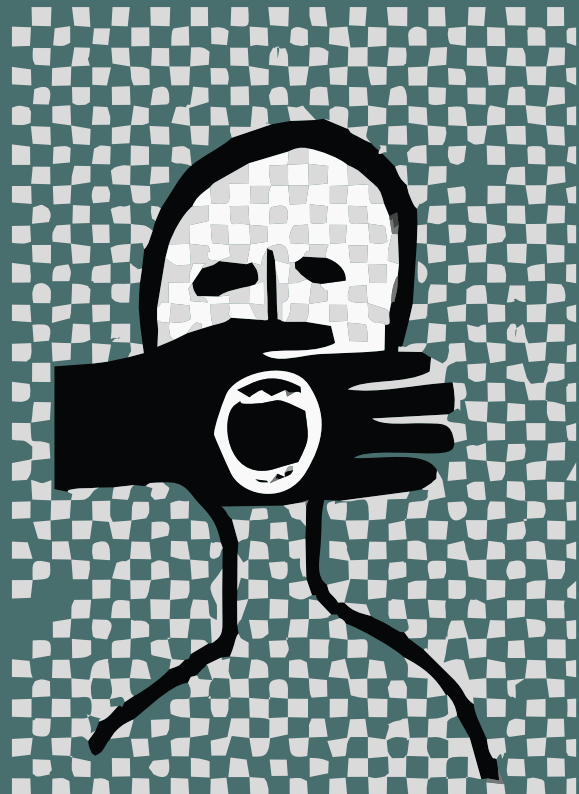


**BANGLADESH**

REPORT ON  
**FREEDOM OF EXPRESSION**  
Monitoring and documentation of Cases



# Bangladesh

REPORT ON  
FREEDOM OF EXPRESSION  
MONITORING AND DOCUMENTATION OF CASES



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## FREEDOM OF EXPRESSION, MONITORING AND DOCUMENTATION OF CASES

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# ACRONYMS

UNHRC	United Nations Human Rights Council
UDHR	Universal Declaration of Human Rights
DSA	Digital Security Act
RWB	Reporters Without Borders
TK	Bangladesh taka
CrPC	Criminal Procedure Code
DC	Deputy Commissioner
PPE	Personal Protective Equipment
BCS	Bangladesh Civil Service
SI	Sub-Inspector
AL	Awami League
UNO	UpazilaNirbahi Officer
OMS	Open Market Sale
DNC	Department of Narcotics Control
FIR	First Information Report

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# CONTEXT

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The Information and Communication Technology Act, 2006 (known as the ICT Act) was and still is such an issue that has been a topic of discussion since it was adopted in 2006. This is the law which has been in discussions and has been in a debatable position almost every day for the past twelve years. Especially the Section 57 of this act is the most criticized part of it. This section is seen as a hanging rope tied around the neck of the right to free speech in ICT based platforms, namely in online web portals, news portals, blogs and of course, social media. It is now regularly being exercised to repress freedom of speech of the citizens and that also for the simplest (and allegedly in many cases, unreasonable) reasons.

Very recently this controversial legal provision has gone a step further with the passing of the Law 'Digital Security Act, 2018' it was first drafted in 2016. The controversial section 57 of the ICT Act has now been replaced by the new Digital Security Act 2018. The Digital Security Act of Bangladesh ("the Act"), passed on 8 October 2018, is even more restrictive than the Information and Communication Technology ("ICT") Act<sup>1</sup> it replaces. The new Act is deeply problematic for three major reasons: ambiguous formulation of multiple sections that are vague that they may lead to criminalizing of legitimate expression of opinions or thoughts; broad powers granted to authorities which are not clearly defined; and provisions which allow for removal or blocking of content and the seizure/search of devices without sufficient safeguards. A good example is section 21 of the Act, which criminalizes "propaganda or campaign" against "the spirit of liberation war", and "the father of the nation, national anthem and national flag";

terms which are so vague that they may be used to restrict free speech. Furthermore, extremely broad powers have been granted to the authorities to remove and block information on the strength of such vague and imprecise clauses. The authorities are empowered to not only investigate alleged offences, but also seize data and arrest people — in some cases, without a warrant. In 2018 the number of journalist harassment was 207 and 2019 the number was 142.

There are so many things wrong with this law that it's difficult to decide where to begin. For starters, the bill has attracted determined pushback from the journalists, editors and rights campaigners who said that it contradicted the basic principles of the Constitution and would pose serious threats to freedom of speech, especially on social media, and undermine independent journalism.<sup>1</sup>

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<sup>1</sup><https://www.thedailystar.net/opinion/perspective/news/digital-security-act-the-frying-pan-the-fire-1637137>

# INTRODUCTION

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Freedom of speech is to express your words, thoughts, and opinions without any hesitation, fear, or pressure. When one cannot express their opinion, cannot comment on a particular issue against a particular person or a group, party, or state then that means there is no freedom of speech. There's a line between freedom of speech and hate speech. Freedom of speech is to express one's feelings, thoughts, or opinions in a constructive way. On the other hand, hate speech is targeting someone or a group and using bad language or saying something which hurts their sentiment or triggers them.<sup>2</sup>

The right to freedom of opinion and expression grant all people the right to express themselves, and to seek, receive and impart information through any medium.<sup>3</sup> Freedom of expression allows pluralist dialogues and creates a secure platform for critical voices. It ensures that people have the right to seek, obtain, receive and hold information about human rights and human rights violations.

