

REPORT

THE STATE OF FREEDOM OF EXPRESSION IN BANGLADESH

A SITUATION ANALYSIS 2020



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STATE OF FREEDOM OF EXPRESSION IN BANGLADESH

A Situation Analysis 2020

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ACRONYMS

AL –	Awami League
BCS –	Bangladesh Civil Service
BFUJ –	Bangladesh Federal Union of Journalists
Crpc –	Criminal Procedure Code
DC –	Deputy Commissioner
DNC –	Department Of Narcotics Control
DSA –	Digital Security Act
DUJ –	Dhaka Union of Journalists
FIR –	First Information Report
MP –	Member of Parliament
OMS –	Open Market Sale
PPE –	Personal Protective Equipment
RAB –	Rapid Action Battalion
RSF –	Reporters Without Borders
Sangsad –	Parliament
SI -	Sub-Inspector
TK –	Bangladesh Taka
UDHR –	Universal Declaration of Human Rights
UNHRC –	United Nations Human Rights Council
UNO –	Upazila Nirbahi Officer

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	5
BACKGROUND.....	6
FREEDOM OF EXPRESSION	9
DIGITAL SECURITY ACT	11
INTIMIDATION AND HARRASSMENT	13
LEGAL INSTRUMENTS AND COMPLIANCE	14
REGULATING THE SOCIAL MEDIA	16
CHALLENGES AMID CORONAVIRUS	18
JOURNALIST HARRASEMENT CASES	20
CONCERN BY MEDIA AND CIVIL SOCIETY	23
CONCERN BY INTERNATIONAL COMMUNITIES.....	24
DIPLOMATS’ REACTION	26
RECOMMENDATIONS	27
CONCLUSION.....	28

EXECUTIVE SUMMARY

Bangladesh is a poor country where 1 in 5 of 165 million people lives below the poverty line. But despite that, internet penetration is at 62 percent, with 103 million users. Facebook users are nearly 38 million. The country has a fair share of misinformation floating on social media. These contents mainly come from three groups. They are: Islamist groups, government critics and dissidents, netizens (internet citizens).

Although the country's constitution promises to protect freedom of expression and freedom of press, unfortunately, a repressive cyber security law was appended in the parliament as a legislation at the end of 2018. The draconian law known as digital security act, 2018 allows for searches and arrests without warrant, with prison sentences that could go up to 14 years, plus a huge penalty just for "spreading" propaganda or tarnishing image of the state or senior officials. The cybercrime law empowers a junior police officer to barge into a newsroom, a journalist or a netizen's home to confiscate devices without warrants. The law has been vehemently criticised for deliberately targeting journalists, critics, and the opposition.

Nearly 2000 cases have been filed under the DSA since its enactment on 8 October 2018, according to data from the Bangladeshi government's Cyber Crime Tribunal. This includes more than 800 cases filed in the first nine months of 2020 alone, with many of the country's most prominent editors and senior journalists being increasingly targeted¹. At least 247 journalists have been targeted in 2020 by state security agencies, non-state actors or individuals acting on behalf of the government. This

¹<https://www.amnesty.org/en/latest/news/2020/10/bangladesh-escalating-attacks-on-the-media-must-stop/>

year, during the lockdown, the authorities took to using the DSA to silence critics and journalists questioning the government's management of the pandemic. The use of DSA has been so outlandish that even folk singers, minors, doctors, and cartoonist, were not spared from being arrested.

Mysteriously the law has not touched the Islamist groups – one of the key groups that have been spreading disinformation on covid-19, vaccine, and also engaged in hate speech. Amid fear of intimidation and legal harassment, news organisations have adopted self-censorship. Op-ed page editors are cautious and often ask to rephrase articles to avoid legal harassment. Under such circumstances, mainstream news media have become accustomed not to question government statements – even when it is false. This is one such example. The government announced that its prime minister had been selected as the "world's second-best prime minister" by an "internationally reputable" research organization. Almost all local media reported the announcement without scrutinizing the claim. A fact check² done later on showed that the organisation did not exist. But there are silver linings. The country's three fact-checking organisations, Jachai³, Bdfactcheck⁴, and Fact watch⁵, have been around for the past few years operating with a scrappy team of fact-checkers, little equipment, and trying to raise awareness towards misinformation.

²<https://en.bdfactcheck.com/?p=440>

³<https://www.jachai.org/>

⁴<https://bdfactcheck.com/>

⁵<https://www.fact-watch.org/web/>

BACKGROUND

Freedom of expressions is protected as part of the universal human rights framework, as well acknowledged as one of the digital rights. ‘Digital rights’ describe human rights, as they are invoked in digitally networked spaces. Those spaces may be physically constructed, as in the creation of infrastructure, protocols, and devices. Or they may be virtually constructed, as in the creation of online identities and communities and other forms of expression, as well as the agency; exercised over that expression, such as the management of personally identifiable data, pseudonym, anonymity, and encryption. Such spaces include but aren’t necessarily limited to the internet and mobile networks and related devices and practices. Although, ‘freedom of expression and speech’ and ‘freedom of the press’ are protected under article 39 of the constitution of people’s republic of Bangladesh⁶. It is considered that this constitutional protection of freedom of thought, conscience, and speech also cover online spaces. The constitution is the supreme law of the land of Bangladesh. All legislation must be consistent with it and all acts of the government must be consistent with it too.

