4.2 Poor Governance Left 3 Million Unemployed

Because of the distressed business environment, employment was not being created. On the contrary, people are losing jobs every day. Businesses and industries are being closed one after another. In May 2025 Centre for Policy Dialogue (CPD) informed that, in the first half of the ongoing fiscal year, 2.1 million jobs were lost, with women accounting for 85.7 percent of the sum. Currently, only 19 percent of women are active in the labour market, the lowest in years[51].

As early as January, the country's economic think tank, CPD, raised a red flag about the economy. They said, six months into this government, they saw no economic dynamism. In April, the World

51 2.1m people lost jobs, and 86% of them women (https://www.thedailystar.net/news/bangladesh/news/21m-people-lost-jobs-and-86-them-women-3904316), The Daily Star, 27 May 2025, Dhaka, 20 Dec. 25

Bank projected GDP growth of only 3.3 percent for this year — the lowest in 36 years — and warned that three million more people would become unemployed in 2025. In May, CPD reported that 21 lakh people had already lost their jobs in the year's first half.

The Daily Kaler Kantho reported in August 2025 that, in the last year, 353 factories have been closed in Savar, Gazipur, Chittagong, Narayanganj and Narsingdi. As a result, 119,842 workers have become unemployed. Many of them have returned to their villages in despair after running around for jobs. Most of the closed factories are in the ready-made garments, knitwear and textile industries. This information has been obtained from relevant sources, including the Department of Factory Inspection and Industrial Police.

Industrial owners said that industries and factories were closing in the country due to various reasons, including stricter interest rates on bank loans and worker dissatisfaction. They were being forced to close factories due to an extreme crisis. They said that, in addition to worker dissatisfaction in factories, high interest rates on bank loans, LC problems in importing raw materials, continuous gas shortage in industries, periodic increases in gas prices, lack of uninterrupted power supply, and continuous increase in workers' wages, many are unable to compete due to production costs[52].

4.3 Declining Foreign Investment Amid Political Uncertainty

Despite Bangladesh's long-term strengths — such as a large labour force and strategic geographic location — international investors remain cautious. Concerns about policy unpredictability, governance risks, and political unrest have outweighed the appeal of cost competitiveness.

Although the interim government has promised regulatory reforms and infrastructure investment, these measures have not yet convinced international investors. For now, the perception of political and institutional risk overshadows opportunity, leaving FDI flows subdued.

52 বন্ধ ৩৫৩ কারখানা, লক্ষাধিক বেকার (https://www.kalerkantho.com/print-edition/first-page/2025/08/13/1561802), The Kaler Kantho, 13 August 2025, Dhaka, accessed 20 December 2025

Indeed, there has been a major decline in foreign investment. In the first six months of the current 2024-25 fiscal year (July-December), foreign investment has decreased to almost one-fourth of the same period of the previous year. During this time, foreign investment has decreased by more than 71 percent compared to the previous year. According to the Ministry of Finance, foreign investment worth only 213 million US dollars came in in the first 6 months of the current fiscal year. The amount was 744 million dollars in the same period of the last fiscal year[53].

This falling trend of FDI reflects deeper uncertainty in the minds of the foreign investors who really care about a return on their investment, which may not be possible during a non-elected, unconstitutional regime.

5. Rising Cost of Living and Public Despair

5.1 Inflation and Subsidy Cuts Deepening Public Hardship

The lower and middle classes of the country are always in a cycle of economic pressure. The prices of every daily essential product, including rice, pulses, oil, onion, and sugar, have gone beyond the purchasing power of the common man. Due to the heat of commodity prices, the condition of all the lower- and middle-class families of the country is in turmoil. In the unstable market system, the price of almost every daily essential product has increased. The role of the organisations responsible for controlling the market or keeping the price of goods reasonable was not evident.

According to reports published in several national dailies, the price of rice per bag (50 kg) has increased by 200-300 taka in the space of two weeks. The price of chicken has increased by 20-30 taka per kg in the space of a week. Broiler chicken is being sold at 180-190 taka per kg. Golden chicken is being sold at 270-280 taka depending on the quality. A week ago, the price of broiler chicken per kg was 150-160 taka, and golden chicken was 240-250 taka. The price of eggs has also increased. A dozen farm eggs are being sold at Tk. 160 in retail.

53 বিদেশি বিনিয়োগে বড় পতন, ৬ মাসে কমেছে ৭১ শতাংশ (https://www.prothoma-lo.com/business/economics/h09glsfpzd), The Prothom Alo, 11 February 2025, Dhaka, accessed 20 December 2025

The price of vegetables has also increased. Round brinjal is being sold at 100-120 taka per kg. Long brinjal is being sold at 70-80 taka per kg, and gourd is not available below 100 Taka. The price of other vegetables has also increased. The price of onions is continuously increasing. Even after importing from various countries, including India, Pakistan, and China, the price of onions is not decreasing due to the manipulation of traders. Now, onions are being sold at 120 taka per kg in retail. An artificial crisis is being created in the market through syndicate-controlled hoarding. Traders have thousands of excuses to increase prices in the market[54].

The interim government increased VAT and supplementary duties on over a hundred goods and services in January. As a result, the costs of these goods and services rose, which deteriorated the daily living expenses of ordinary people and caused a higher poverty rate[55].

The government raised the retail prices of soybean and palm oil in April that which raised the cost of living. The price of each litre of bottled soybean oil is now Tk 189, a Tk 14 increase, and non-bottled soybean and palm oil is Tk 169, a Tk 12 increase[56].

Onion farmer Meer Ruhul Amin (70) of suicided at Arani Rail Station of Bagha Upazila of Rajshahi, who took loans from three private organisations to cultivate onions. Because of the low price of onions in harvesting season and high cold storage charges, due to a result of increase in prices of energy and electricity by the Yunus administration[57]. In the 2025-26 fiscal year, subsidies in the electricity

54 দ্রব্যমূল্যের লাগামহীন ঊর্ধ্বগতিতে দিশাহারা জনগণ (https://www.rupalibangladesh.com/opinion/75212), The Rupali Bangladesh, 16 September 2025, Dhaka, accessed 20 December 2025

55 Govt raises VAT, duties on over 100 items (https://www.dhakatribune.com/business/370414/govt-raises-vat-duties-on-over-100-items), The Dhaka Tribune, 9 January 2025, Dhaka, accessed 20 December 2025

56 Soybean, palm oil prices spike (https://www.thedailystar.net/business/news/soybean-palm-oil-prices-spike-3871626), The Daily Star, 16 April 2025, Dhaka, accessed 20 December 2025≥

57 রাজশাহীতে পেঁয়াজচাষির আত্মহত্যা (https://www.prothomalo.com/bangladesh/district/7kv1o2ajpw), The Prothom Alo, 16 April 2025, Dhaka, accessed 20 December 2025

sector have been reduced from Tk 62,000 crore to Tk 37,000 crore by the national budget allocation[58].

Another sign of the interim government's failure was reflected in the recent collapse in winter-vegetable prices. Just before Ramadan, food prices briefly stabilised—but only because the government's hikes in electricity and diesel tariffs made refrigeration costs so prohibitive that farmers, unable to store their crops, were forced to sell at rock-bottom prices. One leading daily reported widespread farmer suicides in the ensuing days; at least four onion farmers, unable to cover their costs, took their lives, blaming the government's chaos[59].

5.2 The Despair

People's perception of the health of an economy is better reflected in their participation in social and religious festivals. People tend to spend a significant portion of their savings on them. Last March, we celebrated Eid al-Fitr, and at the beginning of June, Eid al-Adha. Headlines in the country's leading news outlets under Dr. Yunus's interim administration paint a dismal picture of our economy: "Eid economy stagnates; transactions down by Tk 30,000 crore," "51,000 Hajj quotas remain unfilled due to high costs," and "Qurbani sacrifices down by 1.25 million animals." Other headlines confirm that ordinary people's incomes have fallen sharply under Yunus: "8.5 million SIM cards disconnected in six months; internet subscribers down by 11.1 million," "Per-capita income falls by $2,738; growth rate declines," "88% of low-income people eat only bread or biscuits once a day," "2.1 million people have lost their jobs, 86% of them women," and "South Asia's food-price inflation highest in Bangladesh."

Quoting Youth Policy Network, an economic think tank, the Daily Prothom Alo reported in June, 88 percent of the country's low-income

58 বিদ্যুতে ভর্তুকি কমছে, তবে দাম বাড়বে না (https://www.kalbela.com/ajkerpatrika/firstpage/198241), The Kalbela, 21 June 2025, Dhaka, accessed 20 December 2025

59 আলু, পেঁয়াজ, সবজিভর্তুকম দামে কেনার পেছনের গল্পটা... (https://www.prothomalo.com/opinion/column/p4zpccvxge), The Prothom Alo, 26 April 2025, Dhaka, accessed 20 December 2025

people eat bread and biscuits at least once a day. Among people with a monthly income of 10,000 to 15,000 Taka, 60 percent skip breakfast due to lack of time and high prices. In other words, 99 percent of the respondents were forced to skip heavy meals at some point or the other. As an alternative, they eat bread or banana biscuits. Especially, they often have to skip lunch or afternoon meals. The survey was conducted in March 2025[60].

This year's higher-secondary exams saw 80,000 fewer students sitting for them, the media reports blaming poverty. Also, many students became victims of political vengeance, as many of them were supporters of the previous government.

The key reasons for this economic slowdown are the ignorance of policymakers to run a government, leading to failed policymaking, unbridled corruption and uncontrolled inflation.

More than One-Fourth of the Population is Now Poor; Many More Can be the Same

Poverty in Bangladesh has surged, with nearly 28 percent of the population now poor compared to 18.7 percent in 2022, according to new estimates by the Power and Participation Research Centre. The share of people living in extreme poverty has also risen to 9.35 percent this year, up from 5.6 percent three years ago. This means one in every four people now lives below the poverty line, while one in every 10 is trapped in extreme poverty[61].

Planning Advisor Wahiduddin Mahmud commented in September 2025 that many people in the country are living just above the poverty line, even if they are not poor. In this context, he said, their situation is not sustainable; they can become poor with a slight shock. He said

60 দেশের ৮৮% নিম্ন আয়ের মানুষ দিনে এক বেলা পাউরুটি বিস্কুট খান (https://www.prothomalo.com/business/economics/1u8m37q2pi?utm_source=facebook&utm_medium=social&utm_campaign&utm_content=ap_8nzrvgtjj3), The Prothom Alo, 27 June 2025, Dhaka, accessed 20 December 20 25

61 Poverty soars to 28% (https://www.thedailystar.net/news/bangladesh/news/poverty-soars-28-3970846), The Daily Star, 26 August 2025, Dhaka, accessed 20 December 2025

this at the inauguration of a seminar at the China-Maitree Conference Centre in the capital. Highlighting the situation of the poverty line, Wahiduddin Mahmud said, some people are standing up to their noses in water. They will drown if the slightest wave comes. They are just making a living in a risky situation[62].

Certainly, Bangladesh has regressed on political, social, and economic fronts during the last year or so under the rule of the illegitimate government. Until politics is stable, mob rule ends, police killings cease, law and order are restored, freedom of expression is guaranteed, everyone can participate in sports and culture, and oppression of women and minorities stops with equal political opportunity for all, Bangladesh will continue to fall behind.

5.3 Rising Inequality and Wealth Concentration

One of the most striking trends has been the uneven distribution of wealth gains. Banking sector data shows a sharp rise in the number of millionaire deposit accounts,[63] even as poverty risks have increased for large segments of the population[64]. Yet, from October to December 2024 alone, the number of millionaires in the country grew by 3,839[65].