Freedom of expression is codified in the Universal Declaration of Human Rights (UDHR) in Section 19, which states in part:

"...everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally,

in writing or in print, in the form of art, or through any other media of his choice."<sup>4</sup>

States should ensure that people are able to peacefully protest, publicise and circulate information, and criticise the failure of governments to protect or promote human rights.

Violations of the right to freedom of expression have wide implications for society as a whole. Freedom of expression is fundamental to the underlying values of democracy, and is essential for a free and independent media space. This includes the right of anybody, especially human rights defenders, to have access to and use of information technologies and the media of one's choice, including radio, television and the Internet.

Human rights defenders do not have more rights than other people but, as with journalists and media workers or lawyers, those holding power often aim at silencing them. Hence, they need higher protection to be able to express their opinions and promote any human right. This applies even more for those expressing dissenting views, defending the rights of persons belonging to minorities, or espousing minority beliefs.

The manifestation of dissenting views can take different forms. It can be through peaceful protests or media, during public events, or through calling for boycotts, such as of an electoral process or a referendum. States must comply with both negative and positive

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<sup>2</sup><https://www.dhakatribune.com/opinion/op-ed/2020/07/07/op-ed-here-in-let-s-call-it-ugangda>

<sup>3</sup><https://humanrightshouse.org/we-stand-for/freedom-of-expression/>

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<sup>4</sup><https://whatis.techtarget.com/definition/freedom-of-expression>

obligations. That is, refraining from interfering with the right to express dissenting views, and adopting measures to protect the expression of views in a peaceful way.

We are not talking about the classic examples of challenges to freedom of expression where repressive regimes attempt to block, limit and inhibit across a population as a whole. Rather we are looking at cases where in both more and less free societies particular groups face greater barriers to free expression than the wider population. Such groups can often be denied an equal voice, and active and meaningful participation in political processes and wider society. Poverty, discrimination, legal barriers, cultural restrictions, religious customs and other barriers can directly or indirectly block the voices of the already marginalised. How much do these barriers and lack of access to freedom of expression matter?

Why is access to freedom of expression important? Freedom of expression is a fundamental human right. It also underpins most other rights and allows them to flourish. The right to speak your mind freely on important issues in society, access information and hold the powers that be to account, plays a vital role in the healthy development process of any society.<sup>5</sup>

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<sup>5</sup><https://www.indexoncensorship.org/2013/03/why-is-access-to-freedom-of-expression-important/>



# DIGITAL SECURITY ACT: CONTRADICTION WITH THE CONSTITUTION

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The Digital Security Act passed by the Bangladeshi parliament the law, which replaces the much-criticized Information and Communication Technology Act (ICT), retains the most problematic provisions of that law and adds more provisions criminalizing peaceful speech.

“The new Digital Security Act is a tool ripe for abuse and a clear violation of the country’s obligations under international law to protect free speech,” said Brad Adams, Asia director. “With at least five provisions criminalizing vaguely defined types of speech, the law is a license for wide-ranging suppression of critical voices.”

## **Several provisions violate international standards on free expression.**

Section 21 authorizes sentences of up to 14 years in prison for spreading “propaganda and campaign against liberation war of Bangladesh or spirit of the liberation war or Father of the Nation.” The United Nations Human Rights Committee, the independent expert body that monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, has expressly stated laws that penalize the expression of opinions about historical facts are incompatible with a country’s obligations to respect freedom of opinion and expression.

Section 25(a) authorizes sentences of up to three years for publishing information that is “aggressive or frightening” – broad terms not defined in the law. The use of such vague terms

violates the requirement that laws restricting speech be formulated with sufficient precision to make clear what speech would violate the law. The vagueness, combined with the harsh potential penalty, increases the likelihood of self-censorship.

Section 31 imposes sentences of up to 10 years for posting information that “ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law and order situation.” With no clear definition of what speech would be considered a violation of the law, the provision leaves the government-wide scope to prosecute speech it does not like. Moreover, almost any criticism of the government may lead to dissatisfaction and the possibility of public protests. The government should not be able to punish criticism on the grounds that it may “disturb the law and order situation.”

Section 31 also covers speech that “creates animosity, hatred, or antipathy among the various classes and communities.” While preventing inter-communal strife is important, it must be done in ways that restrict speech as little as possible. UN human rights experts have stated that restrictions on public debate in the name of racial harmony must not be imposed to the “detriment of human rights, such as freedom of expression and freedom of assembly.” The law’s overly broad definition of “hate speech” opens the door for arbitrary and abusive application of the law and creates an unacceptable chill on the discussion of issues relating to race and religion.

Section 29, like the much-abused section 57 of ICT Act, criminalizes online defamation. While section 29, unlike the ICT Act, limits defamation charges to those that meet the requirements of criminal defamation in the penal code, it is nevertheless contrary to a growing recognition that defamation should be considered a civil matter, not a crime punishable with imprisonment.