Under the international law, freedom of expression exists as a basic human rights and it defends all kinds of speech and other forms of expression; the article 19 of the universal declaration of human rights (UDHR)⁷, the international convention on civil and political rights, (ICCPR) and the international convention on economic, social and cultural rights (icescr), the un resolution on the promotion, protection and enjoyment of human rights on the internet (a/hrc/20/l.13), and the un resolutions on

the mandate of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression protect individuals rights to freedom of expression in digitally connected spaces. As a state and party to those international legal instruments, Bangladesh has a duty to ensure those rights for us citizens. The successive governments in Bangladesh have acknowledged the significance of the internet and digitally connected spaces as part of the public spaces, and thus in recent years, govt is active to update legal and policy framework to govern the online space. The current policy and legal framework regarding digitally connected spaces is largely shaped by ten major pieces of laws and policies, namely, national telecommunication policy, 1998⁸; national information communication technology (ICT) policy, 2002⁹; international long distance telecommunications services (ILDTS) policy, 2010¹⁰; national broadband policy, 2009¹¹; the telegraph act, 1885¹²; the wireless telegraphy act, 1933¹³; the Bangladesh Telecommunication Act, 2001¹⁴; the information and communication technology act, 2006¹⁵; the competition act, 2012¹⁶; and finally the most controversial digital security act, 2018¹⁷. And, these laws are being used in connection

⁸http://www.btrc.gov.bd/sites/default/files/Telecommunication%20Policy%201998_1.pdf

⁹<http://www.sdnbd.org/sdi/issues/IT-computer/itpolicy-bd-2002.htm>

¹⁰http://www.btrc.gov.bd/sites/default/files/news_files/ILDTS%20Policy%20Review%20-%20Report%20on%20Consultation.pdf

¹¹<http://www.bcs.org.bd/img/upload/page/11.pdf>

¹²<http://bdlaws.minlaw.gov.bd/act-55.html>

¹³[http://bdlaws.minlaw.gov.bd/act-details-162.html#:~:text=\(1\)%20This%20Act%20may%20be,to%20the%20whole%20of%20Bangladesh.&text=Save%20as%20provided%20by%20section,licence%20issued%20under%20this%20Act.](http://bdlaws.minlaw.gov.bd/act-details-162.html#:~:text=(1)%20This%20Act%20may%20be,to%20the%20whole%20of%20Bangladesh.&text=Save%20as%20provided%20by%20section,licence%20issued%20under%20this%20Act.)

¹⁴http://www.btrc.gov.bd/sites/default/files/telecommunication_act_english_2001.pdf

¹⁵<https://samsn.ifj.org/wp-content/uploads/2015/07/Bangladesh-ICT-Act-2006.pdf>

¹⁶http://www.dpp.gov.bd/upload_file/gazettes/20533_10683.pdf

¹⁷<https://www.cirt.gov.bd/wp-content/uploads/2018/12/Digital-Security-Act-2018-English-version.pdf>

⁶<http://bdlaws.minlaw.gov.bd/act-367.html>

⁷<https://www.un.org/en/universal-declaration-human-rights/>

to relate penal laws such as the penal code¹⁸ and special powers act¹⁹. despite many limitations and challenges, overwhelming Bangladesh citizens use internet, online spaces as tool to exercise their rights to freedom of expression. The cyber security laws in Bangladesh failed to meet the universal human rights standards which dictate among other things that content restrictions and other criminal measures should not be vague, overbroad or unnecessary, that parallel regimes for online activities are warranted only where the activity is either completely or substantially different online, that penalties should not be greater simply because an activity is carried out online, and that regulatory systems should be protected against political interference.

The law fails to respect all of the international standards where Bangladesh is a signatory. The laws restrict online spaces and criminalise expression; inflict disproportionate punishment; create a parallel regime for defamation or injury to the reputation, hate speech, blasphemy and hurting religious sentiments; and offer only inadequate protection of the right to privacy and data protection. as a consequence of enforcing such laws, expressing one's social, political and religious views in Bangladesh is riskier than ever before. Bloggers, online activists and netizens are being deliberately targeted by concerted lawsuits both by law enforcing agencies and non-state actors.

Since both the information and communication technology act (ICT), 2006 and the digital security act, 2018 have been riddled with sweeping criticism. Particularly, the digital security act, 2018 employs extremely broad definitions for key terms, including the very central notion of 'digital security', which covers all types of security and not just external threats to security, and then grants regulators very

broad powers in relation to digital security. The law allows without restrictions that it could be abused.

Writers, Bloggers, Journalists, Newspapers, TV channels, and social-media users of Bangladesh are directly affected by the adverse effects of these cyber security laws. The situation has created a condition wherein media and journalists live in constant fear of sanction of the government for it label anything they write controversial and thereby, subject to a lawsuit. This mindset of deference compels the media to comply with the process of 'self-censorship' which is followed in authoritarian countries. Not in any democratic country having the practice of constitutionalism, pluralism and pledging to ensure rule of law. Online activists have drastically reduced writing in both print and online platforms, as well as shrunken their expression or posts on social media on issues related to freedom of expression, women's rights, labour rights, indigenous peoples' rights, freedom of religion and secularism. Netizens significantly stopped online activism in fear of legal harassment, government's punishments for critiquing. Also the fear of physical attacks, following several murders of bloggers haunts the netizens. Censorship of digital content, including blocking accounts on YouTube, Facebook, and popular Bangla (Bengali) blogs are very common.

It's imperative that the civil society organise forums and create public-spaces for comprehensive and methodical appraisal of internet and cyber security related laws. Individuals and non-government organisations involved in information technology for development related activities, journalists and online activists will be directly benefitted from such efforts; they will have a comprehensive understanding of the legal policy in this regard and will be better equipped to face challenges. Soon after the recent legislation — the digital security act, 2018 was promulgated, **VOICE** began to monitor the situation and assess the de-facto landscape of online

¹⁸<http://bdlaws.minlaw.gov.bd/act-11.html>

¹⁹<http://bdlaws.minlaw.gov.bd/act-462.html>

expression and legal protection in Bangladesh. For the assessment study, voice has used standard methods of systematic qualitative study adapted from recent practices in human rights-related legal

policy analysis. Based on the framework, we've earlier reviewed provisions ICT related laws and analysed how those provisions restrict online freedom of expression.

