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ARTICLE 19

Freedom of Expression in Bangladesh

2014

Country Report

Executive Summary

The Social Progress Index for the year 2014 termed Bangladesh as a “Development Surprise” in the SAARC region indicating successes in child mortality, women’s rights and gender parity in secondary school enrolment. Other successes include over 119 million people coming under mobile network coverage constituting 75% of the population including 48.4 million using the internet.

However the 10th parliamentary elections for the country were held on 5 January 2014 against the backdrop of the opposition alliance’s boycott and blockades amidst a whirl of apprehensions, tension and violence. The Awami League (AL) won 233 seats out of the 300 of which in 154 of them there was no opposition candidate.

This continued to plague the government with demands from the oppositions calling for re-elections throughout the year with a political impasse that has remained unresolved. Infightings amongst different groups of the Chatra League, the student wing of the ruling party increased with reports of over 250 factional clashes in the first half of the year in various parts of the country.

The year is also marked with a series of extrajudicial killings and enforced disappearances as many as 54 cases in the first three month of the year alone. Civil society organisations remained deeply concerned at the lack of protection provided by authorities for activists and journalists. The Parliament enacted the Journalist Welfare Trust Act, 2014 welcomed by journalists and media workers. Approvals for a further number of eight TV channels were given by the government. The government approved the much critiqued Foreign Contributions (Voluntary Activities) Regulation Act 2014 largely seen as being restrictive to civil society space. On 4 August, 2014 approval was also given to the National Broadcasting Policy, calling for the establishment of an independent broadcasting commission.

In 2014 ARTICLE 19 in Bangladesh has recorded a total of 213 attacks while this figure was 271 in 2013. This shows that number of overall violations has substantially decreased by 21.40%. A possible reason for this is the decrease in street demonstrations for the most part of the year although political impasse continued.

However our key findings include that there has been an alarming increase in harassment through unwarranted application of laws in 2014 the figure has risen to 68 from the earlier 33 cases in 2013, an increase by 106.06 per cent. Thirteen media persons including a number of editors, publishers, senior office bearers of journalists association and media executive have faced contempt proceedings. We did not record such incidents in 2013. Cases of intimidation and threat have also increased by 26.66%. This is contributing to an overall environment of intimidation and fear and possibly leading to self-censorship.

Four journalists have been killed this year and attacks on the physical integrity of the journalists including serious bodily injury and minor assault remain significant even though the overall numbers have decreased in comparison to last year.

Of the total violations in only five cases (3.44%) investigations have been concluded. In 27 per cent of the cases investigations are pending while the vast majority of the cases i.e. 69.65% remain out of the reach of law. We have not recorded any conviction for violence perpetrated against journalists in 2014. Of the 43 journalists and one blogger killed from 1995 - 2014 there has been only one conviction. Trials are yet to commence in many cases with delays reaching chronic levels. To the dismay of the journalist community the perpetrators of the murdered journalist Manik Saha were discharged resulting in no further legal action against them. Together this non-action for attacks, delays in investigation and the absence of convictions contribute to the continuity of a culture of impunity that is tragically becoming a harsh reality for journalists in Bangladesh.

Criminalisation of online expression continues with the application of section 57 of the Information, Communications Technology Act 2006 (as amended in 2013). 6.10 per cent of violations comprised of arrests (13) by the law enforcement agencies under the ICT Act 2006. Of them eight are still in custody, they are Kazi Mahbubur Rahman Rahi, Ullas Das, Shamsuzzoha, Rabiullah Robi, Imran Hasan Arif, Ong Sing Marma, Sukur Ali, Sezan Hasan. Expressions have been penalised on grounds of “hurtful to the image of the state or person” or “hurtful to religious sentiments”, which is deeply problematic as the law itself does not provide any guidance as to what constitutes these grounds, leaving it widely open to arbitrary application by law enforcement agencies. This trend of arbitrary use promotes a culture of fear and shrinks the space for online expression, tacitly forcing online activists, users, and bloggers to resort to self-censorship when expressing their opinions. This is also applicable to journalists as many media companies publish online editions.

Increasing use of contempt proceedings have included 13 incidents (6.10%) drawn by the judiciary on matters relating to freedom of expression and government transparency. The question of constitutional validity of the Contempt of Courts Act 2013 is currently pending for adjudication before the apex court of the country. We believe that reverting back to the Contempt of Courts Act 1926 even if the 2013 Act is finally adjudged as unconstitutional would have disturbing implications on freedom of expression.