This divergence has reinforced perceptions of politically linked opportunism, where a narrow elite benefits disproportionately while

62 'বিপুল সংখ্যক মানুষ সামান্য ধাক্কায় দারিদ্র হয়ে যেতে পারে',(https://www.bd-pratidin.com/national/2025/09/01/1153407), The Bangladesh Pratidin, 1 September 2025, Dhaka, accessed 20 December 2025

63 Bank accounts with more than Tk1cr surge in 6 months (https://en.bd-pratidin.com/economy/2025/09/09/46041#:~:text=The%20number%20of%20bank%20accounts,generate%20jobs%2C%20or%20spur%20investment), The Bangladesh Pratidin, 9 September 2025, Dhaka, accessed 20 December 2025

64 Macro Poverty Outlook, Country-by-country Analysis and Projections for the Developing World, 04/2025 (https://documents1.worldbank.org/curated/en/099358104292526651/pdf/IDU-ee4150d8-834f-43eb-b241-371ec09edef5.pdf), World Bank, April 2025, New York, accessed 20 December 2025

65 তিন মাসে নতুন কোটিপতি হয়েছেন ৩৮৩৯ জন (https://www.kalbela.com/ajkerpatrika/lastpage/179159), The Kalbela, 13 April 2025, Dhaka, accessed 20 December 2025

ordinary households face mounting hardship. The symbolism of growing wealth concentration during a cost-of-living crisis has fuelled public discontent and eroded trust in economic governance. In fact, despite inequality and wealth concentration for decades, the previous government took farsighted economic and financially inclusive policies in alignment with the necessary regulatory support from its central bank helped the lower income groups and smaller investors continue their entrepreneurial activities to take some of the heat off the inequality perception.

6. Conclusion: Fragile Economy, Mounting Risks

The interim government's first year of economic management has produced no substantial relief to the cost of living for most people of Bangladesh, who might have some higher expectations from the same, managed by 'wise men and women'! Besides, the structural weaknesses in revenue, investment, and governance remain unresolved. The persistence of inequality, alongside declining business confidence, underscores the growing gap between headline indicators and lived economic realities. This realisation must have led ordinary people to articulate the buzzwords that 'we were better off earlier'. This speaks volumes about the state of the economy-then and now. Indeed, the AL government delivered major structural upgrades; the past year highlighted the unbearable macroeconomic pain, including high living costs and weaker (or nil to be proper) business sentiment.

Bangladesh stands at a crossroads. Without decisive measures to restore fiscal credibility, broaden the tax base, attract investment, and protect vulnerable households, the current equilibrium will remain fragile. The challenge is not simply to manage short-term volatility, but to lay the groundwork for a more inclusive and resilient recovery, which presupposes a more inclusive, accountable elected political transition as early as possible.

Chapter 8

The Mirage of Reform and Global Isolation

1. Introduction: Rhetoric of Reform

The interim administration led by Muhammad Yunus assumed office in August 2024 amid extraordinary national upheaval. Born out of a student-led uprising and legitimised through the rhetoric of moral reform, the Yunus government positioned itself as an interim caretaker—a regime that would "repair," "cleanse," and "rebuild" Bangladesh's democratic institutions before restoring electoral order[1]. Within weeks, the new leadership announced a raft of "reform commissions" to overhaul nearly every arm of the state—from the Constitution and the judiciary to the police, civil service, and anti-corruption mechanisms. The official promise was one of *transition through transformation*.

In public discourse, "reform" became both the moral vocabulary and the political alibi of the new administration. Its speeches and white papers were filled with phrases such as *transparency*, *good governance*, *national consensus*, and *citizen-centred renewal*. Yet

1 Hannah Ellis-Petersen, 'Nobel Laureate Muhammad Yunus to Lead Bangladesh Interim Government after Student Uprising' *The Guardian* (London, 8 August 2024) https://www.theguardian.com/world/2024/aug/08/nobel-laureate-muhammad-yunus-to-lead-bangladesh-interim-government-after-student-uprising accessed 11 November 2025

behind these slogans lay a growing pattern of executive concentration, limited civic participation, and policy stagnation. The so-called reform drive soon turned into a complex spectacle of commissions, task forces, and consultation bodies whose reports were either delayed, partially published, or politically filtered before release. As observers from media outlets and international think tanks like the CPD and TIB noted, the "reform momentum" quickly slipped into a state-managed narrative—rich in symbolism, thin in substance.[2]

This chapter investigates that paradox. It argues that while the Yunus government invoked the rhetoric of reform to consolidate its legitimacy, it ultimately produced performative reformism—a technocratic facade that masked democratic erosion and institutional drift. The analysis proceeds in three stages. First, it catalogues and evaluates the eleven reform commissions and the Banking-Sector Reform Taskforce, examining their legal basis, mandates, activities, and recommendations, followed by a critique of their legality, transparency, and viability. Second, it explores the National Consensus Commission (NCC), established in February 2025 to synthesise the commissions' findings into a single framework, culminating in the "July Charter."

The government's handling of the July Charter has since plunged into deep controversy. Initially celebrated as a "blueprint for renewal," it is now mired in confusion and political contestation. Within the cabinet and the NCC, conflicting voices have emerged: some arguing that the Charter should enjoy constitutional status, others even proposing that it replace or amend the 1972 Constitution—the

2 Centre for Policy Dialogue (CPD), *Reform at the Crossroads: Interim Government's First Hundred Days Review* (Policy Brief, October 2024) https://cpd.org.bd/reform-at-the-crossroads-interim-governments-first-hundred-days-review/ accessed 11 November 2025; Transparency International Bangladesh (TIB), *Bangladesh: Governance Watch 2024—Symbolism over Substance?* (TIB Policy Note, December 2024) https://www.ti-bangladesh.org/beta3/index.php/en/research-policy/governance-watch-2024 accessed 11 November 2025; and Editorial Board, 'Yunus's "Reform Momentum" Losing Steam' *The Business Standard* (Dhaka, 9 December 2024) https://www.tbsnews.net/thoughts/yunuss-reform-momentum-losing-steam-745932 accessed 11 November 2025

foundational document of Bangladesh's statehood. This debate has ignited a constitutional crisis of legitimacy, as the Yunus government has signalled intent to hold a referendum to validate the Charter—an unprecedented move under an unelected interim authority.[3] Critics, including legal scholars and civil society groups, warn that such a referendum would lack a constitutional basis and could be used to grant blanket immunity to the pro-protest actors and groups that facilitated the installation of the interim regime.

This chapter, therefore, will also scrutinise the politics and legality of the July Charter, asking whether it represents a legitimate constitutional transition or a dangerous usurpation of the Liberation-era constitutional order. It will explore how the reform narrative—originally framed as a pathway to justice and stability—has evolved into a contested project of constitutional re-founding without electoral mandate, threatening to erode both democratic legitimacy and Bangladesh's international credibility.

Finally, the chapter will turn to the foreign-policy dimensions of this reformist illusion—examining how diplomatic missteps, strained relations with key partners, and a perceived pro-Pakistan tilt deepened Bangladesh's global isolation. In doing so, it will argue that the Yunus administration's reform experiment illustrates a broader pattern of "reformism without representation"—where expert commissions and consensus charters substitute for genuine popular participation, and where reform rhetoric becomes the last refuge of an unelected power.

2. The Reform Commissions

2.1 Constitutional, Electoral, Judicial, Integrity and Administration Commissions

(a) **Constitutional Reform Commission (CRC):** The most symbolically ambitious of all the reform bodies was the Constitutional Reform

3 Shadique Mahbub Islam, 'July Charter: Legal uncertainty behind Bangladesh's referendum push' *The Business Standard* (Dhaka, 10 October 2025) https://www.tbsnews.net/features/panorama/july-charter-legal-uncertainty-behind-bangladeshs-referendum-push-1257126 accessed 11 November 2025

Commission (CRC), established by an executive order in September 2024 and chaired by the political scientist Professor Ali Riaz.[4] The government presented it as the cornerstone of the "republic's moral renewal," mandated to propose a comprehensive review of the Constitution of the People's Republic of Bangladesh (1972), address "structural defects," and recommend revisions necessary for what it termed a "Second Republic." The Commission's mandate extended across state principles, the Bill of Rights, institutional design, and judicial independence.

In the course of its work, the CRC held a series of expert consultations, received written submissions from academics and rights organisations, and commissioned research on comparative constitutions from South Asia and Europe. Its final report, submitted to the Cabinet Division in January 2025, offered an extensive menu of constitutional and institutional reforms that, if enacted, would have redrafted large parts of the 1972 Constitution.

At the level of constitutional identity, the CRC proposed replacing the original four fundamental state principles—nationalism, socialism, democracy, and secularism—with five alternative norms: equality, human dignity, social justice, pluralism, and democracy.[5] It also recommended renaming the state from *Gonoprojatontri Bangladesh* (People's Republic of Bangladesh) to a formulation such as *Janagantrik Bangladesh* (People's Democracy of Bangladesh), and substituting the Bangla term *Projatontro* with *Nagoriktontra* to emphasise citizenship rather than subjecthood. This linguistic turn, the report argued, would symbolically re-centre the citizen as the bearer of sovereignty.

The CRC advanced a series of rights-expansion proposals unprecedented in Bangladesh's constitutional history. It recommended merging civil-

4 Staff Reporter, 'Ali Riaz to Lead Bangladesh's Constitutional Reform Commission under Yunus Government' *The Daily Star* (Dhaka, 18 September 2024) https://www.thedailystar.net/news/bangladesh/news/ali-riaz-lead-bangladeshs-constitutional-reform-commission-under-yunus-government-3651871 accessed 11 November 2025

5 Staff Correspondent, 'Constitution reform commission proposes new principles for Bangladesh' *Asia News.Network* (Dhaka, 16 January 2025) https://asianews.network/constitution-reform-commission-proposes-new-principles-for-bangladesh/ accessed 12 November 2025

political and socio-economic guarantees into a single, justiciable chapter titled *Fundamental Rights and Freedoms*, encompassing the right to food, health, education, housing, access to information, and digital connectivity, alongside children's rights and the rights of future generations. This holistic approach drew inspiration from South Africa's 1996 Charter of Rights and the European Social Charter.

Institutionally, the Commission proposed establishing a National Constitutional Council (NCC)—a permanent tri-branch body including representatives of the executive, legislature, and judiciary—to oversee appointments to constitutional offices such as the Election Commission, Public Service Commission, and Anti-Corruption Commission, thereby creating a system of inter-institutional accountability. It also called for a bicameral legislature consisting of a 400-member directly elected lower house and an upper house or Senate with review and oversight functions. One hundred seats of the lower house would be reserved for women, and the minimum age for candidacy would be lowered from 25 to 21 years, broadening youth participation.

On the judiciary, the CRC recommended decentralisation through permanent High Court benches in each administrative division, the creation of an independent Judicial Appointments Commission for Supreme Court judges, and full financial autonomy for the judiciary. It further proposed renaming "subordinate courts" as "local courts" to remove hierarchical stigma and establishing a Judicial Secretariat under the Supreme Court to manage personnel and budgeting, thereby ensuring the effective separation of the judiciary from the executive.

Other structural reforms included empowering local government institutions (LGIs) with fiscal and functional autonomy, subordinating local administrators to elected LGI representatives, and guaranteeing periodic LGI elections under the supervision of the Election Commission. The CRC also sought to curb emergency powers, suggesting that a state of emergency could only be declared through the proposed Constitutional Council, that no fundamental rights be

suspended during such a period, and that the controversial Articles 141(b)–(c) and transitional schedules be repealed.

In essence, the Ali Riaz Commission envisioned a transformative constitutional re-founding: a citizen-centred republic grounded in pluralism, decentralisation, and participatory governance. Yet, as later sections of this chapter show, this ambitious vision—though intellectually robust and normatively rich—remained trapped within the contradictions of the interim regime. Its far-reaching proposals were never tabled before an elected assembly, and its symbolic re-naming of the republic fed fears that the government's reformism masked an attempt to rewrite, rather than renew, Bangladesh's constitutional soul.