FREEDOM OF EXPRESSION

Freedom of speech enables a person to express words, thoughts, and opinions without any fear or intimidation. When a person cannot express their opinion, or 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 thick line between freedom of speech and hate speech. Freedom of speech is to express one's feelings, thoughts, or opinions responsibly. On the other hand, hate speech is targeting someone, a group or religious community using bad languages or derogatory comments which hurts their sentiment or triggers their feelings.²⁰ 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.²¹ 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 19²², 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." ²³

States should ensure that people are able to peacefully protest, publicise and circulate

²⁰<https://www.dhakatribune.com/opinion/op-ed/2020/07/07/op-ed-here-in-let-s-call-it-ugangda>

²¹<https://humanrightshouse.org/we-stand-for/freedom-of-expression/>

²²<https://www.un.org/en/universal-declaration-human-rights/#:~:text=Article%2019.,media%20and%20regardless%20of%20frontiers.>

²³<https://whatis.techtarget.com/definition/freedom-of-expression>

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 rights. 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 obligations. That is, refraining from interfering with the right to express dissenting views, and adopting measures to protect the expression of views peacefully.

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 wherein both more and less free society's 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.²⁴

²⁴<https://www.indexoncensorship.org/2013/03/why-is-access-to-freedom-of-expression-important/>

DIGITAL SECURITY ACT

Hastily in December 2018, less than a month for the upcoming 11th parliamentary elections²⁵ the draconian cyber security law was hastily passed without much opposition. The DSA was first drafted in 2016. The controversial section 57 of the ICT act has now been replaced in a new label of digital security act, 2018.²⁶ Earlier, the draconian information and communication technology act (ICT) was and still an issue since it was adopted in 2006. This is the law which has been in discussions and debated. Especially the controversial section 57 of this act is interpreted as a hanging noose around the neck to free speech on digital platforms. Namely the online web portals, news portals, blogs, and of course, social media platforms. It was exercised to suppress freedom of speech of the citizens and that also for the simplest (and allegedly in many cases, unreasonable) reasons.

The DSA passed on 8 October 2018, is even more repressive than the ICT act that is replaced²⁷. The new act is deeply problematic for three major reasons: ambiguous formulation of multiple sections that are vague that they may lead to criminalising 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. For an example is section 21 of the act, which criminalises "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.

Section 25 (1) of the act, "if any person using a website or any digital device – (a) deliberately or knowingly distributes any information or data that is attacking or intimidating in nature; or if a person publishes or distributes any information despite knowing that it is false to irritate, humiliate, defame or embarrass or to discredit a person; (b) damages the image and reputation of the state or spreads confusion or with the same purpose publishes or distributes fully or partially distorted information or data despite knowing that it is false, and if anyone assists in such actions then all such actions of the individual will be considered a crime."

Section 31 says, "if a person deliberately publishes or broadcasts via a website or any digital platform anything that creates enmity, hatred or acrimony among different classes or communities, or upsets communal harmony, or creates unrest or chaos, or causes or begins to cause deterioration in law and order, then that activity of the said person will be considered a crime."²⁸ The mid-level police officer has been given broad powers to investigate alleged offenses, but also seize digital devices and data and arrest people without a warrant. Finally, a conviction under DSA could face five years to life imprisonment, plus the cash penalty. "During this period, the government has issued the rules 5 of this law with the aim of enforcing the digital security act 2018 more strictly. Law enforcement officials and ruling party members have filed lawsuits, and the courts refused to grant bail to those arrested under

²⁵<https://www.thedailystar.net/bangladesh-national-election-2018/results>

²⁶<https://www.amnesty.org/en/latest/news/2018/11/bangladesh-muzzling-dissent-online/>

²⁷<https://www.amnesty.org/en/latest/news/2018/11/bangladesh-muzzling-dissent-online/>

²⁸<https://www.thedailystar.net/country/digital-security-act-2018-hc-questions-legality-two-sections-1872328>

the digital security act.” According to Odhikar, 142 persons were arrested under controversial DSA²⁹ during 2020. Nearly 200 persons were arrested since 2018. The highest number arrests were made during 2020.

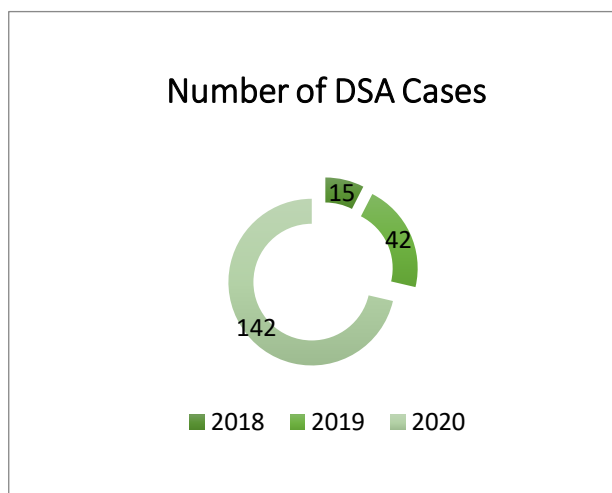


Chart 2: Arrest Cases under Digital Security Act: 2018-2020.

The Ain-O-Shalish Kendra in “Bangladesh human rights situation 2020: observation by ask” states that during the period of 2020, at least 130 cases were filed under notorious DSA and 271 persons were indicted³⁰.the DSA which was passed amidst huge protests in 2018 has technically replaced the previous draconian law namely information and communication technology (ICT) act 2006 but has incorporated the dangerous section 57 into the new bottle.

²⁹[Annual-HR-Report-2020 Eng.pdf \(odhikar.org\)](#)

³⁰https://drive.google.com/file/d/15JM4ddizYQkcmZUgWvb2_HwFzdbrY9Aa/preview

INTIMIDATION AND HARRASSMENT

Journalists in the country are regular victims of legal harassment, intimidation and assaults by ruling party members, state and non-state actors.