Hostility toward women journalists continued with cases including work place discrimination, gender based harassment, physical violence and obstruction to holding public office and carrying out professional duties. It is becoming a common practice where women journalists have worked on the basis of verbal arrangements and subsequently refused payments when their male colleagues received remunerations. Gender stereotyping, verbal abuse and harassment is a common form of attack against women journalists for obstruction to gathering information. In 2014 we have also found that women journalists face huge obstacles and discrimination when they seek

representation and leadership positions in the local Press Clubs thus asserting their rights of association.

There are expectations that the broadcasting Act as outlined in the National Broadcasting Policy 2014 will promote an independent, pluralistic, accountable and responsible media provided the law upholds the right to freedom of expression and the broadcasting commission established under the law is truly independent.

As for perpetrators we have found an alarming increase in the state as perpetrator. 33.69% per cent of all attacks have been carried out by state actors in 2014 from the 12.5 % in 2013. An overall 23 per cent were carried out by the police, Special Forces such as the Rapid Action Battalion (RAB) and by detective branch of the police. We have also found that in 11% of the cases attacks have been perpetrated by public officials working outside law enforcement agencies. This culture of getting away without any legal consequence has only served to embolden state actors even those outside the remit of law enforcement. We have also found that 66.31 per cent of attacks were carried out by non-state actors and 33.69 per cent of the overall violations were perpetrated by leaders and violent activists of the political party in power, emerging as a dominant force against the safety and security of journalists.

Based on the above findings ARTICLE 19 concludes that while the government has taken a number of initiatives for the welfare of journalists, even though praiseworthy they are welfare based and do not address issues of rights of journalists pertaining to their protection, safety, security and impunity. Intimidation of journalists, bloggers and particularly murder and physical attacks, limit the freedom of expression not only of journalists but of all citizens. These issues have been addressed in the 2012 United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity which was endorsed in 2013 by Member States. As a member state Bangladesh needs to take effective measures to prevent such illegal attempts to limit the right to freedom of expression and such measures should include:

- Vigorous condemnation from the Government of such attempts when they do occur, investigating them promptly and effectively in order to duly sanction those responsible, and provide compensation to the victims where appropriate; This should include taking effective measures to address cases where state actors are involved in attacks; and sending strong signals that it is not appropriate and will not be tolerated;
- Adopting a “holistic protection” approach for addressing issues of protection, safety, security and impunity including by establishing a specialised mechanism to provide protection and to investigate attacks on freedom of expression overseen by an independent body. In this regard lessons can drawn from initiatives undertaken along the lines of what is being done in Nepal currently;
- Holding consultations to review and amend provisions including section 57 of the Information Communications Technology Act 2006 to bring them into line with

international standards. In the meantime dropping of the pending cases against individuals for exercising their right to FoE under the ICT law;

- Holding consultations to review and amend the Contempt of Courts Act to bring it into line with international standards. In meantime, refraining from bringing cases under this Act;
- Moving forward to adopt a progressive broadcasting law to promote a free, independent and pluralistic broadcasting sector, in line with international standards, including by establishing an independent broadcast commission;
- Provide appropriate training on crimes against freedom of expression, including gender specific crimes, to relevant law enforcement officials including the police and prosecutors;
- Strictly follow the due process of law in cases of closure of newspapers or television channels, even if such closure is necessary and justified in law;
- Repeal criminal defamation and replace it with appropriate civil defamation law;
- Extend the remit of National Human Rights Commission to cover discrimination and/or anti-discrimination law covering private parties and enable the NHRC to investigate and take action against organisations and institutions found to be discriminating against women journalists;

To media houses we recommend that they:

- Adopt equality action policies, anti-harassment guidelines to address discrimination and harassment of women, including in terms of pay and promotion;
- Make a clear commitment to support their staff when they are the subject of attacks and/or legal harassment, including by supporting them to take legal action against the perpetrators;
- To end the climate of impunity, ensure that criminal cases are filed for each and every attack on journalists affiliated with them, and monitor the progress of investigation and trial;
- Provide adequate safety, risk awareness and self-protection training and guidance to journalists affiliated with them;
- Provide necessary security equipments to local correspondents, photographers, and reporters covering political agitations and clashes;
- Ensure the formulation of guidelines for establishment of robust and effective mechanisms to address complaints from women journalists;
- Work in partnership with NGOs to raise awareness among journalists on issues of discrimination, censorship and harassment on the basis of gender.

Civil society organisations should continue and effectively monitor the progress of implementation of Bangladesh's UPR commitments regarding protection of journalists and online activists, and exert effective pressure on the government to ensure due compliance.