(b) Electoral System Reform Commission (ESRC): Constituted by gazette on 3 October 2024 with eight members under the leadership of Badiul Alam Majumdar, the ESRC's mandate was to assess the legal and institutional foundations of electoral governance—voter registration, election-commission independence, campaign finance, recall mechanisms and referendum options. Its activities included empirical reviews of past elections, consultations with the Election Commission (Bangladesh), and stakeholder workshops. The Commission handed in its summary report around 15 January 2025. Key recommendations included introducing parliamentary recall procedures, sequencing local-government elections before national ones to build trust, and embedding a referendum possibility in future electoral legislation.

(c) Judicial Reform Commission (JRC): Formed on 3 October 2024 and chaired by former AD Judge Shah Abu Nayeem Mominur Rahman, the JRC was instructed to examine court-backlog reduction, judicial appointment and tenure practices, and access to justice for disadvantaged groups. Activities included stakeholder consultations with bar associations and data analysis of pending cases. The JRC proposed modernising court administration, expanding legal-aid services, establishing performance benchmarks, and removing executive influence over judicial appointments.

(d) Police Reform Commission (PRC): Also constituted in October 2024, the PRC—chaired by former Secretary Safar Raj Hossain—was mandated to redesign policing structures, oversight mechanisms, and human-rights safeguards within law-enforcement agencies. Its activities included field visits, benchmarking international best practices, and submitting a substantial "108-point" reform matrix. Recommendations ranged from repealing the legacy of colonial statutes, creation of an independent police-oversight board, introduction of body-cams/GPS tracking, gender/internal-affairs units and strengthened community-policing models.

(e) Anti-Corruption Reform Commission (ACC-RC): Established 3 October 2024 with Iftekharuzzaman (Executive Director of Transparency International Bangladesh) as chair, the ACC-RC sought to re-engineer the integrity system of Bangladesh. Its mandate included reviewing the powers of the Anti-Corruption Commission (ACC), procurement transparency, financial disclosures, and preventive mechanisms. After extensive consultations and document preparation, the ACC-RC submitted its report in early 2025. Key proposals included establishing an autonomous ACC, mandatory e-procurement for major state contracts, public-sector asset declarations, and a multi-stakeholder integrity council.

(f) Public Administration Reform Commission (PARC): On the same date, the government constituted the PARC under the chairmanship of former adviser Abdul Muyeed Chowdhury, with a mandate to reform the civil service, rationalise ministries, strengthen merit-based recruitment, and streamline service-delivery.[6] The PARC's activities included reviewing cadre quotas, ministry reductions, service-charter frameworks, and preliminary costings. Its headline recommendations included adjusting the deputy-secretary cadre quota from 75:25 to 50:50 (administration vs. specialist cadres), reducing ministries to

6 Staff Correspondent, 'Commission calls major public administration reforms: over 100 recommendations' *The Business Standard* (Dhaka, 20 August 2025) https://www.tbsnews.net/bangladesh/commission-calls-major-public-administration-reforms-over-100-recommendations-1060866 accessed 11 November 2025

approximately 25, abolishing routine police-verification for civil-service entry, and introducing citizen service-charters.

2.2 Sectoral Reform Commissions Added November 2024

(a) Local Government Reform Commission (LGRC): Constituted 17–18 November 2024 under the chairmanship of Tofail Ahmed, the LGRC aimed at fiscal and functional devolution, constitutional recognition of local government institutions, predictable inter-government transfers, and citizen-led local governance. Activities included multi-region dialogues and mapping of fiscal deficits; final report submitted April 2025. Recommendations included constitutional amendments to embed local governance, formula-based transfers, and mandatory citizen-participation platforms.[7]

(b) Health Sector Reform Commission (HSRC): Also created in November 2024 with chair A. K. Azad Khan, the HSRC's mandate encompassed health-system financing, regulatory reform, primary-care expansion, and public-private partnerships.[8] Activities involved collaboration with ICDDRB and submission of the final report on 5 May 2025. Recommendations included free universal primary health-care entitlement, regulatory consolidation of private providers, creation of a permanent independent health-reform body, and strengthened rural outreach.

(c) Women's Affairs Reform Commission (WARC): Established on 18 November 2024, chaired by Shireen Huq, the WARC conducted nationwide hearings, collated 443 proposals across 15 policy areas and submitted its report in April 2025. Its mandate covered family-law reform, labour protections for women, representation in decision-making, and targeted measures for sex workers and minority women.

7 Staff Correspondent, 'LGRC for ensuring proper women's representation in local govt bodies' *The Asian Age* (Dhaka, 26 February 2025) https://dailyasianage.com/news/334574/lgrc-for-ensuring-proper-womens-representation-in-local-govt-bodies#google_vignette accessed 11 November 2025

8 Special Correspondent, 'Health sector reform commission formed with Azad as chief' *Jago News 24* (Dhaka, 18 November 2024) https://www.jagonews24.com/en/national/news/78444 accessed 11 November 2025

Key recommendations included a uniform family law, recognition of sex work as labour, extension of inheritance rights, reservation of one-third seats for women in Parliament or expansion of seats to 600, with 300 reserved for women.[9]

(d) **Labour Reform Commission (LRC):** Formed on 17 November 2024 under Syed SultanudDin Ahmed, the LRC was tasked with aligning labour law with ILO conventions, strengthening inspection and dispute-resolution, and formalising precarious sectors. Activities included industrial-survey consultation and draft legislation review; report submitted April 2025 with a 25-point reform package. Recommendations included a rolling minimum-wage system (every 3 years), a universal worker-identification system, a wage-guarantee insurance fund, strengthened trade-union rights and gender-sensitive labour protocol.[10]

(e) **Mass Media Reform Commission (MMRC):** Established in November 2024 under journalist-chair Kamal Ahmed, the MMRC's mandate was to review press/freedom legislation, ownership transparency, broadcast regulation, journalist safety and new-media governance.[11] Activities included structured consultations with MRDI, TAF and newsroom leadership; report submitted March 2025. Recommendations included a new Media Commission Ordinance-2025, Journalism Protection Ordinance-2025, mandatory gender policy in newsrooms, ownership disclosure system and anti-SLAPP provisions.

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9 Staff Correspondent, 'Women Affairs Reform Commission takes aim at constitution, personal laws governed by religion' *Dhaka Tribune* (Dhaka, 5 November 2025) https://www.dhakatribune.com/bangladesh/government-affairs/379108/women-affairs-reform-commission-takes-aim-at accessed 11 November 2025

10 Staff Correspondent, 'LRC for forming permanent labour commission' *Bangladesh Sangbad Sangstha (BSS)* (Dhaka, 22 April 2025) https://www.bssnews.net/others/265724 accessed 11 November 2025

11 Staff Correspondent, '11-member Mass Media Reform Commission formed' *The Business Standard* (Dhaka, 18 November 2024) https://www.tbsnews.net/bangladesh/11-member-mass-media-reform-commission-formed-996016 accessed 11 November 2025

2.3 Banking-Sector Reform Taskforce

In parallel to the commissions, the Bangladesh Bank (BB) constituted a six-member Banking-Sector Reform Taskforce on 11 September 2024, coordinated by Governor Ahsan H. Mansur.[12] Its mandate was to assess systemic risk, corporate influence in banking, non-performing assets, and regulatory architecture, and to publish a white-paper on banking reform. Its activities included forensic audits of bank boards and loans, regulatory review of the Bank Company Act and Bangladesh Bank Order, and procurement of a multi-billion-dollar loan from the World Bank for sector modernisation. The taskforce's recommendations emphasised the separation of ownership and management in banks, strong risk-management frameworks, amending key laws (Bank Company Act; BB Order), establishing bank-resolution companies, and eliminating political influence over credit decisions.

According to one report, the taskforce also advanced reform beyond banking—suggesting opening foreign direct investment in the health sector, waiving internet surcharges and revising revenue-sharing mechanisms for telecommunications.

2.4 "White Paper" on State of Bangladesh Economy Taskforce

Alongside the Banking-Sector Reform Taskforce, the interim government announced the formation of a Taskforce for a National White Paper on the State of Bangladesh Economy, chaired by economist Debapriya Bhattacharya in October 2024.[13] Officially commissioned as an "exercise in transparency," the White Paper sought to offer a forensic account of the structural ailments afflicting Bangladesh's

12 Staff Correspondent, 'Bangladesh Bank Forms Six-Member Taskforce for Banking Sector Reform' *The Daily Star* (Dhaka, 12 September 2024) https://www.thedailystar.net/business/economy/news/bangladesh-bank-forms-six-member-taskforce-banking-sector-reform-3648121 accessed 11 November 2025

13 Staff Reporter, 'Yunus Govt Forms Taskforce to Draft "White Paper on Corruption" Led by Economist Debapriya Bhattacharya' *The Business Standard* (Dhaka, 3 October 2024) https://www.tbsnews.net/economy/yunus-govt-forms-taskforce-draft-white-paper-corruption-led-economist-debapriya-bhattacharya-712398 accessed 11 November 2025

economy—particularly chronic corruption, data manipulation, fiscal mismanagement, and institutional decay. It was presented as a diagnostic prelude to future economic reforms and, at least on paper, promised an independent and data-driven assessment.

The report's methodology appeared robust, combining over sixty consultations with stakeholders—ranging from economists, civil society actors, and business associations to trade unions and foreign missions. The White Paper's 23 chapters—spanning macroeconomic, structural, social, and institutional themes—did provide a comprehensive portrait of the country's economic malaise. Its findings were scathing: a "kleptocratic legacy" built on fraudulent elections, institutional capture, collusive oligarchies, and pervasive corruption in public finance, the banking sector, and megaprojects.[14] The report claimed that between 2009 and 2023, illicit financial outflows averaged USD 16 billion annually, while cost overruns in public projects exceeded 70 percent—painting a picture of systemic rot. It also indicted the country's data ecosystem for "political preference–driven manipulation," effectively undermining the credibility of official growth narratives.

However, despite its rhetorical strength, the White Paper suffers from what may be termed performative empiricism. While rich in statistics and moral indignation, it falls short of specifying legally actionable pathways for accountability or reform. Its moral lexicon—"kleptocracy," "oligarchy," and "institutional paralysis"—resonates politically, yet remains analytically imprecise. Moreover, the very act of commissioning the report by an unelected interim authority raises questions of legitimacy: to what extent can an extra-constitutional regime claim the authority to audit the past while escaping scrutiny for its own constitutional standing?

Critically, the White Paper's portrayal of "corruption" is overwhelmingly backwards-looking—anchored in delegitimising the preceding

14 Debapriya Bhattacharya (ed), *White Paper on the State of the Bangladesh Economy 2024: Diagnosing Development Distortions and Institutional Decay* (Centre for Policy Dialogue 2024) https://cpd.org.bd/white-paper-on-the-state-of-the-bangladesh-economy-2024/ accessed 11 November 2025

government—while it remains largely silent on the mechanisms of transitional corruption emerging within the Yunus administration itself. The blurred boundaries between technocratic independence and political expediency become evident when the report's findings are mobilised to justify sweeping administrative purges rather than institutional repair. By positioning itself as both prosecutor and judge of the past regime's excesses, the White Paper risked transforming a national audit into a moral spectacle, aligning with what Kim Lane Scheppele would call *autocratic legalism*—the use of legal or quasi-legal mechanisms to legitimise extra-legal power.

In sum, while the White Paper stands as an important repository of economic evidence, it remains a politically instrumental document—more a manifesto for transitional vindication than a blueprint for structural reform. Its grand narrative of "dissecting a development illusion" ends up mirroring the very rhetoric it condemns: data-driven, performatively transparent, yet fundamentally selective. Without institutional follow-through, the White Paper risks joining the long list of Bangladesh's reform documents that diagnose with precision but heal with pretence.

2.5 Justice Sector Reform: Between Purge and Performance

Among all the commissions announced by the Yunus Administration, none carried as much normative weight as the Judicial Reform Commission (JRC). Chaired by Justice Shah Abu Nayeem Mominur Rahman, the Commission was tasked with restoring judicial independence, modernising the court system, and re-establishing public confidence in the rule of law. Yet, what followed in practice was not a restoration but a rupture — a judicial upheaval unprecedented in Bangladesh's constitutional history.

