

No Court, No Justice

A Brazen Assault on Democracy in Bangladesh

How Counter-Terror Laws Became Tools of Political Elimination



Executive Summary

In May 2025, an unelected interim administration in Bangladesh issued sweeping executive decrees that banned the Bangladesh Awami League and all affiliated organisations. Without judicial process, parliamentary debate, or due legal procedure, one of the country's largest and most historic political parties was effectively erased from public life.

On 8 April 2026, the National Parliament passed the Anti-Terrorism (Amendment) Bill 2026 by voice vote, converting the earlier ordinance into permanent law and ensuring the ban on Awami League activities remains in force. This publication examines how legal frameworks were bypassed, how international law concerns were raised, and how the consequences of these actions continue to reshape Bangladesh's political landscape.

1. A Political Ban Without Due Process

The ban on the Awami League marked a dramatic shift in Bangladesh's political trajectory.

Through executive action, all forms of political activity linked to the party were criminalised. Public gatherings, publications, media presence, and even expressions of support were prohibited. The Election Commission subsequently revoked the party's registration, preventing it from participating in the February 2026 general election.

Crucially, this action was taken without:



A High Court ruling

A formal hearing

Judicial review or oversight

Under the Political Parties Ordinance of 1978, any move to dissolve a political party requires judicial scrutiny and due process. Critics argue that these safeguards were completely ignored.

2. Legal Mechanisms Used to Enforce the Ban

Anti-Terrorism (Amendment) Ordinance, 2025

This ordinance expanded state powers significantly:



Allowed authorities to suspend or prohibit activities without a formal terrorist designation

Imposed blanket bans on publicity, including media and online expression

Introduced travel restrictions and financial disclosure requirements

These provisions were applied directly to the Awami League.

Amendment to the International Crimes (Tribunals) Act

A newly introduced Section 20B granted sweeping authority to:



Suspend or dissolve organisations, including political parties

Confiscate assets

Expand definitions of "organisation" to include affiliates and associated entities

These measures were enacted without parliamentary debate or public consultation.



3. Human Impact: Mass Arrests and Crackdown

The enforcement of these laws led to widespread consequences. Operation "Devil Hunt," launched in February 2025, reportedly resulted in:



Over 400,000 arrests of perceived affiliates

30,000 to 35,000 individuals remaining in custody by late 2025

Those detained included:



journalists



Lawyers



Political supporters

There were also allegations of custodial deaths, torture, and lack of accountability.

An emergency powers order granted immunity to individuals accused of violence during earlier unrest, raising further concerns about justice and accountability.



4. United Nations Raises Alarm

On 29 December 2025, the United Nations Special Procedures issued communication AL BGD 6/2025, expressing serious concerns.

The UN concluded that the measures imposed:



“Unnecessary and disproportionate restrictions” on rights

Violations of Bangladesh’s obligations under the International Covenant on Civil and Political Rights (ICCPR)

Key Rights Identified as Violated

- Freedom of Association (Article 22): Collective ban on a political party without due process
- Freedom of Assembly (Article 21): Blanket restrictions on gatherings
- Freedom of Expression (Article 19): Prohibition on speech and media
- Political Participation (Article 25): Exclusion from elections

Key Rights Identified as Violated

- Fair trial violations (Article 14)
- Arbitrary detention (Article 9)
- Allegations of torture and custodial abuse (Article 7)

The UN also raised concerns about the use of the International Crimes Tribunal, including trials in absentia and limitations on legal defence.

Despite detailed inquiries, no substantive public response was issued by authorities within the expected timeframe.

5. The February 2026 Election

The general election held in February 2026 took place without the participation of the Awami League.

Observers noted:



Absence of major political competitors

Limited voter participation

Questions over legitimacy and representation

The exclusion of a major political force raised concerns about democratic integrity and electoral fairness.

6. Move to Make the Ban Permanent

A parliamentary committee had recommended converting the Anti-Terrorism (Amendment) Ordinance into permanent law. On 8 April 2026, during the first session of the 13th National Parliament, the Anti-Terrorism (Amendment) Bill 2026 was tabled by Home Minister Salahuddin Ahmed and passed by voice vote with majority support.

The bill gives legal force to the earlier ordinance, ensuring that the ban on Awami League activities remains in force. The Home Minister stated that the ordinance was promulgated in light of recent events and public opinion to prohibit the activities of organisations linked to acts of mass killing.

Key provisions include:



Retaining powers to ban political activities

Introducing penalties ranging from four to fourteen years of imprisonment

If the law stands, these measures would formalise the ban indefinitely.

7. Legal and Constitutional Concerns

Critics argue that such actions:

Undermine Constitutional Principles



Violate multi-party democracy

Erode rule of law

Remove judicial oversight

The swift passage of the bill by voice vote, without detailed debate or changes to the original ordinance, has intensified concerns that parliamentary processes were used merely to rubber-stamp executive decisions.

Create a Cycle of Political Retaliation



Risk normalising the use of legal tools for political suppression

Encourage future governments to repeat similar actions

Damage Historical Legacy

The Awami League played a central role in the 1971 independence movement. Its removal without judicial determination raises concerns about historical erasure.

8. International Law Implications

The ICCPR requires that restrictions on political activity must be:



Necessary

Based on evidence

Proportionate

Subject to due process

Critics argue that none of these conditions were met, even after the parliamentary endorsement. Formalising the ban through the 8 April 2026 legislation risks placing Bangladesh in continued violation of international obligations and may impact:

Diplomatic relations

Investor confidence

Global standing

9. The Broader Political Context

The developments highlight a broader concern: the use of state power to neutralise political opposition.

Observers warn of a pattern where:



Legal frameworks are repurposed for political objectives

Institutional checks and balances are weakened

Political competition is reduced

The conversion of the ordinance into law on 8 April 2026 further entrenches this pattern, moving the suppression from temporary executive action to enduring statute.

10. The Path Forward

The situation presents a critical moment for Bangladesh's democratic future. Key recommendations raised by observers and international actors include:



Restoring political rights and participation

Reinstating due to legal processes

Reviewing and repealing restrictive provisions

Ensuring accountability through fair and transparent mechanisms

Conclusion

The ban on the Awami League represents more than a legal decision; it is a defining political moment.

It raises fundamental questions about:



The rule of law

Democratic pluralism

The balance between security and freedom



ANTI-TERROR LAW

BANNED

BANNED

AMERICAN 20

PROVED