Context

The 10th Parliamentary elections were held in Bangladesh on 5 January 2014 against the backdrop of the opposition alliance's boycott and blockades amidst a whirl of apprehensions, tension and violence. The Awami League (AL) won 233 seats out of the 300 of which in 154 of them there was no opposition candidate. The Jatiyo Party who contested the elections secured 33 seats. However the boycott of the major opposition party, the Bangladesh Nationalist Party (BNP) and its ally the Jamaat-e-Islami continued to plague the government with calls for re-election throughout the year. As such the political impasse remained unresolved. The BNP however contested in the local elections, held between February and May 2014, winning the largest share of the vote in the initial two rounds. But falling behind the ruling AL in subsequent rounds. The local polls eventually ended as a tightly fought contest.

The Social Progress Index for the year 2014¹ has termed Bangladesh as a "Development Surprise" in the SAARC region indicating successes in child mortality, women's rights and gender parity in secondary school enrolment. Other successes include over one hundred and nineteen million people coming under mobile network coverage constituting 75% of population of which with 48.4 million using the internet.² National revenue from the IT sector increased to one hundred and twenty five million USD from the five million USD in just over five years.³ There are 5247⁴ digital centers functioning in every corner of the country used for payment utility bills by over twenty three million service users. The centers are also being used for services like birth and death registration, visa processing, mobile banking and other mobile services.

Infightings amongst different groups of the Chatra League, the student wing of the ruling party increased with reports indicating over two hundred and fifty factional clashes in the first half of the year only in various parts of the country.⁵ The year is also marked with a series of extrajudicial killings and enforced disappearances as many as fifty four cases in first three month of the year alone. Civil society organisations and NGOs were shocked when AB Siddiqui, the husband of Green activists Rizwana Hasan was abducted on the afternoon of the 16 April. He was thankfully released after 35 hours but the incident was followed soon after by the attempted abduction of Nur Khan of Ain-O-Shalish Kendra on 15 May. Prominent citizens including academics, rights activists, freedom fighters, writers, musicians and civil society leadership expressed serious concerns at the lack of protection of provided by authorities for human rights defenders, activists and journalists.

¹ 2014 Report produced by Social Progress Imperative (SPI), a Washington based non-profit organisation

² <http://cri.org.bd/books/bangladesh%20in%202014-Progress%201nd%20Development.pdf>

³ <https://albd.org/index.php/rsources/special-reports/1274-ict-in-public>- service- delivering- more- with- less

⁴ Ibid, 2

⁵ <http://www.dhakatribune.com/bangladesh/2014/dec/31/politics-2014-violence-parenthesises-peace>

The Parliament also enacted the Journalist Welfare Trust Act, 2014 welcomed by journalists and media workers. Approvals for a further number of 8 TV channels were given by the government. The government has also approved a number of laws and policies including the much critiqued Foreign Contributions (Voluntary Activities) Regulation Act 2014 largely seen as being restrictive to civil society space. On 4th August, 2014 the Cabinet approved the National Broadcasting Policy, 2014 calling for the establishment of an independent broadcasting Commission. On 17 September the Parliament unanimously passed the controversial constitutional amendment giving power's to the President to impeach Supreme Court judges.

1. Safety of journalists and online activists in 2014

In 2014, ARTICLE 19 has recorded a total of 213 attacks. These include 205 against journalists including women working in the print and electronic media, 8 against bloggers and online activists. Attempts to silence journalists and online activists took various forms including:

- Attacks against their physical integrity, including killing, serious bodily injury, minor assault and abduction;
- Intimidation and threats;
- Harassment through the unwarranted application of laws;
- Arrests
- Gender - based attacks; and
- Destruction of equipment and property.