Soon after the fall of Sheikh Hasina's government, the judiciary experienced a forced metamorphosis.[15] The Appellate Division disintegrated under political and popular pressure; judges resigned in succession, and the Chief Justice departed amid protest rather

15 S M Masum Billah, 'Justice: Sunset or Dawn?' *bdnews24.com* (Dhaka, 30 May 2025) https://bdnews24.com/opinion/8d0204fa4937 accessed 11 November 2025

than principle. The installation of Justice Syed Refaat Ahmed as Chief Justice—though defended as constitutionally permissible under Article 95 — was carried out in an atmosphere charged with mob sentiment, not institutional calm. What was framed as "judicial reform" quickly became a judicial purge, with more than twenty judges resigning or being eased out under public hostility and executive expedience. It was less an act of cleansing than of coercive refashioning, leaving behind a bench hollowed of seniority and burdened with suspicion.

The interim government's defenders claimed that the "revolutionary moment" itself constituted a source of legality — that the popular will, rather than the constitutional process, conferred legitimacy upon judicial reconstitution. Such reasoning, however, resurrects the discredited doctrine of revolutionary legality, once invoked in Pakistan's *Dosso*[16] to justify martial law. To accept this logic is to concede that constitutional order may be replaced by political enthusiasm — that a judge may be unseated not by constitutional procedure but by collective sentiment. In effect, it transforms *law* into *licence*, and judicial robes into political uniforms.

The consequences are grave. The higher judiciary's silence in the face of custodial violence, mob intimidation, and public spectacle of humiliation—such as the handcuffing of the ailing former minister Nurul Majid Mahmud Humayun even in his hospital bed—betrays the moral desensitisation of the justice system. This single image, of an octogenarian detainee shackled in illness, encapsulates a crisis deeper than legality: the dehumanisation of justice itself. In a modern rule-of-law state, the purpose of handcuffing is not "security" but the crushing of human dignity. When the body of an accused becomes an object of display, the law turns from a shield into an instrument of humiliation.

This phenomenon exposes the behavioural pathology of Bangladesh's criminal justice system — one still rooted in retributive colonialism rather than rehabilitative constitutionalism. The misuse of handcuffs and denial of bail have become everyday rituals of degradation,

16 *State v Dosso* (PLD 1958 SC 533)

despite the High Court's own jurisprudence—from *State v Deputy Commissioner, Satkhira (1992)* to later suo moto orders—explicitly condemning such practices as unconstitutional and cruel. Yet, under the so-called reformist regime, those precedents were neither revived nor respected. The once-vibrant culture of *suo moto* judicial activism vanished; judicial passivity replaced judicial conscience.

Thus, the justice sector's so-called reform was not institutional renewal but institutional regression. The Judicial Reform Commission's formal recommendations—on appointment transparency, docket management, and access to justice—were overshadowed by the regime's own unconstitutional interference in judicial appointments and disciplinary removals. Reform became retribution; independence became submission.

In comparative perspective, the episode demonstrates what scholars term "autocratic legalism"—where the vocabulary of reform is weaponised to legitimise executive control. The courts, stripped of moral authority, could neither discipline state violence nor protect citizens' rights. The rule of law, once the judiciary's proudest inheritance, was recast as a stage performance: robes without reverence, verdicts without voice, justice without judgment.

If the Yunus Administration's reform commissions were meant to signal rebirth, the justice sector stands as their cautionary tale. A judiciary reborn through coercion cannot safeguard liberty; it can only rehearse obedience. Unless the moral culture of judging—anchored in restraint, humility, and respect for human dignity—is restored, Bangladesh's constitutional edifice will remain, as one scholar aptly put it, "a house standing tall on trembling ground."

2.6 Synthesis of Outputs

Collectively, these eleven commissions and the banking task force formed a comprehensive reform architecture, covering foundational governance (constitution, election, justice), administrative systems (police, public administration, integrity), sectoral policy domains (health, local government, labour, women's affairs, media) and economic-financial architecture (banking). The commissions were

tasked with “developing a reform framework” to improve governance and build institutional resilience.

The early deliverables saw four core commissions (Electoral, Constitutional, Anti-Corruption, Police) submit reports on 15 January 2025. Consultation practices varied widely—some commissions held broad stakeholder hearings, others operated largely as expert panels with limited public transparency.

2.7 Critique of the Commissions

A critical evaluation of the entire reform architecture reveals that the Yunus Administration’s reform narrative, though rich in symbolism, remained institutionally fragile and normatively selective. Four broad deficiencies stand out—legality, transparency, participation, and viability—each of which exposes the performative nature of the interim government’s “good governance” experiment.

First, legality. All commissions were created by executive notification, not by Act of Parliament or Presidential Order, and thus lacked the legal status necessary for continuity or judicial enforceability. Their authority derived solely from the Chief Adviser’s discretion rather than from any statutory mandate. In a transitional context that claimed to restore the rule of law, such executive overreach undermined the very legality the commissions purported to embody.

Second, transparency and publication. Although most commissions publicised interim press releases and held occasional briefings, their full reports remained largely unpublished. Deadlines were repeatedly extended, final reports were released selectively, and there was no publicly accessible repository of findings or minutes. Even the Banking-Sector Reform Taskforce’s white paper and the Anti-Corruption Reform Commission’s final draft were withheld from full disclosure. In effect, the government retained control over both the narrative and the evidentiary record of reform.

Third, participation and method. The commissions were dominated by experts and bureaucrats, with limited space for grassroots participation or parliamentary scrutiny. While a few—such as the Women’s Affairs

and Local Government Commissions—held regional hearings, most operated in a closed technocratic circuit. The process thereby reproduced an elite discourse of reform without popular legitimacy.

Fourth, viability and sequencing. Even the most substantive recommendations—bicameralism, a National Constitutional Council, or judicial decentralisation—lacked costings, implementation frameworks, or inter-agency coordination plans. Many required a constitutional amendment or multi-year administrative realignment, well beyond the mandate and lifespan of an interim regime. The absence of budgetary anchoring and political continuity rendered most proposals aspirational rather than actionable.

An equally revealing omission, however, lies not in what the interim government did but in what it ignored. No commission was formed for the education sector—the very foundation of Bangladesh's civic and intellectual regeneration. This absence is striking, for every major reform era since independence—from the Qudrat-e-Khuda Education Commission (1972) to the 2010 National Education Policy—has treated education as the nucleus of social transformation. The omission signalled that education was not a priority for the Yunus Administration, despite its rhetoric of national renewal.

Ironically, in the immediate aftermath of Sheikh Hasina's government's fall, every tier of the education system—from primary schools to public universities—became rapidly politicised. Interim-period appointments to vice-chancellorships, syndicates, and governing boards were made on overtly political considerations, replacing experienced academics with partisan appointees. Administrative control was extended through informal networks aligned with the protest movement, resulting in a collapse of institutional neutrality and a deepening crisis of governance in higher education. What the interim government failed to reform through lawful commission, it reconfigured through political patronage, thereby weakening the last surviving pillar of the national merit system.

Focus may also be drawn to the action of the media commission. Despite the formation of the 11-member Media Reform Commission

in late 2024, the initiative has steadily drifted into abeyance, becoming emblematic of the broader malaise afflicting the interim government's institutional reform agenda. The commission's extensive 180-page report, delivered in March 2025, laid out sweeping proposals—draft legislation (the "Bangladesh Media Commission Ordinance 2025" and "Journalism Protection Ordinance 2025"), integration of state media under a unified professional umbrella, guarantees of source protection, and the expansion of inclusion for women and indigenous groups.[17] Yet instead of advancing these reforms, the government in June formed a five-member committee headed by the Education Adviser to consider autonomy for BTV and Betar—a move that ignored the Commission's design and signalled policy drift. Bureaucratic resistance appears to have stymied implementation; the commission chair publicly lamented that neither the Charter's process nor government machinery was committed to operationalising the reforms. The disconnect between the commission's intellectual ambitions and the executive's tepid follow-through underscores a broader pattern: reform vocabulary without reform delivery, particularly in sectors vital for democratic oversight and public opinion.

The reform commissions represent an architecture of intentions without institutions—executive bodies conceived to signal moral authority rather than to produce enforceable change. Their selectivity, opacity, and disregard for education as a public good confirm that the Yunus government's reformism was less a blueprint for reconstruction than a device for legitimising an unelected regime through the performance of reform.

3. The National Consensus Commission and the Curious Case of the "July Charter"

3.1 Formation, Mandate, and Activities

Faced with mounting scepticism about its fragmented reform machinery, the Yunus Administration announced on 12 February 2025

17 Rahat Minhaj, 'Media Reform Commission heading towards failure' *Views Bangladesh* (Dhaka, 15 September 2025) https://viewsbangladesh.com/media-reform-commission-heading-towards-failure/ accessed 11 November 2025

the creation of the National Consensus Commission (NCC) through an executive order of the Cabinet Division. The official mandate of the Commission was to *synthesise the findings* of the eleven reform commissions and the banking-sector taskforce, *facilitate dialogue* among political parties and civil-society representatives, and *draft a unified framework* for the nation's institutional renewal.

Chaired by the Chief Adviser (Actually, Ali Riaz presided over almost all the meetings, where he virtually became the chief of the Commission), the NCC included hand-picked academics, business leaders, retired bureaucrats, and representatives of selected political parties—sixteen in all—out of fifty-two registered national parties. The membership composition immediately exposed the limits of its claimed inclusivity: major opposition groupings, student organisations, and trade unions were excluded. Unlike a constituent assembly or a parliamentary select committee, the NCC possessed no statutory basis, democratic mandate, or constitutional standing. Its internal rules gave the Chief Adviser sole authority to appoint members, determine the agenda, and approve draft language.

Between March and June 2025, the NCC held a series of thematic dialogues on constitutional reform, governance, the economy, and social policy. Its deliberations culminated in the preparation of the National Charter for Reform and Renewal, unveiled on 28 July 2025 and ceremonially endorsed by the signatory parties in mid-October. The document—soon branded the "July Sanad" or "July Charter"—was introduced as a moral and political compact intended to guide the "Second Republic" of Bangladesh.

3.2 The July Charter: Structure and Claims

The July Charter combined normative proclamation with policy enumeration. It opened with a reinterpretation of Bangladesh's constitutional history, portraying the 2024 student uprising as the "second liberation movement" and casting the interim government as its legitimate heir. The text was organised into five thematic clusters: (i) constitutional restructuring; (ii) governance and rule-of-law reform; (iii) socio-economic and gender justice; (iv) administrative and electoral reform; and (v) foreign-policy realignment.

Several of the eleven commissions' proposals were selectively incorporated, such as the National Constitutional Council recommended by the CRC, the recall and referendum provisions proposed by the ESRC, and the administrative rationalisation of the PARC. Yet, the Charter went far beyond consolidation: it declared itself *"the supreme framework of political consensus of the people"*, claiming parity with the Constitution and announcing that its suitable provisions were to be "implemented forthwith" by the interim government. It asserted that the Charter expressed the "collective will of the people" and therefore stood on equal normative footing with the 1972 Constitution.

3.3 Fundamental Vulnerabilities of the July Charter

A critical reading of the July Charter, informed by scholarly critiques, reveals profound legal, historical, and moral infirmities.

(a) Constitutional incompatibility and historical distortion.

The Charter is incompatible with the Constitution of the People's Republic of Bangladesh. It rewrites the narrative of the Liberation War and the democratic struggles of 1952–1971 in a manner that dilutes or distorts the founding history. The name of Bangabandhu Sheikh Mujibur Rahman, the architect of independence and the first President of Bangladesh, is entirely omitted, while the document praises Dr Yunus by name, presenting him as the saviour of the nation. Such selective glorification transforms a transient political leader into a quasi-foundational figure, subverting the constitutional memory of the Republic.

(b) Fiction of popular consent.