Section 28 authorizes sentences of up to five years in prison for speech that “injures religious values or sentiments.” While this provision, unlike section 57 of the ICT, requires intent, it still fails to comply with international norms. As noted in the seminal *Handyside* case, freedom of expression is applicable not only to information or ideas “that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock, or disturb the State or any sector of the population.” A prohibition on speech that hurts someone’s religious feelings, reinforced by criminal penalties, cannot be justified as a necessary and proportionate restriction on speech.

The new law also grants law enforcement authorities wide-ranging powers to remove or block online information that “harms the unity of the country or any part of it, economic activities, security, defense, religious value or public order or spreads communal hostility and hatred,” and to conduct warrantless searches and seizures if a police officer has reason to believe it is possible that “any offense under the Act” has been or is being committed.

Journalists in Bangladesh also opposed section 32 of the law, which authorizes up to 14 years for gathering, sending, or preserving classified information of any government using a computer or other digital device, noting that

doing so is a means to expose wrongful actions by officials. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has stressed the need to protect, not prosecute, those who disclose information in the public interest, and the Global Principles on National Security and the Right to Information make clear that journalists should not be prosecuted for receiving, possessing or disclosing even classified information to the public.

“I don’t know why our journalists are becoming so sensitive,” Prime Minister Sheikh Hasina said, asserting that the law was for the national good. “Journalism is surely not for increasing conflict, or for tarnishing the image of the country.”

The Bangladesh Editors’ Council has said it will protest the passage of the Act as “against the freedom guaranteed by the constitution, media freedom and freedom of speech.”

“The passage of this law utterly undermines any claim that the government of Bangladesh respects freedom of speech,” Adams said.

“Unless parliament moves swiftly to repeal the law it just passed, the rights of the country’s citizens to speak freely will remain under serious threat.”<sup>6</sup>

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<sup>6</sup><https://www.hrw.org/news/2018/09/24/bangladesh-new-law-will-silence-critics#>

# FREEDOM OF EXPRESSION SITUATION IN COVID-19 PANDEMIC

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The fact that freedom of speech has taken a backseat in this corona time is not surprising. Historically, in times of national emergencies of any kind, states have assumed more power. And this assumption of power have been justified under the excuse that states need greater power to rescue the nation—to take drastic measures, etc. Exercise of freedom of speech or other freedoms in such times, have been viewed as obstacles to the state's necessity, and hence, these freedoms have been sacrificed or become less important. Generally, popular governments in times of crisis enjoy the support of their populace. And people generally also tend to think that the exercise of these freedoms may jeopardise or hinder the national process. The best example is of course in war time, when the government usually manages to excite the people against the enemy and take emergency measures. Now we don't have war, we have pandemic. But still war like language is often being used. There have been mentions of us fighting an invisible war—meaning the coronavirus. And hence freedom of speech is once again the usual casualty. Freedom of speech is more important in terms of holding the government accountable. But rights against say unjustified incarceration, the taking away of one's liberty arbitrarily without due process, is no less fundamental—neither is the right to not be tortured. So all rights are essential, for different purposes and in different situations.

Greater exercise of freedom of speech or expression will better help facilitate the taking of right decisions. In the absence of freedom of

speech, the government may end up taking whimsical, unwise decisions—decisions without the participation of the populace that often tend to be wrong. But we are not allowed to ask any questions when there are so many questions to ask about the government's efficiency and success—to hold the government accountable in terms of its efforts to control the virus. And now we know that the government has miserably failed. If the government had allowed the relevant journalists, particularly those covering the health sector, to ask challenging questions, the government would have had to justify its decisions. And that would have helped the government come up with much better responses than it is managing now. So the poor response from the government so far, to a large part, is down to the fact that it has decided to remain silent and silence those who ask questions. And so, in a way, it has refused to face up to the people. By taking questions, it could have involved the entire population in this struggle. But now it is clearly only a government effort. And every afternoon the people are just made to listen to some sermon on what we should do and what we should not, without being a party to those decisions.

The function of the judiciary and the parliament and to an extent the press, is to hold the government accountable. The parliament is not in session, even the budget is being pushed through after having very few discussion sessions. And the judiciary is in complete lockdown. Nobody else is in that kind of lockdown anymore. Why is the judiciary still in

complete lockdown? It is letting the government do what it wants to, basically with no accountability. The limitation of rights, coupled with the abdication of its role by the judiciary, will always foster a more abusive government—which will lead to a more prolonged health disaster, among other disastrous consequences.

We have to strongly assert our rights now, and not wait for a post-Covid world. Some recent comments and news reports in our media is increasingly becoming more critical, but also realistic about the government's almost utter failure in dealing with this crisis. The government can for the time being ignore the criticism. But more trenchant use of freedom of speech, particularly by those who care for the nation, will have a tremendous positive role in pursuing the government to take better measures. It is incumbent upon those who are supposed to hold the government responsible to now openly exercise their right to free speech more sharply and with greater focus, to compel the government to change course when it is doing wrong. And to encourage it to do what is right and to take more efficient measures. People should be more vocal about the corruption, lack of coordination and the self-pursuit of people in power, and the establishment of special medical facilities for the so-called important persons, while the rest of the population is ignored—and it is essential that people start doing that.<sup>7</sup>

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<sup>7</sup><https://www.thedailystar.net/opinion/interviews/news/we-have-strongly-assert-our-rights-now-1920989>

# CASES UNDER DSA

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People of all ages—be it a juvenile or an adult—and professions have been accused under the Digital Security Act for posting "abusive" posts on social media, sharing those posts, and drawing cartoons and caricatures.