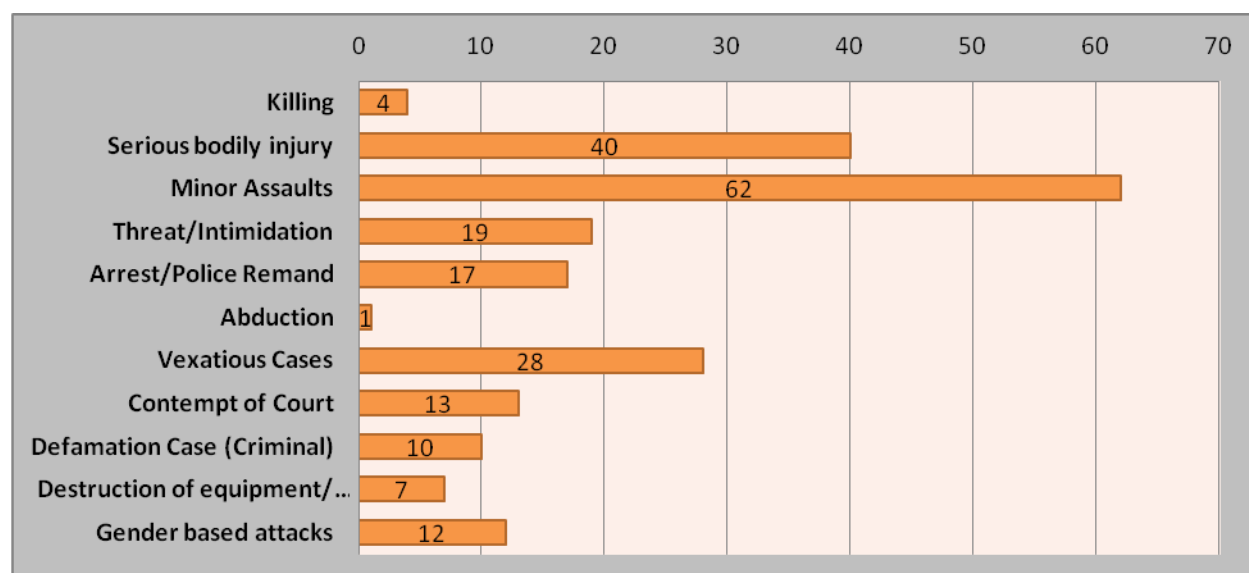


Chart1: Frequency of different types of attacks against journalists and online activists

a. Attacks against physical integrity

Killing: The number of journalists killed this year remains the same as that of 2013, i.e. four. They include:

- **Shah Alam Mollah** (Reporter, The Fortnightly Aparadh Daman): On 4 March Shah Alam Mollah, Sagor was summoned to the Uttara West Police Station in Dhaka apparently to resolve a couple of initial complaints one of which made by him seeking protection from one Bashiruddin, Principal of Uttara Trust College. The Principal had earlier on accused the journalist of blackmail when Shah Alam had written about corruption by the Principal in the College admission process. At one stage he was called to the roof top of police station from where he fell and died. The

police however alleged that he slipped and fell but his family believe that he was deliberately pushed to his death. A case is pending against the police.

- **Sardar Nipul** (reporter, Daily Mathabhanga, a local newspaper): Sardar Nipul was killed by a group of local political violent political activists on 21 May and his body dumped on the railway tracks of Chuadanga, a district in the south-west of Bangladesh. Nipul had regularly reported on the corruption of this group involving railway authority properties. Just before his death, he was about to publish a story about the said group illegally selling mangos from a grove belonging to the railway authorities. His brother Sardar Al Amin alleges that Nipul was killed to prevent him from publishing the report. Two arrests have been made based on a case lodged by Nipul's wife Nilima Khatun. However the main person accused remains at large.
- **Delwar Hossain** (district correspondent, Daily Samachar, Narayanganj): Delwar Hossain was murdered on 29 March. His death appears to have been linked to the activities of local land grabbers. Two arrests have been made and the case is pending trial.

As well as these three murder cases, **GM Babar Ali** (Bureau Head of Daily Amar Desh, Barisal) was found dead on 4 May in mysterious circumstances. A suicide note was apparently found. The local police logged it as a case of unnatural death.

Bodily Injury: 47.89 per cent of the attacks involved bodily injury, including 40 (18.78%) where the victims sustained serious bodily injury and 62 where they were subjected to minor assaults (29.11%).

Serious bodily injury included injuries from rubber bullets fired by the police, beatings by the police with batons and rifle butts, and injuries caused by grenades and crude bombs exploding. These attacks resulted broken limbs and injury by splinters. Other perpetrators included violent political activists of the ruling party and opposition including Jamat-e-Islam, its student wing Shibir and other religious fundamentalist groups. Examples included:

- **Ghulam Rabbani** (Rajshahi University correspondent with Masranga TV), Najim Mridha (Rajshahi correspondent with New Age) and Gulbar Ali (University correspondent with the local Nuton Probhat): On 3 February, Rabbani 's left arm was broken when he was beaten by the police; Mridha was seriously injured, sustaining 25 injuries caused by rubber bullets fired by the police; Gulbar Ali was beaten by members of the ruling party's student violent political activists and sustained a severe injury to his right leg. All three were covering a protest by Rajshahi University students against the government's decision to increase admission fees. No cases were filed as a result of the attacks.
- **Shahidul Islam** (Photo journalist with Prothom Alo), Gulbar Ali (Correspondent with BD News24.com) and Kabil Hossain (Correspondent with the Daily Ittefaq): On 31 January, these three journalists sustained severe splinter injuries as a

result of crude bomb explosions caused by the religious extremist Jamat-Shibir. They were protesting against a court judgment implicating one of their leaders, Motiur Rahman Nizami under the Arms Act 1974 for smuggling ten truckloads of firearms into the country. No cases were filed as a result of the attacks.