The Charter claims to embody "the general will of the people," yet only sixteen of fifty-two registered political parties signed it, representing—by electoral share—at most half of the national vote. No empirical instrument exists in Bangladesh to measure "public consent" in this context. Thus, its invocation of the *general will* is a rhetorical artifice rather than a democratic fact. Even later development indicates that a few political parties, including the BNP, allege that their signature was obtained fraudulently by the National Consensus Commission.

(c) Questionable legality of signatures and authority.

In constitutional practice, state instruments are executed in the name of the President, yet the Chief Adviser—an unelected head of government—signed the Charter as head of both the state and the NCC. The political-party signatories lacked formal authorisation from their party councils or conventions; hence, the Charter fails the basic test of *capacity and authority to contract*. Reports suggesting that each participant signed separate copies instead of a single integrated instrument reinforce the perception of a legal façade devoid of mutual assent.

(d) Historical revisionism and partisan bias.

The Charter's narration of Bangladesh's post-1971 political history mirrors the rhetoric of Jamaat-e-Islami and BNP narratives. It glorifies the Zia-era rehabilitation of war criminals as the dawn of "multi-party democracy" while marginalising the 1990 people's uprising that actually restored democracy. It glosses over the terror-infused years of 2001–2006—including the anti-minority pogroms and coordinated bomb attacks—and abruptly fast-forwards to the 2006 street violence, thereby rewriting history to serve a partisan agenda. The period 2009–2024 is depicted in half-truths and polemics, labelling Prime Minister Sheikh Hasina's government as "fascist" and branding public servants and professionals as "collaborators," thus promoting a culture of hatred and political persecution.

(e) Institutionalised impunity.

Perhaps the gravest flaw lies in the Charter's indemnity clause, which extends legal immunity to "July fighters" and transitional authorities.[18] It explicitly bars judicial review of the Charter's legality—an affront to constitutionalism and human-rights law. Whereas even constitutional amendments are subject to challenge under Article 7B

18 Staff Correspondent, 'July Charter's fifth clause amended complying with demands from "July warriors"' *The Daily Star* (Dhaka, 17 October 2025) https://www.thedailystar.net/news/bangladesh/news/july-charters-fifth-clause-amended-complying-demands-july-warriors-4012381 accessed 11 November 2025

of the Constitution, this self-indemnifying clause seeks to place the Charter beyond scrutiny, effectively transforming it into a shield for those implicated in protest-era violence and abuses.

(f) The hollow referendum proposal.

The government's plan to hold a referendum to "validate" the Charter exemplifies its constitutional overreach. Under Article 142 of the 1972 Constitution, only a parliamentary supermajority can amend the Constitution. An unelected interim government possesses no mandate to convene a referendum; doing so would itself be unconstitutional. The very term "re-ferry-endum"—circulating in government rhetoric—assumes prior electoral legitimacy, which the Yunus Administration lacks. A plebiscite conducted under such circumstances would be legally void and politically divisive, designed to convert executive self-assertion into an illusion of popular will.

(g) Ambiguous implementation and indefinite discretion.

The Charter authorises the interim government and "relevant authorities" to implement "immediately actionable" provisions—without specifying who determines such actionability. This open-ended clause invites arbitrary implementation of politically expedient measures before the Charter attains any legal force. Similarly, the instruction that future governments may "rationally" amend or modify the Constitution according to the Charter's spirit leaves the interpretation of "rationality" to subjective discretion, undermining constitutional certainty.

(h) Erosion of secular and linguistic identity.

By promoting religion-based nationalism reminiscent of General Zia's 1979 framework, the Charter repudiates the inclusive Bengali identity central to the Liberation ethos. It omits the secular rubric from the Constitution, preserves state religion, and gestures toward an upper-house electoral formula aligned with Jamaat's proportional-representation demands—signalling a drift toward theocratic populism inconsistent with Bangladesh's plural traditions and indigenous diversity.

(i) Conceptual incoherence and technical flaws.

The Charter aggregates eighty-four distinct reform proposals—constitutional, policy, and administrative—without structural differentiation.[19] This conflation of fixed constitutional provisions with mutable policy prescriptions reveals a lack of conceptual literacy regarding the hierarchy of laws. Numerous dissent notes among signatories further weaken its claim to unanimity. Even the so-called "July fighters" (NCP) withheld their signatures, exposing the myth of consensus.[20]

(j) Intellectual and normative impoverishment.

In style and substance, the Charter departs from the tradition of constitutional drafting inaugurated in 1972. Jurists of recognised standing were conspicuously absent from its preparation. The document is thus bereft of doctrinal coherence or jurisprudential imagination; its language oscillates between bureaucratic slogans and populist invective. In a comparative constitutional perspective, it stands as an aberration—a *charter without constitutionality.*

3.4 The Referendum Fallacy and the Question of Mandate

The proposed referendum on the July Charter illustrates the ultimate paradox of the Yunus reform project: an unelected regime seeking democratic sanctification through a plebiscite it has no authority to call. International law and constitutional doctrine converge on a simple principle: *no government may confer upon itself constituent power without the consent of the governed*.[21] The interim government,

19 Staff Correspondent, '84 reform proposals with 50 dissenting notes in July Charter' *New Age* (Dhaka, 18 October 2025) https://www.newagebd.net/post/politics/279400/84-reform-proposals-with-50-dissenting-notes-in-july-charter accessed 11 November 2025

20 "Why is NCP calling the July Charter a 'deception'?" *Dhaka Tribune* (Dhaka, 19 October 2025) https://www.dhakatribune.com/bangladesh/politics/394296/why-is-ncp-calling-the-july-charter-a-%E2%80%98deception%E2%80%99 accessed 11 November 2025

21 Hans Kelsen, General Theory of Law and State (Anders Wedberg tr, Harvard University Press 1945) 117–118; Carl Schmitt, Constitutional Theory (Jeffrey Seitzer tr, Duke University Press 2008) 125–132; Bruce Ackerman, We the People: Foundations (Harvard University Press 1991) 6–7;

installed without electoral endorsement, cannot legitimately claim that authority. Consequently, any referendum held under its auspices would constitute an *exercise in political theatre* rather than an act of sovereignty. It would also compromise the neutrality of the Election Commission, still undergoing its own reform under the ESRC's recommendations. In short, the referendum proposal is hollow in legality and cynical in purpose—a device to translate executive self-interest into the language of popular choice.

3.5 Reflections on the NCC and the July Charter

The National Consensus Commission began as a coordination platform but metamorphosed into an instrument of constitutional adventurism. Its product, the July Charter, is not a reform roadmap but a quasi-constitutional declaration that distorts history, undermines the Liberation narrative, privileges unelected authority, and weaponises consensus rhetoric. Far from healing divisions, it deepens them—pitting competing memories of statehood against one another.

In scholarly terms, the July Charter exemplifies what constitutional theorist Kim Lane Scheppele calls *autocratic legalism*: the strategic use of legal form to entrench extra-legal power.[22] The Yunus government's referendum proposal to validate this charter compounds the problem, for it seeks legitimacy through procedure without representation. The NCC and its Charter thus encapsulate the tragedy of Bangladesh's interim experiment: reform as rhetoric, consensus as control, and constitutionalism reduced to spectacle. The next section will examine how this internal crisis of legitimacy reverberated externally, shaping the country's diplomatic posture and its emerging isolation in the global arena.

4. Foreign Policy Reform and Isolation: The Pakistan Alignment

A defining feature of the Yunus administration's first year was a conspicuous re-orientation of Dhaka's regional posture, with overt

Yaniv Roznai, Unconstitutional Constitutional Amendments: The Limits of Amendment Powers (OUP 2017) 24–30; European Commission for Democracy through Law (Venice Commission), Report on Constitutional Amendment (Venice Commission CDL-AD(2010)001, 2010) para 72

22 Kim Lane Scheppele, 'Autocratic Legalism' (2018) 85 *University of Chicago Law Review* 545

courtship of Pakistan becoming the most salient and controversial strand. While the interim government framed this as "resetting relations" and "broadening strategic options," the cumulative pattern of meetings, signals, and proposed instruments indicates a policy tilt that departed from Bangladesh's Liberation-era doctrine and unsettled domestic constituencies as well as some external partners.

4.1 Signals of a Reset

Three clusters of public actions mapped the shift.

First, leader-level engagements: on the sidelines of the UN General Assembly in September 2025, Pakistani Prime Minister Shehbaz Sharif invited Chief Adviser Muhammad Yunus for a bilateral visit, with both sides discussing a deepening of economic ties; Dhaka's press secretary briefed local media to that effect, and Pakistani and Bangladeshi official outlets echoed the read-out.[23]

Second, ministerial diplomacy and instruments: in August 2025, Pakistan's Foreign Minister Ishaq Dar met Yunus and announced a move to "revive old connections," with reporting that the meeting produced multiple sectoral agreements and a structured pathway to broaden cooperation.[24]

Third, security-adjacent signalling: late October 2025 saw publicity around a call by Pakistan's Joint Chiefs of Staff Committee Chairman, Gen. Sahir Shamshad Mirza, on Yunus in Dhaka, with statements about willingness to deepen ties—an optics-heavy moment given Bangladesh's 1971 memory politics and the unsettled debates around accountability for historical atrocities.[25]

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23 'PM Shehbaz Invites Bangladesh's Chief Adviser Yunus for Bilateral Visit on UNGA Sidelines' *Associated Press of Pakistan* (New York, 26 September 2025)

24 'Pakistan, Bangladesh move to revive 'old connections' as FM Dar meets interim leader Yunus' *Anadolu Agency* (Istanbul, 24 August 2025) https://www.aa.com.tr/en/asia-pacific/pakistan-and-bangladesh-move-to-revive-old-connections-as-fm-dar-meets-interim-leader-yunus/3667688 accessed 11 November 2025

25 Syed Samiul Basher Anik, 'Pakistan's Military Chief Meets Yunus in Dhaka, Pledges "Renewed Friendship" amid Historical Tensions' *The Daily*

These moves unfolded alongside commentary—supportive and critical—arguing that Pakistan (and China) had emerged as the interim government's most ardent external backers, a perception amplified in regional media ecosystems.

4.2 From Optics to Policy: What Changed?

Beyond atmospherics, policy-level movement was recorded by international and local outlets:

Resumption of structured talks after a 15-year lull, with agendas spanning trade, agriculture, and easier travel, even as Dhaka also tabled long-standing issues (apology/compensation) from 1971—an unusual pairing of forward-leaning cooperation and unresolved historical claims.

Broad political framing of the domestic reform track—the "July Charter"—as part of a wider reset, which several analyses linked to Dhaka's efforts to diversify away from its past India-centric anchoring.

The resulting narrative among regional observers characterised the period as a "dramatic reset" in Bangladesh-Pakistan ties, noteworthy precisely because such a re-opening had long been politically radioactive in Dhaka.

4.3 Domestic and Regional Repercussions

The Pakistan tilt intersected with three sources of friction:

(a) Memory politics at home. The re-warmth with Islamabad tracked, for critics, with a revisionist turn in official rhetoric around the Liberation War—visible as the government shepherded a July Charter that some viewed as diluting Liberation-era anchors and privileging a "second-founding" narrative. That Charter's evolution and the referendum proposal drew sharp legal and political critiques for lacking constitutional warrant.

(b) India's unease and narrative contestation. Indian outlets and commentary framed the shift as part of a strategic rebalancing away

Star (Dhaka, 22 October 2025) https://www.thedailystar.net/news/bangladesh/news/pakistans-military-chief-meets-yunus-dhaka-pledges-renewed-friendship-1987451 accessed 11 November 2025

from New Delhi, occasionally pairing Pakistan with China as Dhaka's chief external supporters under Yunus. Even where Dhaka insisted that ties with India "remain positive," the optics of leader-level Pakistan outreach fed the perception of drift.

(c) Governance optics and credibility. The Pakistan overtures unfolded as the interim government faced critique over media restrictions and party bans, fuelling an international debate about whether foreign-policy resets were substituting for domestic legitimacy.