Covid-19 has put a halt on almost everything but cases lodged under the Digital Security Act saw a manifold increase recently against people voicing any criticism, particularly people raising their voice against the corruption and mismanagement in the health sector. Moreover, some were even charged for communicating through social media. Analysts and human rights bodies have expressed their concerns over this sudden rise in case under the Digital Security Act and accused the government of using the law for silencing journalists and citizens to cover up its own failures even during this coronavirus crisis.<sup>8</sup> Some incidents are given below

## Case of Mahbub Alam

Mahbub Alam Lablu, a journalist who once worked for a private TV channel and now runs a Youtube channel "Shuddho Sotto". He has been sued under Digital Security Act on charges of uploading videos with false information on his Youtube channel and sharing those on social media.

Ashikur Rahman from Old Dhaka filed the case with Chawkbazar Police Station on March 12 against Mahbub Alam Lablu. The case statement says Mahbub, in those videos, criticised top leaders, important persons and lawmakers, and demeaned state agencies. His aim was to create

conflicts among communities, and destroy harmony. The complainant mentioned some videos that Mahbub produced are on expelled Jubo Mohila League leader Shamima Nur Papia and coronavirus.

## Case of Nur Mohammad

Nur Mohammad, a leading Bangladesh publisher has been charged under controversial digital security laws for associating with someone suspected of spreading fake news about the prime minister and her son. The owner of Guardian Publications, was arrested by police at his office.

Nur Mohammad's arrest came after Guardian Publications was blocked from taking part in the country's largest annual book fair, which takes place in the month of February. Guardian Publications is a leading publisher of literature about Islamic philosophy, religion, Bangladeshi culture and history. The company has published two books by Pinaki Bhattacharya, a leading critic of Prime Minister Sheikh Hasina.

## Case of Shariyat Sarkar

Shariyat Sarkar, a folk singer who has been sued under the Digital Security Act "for stating that music is not forbidden in the Quran." He was accused of making hurtful comments on Islam during a show in Dhaka's Dhamrai on December 24, 2019. Later the video of the program went viral via YouTube and other social media networks, triggering outrage among locals and pro-Islamic groups, who staged protests and demonstrations in Tangail demanding punishment for the singer.

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<sup>8</sup><https://www.dhakatribune.com/bangladesh/2020/06/28/upsurge-in-digital-security-act-cases-during-the-covid-19-pandemic>

Anyone who expresses dissent to fear the Digital Security Act will be arbitrarily used against them. ShariatBoyati was not attacking Islam or the Muslim community, just a section of Islamic scholars. Defending music is not a crime. Police arrested the folk musician, who later was placed on a three-day remand.

### **Multiple cases under DSA**

Editor-in-Chief of bdnews24.com Toufique Imrose Khalidi, Jagonews24.com acting editor Mohiuddin Sarker and two others have been sued under digital security act for running reports containing "misinformation" on misappropriation of OMS rice in Thakurgaon's Baliadangi upazila recently. The two other accused are: Shawan Amin and Rahim Shuvo. Both are residents of Thakurgaon town. In the case statement, the plaintiff stated that authorities recovered 68 sacks of rice meant for selling among low-income people at Tk10 per kg in Palashbari union of the upazila on April 9.

The two other accused uploaded two posts on Facebook branding him as a "rice thief". In the case statement, they accused tarnished his and the party's image and defamed him by spreading false and fabricated information involving him in the misappropriation. The case was filed under section 25/29/31 of the Digital Security Act.

### **Multiple DSA cases in Narsingdi**

Three journalists arrested in Narsingdi in a case filed under the Digital Security Act for publishing a quote of a police official without talking to him. The quote was over a death in the district's Ghorashal recently. The accused are: Ramjan Ali Pramanik, news editor of DainikGrameenDarpon published in Narsingdi; ShantoBanik, a reporter of the same newspaper; and KhandakerShahin, publisher and editor of online portal NarsingdiPratidin. The three were

arrested from their houses. They were sent to jail by a district court.

The Dainik Grameen Darpon published a report with the headline "Youth beaten dead by police on charge of stealing" and Narsingdi Pratidin published the report with the headline "Man dies in Ghorashal Police Custody after police allegedly beat him" on the same incident. The senior officers of the district police were angry for such fabricated and baseless reports using my quote. So, the duty officer filed the case against the three journalists under the Digital Security Act in order to protect his reputation.

### **Case of Mohammad Mahtab Uddin**

The journalist, Mohammad Mahtab Uddin Talukder, is the Sunamganj district correspondent of SATV and editor-publisher of Daily Haorancholer Katha. He was arrested in a case filed under Digital Security Act for allegedly posting a defamatory status on Facebook involving parliamentarian Mouazzam Hossain Ratan of Sunamganj-1 constituency.

Mahtab was arrested by police at Sunamganj Sadar Police Station from his home at Balakapara of Sunamganj municipality area. The case was filed Dharmapasha Police Station by Benuar Hossain Khan Pathan of Uttarbir village of Dharmapashaupazila in the district, who is also the general secretary of Shelbarash union of the upazila. Delowar said, "The plaintiff mentioned in the case statement that the accused updated a Facebook post mentioning that the MP was arrested by Anti-Corruption Commission, which is eventually false and defamatory."