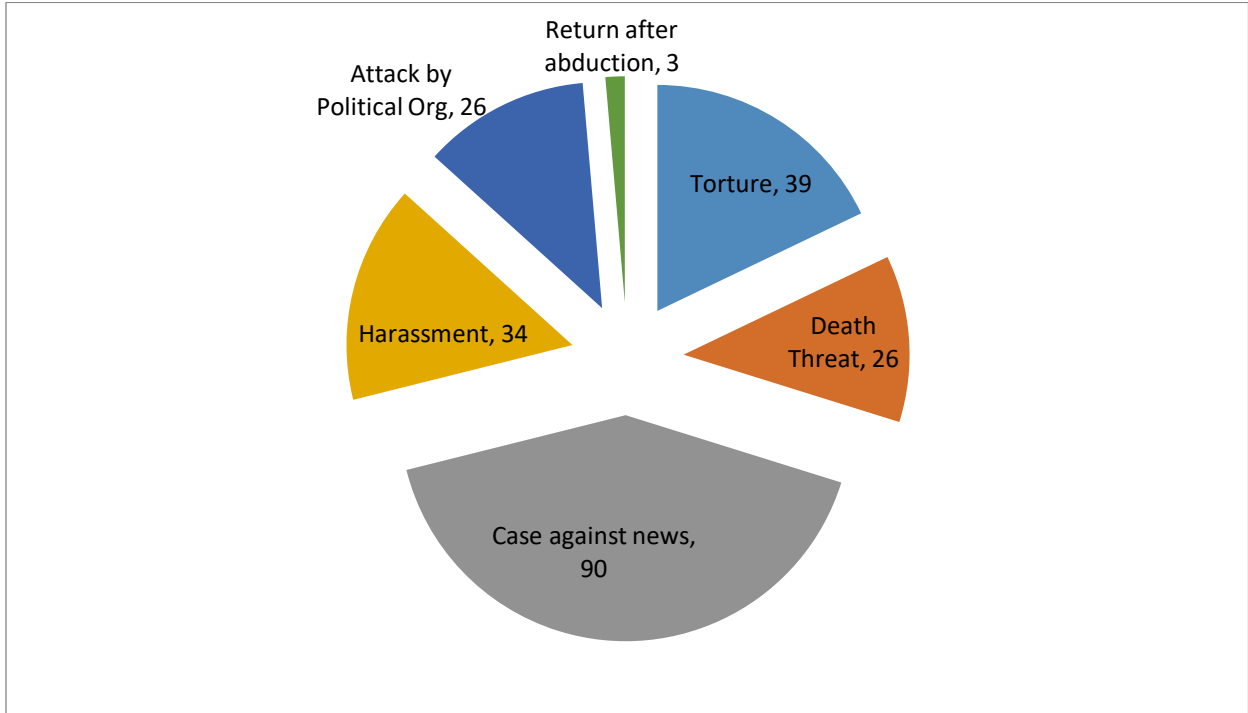


Chart 2: Journalist Harassment cases; Source: Bangladesh Human Rights Situation 2020: observation by ASK

Ain-O-Salish Kendra (ask) has recorded 247 incidents throughout the 12 months of 2020³¹ including death threats, torture in custody, false cases, intimidation, death threats, legal harassment, attacks, violence and enforced disappearance. Journalists along with netizens do not get support from police and security agencies, as state actors are also involved in harassment and intimidation.

³¹[Journalist Harassment \(Jan-Dec 2020\) | Ain o Salish Kendra\(ASK\) \(askbd.org\)](#)

LEGAL INSTRUMENTS AND COMPLIANCE

There are so many flaws with the cybercrime law that it's difficult to decide where to begin. For starters, the bill has attracted determined pushback from the journalists, editors, rights groups and media rights defenders who said that it contradicts the basic principles of the state constitution and non-compliance to international laws. It would pose serious threats to freedom of speech, especially on social media, and undermine independent journalism.³²The DSA passed by the Bangladeshi parliament, which replaces the much-criticised ICT act, retains the most controversial provisions of that law and adds more provisions criminalizing freedom of speech and expression. Several provisions violate international standards on free expression. Section 21 authorises 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) authorises 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 because 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 on 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 the 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, criminalises online defamation. While section 29, unlike the ICT act, limits defamation charges to those that meet the requirements of criminal

³²<https://www.thedailystar.net/opinion/perspective/news/digital-security-act-the-frying-pan-the-fire-1637137>

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, authorises 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 cases, freedom of expression applies not only to information or ideas “that are favourably 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, defence, 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. This clause contradicts the right to information act and other provisions in the constitution.

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.”

However, the newspaper editors argued that the passage of the DSA is “against the freedom guaranteed by the constitution, media freedom and freedom of speech.”

REGULATING THE SOCIAL MEDIA

Law enforcing agencies has kept up their surveillance³³ on dissidents, opposition activists, common citizens, journalists, netizens and even Sufi singer Baul Shariat Sarkar³⁴ have been sued under the DSA and lodged in prison for allegedly posting on social media, also activities to “like or share” a post against high-level persons of the ruling party or their family members, the ministers, parliamentarians, and for hurting “religious sentiment”.

Telecommunications Minister Mustafa Jabbar³⁵ did not hesitate to disclose that government plans to install software to censor contents on social media platforms, such as Facebook and YouTube ignoring the space for pluralism. In a television talk-show, he claimed that the government security agencies have employed hackers to block the contents of social media and disable the account temporarily. He was frustrated to convince Facebook and YouTube administrations to agree to draft compliance, which is censorship of contents in cyberspace.

Government’s anti-cybercrime units in different law enforcement agencies monitor posts on social media, have reportedly sent hundreds of requests to Facebook authorities to delete the posts or block the handler regarding covid-19. For obvious reasons, the government did not get any response from Facebook authorities to censor the content. Despite the telecom minister’s assurance that the government respects “the people’s rights to express themselves, and will continue to do so”, freedom of expression defenders fear that the misuse of the

technology to control people’s right to freedom of expression, particularly given the minister also suggested the government should strengthen the draconian DSA.³⁶ The move is an apparent attempt to silence critical reporting of Bangladesh’s policies around the country’s fight against the coronavirus pandemic. Telecom minister Mustafa Jabbar confirmed that several sites were blocked by the Bangladesh telecommunication regulatory commission (BTRC), which his ministry oversees.