4.4 How the "Pakistan Track" fed the Isolation Narrative

Supporters of engagement argued that Bangladesh was simply normalising relations with a neighbour to unlock trade and reduce strategic over-dependence. Yet three features sustained an isolation discourse around Dhaka:

Sequencing and symbolism: A visibly front-loaded Pakistan track—complete with UNGA-side engagements and high-profile military calls—preceded clear domestic consensus or parliamentary oversight, intensifying the charge of executive overreach in foreign affairs by an unelected authority.

Narrative coupling with the July Charter: Regional analysis repeatedly treated the Charter and foreign-policy reset as two sides of the same project—re-founding at home and realignment abroad—thereby tethering Dhaka's diplomatic credibility to a contested domestic instrument.

Cross-pressures from other vectors: Even as Dhaka cultivated Beijing—eliciting discussion of interest relief and expanded investment—the India-Pakistan signalling triangle sharpened perceptions that Bangladesh was edging into a China-Pakistan friendly orbit, a reading that complicates Dhaka's efforts to stabilise ties with New Delhi and Western partners.

4.5 Weighing the Evidence

The Yunus government invested significant political capital in a Pakistan outreach—leader-level meetings, ministerial tracks, and security-adjacent signalling—while domestic constitutional debates

remained unsettled.[26] International and regional commentary amplified the view that Pakistan (and China) were key early backers of the interim dispensation, and that Dhaka's foreign-policy moves could not be disentangled from its internal legitimacy contest.

In a context where the July Charter's legality and the proposed referendum are actively disputed, a conspicuous Pakistan alignment—however transactional in intent—has reputational costs. It risks alienating segments of the Bangladeshi public anchored in the Liberation-era civic identity, narrows manoeuvre with India, and invites external hedging by partners wary of Dhaka's strategic direction. The resulting credibility gap in global forums is less about the abstract merits of engaging Pakistan and more about who is making the choice, under what mandate, and to what constitutional end.

5. Conclusion: The Mirage of Reform and the Return of Isolation

The first year of the Yunus administration has unfolded as a study in contradictions — a government that promised renewal but delivered rupture. Cloaked in the language of moral reconstruction, it presented itself as a custodian of transition, armed with commissions, task forces, and charters that were meant to "repair" the Republic. Yet the grand architecture of reform proved largely performative. Beneath the rhetoric of transparency and national consensus lay an unelected regime struggling to convert moral authority into constitutional legitimacy.

The eleven reform commissions and the Banking-Sector Taskforce symbolised this paradox of ambition without accountability. Formed by executive fiat, they lacked statutory anchoring, parliamentary scrutiny, or public oversight. Their reports — however elaborate — remained orphaned from law and policy, serving more as instruments of narrative control than vehicles of institutional change. Even the most substantive initiatives, such as the Constitutional and Judicial

26 Kamran Yousaf, 'Pakistan, Bangladesh Move to Reset Ties as Dhaka's Yunus Government Reaches Out' *The Express Tribune* (Islamabad, 19 October 2025) https://tribune.com.pk/story/2489123/pakistan-bangladesh-move-to-reset-ties-as-dhakas-yunus-government-reaches-out accessed 11 November 2025

Reform Commissions, revealed a deeper irony: that the promise of restoring legality was pursued through extra-legal means.

The creation of the National Consensus Commission (NCC) and its outcome, the *July Charter*, marked the point at which reformism mutated into constitutional adventurism. By conflating consultation with constitution-making and claiming parity with the 1972 Constitution, the Charter embodied a project of revolutionary legality — sovereignty manufactured without the sovereign. Its indemnity clauses, historical distortions, and proposed referendum exposed the interim regime's aspiration not merely to reform but to re-found the Republic in its own image. The very language of reform became a disguise for rule without representation.

Externally, this internal illegitimacy mirrored itself in the government's foreign-policy posture. The overtures to Pakistan, coupled with ambivalence toward India and the West, projected a revisionist diplomacy unmoored from Bangladesh's Liberation-era values. To many observers, the handshake with Islamabad symbolised a forgetting of history — a turn from the moral capital once earned through sacrifice to the expediency of short-term geopolitical gains. In seeking validation abroad while silencing dissent at home, the interim government deepened both its moral isolation and its diplomatic estrangement.

In the final analysis, the Yunus government's reform experiment reveals the anatomy of a mirage: an elaborate play of procedures, committees, and rhetoric that gestures toward transformation while reproducing old hierarchies of control. Reform, when detached from democratic mandate, becomes self-referential; consensus, when imposed, becomes coercive. Bangladesh today stands between reform and repression, its constitutional soul suspended between memory and manipulation. Whether the Republic reclaims its founding promise will depend not on commissions or charters, but on the restoration of the only reform that truly endures — the sovereignty of its people.

Chapter 9

The Unfinished Republic

LESSONS, REVERSALS AND THE ROAD TO DEMOCRATIC RESILIENCEE

1. Introduction: A Republic at a Crossroads

The political rupture of 2024–25 marked one of the most consequential turning points in Bangladesh's constitutional history. What began as a student-led mobilisation rapidly escalated into a nationwide upheaval, culminating in the fall of an elected government and the installation of an unelected interim regime under Professor Muhammad Yunus. The ensuing months witnessed dramatic transformations across state institutions, legal processes, security structures, the economy, and civic culture. This period revealed not only the vulnerabilities of Bangladesh's democratic infrastructure but also the fragility of its constitutional identity, institutional cohesion, and social fabric.

As the preceding nine chapters have demonstrated, the interim administration presided over sweeping regressions: politicised restructuring of the judiciary and bureaucracy; unprecedented indemnity and selective justice; the resurgence of extremist influence; collapse of public security; deterioration of economic stability; and severe distortions of constitutional order through unmandated reform bodies. These developments collectively represent a reversal of gains achieved over the previous decade and a half under

elected leadership. The 2024–25 episode, therefore, demands a comprehensive synthesis—not merely of events, but of their deeper institutional and normative consequences for a democratic republic.

This concluding chapter serves four principal functions.

First, it offers a thematic synthesis of the core findings drawn from Chapters 1 through 9. Each chapter illuminated a different dimension of the crisis: institutional decay, rights violations, security breakdown, moral populism, economic regression, legal impunity, diplomatic drift, and the doctrinal anomalies of the Hasina verdict. The synthesis presented here bridges these thematic strands to articulate a coherent narrative of democratic retreat.

Second, it provides a systematic commentary on how the Yunus administration set Bangladesh back in relation to the political, economic, institutional, and constitutional gains consolidated under the previous Sheikh Hasina era. This comparison is not partisan; it is institutional. It evaluates governance trajectories based on measurable outcomes: administrative stability, rule of law, deterrence against extremism, constitutional continuity, diplomatic credibility, and economic resilience.

Third, it outlines the future implications of this retreat. Democratic erosion does not end with a single political transition; it leaves behind structural fractures that can shape national life for years to come. The consequences include weakened institutions, deepened polarisation, emboldened extremist networks, damaged investment climate, and heightened constitutional uncertainty. Understanding these implications is essential for preventing the re-emergence of extra-constitutional solutions and restoring public confidence in the state.

Fourth, this chapter concludes with a set of calls to action directed at citizens, political parties, state institutions, civil society, and the international community. Democratic restoration requires distributed responsibility. It cannot be entrusted solely to governments or courts; it must be anchored in civic discipline, institutional virtue, responsible political mobilisation, and principled international partnerships. The concluding remarks, therefore, articulate a constructive pathway

for collective agency aimed at rebuilding democratic stability and reaffirming Bangladesh's constitutional commitments.

Taken together, this final chapter situates the Yunus interregnum within a broader arc of Bangladesh's political development. It acknowledges the depth of the disruption, synthesises its key elements, and charts a forward-looking vision for a democratic rebirth. At stake are not only the institutions of governance, but the very moral and constitutional foundations upon which the republic rests.

2. Synthesis of Key Findings

The political rupture of 2024–25 unfolded as a multidimensional crisis that destabilised Bangladesh's institutional, constitutional, and socio-economic foundations. The following synthesis integrates the core insights from Chapters 1 to 9, presenting a consolidated account of how the interim administration's actions contributed to systemic retreat across the state apparatus.

The Unravelling of Institutions: Judiciary, Bureaucracy, and Electoral Governance

The interim period witnessed a marked deterioration in institutional autonomy. Judicial independence weakened as coercive transfers, improvised appointments, and public intimidation of judges became common. Established conventions that anchored judicial hierarchy were abandoned, replacing stability with uncertainty. The whole criminal justice system has come to a halt—even bails are denied to the old politicians. The resulting breakdown disrupted adjudication and contributed to mounting backlogs, diminishing public trust in the courts.

Bureaucratic integrity eroded under widespread reshuffles, politically influenced promotions, and the cultivation of a fear-driven administrative culture. Professionalism gave way to perceived loyalty, undermining policy continuity and administrative coherence. Civil servants operated under conditions that inhibited decision-making and discouraged initiative.

The Election Commission's capacity declined significantly. The collapse of the elected government left the electoral system without

direction, and extra-constitutional reform bodies overshadowed the Commission's statutory authority. Preparations necessary for credible elections stalled, leaving the electoral landscape fragile and vulnerable to manipulation.

2.1 Rights Under Strain: Coercion, Exclusion, and Selective Enforcement

Civil and political rights regressed sharply during the interim administration. Arbitrary detentions, politically motivated arrests, and the harassment of journalists and civil servants reflected an emerging pattern of selective enforcement. Many of those targeted had perceived links with the previous government or with secular civic spaces.

Minority communities faced heightened insecurity. Attacks on Hindu neighbourhoods, temple vandalism, and forced displacement occurred amid reduced law enforcement intervention. Women in political or public roles experienced intimidation and gendered violence. The erosion of the state's secular protection mechanisms heightened vulnerabilities across multiple groups.

Due process violations became pervasive. Trials in absentia proceeded without fulfilling internationally recognised safeguards. The strategic use of criminal laws against political actors suggested that legal mechanisms were being wielded for political ends rather than for the pursuit of justice.

2.2 The Drift Toward Ideological Governance

The interim administration's reliance on moral populism created an ideological shift within state structures. Public piety increasingly shaped political legitimacy, and clerical influence gained prominence in administrative decision-making. Certain extremist preachers, previously constrained by the secular apparatus, regained social influence.

This ideological drift weakened counter-extremism capabilities. The removal of experienced officers from CTTC, ATU, DGFI, NSI, SB, and other bodies disrupted intelligence operations. Extremist networks, once constrained, began to reorganise at local levels. The recalibration

of the state toward religious symbolism eroded the secular underpinnings that had historically supported national security.

2.3 Public Order in Collapse: From State Authority to Mob Pressure

One of the most visible consequences of the interim period was the decline of public security. Police forces retreated from assertive enforcement due to institutional uncertainty and the risk of political retribution. In this vacuum, mob groups filled the space left by weakened law enforcement.

Lynchings, extortion, property destruction, and politically targeted assaults became increasingly common. Informal groups imposed control over public life, influencing markets, transport routes, and neighbourhoods. Attacks on police stations and government offices underscored the erosion of state authority. The shift from institutional enforcement to mob coercion disrupted everyday life and diminished citizens' confidence in state protection.

2.4 Indemnity and the Erosion of Legal Order

The Home Ministry's indemnity announcement of 14 October 2024 represented a decisive rupture in the rule of law. Issued as a press release rather than a statutory instrument, it provided sweeping immunity for violent acts committed during the July and August unrest. Its vagueness allowed for impunity for killings, arson, sexual violence, and attacks on law enforcement personnel.

This indemnity denied victims access to justice and created a dual system of accountability. While perpetrators of violence were shielded, others faced aggressive prosecution under special laws. The overt selectivity of enforcement weakened the principle of equality before the law and entrenched perceptions of politically directed justice.