### **Multiple DSA cases in Meherpur**

Three journalists of a local newspaper in Meherpur sued under the Digital Security Act.

They are: Emon Ahmed, publisher of daily MeherpurPratidin, its editor YadulMomin and joint editor Al Amin. Sabuj Hossain, nephew of former president of Awami League's Meherpur district unit Maqbool Hossain, filed the case under the Digital Security Act with Gangni Police Station. On May 11, the daily published a report stating that Maqbool had allegedly occupied a house for the last 26 years.

Maqbool, also former independent lawmaker of Meherpur-2 (Gangni), rented the house 26 years back, but he was not willing to leave the house though it is now unusable, the report reads. Meherpur municipality several times served notice to the house owner for demolishing the house. In the case statement, claimed that the news portal published a false and baseless report about his uncle Maqbool Hossain in its print and online editions. It tarnished his (Maqbool) image in society.

#### **Case of Sushant Dasgupta**

Police arrested SushantaDasgupta, editor and publisher of local newspaper Dainik Amar Habiganj, in a case filed under the Digital Security Act. Sushanta also runs a platform called Amarmp.com that provides contact information about parliamentarians, and allows constituents to communicate with their representatives. The platform was developed with support from the government's ICT Division.

Journalist was picked up from the office of his newspaper in Chirakandi area of Habiganj town on. SayeduzzamanZahir, general secretary of Habiganj Press Club, lodged the case against Sushanta and three other journalists of the newspaper. The reason for filing the case is "The lawmaker from Habiganj-3, Abu Zahir, is a respected person. He is also the district Awami League president and a lifetime member of

Habiganj Press Club. Recently, SushantaDasgupta's newspaper ran several false reports on Abu Zahir."

#### **Multiple DSA cases in Habiganj**

Two journalists arrested in a case filed against them under the Digital Security Act in Chunarughatupazila of Habiganj. The case was filed against these two journalists for posts on social media that were allegedly offensive to religious harmony. The arrestees identified as AbdurRazzakRaju, president of upazila reporters' forum and one Abdul Jahir, were sent to jail following a court order.

Pranay Pal, leader of the local Hindu community, filed the case against these two journalists for posts on social media that were allegedly offensive to religious harmony. Members and leaders of the district and upazila reporters' forums protested the arrests.

#### **Case of Abdur Rahman**

Police arrested an imam of a local mosque from Sherpurupazila of Bogura under the Digital Security Act (DSA) for making "defamatory remarks against the prime minister, spreading anti-state propaganda and communal statements through Facebook."The arrestee, MaolanaAbdur Rahman Didari, is the imam of Bagra Colony Jame Mosque under Kusumbi union, He is a supporter of Jamaat-e-Islami and its leader Delwar Hossain Sayeedi. He posted the Facebook statuses after Delwar Hossain Sayeedi was sentenced to death. He will be presented at court where police will prayed for seven-day remand of the arrestee.

#### **Case of Manik Raihan Bappy**

A Rajshahi University correspondent of daily Jugantor was sent to jail on Saturday in a case filed five years ago under the Information and

Communication Technology Act. Manik Raihan Bappy was arrested at his home in Shibganj. A Rajshahi court sent him to jail. Around 20 journalists of the university formed a human chain at the central library on campus yesterday demanding Bappy's immediate and unconditional release. Speakers at the human chain said the case filed under the Digital Security Act was a barrier to journalists' freedom of speech.<sup>9</sup>

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<sup>9</sup><https://www.thedailystar.net/frontpage/news/ru-journo-sent-jail-ict-case-filed-5yrs-ago-1995477>



# JOURNALIST HARASSMENT INCIDENTS

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As the spread of the novel coronavirus has left many low-income people jobless, the government started distributing rice under the social safety net programmes to ease the difficulties of those people. However, a section of dishonest public representatives, political leaders, OMS dealers as well as local influentials are found indulging in the act of stealing the rice meant for the poor and the vulnerable. Journalists were attacked, intimidated, harassed, or arrested for reporting on pilferage, corruption, and lack of accountability in food aid meant for the poor during the lockdown.<sup>10</sup>

Since COVID-19 hit the country in early March, the government has begun to hound journalists and social activists, arresting and throwing them into jail for criticizing the lack of preparedness and theft of relief materials by ruling party leaders allocated for the most vulnerable segments of society. In the time of pandemic many people, including journalists, academics, opposition activists, a doctor, and students, were arrested by the government for posting content on social media critical of the government. In some instances, members of the elite Rapid Action Battalion (RAB) force picked them up in plainclothes from their homes without any warrant, leaving their families to worry whether they had become victims of “enforced disappearances.”<sup>11</sup> And some cases are

## Harassment case of Shaifiquil Islam Kajol

Shafiquil Islam Kajol, a journalist who has been missing since a day after the case was filed. His son Monorom Palak said his father left home for office around 3:00pm on 10 March Tuesday and as he did not return by 10:00pm, the family members called him only to find that two of his mobile phones were switched off. Saifuzzaman Shikhor, a ruling-party lawmaker from Magura-1, on Monday filed the case against Kajol, Editor-in-chief at the daily Manabzamin Matiur Rahman Chowdhury, and 30 others on charge of publishing a report with “false information” and circulating it on social media.