Earlier, on December 28, 2019, the authorities blocked access to a Sweden-based investigative journalism website after it published a report alleging corruption by an influential Bangladeshi minister. Access to poriborton.com and Bangla.Report were blocked on 19 May 2019 by the government without any explanation. Several websites are blocked intermittently. Last year hundreds of sites were blocked listing those as porno and gambling sites. Several news portals and other blogging sites were banned but few were removed from blocking.

The website of a popular international TV channel Al Jazeera was blocked for several months for uploading an investigative story on Bangladesh senior minister and highly placed official with the Prime Minister’s office. Currently, several Indian news portals are blocked for posting sensitive stories on Bangladesh issues. In the meantime, the government has issued digital security rules 2020 to enforce the digital security act, 2018 more strictly. The government has pressurised the media in various ways and has disrupted the promotion

³³<https://www.hrw.org/news/2020/01/08/bangladesh-online-surveillance-control>

³⁴<https://www.aljazeera.com/news/2020/01/bangladesh-arrests-sufi-singer-internet-law-protests-200113134818615.html>

³⁵<https://www.youtube.com/watch?v=2yoXJUIqUpU&feature=youtu.be>

³⁶<https://samsn.ifj.org/wp-content/uploads/2020/05/Bangladesh-SAPFR-Report-Chapter.pdf>

of objective news. In most cases, journalists are being forced to adopt self-censorship. According to national human rights organisation, Odhikar's annual human rights report 2020, Bangladesh³⁷ released on 25 January 2021 states that "in 2020, the government severely curtailed freedoms of speech, thought, conscience and expression of citizens.

"During this period, the government brought social media under scrutiny. People from different walks of life, including dissenters, writers, bloggers, opposition leaders-activists, teachers, lawyers, journalists, cartoonist, imam of a mosque and many others have been arrested and jailed under the repressive digital security act, 2018 for criticising the government's failure to deal with the coronavirus outbreak, insulting 'religious sentiments' and 'liking / sharing' any post on social media about high-ranking members of the ruling party or their family members, ruling party MPs, ministers and even the Indian prime minister Narendra Modi.

³⁷[Annual-HR-Report-2020_Eng.pdf \(odhikar.org\)](#)

CHALLENGES AMID CORONAVIRUS

The novel coronavirus pandemic ushered new challenges for journalism and news organisations, as unprotected reporters and photographers came face to face with infected people and continued to report from large gatherings. Except few media house, others have not provided limited personal protective equipment (PPES), while most print and news portals media outlets have introduced virtual office systems. The newspapers association of Bangladesh (NOAB), the platform of media owners, had to issue statements: “coronavirus cannot be infected by papers,” quoting world health organisation (who)³⁸.

The NOAB statement appeared on their front pages in a bid to keep their circulation uninterrupted and shun disinformation of coronavirus infection from reading the newspapers. The newspapers hawkers and newsstands are in trouble amid a lockdown as very few newspaper consumers are buying in fear of being infected. Despite assurance from the government of continuation of support to media, many television and newspapers have either terminated, drastic wage cut, or forced to go on leave-without-pay.

The Bangladesh federal union of journalists (BFUJ) and Dhaka union of journalists (DUJ) issued warnings to management and owners of both electronic and print media, not to terminate journalists and demanded clear salaries and wages during the lockdown. The fact that freedom of speech has taken a backseat in this coronavirus outbreak is not surprising. Historically, in times of national emergencies of any kind, states have assumed more power. And this assumption of power has 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 wartime when the government usually manages to excite the people against the enemy and take emergency measures. Now we don't have war, we have a pandemic. But still, war-like language is often being used.

Covid-19 pandemic 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 the cases under the digital security act and accused the government of using the law for silencing journalists and citizens to cover up its failures even during this coronavirus crisis.³⁹ Some incidents are given below,

There have been mentions of us fighting an invisible war—meaning the coronavirus. And hence freedom

³⁸<https://www.newagebd.net/article/103217/newspapers-dont-spread-coronavirus-read-newspapers-noab>

³⁹<https://www.dhakatribune.com/bangladesh/2020/06/28/upsurge-in-digital-security-act-cases-during-the-covid-19-pandemic>

of speech is once again the usual casualty. Freedom of speech is more important in terms of holding the government accountable. But the rights against unjustified incarceration, taking away of one's liberty arbitrarily without due process, is no less fundamental—neither is the right to not be tortured.

The function of the judiciary and the parliament and to an extent the press is to hold the government accountable. And the judiciary was in complete lockdown. Nobody else is in that kind of lockdown anymore. 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. The novel coronavirus poses new challenges for journalism, as frontline reporters and photographers come face to face with infected people and had to report from large gatherings.⁴⁰

⁴⁰<https://samsn.ifj.org/wp-content/uploads/2020/05/Bangladesh-SAPFR-Report-Chapter.pdf>

JOURNALIST HARRASEMENT CASES

THE CASE OF SHAFIQUK ISLAM KAJOL

The fragility of the rights to freedom of expression in Bangladesh can be well illustrated on the case of Shafiquk Islam Kajol, a photographer, and editor of the Bangla newspaper Pokhokal, who was a victim of enforced disappearance, and was missing from 10 March 2020. Kajol has been added to a growing list of enforced disappearances in the country.⁴¹ On March 9, Saifuzzaman Shikhor, a ruling-party lawmaker from Magura-1, 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. On the following day, Kajol went missing while leaving his office in the capital. The following day, his wife Julia Ferdousi Nayan filed a general diary with Chawkbazar police station. Two more cases were also filed against him under the same act with Hazaribagh and Kamrangirchar police stations in the capital on 10 and 11 March.

After around 53 days' disappearance, on 3 May he was "found" by the Bangladesh border guard "roaming" at the India-Bangladesh border and arrested on a charge of trespassing the international border. Since then he has been in jail.⁴² After series of bail petitions were rejected, finally the high court ordered release of Kajol in December, obtaining bail in one of the three cases filed against him under the controversial DSA. On 25 December, photojournalist Shafiquk Islam Kajol was released from Dhaka central jail in Keraniganj, in outskirts of the capital.