The handling of high-profile cases, including the verdicts against Sheikh Hasina and her family members on fictitious cases, further highlighted judicial inconsistencies. Doctrinal misapplications of criminal law, reliance on thin evidence, and procedural irregularities demonstrated the broader pattern of legal exceptionalism during the interim period.

2.5 Economic Instability and Social Dislocation

Economic conditions deteriorated markedly as insecurity and policy uncertainty took root. Inflation remained elevated due to extortion in supply chains, disruptions in agricultural distribution, and regulatory paralysis. The cost of essential commodities increased, placing hardship on wage-dependent households.

The financial sector faced growing instability. Liquidity shortages, rising defaulted loans, and declining deposits signalled weakening confidence. Several banks reported capital deficits, and capital markets experienced a sustained decline. Foreign investors, unsettled by political volatility, reduced commitments and deferred projects.

Social consequences were immediate and widespread: increased poverty, job losses, reduced household purchasing power, and the stalling of infrastructural progress that had previously driven national development.

2.6 Reform Rhetoric and Constitutional Uncertainty

The interim government's proliferation of reform commissions created an appearance of institutional transformation but lacked a legal foundation. Constitutional, judicial, electoral, administrative, and policing reforms were proposed without statutory authority or democratic oversight. Their recommendations risked reshaping governance structures without parliamentary mandate.

The July Charter evolved from a public statement into a quasi-constitutional document. Proposals for altering the form of government, restructuring the electoral process, or redefining constitutional values generated uncertainty about the direction of the constitutional order. The erosion of parliamentary sovereignty and the emergence of advisory bodies without democratic legitimacy raised profound concerns for constitutional continuity. The Yunus administration is unconstitutionally set to put the July Charter to a referendum together with the national election on the same day, putting the very essence of the national election into jeopardy.

2.7 Diplomatic Misalignment and Strategic Weakening

Bangladesh's diplomatic standing weakened as long-standing partners expressed concern over the interim government's legitimacy and human rights record. Relations with India and the European Union became strained, affecting cooperation in trade, security, and development.

International creditors and rating agencies downgraded Bangladesh's risk profile, citing governance instability and the erosion of institutional integrity. Reduced confidence from development partners diminished the nation's external leverage at a moment when economic resilience required robust international engagement.

2.8 The Judicial Theatre and the Politicisation of Justice

The Hasina verdict crystallised broader patterns of judicial distortion. Conducted in absentia, the trial failed to meet essential fair trial guarantees. The Tribunal relied on inconsistent evidence and misapplied doctrines such as joint criminal enterprise and command responsibility. The elevation of political statements to criminal orders reflected a troubling interpretive leap.

The selective framing of a narrow set of incidents as crimes against humanity raised questions about prosecutorial strategy. The punitive severity of the verdict, including its divergence from international practice, further undermined confidence. Its diplomatic consequences, particularly the extradition tensions with India, underscored the verdict's implications beyond the courtroom. Same concerns may be raised against other cases brought and verdict handed down against Sheikh Hasina and her family members in order to halt the politics of the Awami League and the Bangabandhu family members.

2.9 A Converging Arc of Democratic Erosion

Across these themes, a consistent pattern emerges: the interim period marked a comprehensive regression that weakened institutions, destabilised public security, eroded rights protections, disrupted the economy, encouraged ideological drift, and distorted constitutional processes. These developments interacted, creating a cascading effect that made recovery increasingly difficult.

The synthesis demonstrates that the democratic rupture of 2024–25 was not a sequence of isolated events but a systemic retreat that permeated every sphere of governance and civic life.

3. How the Yunus Administration Set Bangladesh Back

The interim administration under Professor Muhammad Yunus inherited a state that, despite its imperfections, possessed stable institutions, a functioning security apparatus, a growing economy, and a constitutionally grounded political order. Within months, this landscape changed dramatically. The contrast between the two periods reveals a sharp divergence in governance outcomes, institutional resilience, and constitutional discipline. The commentary below outlines these reversals across key domains.

Institutional Stability Replaced by Administrative Volatility

The previously elected government maintained an institutional architecture rooted in continuity. Judicial appointments, civil service promotions, and administrative reshuffles were conducted within frameworks that had been in place for years. While debates about executive influence persisted, the overall structure of governance remained predictable and rule-based.

The interim period disrupted this stability. Judicial officers were transferred without a clear rationale, frequently under public pressure. Senior civil servants were removed or relocated in rapid succession. Long-standing bureaucratic conventions were unsettled. This climate of uncertainty weakened institutional independence, and administrative decision-making became driven by short-term survival rather than long-range governance.

Under the elected government, the bureaucracy had functioned with relative professionalism, enabling policy coordination in infrastructure, energy, health, and welfare. In contrast, the interim environment encouraged caution, hesitation, and inaction within the administration, slowing essential services and undermining public confidence.

3.1 Rule of Law Supplanted by Selective Enforcement

The legal system experienced significant regression under the interim administration. The preceding decade had seen efforts—however contested—to strengthen judicial infrastructure, digitise case management, expand access to legal remedies, and enhance procedural safeguards.

In marked contrast, the interim government presided over a series of legal irregularities. The indemnity announcement effectively suspended criminal accountability for a defined period, an unprecedented step in Bangladesh's legal history. Selective prosecutions targeted political opponents while shielding others from scrutiny. High-profile trials lacked fundamental safeguards, damaging perceptions of judicial impartiality. These developments weakened the rule of law principles that had gradually gained ground under the elected government.

The Sheikh Hasina government had been criticised for certain politicised prosecutions, yet it did not abandon statutory legality or constitutional procedures. By comparison, the interim period normalised legal inconsistency and curtailed access to justice for entire categories of victims. The shift from rule-bound governance to expedient enforcement created long-term risks for legal predictability.

3.2 Security and Counter-Extremism Replaced by Public Disorder

The elected government had developed an extensive counter-extremism architecture drawing on coordinated intelligence, specialised policing, and surveillance capabilities. This framework, often cited in international reporting, had largely contained militant activity and stabilised public life.

The interim period witnessed a clear deterioration of this architecture. Senior officers from key agencies were removed. Intelligence coordination weakened. Mob violence proliferated. Police forces operated under reduced confidence, often avoiding confrontation for fear of retaliation. Public spaces became vulnerable to intimidation by informal groups, and the state's monopoly on the use of force appeared diluted.

The contrast is stark. Under the previous regime, public order was managed through deterrence and professional policing. Under the interim administration, disorder expanded and informal actors acquired coercive authority. The shift jeopardised the secular and security-oriented foundations of the state.

3.3 Economic Growth Replaced by Economic Anxiety

The elected government's tenure was characterised by sustained economic expansion, marked by rising GDP, infrastructural megaprojects, improved energy capacity, and poverty reduction. Despite global shocks, the economy demonstrated resilience through coordinated fiscal and administrative measures.

By contrast, the interim period produced economic volatility. Inflation persisted at high levels, supply chains suffered extortion, banking confidence eroded, and foreign investment slowed sharply. Credit rating downgrades reflected concerns about governance risks and regulatory inconsistency. Development projects stalled, and market sentiment weakened as uncertainty dominated economic planning.

The key distinction lies in predictability. The elected government had provided a stable macroeconomic environment even when challenged. The interim government introduced uncertainty, reducing the confidence necessary for investment, production, and trade.

3.4 Constitutional Continuity Replaced by Experimentation

The Sheikh Hasina regime had operated within the 1972 Constitution, even as debates continued over amendments and the balance of power. Parliament functioned as the central democratic institution, and constitutional interpretation remained anchored within established judicial processes.

The interim period disrupted this continuity. Reform commissions without a parliamentary mandate proposed alterations to constitutional structures. The July Charter introduced ideological directions that bypassed elected consent. The relationship between executive authority and constitutional constraints has blurred, raising concerns about long-term democratic legitimacy.

This shift weakened the constitutional settlement that had guided Bangladesh for decades. Instead of incremental reform through parliamentary procedure, the interim administration pursued structural redesign without democratic endorsement, creating legal and political uncertainty.

3.5 Diplomatic Balance Replaced by Strategic Drift

The previous government maintained a carefully balanced foreign policy engaging India, China, Japan, the United States, and regional institutions. This balance supported trade, infrastructure financing, counterterrorism collaboration, and strategic dialogue.

The interim government faced strained relations with key partners. Concerns about legitimacy, rights violations, and governance instability prompted diplomatic caution. Economic partners signalled reduced confidence. Regional coordination weakened as policy direction oscillated.

The contrast again lies in predictability. The elected government had provided diplomatic clarity even in complex contexts. The interim period created ambiguity, reducing Bangladesh's external leverage and complicating international cooperation.

3.6 Secular Governance Replaced by Ideological Volatility

A defining characteristic of the Sheikh Hasina period was the reassertion of secular principles in governance, anchored in the constitutional identity of the state. Counter-extremism measures and minority protections reflected this orientation.

The interim administration introduced moral populism into statecraft. Public piety, clerical endorsement, and ideological symbolism shaped administrative decisions. Minority vulnerabilities increased, and civic culture experienced ideological polarisation.

This ideological shift weakened the secular fabric essential for communal harmony and stable governance.

3.7 Overall Direction: From Structured Governance to Unsettled Transition

When viewed in totality, the Yunus administration represents a departure from structured governance toward a volatile transition. The setbacks extend beyond individual policies and reflect a systemic reorientation: from institutional strength to fragility, from legal order to selective enforcement, from security to disorder, from economic growth to instability, and from constitutional continuity to political experimentation.

These reversals mark a significant setback when compared to the trajectory of the previous elected government. They reveal how swiftly democratic gains can be reversed when constitutional order is disrupted, and institutions lose coherence.

4. Future Implications of These Retreats for Bangladesh

The institutional, legal, economic, and ideological setbacks of the interim period will have consequences that extend beyond the immediate moment. Democratic erosion rarely remains confined to a single year; it produces structural aftershocks that can reshape national life for a generation. The following analysis outlines the major future implications if Bangladesh does not undertake purposeful restoration and reform.

4.1 A Constitutional Republic at Risk of Repeated Disruption

The most serious implication arises from the undermining of constitutional continuity. Once a non-elected government successfully undertakes reform, restructures institutions, and prosecutes opponents, the precedent becomes a latent threat to future governance. The idea that political transition can occur outside constitutional procedures risks becoming normalised.

Without deliberate correction, Bangladesh may experience a cycle in which:

- governments are judged in the street rather than the ballot box,
- public unrest becomes a mechanism of political change, and
- Extra-constitutional solutions become tempting during crises.

The erosion of parliamentary sovereignty observed under the interim regime heightens this risk. A republic that loses commitment to its foundational constitutional order becomes vulnerable to frequent ruptures, making stable governance difficult to sustain.

4.2 A Weakened Judiciary and Bureaucracy with Long-Term Effects

Judicial independence, once disrupted, does not restore itself automatically. Arbitrary transfers, public intimidation of judges, and politically conditioned appointments create patterns that may be replicated in the future. The result is a judiciary hesitant to assert constitutional authority or check executive overreach.

The bureaucracy faces similar long-term vulnerabilities. When civil servants observe that professional security depends on political alignment rather than performance, administrative neutrality becomes nearly impossible to revive. Future governments may inherit an administrative culture shaped by caution, self-preservation, and risk avoidance.

Such weakened institutions cannot effectively implement policy, deliver public services, or safeguard the rule of law. The administrative state becomes fragmented, leaving governance susceptible to volatility.

4.3 A Security Landscape More Open to Extremist Influence

Bangladesh's national security environment is shaped by geography, demography, and the legacy of regional militancy. A weakened counter-extremism architecture increases the risk of reorganisation by dormant militant groups. The dismantling or sidelining of specialised intelligence units—together with the ideological drift toward clerical approval—creates conditions that extremist networks can exploit.

Future implications include:

- difficulties in monitoring radicalisation at local and digital levels,
- reduced deterrence against recruitment and mobilisation,
- expanded influence of clerical populism in public life, and
- potential resurgence of groups previously contained.