“The disappearance of journalist Shafiquil Islam Kajol is especially concerning after he was named in a dubious defamation complaint filed by a member of parliament under the draconian Digital Security Act,” said Steven Butler, CPJ’s Asia program coordinator. Fifty-three days into his disappearance, Kajol was “discovered” by Border Guard Bangladesh in Benapole on Sunday. But he was arrested -- initially on charges of trespassing, and later in

## Harassment case of Shah Sultan Ahmed

Shah Sultan Ahmed, a correspondent of the DoinikPratidin Sangbad in Habiganj, came under attack. Aushkandi Union Council Chairman Muhibur Rahman Harun had distributed rice among the poor under a government scheme. Sultan took to the Facebook and revealed in a live post that Harun was giving each of the families 5kg of rice instead of the allocation of 10kg. It angers Harun and 20 to 25 of his men, led by the chairman himself, attacked Sultan. They also beat up

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<sup>10</sup><https://www.dhakatribune.com/bangladesh/nation/2020/04/19/coronavirus-relief-theft-goes-on-across-the-country>

<sup>11</sup><https://www.atlanticcouncil.org/blogs/new-atlanticist/a-pandemic-of-persecution-in-bangladesh/>

journalists Mujibur Rahman and Bulbul Ahmed when the two tried to save Sultan.

#### **Harassment case of Kazi Zakia**

Kazi Zakia, an assistant professor of Gafargaon Government College in Mymensingh, and Shahadat Ullah Kayser, a lecturer at Barisal Government Women's College. Two government college teachers have been suspended following their "critical" Facebook posts over the shortage of PPE for doctors. The two teachers in their Facebook posts were critical about the inadequate supply of Personal Protective Equipment (PPE) to doctors and apparently the role of a section of Bangladesh Civil Service (BCS) officials. The teachers were also served show-cause notices which asked them to explain within seven days why the authorities would not initiate departmental action against them. She said "I wanted to say metaphorically that doctors are observing work abstention because of PPE shortage while some of our government officials are uploading posts on Facebook wearing PPE.

"The image of the government is being tarnished because of our irresponsibility... she want to say that as the doctors handle patients, they should be given the top priority. She deleted the post within two hours after some of her colleagues started abusing her in the comments section. Because all of this she also admitted that her status was a bit harsh. She said she just wanted to raise awareness, not embarrass the government.

#### **Harassment case of Sagor Chowdhury**

Sagor Chowdhury, the editor and publisher of W 360 Degree, a local online news portal was assaulted in Bhola. The police arrested Nabil Haydar, the son of Baro Manika Union Council

Chairman and ruling Awami League leader Jasim Haydar, for assaulting.

Sagor showed a video in which someone alleged that the fishermen were getting less rice than the allocation. Sagor alleged Nabil assaulted him because he had complained to the administration about irregularities by Nabil's father Jasim in distribution of rice among fishermen during a ban on fishing. Nabil went live on Facebook while assaulting Sagor, accusing him of mobile phone theft. Nabil, a student of Dhaka University, is involved with Bangladesh Chhatra League, the ruling party's student wing.

#### **Harassment case of Motiur Rahman**

Motiur Rahman, the Jugantor's journalist he and his family living in fear as several sources confirmed an upcoming attack is on its way as an aftermath of his reports against the UNO. He has been threatened by an Awami League leader (AL) and Union Parishad Chairman for publishing reports over Upazila Nirbahi Officer's extortion (UNO) in Savar.

The journalist Motiur Rahman alleged, Sayem Molla, a leader of Bangladesh Awami Swechasebak League made a call to him and upon announcing his name and designation handed over the phone to the accused chairman Rajib. In the call, the AL leader Rajib asked Motiur why he had dared to ask questions over the UNO's fund and said he along with the UNO had initiated a fund by collecting Tk50,000 each from the UP chairmen of the district. The UP chairman also said: "Do not consider our UNO as naive as the Kurigram UNO and from today keep it in mind that my people will keep an eye on you."

### Harassment case of TV correspondent

A correspondent of a private television channel came under attack and two of his colleagues were intimidated when they were collecting information about misappropriation of rice intended for distribution among the poor at Raipura in Narsingdi. Baten went there also to look into the allegations concerning misappropriation of public rice, meant for the poor people, against Amirganj union parishad chairman Nasir Uddin Khan.

The injured journalist did not file any case, the police had started drives to catch the union council chairman. Abdul Baten, who witnessed the scene but escaped the attack, said that they were working on an allegation that the chairman was swindling public rice instead of distributing among the poor people during the severe food crisis triggered by public holiday declared by the government to contain virus outbreak. 'A soon as we reached there, his men started beating my colleague. As I wanted to stop them, they took away our camera, mobiles and money. They threatened us with dire consequences,'

### Harassment case of Pinaki Bhattacharya

Pinaki Bhattacharya is an online human rights and political activist who writes critically about the current Bangladesh Awami League government. He was forced to leave Bangladesh in 2018 fearing detention by the military intelligence agency Directorate General Forces Intelligence and he now lives in France where he is a refugee. He has written an article for Netra News about the censorship of a book he wrote critical of the country's independence leader. Earlier today he wrote a Facebook status concerning harassment which his family is facing in Bangladesh.