⁴¹<https://samsn.ifi.org/wp-content/uploads/2020/05/Bangladesh-SAPFR-Report-Chapter.pdf>

⁴²<https://www.dhakatribune.com/bangladesh/2020/12/25/journalist-kajol-released-from-jail>

THE CASE OF 56 JOURNALISTS IN SYLHET

A total of 56 journalists, who work for different television channels, have filed a general diary (GD) at Kotwali model police station in Sylhet, seeking security fearing a threat to their lives. The GD was filed at the heels of the detention of senior journalist Moinul Haque Bulbul on 22 September 2019 by a group of armed plainclothesmen from the city's women's medical college hospital area. EMJA president Bappa Ghosh Chowdhury said police refused to accept the GD at first, later reluctantly accepted it.⁴³ Sylhet police initially denied his detention. But several hours later, Kanaighat police showed him arrested in a fraud case. Bulbul secured anticipatory bail from a Sylhet court the following day.

THE CASE OF 48 JOURNALISTS IN JAMALPUR

In the district town Jamalpur, at least 48 journalists en masse went to Sadar police station to register a 'general diary' seeking safety and security to continue their profession as journalists. Never before, local journalists en masse have sought security police in any other cities. On 18th December last year; Jamalpur local journalist Shelu Akand has suffered multiple injuries to both his legs by ruling party hooligans.

⁴³[Sylhet journalists file GD seeking security from police | Dhaka Tribune](#)

MULTIPLE DSA AND HARRASEMENT CASES

Eleven people, including a cartoonist, two journalists, and a writer, were charged with "spreading rumours and carrying out anti-government activities" under DSA. Of the other accused, cartoonist Ahmed Kabir Kishore and writer Mushtaq Ahmed landed in jail after they were produced before a Dhaka court.

Two more accused -- Didarul Islam, a member of a politico-civic organisation called Rashtrachinta, and Minhaj Mannan Emon, managing director of securities and shareholder-director of Dhaka stock exchange -- were handed over to the Ramna police by rab-3. Minhaj is the elder brother of the slain LGBTQ activist Xulhaz Mannan by radicalised Islamic militants. Kishore, Mushtaq, Saer Zulkarnain, Ashik Imran, Shapan Wahed, and Philip Schuhmacher were made accused of being the admins of a Facebook page called "I am Bangladeshi".

Swedish-Bangladeshi journalist Tasneem Khalil, chief editor of Netra news, us-based journalist Shahed Alam and Germany based blogger Asif Mohiuddin are among those named in the case filed by rab-3 assistant director Abu Bakar Siddique with the Ramna police station. The page "i am Bangladeshi" mostly shared published news reports, political cartoons, and Facebook statuses reflecting on the current crisis and funny memes. However, the case documents claimed that the page contained "fake rumours" to "negatively affect the country's image" and "hamper the law and order of the country".

THE CASE OF ARIFUL ISLAM REGAN

In a case of custodial torture, arbitrary arrest of a journalist, Kurigram district administration in a bid to punish a journalist stormed into the home of journalist Ariful Islam Regan, correspondent of Dhaka Tribune and its sister news organisation

Bangla Tribune. Regan was dragged out of his bedroom after they broke the doors at midnight of March 14 by civil administration officers, magistrates, and a dozen of police and Ansar unit. He was blindfolded and hands tied was first taken to a lonely place and asked to say his prayers before he is executed. He was told by officers that he should be punished for writing on corruption and irregularities of Kurigram district commissioner sultana Pervin. Later he was brought to the office of dc's office where he was stripped naked and brutally tortured for hours. The team was led by revenue deputy collector Nazim Uddin and also responsible for alleged torture and abuse of power.

A magistrate confirmed that the drive, conducted by a joint task force of police, Ansar and anti-narcotics personnel, was launched based on "specific allegations" and recovered 450ml of liquor and 100g of cannabis from his home during the drive, which his family termed absurd. The magistrate said Ariful has admitted to wrongdoing before a mobile court and was subsequently sentenced to a year in jail and fined BDT 50,000, the magistrate said. "They did not search the house, neither had they recovered any drugs," his wife Mostarima Nitu said. She vouched that her husband is a non-smoker, never chewed betel leaf, nor consumed alcohol.

THE 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. This is another one of those stories that

reflects the worst of contemporary Bangladesh — and the climate of fear surrounding freedom of the media. A journalist, missing for four days, is found unconscious on the bank of a canal in Chittagong.

When he revives, he is curled up repeatedly saying, in a clear state of trauma: “please let me go. I will not write news anymore! I will quit journalism.”

CONCERN BY MEDIA AND CIVIL SOCIETY

The outburst of civil society and rights group after citizens of various professions, including volunteers assisting the victims of covid-19, cartoonist, writers, university teachers, opposition political leaders, lawyers, and children have been sued and arrested under the DSA for expressing critical views, sharing content from mainstream media, cartoons, critiquing high-ranking members of the ruling party, for failing to contain the covid-19 pandemic, wanton corruption in the healthcare system and massive irregularities in the distribution of relief.⁴⁴ The majority has been booked under DSA, allegedly for “spreading rumours and misinformation on Facebook.”

The BFUJ bitterly criticized the detention of several journalists under the controversial DSA. Since 2018, 180 journalists have been intimidated by the cybercrime law, which challenges the justice system, BFUJ statement read. Finally, the influential editors’ council⁴⁵ body, the ‘Sampadak Parishad’ has once again reiterated its demand to repeal the repressive DSA.