- o **Abdullah Al Noman** (Reporter, Bangla News 24.com): On 20 October, Noman was attacked by a group of ruling party violent political activists who beat him severely with machetes, iron bars and knuckledusters. As a result he needed to undergo surgery several times. Noman had earlier published news reports, “Chitai” and “Ostro”, alleging that the group’s members were involved in extortion and other illegal activities in Sylhet, a district in north-eastern Bangladesh. A case was filed at Shah Paran police station against twelve Chatra League violent political activists. No action has been taken by the police so far. All the accused are members of the student wing of the ruling party and Noman is left fearing for his life.

Large numbers of journalists were subjected to minor assaults throughout the year, including while they were covering the national and local elections. For example:

- o **Asiqur Rahman Sohel** (Channel 24 district correspondent with Comilla, Choddogram), one Niaz (local correspondent, Manob Zamin, Comilla Kashi Nagar): On 15 March both journalists were assaulted by district level members of the ruling AL party while covering the local elections. No legal action was taken.
- o **Mahbubur Rahman Sumon** (Chandpur district correspondent of Bangla Mail 24.com): On 16 March, he was assaulted by Chatra League violent political activists while covering the local elections in Hajiganj Upazila. The journalist brought the incident to the attention of the District Commissioner and Superintendent of Police of Chandpur district in south-east Bangladesh. However, he did not file a case. When asked why he did not do so, he replied that, “If I do something like that, I will manage to infuriate my aggressors even more”.
- o **Abdullah Hillol** (District Correspondent of Khulna, Prothom Alo): Hillol was physically manhandled and thrown out of a polling booth in Khulna Tero Khada by the candidate for the Chairmanship . No action was taken by the journalist.

Abduction: MA Rahman, Jessore district correspondent with the Daily Amader Shomoy was abducted on 25 May by Jubo League violent political activists, but rescued later the same day by the police. He has lodged a case with the local police station.

b. Intimidation and threat

We recorded 19 cases of journalists being intimidated or threatened (8.92% of the total number of attacks). Threats included extreme forms of intimidation such as death

threats, harming family members and unlawfully entering family homes with fire arms, making threats in the presence of family members. In most cases threats were used primarily to censor information or news that the perpetrators considered to be “inconvenient” for them. Perpetrators included parliamentarians, local leaders of the ruling party, police and local criminals. Examples included:

- o Preventing investigative reporting into last year’s high profile case of the murder of seven people in the Narayanganj district, close to Dhaka, the capital. On 28 May, Bahram Khan (reporter, The Report24.com, online news portal) asked Shameem Osman, a Narayanganj Member of Parliament at a press conference whether the parliamentarian had had any involvement in the murders, which included the commissioner of the local council, four of his associates and three witnesses to those killings. The enraged MP responded by publicly shouting at the journalist:

“I will see to it that you are taught how to speak to an MP, if I necessary I will spend as much as fifty lakh taka to ensure that you are learn that lesson”.

When the journalist went to file a General Diary (initial notification), the police refused to register the case. Although his media company initially promised to pursue the matter, it eventually backed out.

- o **Suman Chowdhury** (Panchbibi sub-district correspondent of the Daily Bhorer Kagoj) was threatened with death by local leaders of the ruling party when he published the report Proddhan Montrir Tran Tahabiler cheque Jaliatir taka neelen Panch Bibir Awami League Neta, on 1 May in the newspaper. The report alleged that the local chairman of the Union Council, along with its leaders, had misappropriated funds from the Prime Minister’s Relief Fund. He lodged a General Diary with Panchbibi police station.
- o **Sulaiman Hossain** (Jamalpur local correspondent of the Daily Samakal) was threatened with death because of his reports exposing drug peddling by local organised gangs. On 18 October, a group of five men people forcefully entered the journalist’s home with firearms and threatened to kill him and harm his family unless he stopped writing about the gang. The victim immediately filed a case which is currently being heard in court; however, the perpetrators were released on bail, posing a further threat to his life and work. The victim identified four of the perpetrators in conversation with ARTICLE 19:

“The perpetrators have the support of the local leaders of the ruling party.”

c. Harassment through unwarranted application of laws

In 2014 we recorded 68 cases of harassment, which was 31.92% of the overall number of violations. The harassment was carried out in a variety of ways: (i) vexatious cases; (ii) contempt proceedings drawn by courts; (iii) criminal defamation; and (iv) arrests under the Information and Communications Technology Act 2006 (as amended in

2013). Apart from being effective tools for harassment, all of these generate fear and lead to self-censorship. The key perpetrators were political leaders at both local and central level, public officials from various statutory government bodies, members of the business elite and of law enforcement agencies.