### Harassment case of Golam Sarwar

Late in the evening on November 1, 2020, journalist Golam Sarwar, who went missing on October 29, was found unconscious near a canal at Sitakunda, Chattogram. He was heavily bruised, stripped off his clothes, but "thankfully alive", a reference fast becoming meaningful in cases of disappearance and such extrajudicial harassment in Bangladesh. Sarwar, who works for a local news portal, went missing four days after publishing an article about the alleged involvement of a minister's family in land grabbing. During the three days of his disappearance, the abductors called his family members at least five times, instructing them to be ready to pay a ransom. This was perhaps a ruse to conceal their true motive. A video clip capturing the early moments of his rescue shows a barely conscious but deeply traumatised Sarwar—believing he was still being held by his abductors—begging for relief from their torture. Using words that are bound to have a long shelf life in the memory of journalists and ordinary people alike, he is heard saying: "Bhai, please don't beat me. I won't write news anymore!" He stretches his hands in a pleading gesture as he repeats these words again and again.

### Multiple harassment case in Meherpur

Two journalists were assaulted at the Meherpur District Social Service Office where they had gone to interview the deputy director of the district's social services on various allegations against him. The two were beaten up and their cameras were snatched and broken. The victims are Abu Akter Karan, Meherpur district correspondent of news channel DBC and Zakir Hossain, district correspondent of Reuters (Bangladesh), reports our Kushtia correspondent. Journalist Abu Akter Karan said

various allegations had been raised against Deputy Director (DD) of the District Social Services Department Abdul Quader. The allegations include misuse of government vehicles, smoking at the office in front of everyone and sleeping in the office during work hours.

#### **Harassment case of a journalist**

A journalist was assaulted, allegedly by a presiding officer, when he went to cover municipality elections at a centre in Dhamrai. Presiding Officer of Collegiate School Centre Azizul Haque snatched the mobile phone of Zohir Raihan, a staff reporter of the Bangla daily Prothom Alo, and also hurled abusive words towards him. Prothom Alo Staff Reporter Arup Roy told reporters that Zohir and he, along with some other journalists, entered the voting centre upon receiving complaints that electronic voting machines (EVMs) are not working at the centre. As soon as they entered, Presiding Officer Azizul Haque became agitated and charged at them saying, "Who gave you permission to enter the centre?" He abused Zohir Raihan verbally and snatched his mobile phone when he tried to take a photo inside the centre. Zohir was slightly injured during the scuffle when the presiding officer was taking his mobile phone forcibly, he said, adding that the presiding officer also threatened to confine Zohir.

#### **Harassment case of several journalist**

Two journalists of a private TV news channel were allegedly beaten up by miscreants while they were collecting information on a report covering the irregularities in a state-run rehabilitation project in Bogura Sadar upazila today. The victims are: Majedur Rahman, Somoy TV reporter in Bogura, and cameraperson Rabiul Islam. The incident occurred around at Dashtika

area under the upazila when they were working on a report on irregularities in the Asroyon Prokolpo. On information, police rescued the injured journalists and admitted them to the Bogura Shaheed Ziaur Rahman Medical College Hospital.<sup>12</sup>

#### **Harassment case in Savar**

Returning officer of Savar municipality Md Munir Hossain Khan asked local journalists to avoid writing all kinds of negative news regarding Savar municipality elections. "The whole situation of election could be changed due to any single negative news. It will become difficult to us to take the situation under control if such incident happens. So, don't write negative news," said Md Munir Hossain Khan, also Dhaka District Senior Election officer.

"You (journalists) will have to think everything positively, even there is any negative. Inform me if you found any negative things, I will look into the issue", said the returning officer. "If I could not take any step about any negative thing, you (journalists) will publish the news," Munir Hossain said. The returning officer came up with the direction at a discussion meeting with local journalists over Savar municipality elections held at Savar Govt. College in Savar

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<sup>12</sup><https://www.thedailystar.net/country/news/2-tv-journos-beaten-bogura-while-collecting-information-report-2019725>

# PROTEST AGAINST DSA BY DIFFERENT CORNERS OF SOCIETY

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Journalists staged demonstrations across the country protesting the arrest of Dhaka Tribune journalist Ariful Islam from his house at midnight on 14<sup>th</sup> March and his one-year jail sentence. Ataur Rahman Biplob, general secretary of Kurigram Press Club, said it is not believable that drugs were recovered from Ariful's house, considering he doesn't even smoke cigarettes. "We demand his unconditional release. We will protest unless the authorities release him within 24 hours,"

Journalists and locals formed a human chain in front of the ShaheedMinar in Kurigram district town. Meanwhile, Bangladesh Federal Union of Journalists and Dhaka Union of Journalists today protested the arrest of Ariful. In a joint statement, Bangladesh Federal Union of Journalists (BFUJ) and Dhaka Union of Journalists (DUJ) condemned the arrest and jailing of journalist Ariful Islam. The statement, signed by BFUJ joint secretary general Abdul Majid, was issued in this regard.