The long-term threat lies not only in organised militancy but also in the slow normalisation of intolerance, where vigilantism and ideological pressure become embedded in everyday interactions. This undermines social cohesion and civic peace.

4.4 An Economy Adjusting to Instability Rather Than Growth

Economic cycles are highly sensitive to political signals. The interim period's volatility may influence investor behaviour for years, even after a restoration of elected governance. Memories of market extortion, administrative paralysis, and unpredictable regulatory shifts can deter investment in critical sectors such as infrastructure, energy, finance, and manufacturing.

Long-term implications include:

- higher risk premiums on international borrowing,
- reduced foreign direct investment flows,
- capital flight or reduced domestic reinvestment,
- slower recovery of banking confidence,
- delays in large development projects, and
- broader economic anxiety affecting household consumption.

If unaddressed, such trends can hinder Bangladesh's graduation to a higher development category, weaken competitiveness, and exacerbate inequality.

4.5 A More Fragile Social Fabric Vulnerable to Polarisation

Social trust is foundational to democratic life. The interim period's mob violence, minority attacks, and ideologically driven rhetoric have strained the social fabric. If these trends persist, future implications may include:

- deepened communal suspicion,
- heightened fear among minorities,
- increased emigration by vulnerable communities,
- loss of faith in state protection, and

- normalisation of public humiliation rituals and vigilante enforcement.

These developments weaken the sense of national belonging across religious, political, and regional lines. A society fragmented along ideological or sectarian boundaries finds it harder to sustain democratic institutions and participatory civic life.

4.6 A Diplomatic Posture Marked by Reduced Leverage

Bangladesh's foreign policy has historically relied on balancing major regional powers while securing economic partnerships for development. Governance instability, contested legality, and rights concerns have diminished international confidence. A continued perception of unpredictability may lead to:

- cautious engagement by development partners,
- stricter conditions on loans and grants,
- diminished influence in regional organisations,
- slower progress in trade negotiations, and
- reduced willingness of states to support Bangladesh in international forums.

Restoring credibility will require sustained institutional performance and consistent diplomatic signalling, both of which take time to rebuild.

4.7 A Constitutional Identity Under Strain

Bangladesh's identity as a secular, democratic republic has long served as a stabilising framework. The interim period's ideological recalibration risks reshaping this identity. If unaddressed, the country may gradually drift toward a more majoritarian or moral populist model, where constitutional values are subordinated to ideological preferences.

Future risks include:

- reduced protection of minoritarian rights,
- reinterpretation of constitutional principles through religious symbolism,

- weakened consensus on the role of secularism in governance, and
- disputes over national identity are shaping political contestation.

Such transformations, once normalised, become difficult to reverse.

4.8 The Danger of Institutional Memory Loss

A final implication concerns institutional memory. The abrupt removal of experienced officials, judges, administrators, and security professionals risks long-term degradation of institutional expertise. Knowledge lost in moments of transition cannot easily be reconstructed. Such loss diminishes the capacity of future administrations to govern effectively, respond to crises, and maintain national stability.

These implications reveal a future marked by uncertainty unless deliberate, coordinated restoration occurs. The interim period has left a deep imprint on governance structures, political culture, and societal expectations. The next phase of Bangladesh's democratic journey will depend on the country's ability to repair institutional damage, reaffirm constitutional commitments, and rebuild public trust through credible governance.

5. Calls to Action

Bangladesh's democratic recovery requires a broad coalition of responsibility. The setbacks of the interim period revealed that the burden of safeguarding a constitutional republic cannot rest solely on elected governments. It must be shared across society: citizens, political parties, professional bodies, bureaucratic institutions, security agencies, civil society, media, academia, and international partners. The following calls to action outline the collective duties essential for rebuilding a stable and resilient democratic order.

5.1 Citizens and Civic Groups: Reclaiming Public Life with Responsibility

A democratic system depends on citizens who value civic discipline and the rule of law. Popular mobilisation can be a force for positive change, but when it descends into vigilantism, humiliation, and

coercion, it destabilises the foundations of democratic society.

Citizens are called upon to:

- reject mob pressure as a tool for political expression,
- safeguard the dignity of minorities and vulnerable communities,
- participate in elections and local governance processes,
- cultivate respect for institutional procedures,
- embrace fact-based dialogue rather than sensationalism, and
- insist on peaceful mobilisation as the primary mode of public engagement.

Grassroots civic organisations also have a responsibility to promote pluralism, defend the rights of the marginalised, and counter misinformation that fuels polarisation.

A political culture grounded in civic virtue is the first line of defence against democratic erosion.

5.2 Political Parties: Restoring Democratic Conduct and Institutional Integrity

Political parties shape the direction of national policy, set the tone of political competition, and model the behaviour of their supporters. The events of the interim period demonstrated the consequences of weakened party discipline and the weaponisation of popular anger.

Political parties must therefore commit to:

- internal democracy in leadership selection,
- transparent candidate nomination processes,
- peaceful political mobilisation,
- clear ethical charters for affiliated student and youth groups,
- rejection of violent street politics, and
- cross-party dialogue on electoral and constitutional stability.
- Condemn political prosecution and press the government to lift the ban on the Awami League

Parties should prioritise policy capacity building, cultivate evidence-based governance proposals, and refrain from incendiary rhetoric that inflames divisions. Parties share collective responsibility for the health of the political system; their choices can either stabilise or destabilise democratic institutions.

5.3 State Institutions: Reinforcing Integrity, Professionalism, and Constitutional Duty

The judiciary, civil service, law enforcement agencies, intelligence bodies, and the Election Commission form the core of Bangladesh's institutional architecture. Their resilience is vital for public trust.

State institutions must prioritise:

- restoring professional independence and resisting political interference,
- protecting judges, civil servants, and police officers from intimidation,
- reinforcing merit-based appointments and promotions,
- rebuilding citizen confidence through transparent procedures,
- ensuring impartial enforcement of law and equal access to justice, and
- re-establishing robust intelligence coordination to counter extremism.

Above all, institutions must operate within constitutional parameters and uphold the neutrality that allows diverse political actors to trust the system.

5.4 Civil Society, Media, and Academia: Defending the Space for Truth and Reason

Civil society organisations, journalists, academics, and cultural institutions are central to the production of knowledge and the shaping of public morality. Where their independence is compromised, democracy weakens.

These sectors should commit to:

- rigorous fact-checking and responsible journalism,
- resisting ideological capture from political or clerical interests,
- promoting inclusive narratives that reflect Bangladesh's founding principles,
- conducting independent research on governance, rights, and development,
- supporting victims of violence or discrimination, and
- providing non-partisan civic education that strengthens constitutional values.

Civil society must serve as a moral counterweight to populism, while the media must avoid sensationalism that fuels mob behaviour. Academia, in turn, must cultivate critical thinking and intellectual honesty.

5.5 Professional Communities: Upholding Ethical Codes and Institutional Loyalty

Bar associations, medical organisations, engineers' bodies, teachers' federations, business groups, and professional networks carry significant influence in the political sphere. Their actions can either reinforce or undermine institutional stability.

Professional associations should:

- adopt clear ethical guidelines that prohibit participation in coercive political pressure,
- provide legal and psychological support to members facing wrongdoing,
- maintain neutrality during political transitions,
- avoid endorsement of extra-constitutional arrangements, and
- uphold the integrity of their professions through fair internal governance.

These groups form the connective tissue of national life. Their responsibility is to model discipline and restraint even when political tensions escalate.

5.6 The International Community: Supporting Sovereignty Through Principles, Not Intervention

Bangladesh's political trajectory is influenced by its relationships with regional powers, development partners, and multilateral organisations. International actors hold an important but limited role: supporting democratic governance without undermining national sovereignty.

They are called upon to:

- condemn the politically motivated trials in Bangladesh, call Bangladesh government to halt them.
- Call upon the Bangladesh government to withdraw the ban on the Awami League, create an environment of free, fair and inclusive elections;
- respect constitutional processes and avoid encouraging extra-constitutional transitions,
- support capacity building in the justice sector, election management, and public administration,
- maintain principled engagement on human rights without partisan alignment,
- assist in rebuilding counter-extremism infrastructure,
- expand economic and trade cooperation conditioned on institutional strengthening, and
- engage constructively with elected governments rather than transitional arrangements.

International partners must ensure that their involvement reinforces constitutional continuity rather than inadvertently legitimising governance experiments that weaken democratic norms.

5.7 A Shared Mandate for Democratic Renewal

Democratic resilience cannot be achieved through isolated reforms. It requires coordinated effort across society. The challenges left by the interim period—fractured institutions, ideological fragmentation,

weakened rule of law, economic uncertainty, and diminished trust—can only be addressed through collective responsibility.

Citizens must uphold civic duty.

Political parties must restore democratic disciplines and a culture of tolerance and mutual respect. They must not support any step to ban political parties without proper judicial sanction.

Institutions must defend constitutional integrity.

Civil society must protect truth and pluralism.

International partners must act with consistency and respect for sovereignty.

These commitments together form the foundation for a democratic rebirth rooted in accountability, dignity, and constitutional order.

6. Concluding Reflection: Reclaiming the People's Republic

The events of 2024–25 will be remembered as a moment when Bangladesh stood at the edge of a constitutional precipice. Institutions faltered, public security eroded, ideological pressures intensified, and the cohesion that had sustained national progress came under strain. Yet the rupture also revealed a deeper truth: the country's democratic foundations, though shaken, remain anchored in a constitutional inheritance shaped by the Liberation ethos, decades of political contestation, and the persistent aspirations of its people.

The central task ahead is not merely to reverse the setbacks of the interim period but to reaffirm the idea of the republic itself. Bangladesh's constitutional vision—rooted in nationalism, socialism, secularism, and democracy—provides a coherent framework for national renewal. These principles are not historical artefacts; they are active commitments that must guide governance, animate civic life, and shape institutional conduct.

Recovery will depend on two complementary processes. The first is institutional restoration, involving the rebuilding of judicial independence, administrative professionalism, electoral integrity, and security coherence. These foundations are essential for the

stability of any democratic order. The second is normative renewal, requiring political actors, civil society, and citizens to reclaim civic responsibility, reject coercion, and cultivate an atmosphere of respect for differences. Without this moral rebuilding, institutional reforms alone will be insufficient.

Bangladesh's trajectory has never been linear. The nation has navigated conflict, reconstruction, authoritarian interruptions, and popular mobilisations. What distinguishes successful periods of governance from moments of instability is adherence to constitutional discipline and the collective will to uphold democratic norms. The interim rupture serves as a reminder that these values cannot be taken for granted.

Looking ahead, the path to democratic resilience rests on a shared understanding: no government, no movement, and no institution holds the exclusive mandate to define the republic. Its legitimacy derives from the people, expressed through constitutional processes and safeguarded by the institutions entrusted with public power. When these processes are respected, stability flourishes; when they are bypassed, disorder follows.

The concluding imperative is therefore clear. Bangladesh must recommit to a constitutional future grounded in the rule of law, institutional virtue, civic responsibility, and a renewed appreciation for the pluralistic fabric that has long defined the nation. The republic endures not through documents alone but through collective vigilance and the everyday choices of its citizens and leaders.

In reclaiming these commitments, Bangladesh possesses the capacity not only to recover from the disruptions of the interim period but to emerge with a deeper, more resilient democratic foundation—one capable of withstanding future challenges and advancing a stable, dignified, and inclusive national life.

GCDG
Global Center for Democratic Governance

APPENDIX-I

Notes on Contributors

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Bangladesh: Yunus and Assault on History examines the first year of Dr. Yunus's administration through a relentless, critical lens. By analyzing law, politics, and their tangible consequences, the authors trace a republic gradually losing its grounding. Each chapter serves as a sober reckoning, showing how institutions lose their significance when legitimacy breaks down. Power seems chaotic, reform appears illusory, and justice emerges as a contested notion. Ultimately, the book offers more than a chronicle of crisis, it poses a haunting question: can a nation survive the erasure of its own history?

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