⁴⁴http://odhikar.org/wp-content/uploads/2020/07/Odhikar_Three-month-HRR_April-June-2020_Eng.pdf

⁴⁵[https://www.hrw.org/news/2020/07/01/bangladesh-repeal-abusive-law-used-crackdown-critics#:~:text=\(New%20York\)%20%E2%80%93%20Bangladesh%20authorities,Human%20Rights%20Watch%20said%20today.](https://www.hrw.org/news/2020/07/01/bangladesh-repeal-abusive-law-used-crackdown-critics#:~:text=(New%20York)%20%E2%80%93%20Bangladesh%20authorities,Human%20Rights%20Watch%20said%20today.)

CONCERN BY INTERNATIONAL COMMUNITIES

Reporters Without Borders- Paris based international media rights organisation reporters without borders (RSF) says Prime Minister Sheikh Hasina “firmly believes in freedom of the press,” which she said on 19 November 2018. She added: “no one can say we ever gagged anyone's voice; we never did that, and we don't do that either.”

RSF along with four other organisations **Forum For Freedom Of Expression, Bangladesh (Fexb), Cartoonist Rights Network International (CRNI), Ain O Salish Kendra (ASK), Cartooning For Peace (CFP)** in an open letter⁴⁶ recently urged Shiekh Hasina to make sure physical attacks against reporters do not go unpunished by ensuring that the attorney general orders the investigations that are needed for the perpetrators and instigators to be arrested and tried for their actions.

- Request the dropping of abusive prosecutions of journalists, bloggers, and cartoonists under the digital security act.

- Reform your press freedom legislation so that it complies with the undertakings your government has given to international bodies including the UN human rights council on 14 may 2018. To this end, you should amend the digital security act and draft a law on protecting journalists.

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.

⁴⁶<https://rsf.org/en/news/open-letter-bangladeshi-premier-covid-19-press-freedom-violations>

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. ⁴⁷

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 a 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." ⁴⁸

⁴⁷<https://www.hrw.org/news/2018/02/22/bangladesh-scrap-draconian-elements-digital-security-act>

⁴⁸<https://www.amnesty.org/en/latest/news/2018/09/bangladesh-new-digital-security-act-imposes-dangerous-restrictions-on-freedom-of-expression/>

Article 19—Article 19, a UK based human rights organization 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, cartoonists, and even a 15-year-old child was not spared and was arrested for criticizing Sheikh Hasina on Facebook.⁴⁹ The rights group urged to release those arrested under DSA immediately and unconditionally and to withdraw the whimsical cases against them.⁵⁰

Transparency International Bangladesh—Its executive director Dr Iftekharuzzaman said that in most of the cases, the charges are so-called "spreading rumours", "spreading false information", "criticising the government", "tarnishing image", "threatening to kill", "defamation" etc. On the news and social media. Such cases are undermining the citizens' freedom of speech and expression.⁵¹ "unconstitutionally, many have been tortured and sent to prison in unjust cases, which are not only a threat to free speech, but are also normalising arbitrariness in the country," argued the TIB top official.

Front Line Defenders—Two years since its passing, expresses increasing concern over the use of the digital security act to silence dissenting voices, particularly since the onset of the pandemic. The rights organisation condemns the

Bangladesh government's growing intolerance towards human rights defenders and all those critical of its actions. It is extremely concerned about the draconian digital security act and the hostile environment it has created in the country for human rights defenders. It urges the Bangladeshi authorities to release all those arbitrarily arrested and detained, as well as to conduct a full, independent review of the act, and bring it in line with the international convention on civil and political rights, to which Bangladesh is a party. It further calls on the government to ensure that its laws are sufficiently precise so as not to arbitrarily target human rights defenders or their work, ensuring that they are permitted to carry out their peaceful and legitimate activities in defence of the rights of others, including through the exercise of the right to freedom of expression.⁵³

⁴⁹<https://thediplomat.com/2020/06/bangladesh-silencing-teenage-dissent/>

⁵⁰<https://www.dhakatribune.com/bangladesh/2020/07/03/article-19-dsa-a-big-threat-to-democracy-and-the-rule-of-law>

⁵¹<https://asiatimes.com/2020/07/bangladesh-silencing-voices-with-digital-security-act/>

⁵²<https://www.thedailystar.net/frontpage/news/digital-security-act-freedom-expression-under-threat-1917881>

⁵³<https://www.frontlinedefenders.org/en/statement-report/two-years-coming-force-bangladeshs-digital-security-act-continues-target-human>

DIPLOMATS' REACTION

The global outburst after a series of arrests, detentions, harassments, and intimidation of journalists, netizens, and whistleblowers amid lockdown in response to the coronavirus pandemic has shaken the myth of transparency and accountability of the covid-19 healthcare management and food aid to disadvantaged people.⁵⁴ Nine foreign diplomats in Bangladesh have taken to social media, calling for upholding the freedom of expression and saying facts are more important than ever during any crisis to save lives. The call came at a time when cases are being filed against journalists and netizens for expressing critical views. The envoys urged the government to ensure access to reliable and fact-based information provided by free and independent media is vital to protecting public health everywhere.

US ambassador Earl R. Miller in a tweet said: amid the covid-19 crisis, it is essential that freedom of expression is upheld and that the voices of journalists are not restrained." Emphasizing access to reliable information provided by independent journalists, UK high commissioner Robert Chatterton Dickson said, "amid the c-19 crisis, it is even more important that freedom of expression is upheld and the media can do its job."

Japanese ambassador Naoki Ito, Norwegian ambassador Sidsel Bleken, and Canadian high commissioner Benoit Préfontaine also made similar tweets stressing the need for freedom of speech and making sure that voices of journalists are not limited. Ambassador and head of EU delegation to Bangladesh Rensjeteerink said in times of crisis,

press freedom is more important than ever." People need to have access to reliable and fact-based information. While fake news can become a serious issue, journalists should be allowed to carry out their work unmuzzled in a free and independent way."⁵⁵

German ambassador Peters Fahrenholtz said media are really important, especially in difficult times. They inform the public, through criticism they contribute to improving the performance of the administration, etc., he tweeted.

Swedish ambassador Charlotta Schylter tweeted: "more than ever we need facts; more than ever we need #press freedom. Amid the #covid19 crisis, it is essential that freedom of expression is safeguarded and that the voices of journalists are not restrained."