(i) Vexatious cases:

We recorded 28 vexatious cases (13.15% of the total) against journalists brought under ordinary penal law, including various provisions of the Penal Code of 1860 and civil defamation cases. The numbers were double those seen in the previous year, with journalists appearing to have been targeted with a variety of frivolous cases. For example:

- o Cases of theft and causing public disturbance were brought against **Sajeda Sweety** and her husband Towhid Shanto (staff reporter of Bangla News24.com and senior reporter of Asian TV respectively) by members of the paramilitary forces, the Ansar Bahini. Apparently on 19 March the couple was trying to use the premises of a housing estate in the southern part of Dhaka to make a few phone calls while covering a demonstration in the area. Words were exchanged between the journalists and the Ansars at the time, after which the couple found themselves implicated in the above-mentioned cases. The couple has also filed a counter case for assault.
- o An extortion case was filed on 26 April against **Sanjay Kumar Das Litu** and **Jalilur Rahman** (Patuakhali district correspondent of Bangladesh Protidin and Daily Motobad and local correspondent of Masranga TV and Bangladesh Today respectively) by an official of the Roads and Highways Authority. Earlier they had reported on the misappropriation of proceeds made at an auction and involving goods belonging to the Patuakhali authorities. Currently the journalists are on bail pending trial, and they have filed a writ asking the government why such officials should not be held accountable.
- o On 13 May, **Nazrul Islam** (Bogura news correspondent of the Bhorer Dak) found himself accused of causing a public disturbance. The previous day Islam had been to the local police station asking for information regarding a case on which he was reporting. The police were initially reluctant; however, when Islam pursued the matter, they provided him with the information. When speaking to ARTICLE 19 Islam said that, “the case has been brought against me with the sole purpose of harassment”.
- o A civil defamation case was filed on 3 March against journalists **Motiur Rahman, Lazzaz Enab Mohoshi** and **Gaziul Huq** (editor, news editor and news reporter of Comilla respectively of the Daily Prothom Alo) for two billion Bangladeshi taka by the owners of Karnaphuli Ship Builders Limited. The journalists told ARTICLE 19 that Prothom Alo had published three news reports against the Managing Director of the company. The case is currently being heard.

- A legal notice was sent by the Chairman of Petro Bangla on 19 March claiming compensation amounting to one billion Bangladesh taka against **Saiful Islam** and his wife **Salma Islam** (editor and publisher of the Daily Jugantor). Jugantor informed ARTICLE 19 that they had published an investigative report alleging corruption by the said public official.

There are several other similar cases.

(ii) Contempt proceedings drawn by the courts:

In 2014 we recorded six contempt proceedings involving 13 journalists, including a number of editors, a couple of publishers, senior officials from journalists' associations, the executive of a private television channel and a renowned British journalist/blogger:

- **Matiur Rahman** and **Mizanur Rahman** are the editor and joint editor of the Prothom Alo, the largest circulating Bangla daily. On 13 March, the High Court Division fined Mizanur Rahman 6,000 Bangladesh taka and cautioned him for writing two “contemptuous”. The court accepted Matiur Rahman’s apology and removed him from the charges.
- On 15 December, the same two journalists (as above) were again summoned by the appellate division for publishing another “contemptuous” article about the appointment of the Chief Justice. On 5 January 2015 the journalists offered an unconditional apology and the court discharged them from further contempt proceedings.
- On 2 December, the International Crimes Tribunal-2 found **David Bergman**, a Bangladesh-based British journalist, guilty of contempt of court for questioning the tribunal’s use of the official death toll from the 1971 war of independence. In several blog posts, Bergman argued that the official number lacks supporting evidence and estimated it to be much lower. In its judgment the tribunal found that Bergman’s attempts to question the death toll “disgraces and demeans the nation’s wishes and holy emotions” and judged that it was based on “malicious intent” designed to “scandalise” the tribunal.