The Narayanganj District Journalist Union also expressed indignation over the incident. President Abdus Salam, at a human chain, demanded swift identification and punishment of those responsible for the crime. Terming the jailing of Dhaka Tribune journalist Ariful Islam by a mobile court, set up in the dead of night, as unlawful, Transparency International Bangladesh (TIB) has urged the authorities concerned to address the allegations and ensure justice for the journalist.

In a press statement, the anti-corruption campaigner said: "Such an act of the mobile court is illegal and an excessive misapplication of the laws of the country. This is entirely unconstitutional and a violation of the rule of law." This act entirely goes against the freedom of media in Bangladesh, reads the statement signed by TIB Executive Director Iftekharuzzaman.

# INTERNATIONAL COMMUNITIES' STATEMENTS ON THE CURTAIL OF HUMAN RIGHTS

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**Human Right Watch** - The Bangladeshi government should review and reform the proposed Digital Security Act (DSA) instead of enacting the law in its current form, Human Rights Watch said today.

On January 29, 2018, the cabinet approved a draft law, intended to replace the much-criticized Information and Communication Technology Act (ICT). The draft is even broader than the law it seeks to replace and violates the country's international obligation to protect freedom of speech.<sup>13</sup>

**Amnesty International** - Responding to the newly enacted Digital Security Act 2018 in Bangladesh which has drawn serious concerns for press freedom and the right to freedom of expression, Amnesty International's South Asia Campaigner, Saad Hammadi, said:

"This law imposes dangerous restrictions on freedom of expression. Instead of learning from the lessons of the past, it seeks to repeat them. Given how the authorities have arbitrarily arrested hundreds of people in the past six years under the Information and Communication Technology Act, there are serious concerns that the new Act will be used against people who speak out."

"The government's disregard for editors' recommendations and the concerns of the general public shows lack of concern for the grave issues regarding the bill that have been raised by civil society. The government must

revert its course from this regressive law, that compromises its international commitments; and ensure they fully uphold the right to freedom of expression as protected by international human rights law." <sup>14</sup>

**Article 19** - ARTICLE 19 has expressed grave concern regarding the bizarre filing of cases and arrests under the Digital Security Act (DSA) 2018 across the country, for merely manifesting views on social media. The controversial act has further spotlighted the towering crisis in the government's capacity, efficiency, and management in tackling the ongoing Covid-19 pandemic following the arrests of a ninth-grader boy, university teachers, students, writers, journalists and cartoonists, ARTICLE 19 said in a press statement on Friday.

ARTICLE 19, a UK based human rights organization which focuses on the defence and promotion of freedom of expression, has strongly condemned these arrests and at the same time called on the concerned authorities to release those arrested under DSA immediately and unconditionally, and to withdraw the whimsical cases against them.<sup>15</sup>

**Reporters Without Border** - Reporters Without Borders (RSF) calls on the Bangladeshi government to amend the proposed Digital Security Act that the cabinet approved yesterday in order to remove provisions that pose a grave threat to freedom of expression and

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<sup>13</sup><https://www.hrw.org/news/2018/02/22/bangladesh-scrapping-draconian-elements-digital-security-act>

<sup>14</sup><https://www.amnesty.org/en/latest/news/2018/09/bangladesh-new-digital-security-act-imposes-dangerous-restrictions-on-freedom-of-expression/>

<sup>15</sup><https://www.dhakatribune.com/bangladesh/2020/07/03/article-19-dsa-a-big-threat-to-democracy-and-the-rule-of-law>

information. The new law is supposed to replace the notorious and controversial Information and Communication Technology (ICT) Act of 2006. But Prime Minister Sheikh Hasina's government has missed an opportunity to remedy the ICT Act's biggest flaws, including Section 57, which criminalizes online content regarded as defamatory or blasphemous.

"The proposed Digital Security Act is not satisfactory, especially as, on several points, it is even more draconian than the previous law," said Daniel Bastard, the head of RSF's Asia-Pacific desk. "We urge the Bangladeshi authorities to withdraw all the provisions that could be used to gag journalists and bloggers."<sup>16</sup>

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<sup>16</sup><https://rsf.org/en/news/bangladesh-urged-remove-threats-free-speech-new-digital-law>

# RECOMMENDATIONS

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Freedom of expression and free flow of information are cornerstones of public debate and democracy. Being the watchdogs of these freedoms, journalists are crucial to the very functioning of our societies. Yet, freedom of expression and the safety of journalists are facing major challenges in Bangladesh today. Journalists and other media actors are facing threats such as censorship, political and economic pressure, intimidation, job insecurity, abusive use of defamation laws as well as physical attacks. These offences are often committed in an intolerable context of impunity, which fuels recidivism and has a chilling effect on media freedom. Another danger for journalists and their sources comes from surveillance laws passed in some States under exceptional circumstances and often by

resorting to extraordinary legal procedures, which may also lead to self-censorship in the media community.

On the basis of Human Rights' case law, member States have both negative and positive obligations to protect journalists. Not only must they refrain from intimidating political declarations or judicial practices against media actors, they also have the duty to actively grant them full protection of the law and the judiciary in order to create an enabling environment for their journalistic activities. To achieve implementation of actual standards in all member States, a strong and specific legal framework is needed, along with an effective enforcement of the protection of media actors by the judiciary.



