

# International Law Concerns Regarding the Ban on the Bangladesh Awami League



## 1. Overview

A formal communication issued by the United Nations Special Procedures on 29 December 2025 raises serious concerns regarding measures taken by the interim government of Bangladesh, led by Muhammad Yunus.

The measures include the banning of the Bangladesh Awami League, restrictions on political activity, and the use of counter-terrorism and tribunal laws.

The UN experts conclude that these actions may be inconsistent with Bangladesh's obligations under international human rights law.

## 2. Applicable Legal Framework

The primary legal instrument engaged is the:  
International Covenant on Civil and Political Rights (ICCPR)

Relevant provisions include:

- Article 19 – Freedom of expression
- Article 21 – Freedom of peaceful assembly
- Article 22 – Freedom of association
- Article 25 – Participation in public affairs
- Article 14 – Right to a fair trial
- Article 9 – Liberty and security of person
- Article 2(3) – Right to an effective remedy

### 3. Key Legal Issues Identified

#### 3.1 Proportionality and Necessity

International law requires that any restriction on fundamental rights must be:  
Prescribed by law  
Necessary for a legitimate aim (e.g., national security)  
Proportionate to that aim

Concern: The blanket ban on a political party appears overbroad and not narrowly tailored, failing the tests of necessity and proportionality.

#### 3.2 Freedom of Association (Article 22)

Banning a political party is considered a measure of last resort  
Requires a demonstrable and concrete threat

Concern: The ban targets the entire party rather than specific individuals, potentially constituting collective punishment.

#### 3.3 Freedom of Expression (Article 19)

Includes protection for political speech and public debate

Concern: Restrictions such as bans on "any publicity," speeches, and media engagement appear: Overly broad  
Not limited to incitement or violence

### **3.4 Freedom of Peaceful Assembly (Article 21)**

Blanket bans on gatherings are generally presumed disproportionate

Concern: Prohibitions on rallies and meetings supporting the party lack individualised risk assessment.

### **3.5 Political Participation (Article 25)**

Guarantees the right to vote and stand for election

Concern: Cancellation of party registration  
Exclusion from elections

These measures risk undermining political pluralism and denying voters a genuine choice.

### **3.6 Due Process and Effective Remedy (Article 2(3))**

Requires procedural safeguards, including:  
Notice Right to be heard Judicial review

Concern: The ban was imposed by executive action without adequate procedural protections.

### **3.7 Fair Trial Guarantees (Article 14)**

Concerns relate to proceedings before the  
International Crimes Tribunal Bangladesh:

Denial of counsel of choice Limited time to prepare defence Politicised context

Legal Risk: Violations may render outcomes—particularly death sentences—arbitrary under international law.

### **3.8 Arbitrary Detention and Ill-Treatment (Articles 9 & 7)**

Reported issues include:

Mass arrests  
Detention of journalists and lawyers  
Allegations of torture and custodial deaths  
Blanket immunity for perpetrators

Concern: These may constitute serious violations of international human rights obligations.



### 3.9 Misuse of Counter-Terrorism Frameworks

Counter-terror laws must target genuine security threats

Concern: Use of such laws against a political party risks:  
Undermining democratic institutions  
Violating the principle of legality

### 4. UN Position

The United Nations emphasises: Accountability for alleged crimes is essential  
However, it must be pursued through:  
Fair trials  
Independent courts  
Individual responsibility

Broad restrictions affecting an entire political party may be incompatible with international law.

### 5. Conclusion

The measures raise cumulative concerns regarding: Disproportionate restrictions on fundamental freedoms Erosion of political pluralism Deficiencies in due process and fair trial guarantees

If substantiated, these actions may place Bangladesh in breach of its obligations under the ICCPR.

### 6. Key Questions for Consideration

What specific and immediate threat justified the party-wide ban?  
Are less restrictive alternatives available?  
What safeguards exist to ensure fair trial rights?  
How will political pluralism be maintained ahead of elections?





EXPRESSION

ASSEMBLY

ASSOCIATION

FAIR TRIAL

INTERNATIONAL COVENANT ON CIVIL & POLITICAL RIGHTS (ICCPR)

DUE PROCESS

JUDICIAL REVIEW