(iii) Criminal Defamation:

Criminal defamation continues to be used as a tool for harassment, imposing a culture of self-censorship. In 2014 we recorded 10 cases of criminal defamation (4.69% of the total). They included:

- A criminal defamation case was brought on 21 January against four journalists (including **Saiful Alam** and **Salma Islam**, editor and publisher of the Daily Jugantor), alleging that their report, “heavyweight prarthira je karone baad prolen” (Exclusion of Heavyweight Candidates from the Cabinet) had defamed

two of the country's top political leaders, former cabinet members Mohiuddin Khan Alamgir and Dr Dipu Moni. The report suggested that former Ministers had lost favour with the Prime Minister. The case is now pending awaiting consideration by the senior judicial magistrate of Chandpur, a district in south-western Bangladesh.

- o Journalists **Alamgir Hossain**, **Asad Zaman** and **Mahbub Alam Shohag** of BanglaNews 24.com published two reports against Ramesh Chandra Sen, former minister for water resources. The reports were titled, "Ramesh e dubechey Awami League" (Awami League sinks with Ramesh) and "Neej jela lanchito holen Ramesh Chandra Sen (Ramesh Chandra is assaulted in his own constituency). An infuriated Ramesh Chandra lodged a criminal defamation case on 28 August naming himself as the complainant. The reporters had to appear in court and were released on bail on 9 October. The case is pending, awaiting consideration by the magistrate.

These examples highlight the unwarranted use of laws by those in power as a means of silencing freedom of expression on matters of grave public interest.

(iv) Application of the Information and Communications Technology Act 2006 (ICT Act) as amended in 2013:

In 2014, 13 arrests and one conviction were made under section 57 of the ICT Act 2006, a hugely criticised penal provision that has been often used to limit freedom of expression and silence opposition. Of these, five were journalists and eight bloggers and online users. At the time of publishing this report, eight (one journalist and seven online users) are still in custody. They are **Kazi Mahbubur Raihan** (Rahi), **Ullash Das**, **Shamsuzzoha**, **Imran Hossain Arif**, **Ong Sing Marma**, **Shukur Ali** and **Sizan Hossain** and journalist **Rabiullah Robi**. Some examples of the use of section 57 are given below:

- o In October, 25-year-old **Tonmoy Mollick**, a computer operator at a shop in Dakop Upazila of Khulna, southern district, was sentenced to seven years' rigorous imprisonment and fined 10,000 Bangladesh taka under section 57. He had produced a satirical song about Bangabandhu Sheikh Mujibur Rahman, the father of the nation, and Prime Minister Sheikh Hasina, which was considered defamatory. He was also found to have broken the law by sharing the recording by mobile telephone, which is also punishable under the same provision.
- o On the night of 16 January, **Robiullah Robi**, news editor, **Rafique Mohammad**, deputy chief reporter, **Ahmed Atique**, diplomatic correspondent and **Afzal Bari**, senior reporter with The Daily Inqilab were arrested by police detectives. The arrests were as a result of the publication online and in print of a "baseless" report that Indian Forces had assisted the joint forces' operations in Satkhira 2013 to suppress local activity by the Jamat-Shibir. The police alleged that this report had damaged the image of state law enforcement agencies and misled the public.

- o On 30 March, **Kazi Mahbubur Rahman Raihan** (Rahi) and **Ullash Das**, both secondary school students at Chittagong College, were attacked by a mob of the Islami Chhatra Shibir for allegedly posting derogatory comments against Islam and the Prophet Mohammad on their Facebook accounts. They were dragged onto the street and beaten. The police rescued them, but later arrested them under section 57 of the ICT Act for posting online contents that allegedly hurt people's religious sentiments.
- o On 19 August the police arrested **Shamsuzzoha** from an office in Dhaka under section 57, alleging that he had posted online a caricature of the prime minister Sheikh Hasina, damaging her public image.
- o On 20 August, **Imran Hasan Arif** of Kushtia district posted on his facebook page a statement mocking the acclaimed status as the "*father of the nation*" given to Sheikh Mujibur Rahman. Imran was arrested under section 57.
- o On 9 October, **Ong Sing Marma**, a student and member of an indigenous population in Boroichhari, Kaptai Upazila, was arrested under section 57 for posting allegedly "anti-Islamic" contents claimed to have "hurt religious sentiments".
- o On 17 October 17, 2014 **Shukur Ali** and his 13-year-old son **Sizan Hossain** were arrested for listening to satirical songs about the Prime Minister Sheikh Hasina on a cell phone in the village of Shitlai in Bogura district.