Dutch ambassador Harry Verweij said the Netherlands and the European Union support free and independent journalism. Access to facts and information provided by free media is vital everywhere especially in times of crisis. "Facts are lifesavers!"⁵⁶ Meanwhile, Bangladesh foreign minister Ak Abdul Momen expressed his fury over diplomats of the west tweets on freedom of expression and stated it was "unfortunate, disappointing, and unacceptable". He rebuked the diplomats and said: "I am very upset. This is very disappointing. This is very regrettable. This is not good at all."

⁵⁴<https://www.dhakatribune.com/opinion/oped/2020/05/11/silencing-those-who-matter>

⁵⁵<https://en.prothomalo.com/bangladesh/seven-western-envoys-in-dhaka-stress-freedom-of-expression>

⁵⁶<https://www.dhakatribune.com/opinion/oped/2020/05/11/silencing-those-who-matter>

RECOMMENDATIONS

Unfortunately, analysis shows that not only does the 2018 act expand existing restrictive provisions; it includes several provisions that are in breach of international human rights law. In particular, several definitions contained in the 2018 act are too vague and overbroad. Summarised in brief:

- The act vests sweeping blocking powers in a government agency.
- It contains several speech offences, including criminal defamation, defamation of religions, or the sending of 'offensive' information that would criminalise a wide range of legitimate expression.
- It grants carte blanche to the government to make rules in areas such as the collection, preservation, or decryption of evidence or data, rules that ought to be decided by the Bangladesh parliament to protect the rights to freedom of expression, privacy, and due process.

Digital security act is deeply flawed and that it should be reviewed and its most problematic provisions repealed as a matter of urgency. Given below this are some suggestions,

The entire Digital Security Act 2018 must be reviewed and brought into full compliance with international human rights standards.

The following sections of the Digital Security Act must be repealed, in particular:

- o section 8, chapter 3 which grants sweeping powers to DSA, an executive body, to block information online and restrict

freedom of expression beyond what is permissible under international freedom of expression standards;

Sections 21, 25, 28, 29, 31 of chapter 6 which include speech offences, defined in vague and overbroad terms;

Section 38 which deals with service providers' liability. At the very least, it should be amended to require 'actual' knowledge of illegality and the taking of 'reasonable' steps before liability can be imposed;

Sections 56, 59, and 60 of chapter 9, which respectively set out various powers to delegate, to 'remove difficulties' and to make rules. Or, at the very least, these sections should be drastically limited in their scope.

Several definitions in chapter 2 must be clarified, including data storage, critical information infrastructure, digital security, illegal entrance, cognition of liberation war, and service provider.

Section 4 of chapter 1 should be amended to clarify that domestic provisions should only apply extraterritorially when a real and substantial connection can be established between the service at issue and the country seeking to apply its laws in this way.

Finally, the repressive Digital Security Act, 2018 must be repealed to establish democracy, pluralism, secularism, and freedom of faith.

CONCLUSION

Freedom of opinion and expression is a constitutional right of the citizens of Bangladesh.⁵⁷ Any arrests or detention tantamount to harassment and have led to the detention of people and their incarceration in crowded prisons with hardly any medical care. For a citizen not allowed 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.

The culture of impunity of the government authorities is very visible. The citizens have been subjected to various human rights abuses, including enforced disappearances, extrajudicial killings, custodial torture, intimidation of journalists, and harassment of netizens.⁵⁸ This is only happening because of poor governance and lack of accountability by the democratic government. The enactment of DSA has added to brazen abuse of power by civil and police administration, also the political entity is equally blamed for intimidation and harassment of citizens which deliberately curbs freedom of expression, speech, and press.

However, the government overruled their apprehension saying that the digital security law has nothing outside the code of criminal procedure provisions. The law has just accommodated provisions on digital devices and their usages. The pm further said journalists need not be worried about the digital security law if they have no motive of making false or fabricated news. It has now emerged as the menace to freedom of speech and

independent journalism in Bangladesh.⁵⁹ Freedom of expression and free flow of information are cornerstones of public debate and democracy. Journalists and other media actors are facing threats such as censorship, political and economic pressure, intimidation, job insecurity, and 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. Regrettably, the cybercrime laws were never applied for the disreputable sermons of the “waz-mongers” on social media for spreading rumours regarding the corona virus pandemic. The “waz-mongers” often dare to vilify the liberation war, state constitution, national flag, national anthem, women’s empowerment, women’s leadership, secularism, Ekushey February, Pahela Baishakh, and whatnot.⁶⁰ Possibly, none of the Muslim zealots has been booked under the DSA, media rights defenders have observed. The controversial law is deliberately applied to silence the journalists, writers, and netizens.

⁵⁷http://odhikar.org/wp-content/uploads/2020/07/Odhikar_Three-month-HRR_April-June-2020_Eng.pdf

⁵⁸http://odhikar.org/wp-content/uploads/2020/05/Odhikar_Three-Month_HRR_January-March_2020_Eng.pdf

⁵⁹<https://samsn.ifj.org/wp-content/uploads/2020/05/Bangladesh-SAPFR-Report-Chapter.pdf>

⁶⁰<https://www.dhakatribune.com/opinion/op-ed/2020/05/11/silencing-those-who-matter>

Whereas, popular folk singer Shariat Sarkar is languishing in prison since 11 January 2020 facing indefinite detention for singing a folk song that music is not forbidden in the Quran. He was accused of blasphemy “hurting religious sentiments” under the DSA laws. 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. The government 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 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.

Greater exercise of freedom of speech or expression will better help facilitate the taking of the 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 tends to be wrong. 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 people must start doing that.⁶¹ If the state allows the police and civil administration to discipline the media, they will surely shrink the space for freedom of expression, which will undermine the tenets of democracy and the elected government too.

⁶¹<https://www.thedailystar.net/opinion/interviews/news/we-have-strongly-assert-our-rights-now-1920989>