These cases illustrate how section 57 has been applied to penalise expression that is either "hurtful to the image of the state or person" or "hurtful to religious sentiments". Using it in this way is deeply problematic as the law itself does not provide any guidance as to what would constitute these grounds, leaving it widely open to arbitrary application by law enforcement agencies. This type of trend of arbitrary use promotes a culture of fear and shrinks the space for online expression, tacitly forcing online activists, users, and bloggers to resort to self-censorship when expressing their opinions. This is also applicable to journalists as many media companies publish online editions.

d. Arrests

The total number of arrests recorded in 2014 came to 17 (7.98% of the overall violations). However, a substantial number (13) of these were under the ICT Act 2006 (see 1 c (iv) above). Four other arrests were made under various penal laws including incitement to terrorism and vandalism. These included the arrests of **Ibnul Pervez** and **Toffazel Hossain** (assistant editors with kishore kantha), **Masud Rana** (Comilla, Muradnagar correspondent with Daily Amar Desh) and **Golam Azam** (Rangpur correspondent with Daily Naya Diganta). All four of them are currently in custody. Interestingly the media companies of all three newspapers are owned by patrons of various Islamic fundamentalist groups.

e. Destruction of equipment and property

Seven journalists suffered the destruction of their equipment and property. Similar to last year, almost all of these incidents involved photojournalists and video cameramen, and the destruction of their cameras, cell phones and motorbikes. In the case of **Prasanta Subhash Chandra** (Noakhali correspondent of Amar Desh), his house was raided by members of the Joint Armed Forces and electronic equipment belonging to him destroyed.

g. Gender-based attacks

Hostility towards women journalists continued with cases including workplace discrimination, gender-based harassment, physical violence and obstruction from holding public office and carrying out professional duties. We recorded 12 such cases in 2014, including a long-standing case:

- o Five senior women journalists, **Nasimun Ara Huq Minu, Perveen Sultana Jhuma, Fatema Johura, Munwara Sultana** and **Shanta Maria**, were all sacked without reason from the Daily Jono Kantha, a Dhaka based newspaper. Having worked at the media company since 2005, they went to court to claim their back wages. The court ruled in their favour, but the company flouted the court's order and didn't pay them. The journalists filed again in late 2014 and the case is currently pending hearing. The media company owes them nearly four million BDT including dues from the pension fund, gratuities, back salaries and compensation.

In a number of cases women journalists reported that, having been employed through verbal arrangements, they were subsequently refused payment while their male colleagues were paid. For example:

- o **Shamima Sulatan Alis** contributed to an online news portal, the Daily Nayajug. Between May-August 2014, 23 of her articles were published by the portal, and she was assured she would be paid. However, despite her making several requests, she received none. When she finally learned that male contributors had received payments, she left the portal. Shamima claims that:
"I have been exploited because I am a woman and was perceived by my employers to be in a weaker position than my male colleagues".
- o In January, 2014 **Sayma Sultana Sugandhi** started work as a reporter with Aakash Khobor, a Chuadanga-based newspaper, without a written letter of appointment. She worked for three months without receiving any pay, after which she left, alleging that her male colleagues were being paid.

- o **Kamrun Nahar Sharmin** worked for four years at the Daily Samakal and never received any benefits. When she went to the court to claim her dues she was sacked.

Gender stereotyping, verbal abuse and harassment are common forms of attack against women journalists used to prevent them from gathering information. For example:

- o **Hoimonti Roy** who works as the newsroom editor at Barendra Radio, a community radio station in Noagaon, reported that she is often told to her face, “*Don’t you guys have any male correspondents?*” when she seeks interviews or information for stories.

In 2014, we also found that women journalists face huge obstacles and harassment when they seek representation and leadership positions in the local Press Clubs:

- o **Anjuman Ara Bonya** (district correspondent from Thakurgaon for the daily Amader Somoy) and **Nargis Chowdhury** (from The Nirvik Sangbad, a local daily in Thakurgaon) are successful journalists and have been longstanding members of the Thakurgaon Press Club. They stood for election on the club’s executive but lost by a narrow margin. Soon after they found that they had been expelled from the club without any notice, this news having been published in local dailies. Both women have filed petitions to the High Court for violation of their rights to association and discrimination.
- o **Gloria Halder Shakhi**, a local correspondent from Mongla with Independent Television, has been working with the media for over two years, gradually becoming well known for her work. However, her application for membership of the local Press Club was denied for no reason, and when she pursued the matter, she faced a campaign of online harassment with vilifying comments made about her character and distorted photographs published.

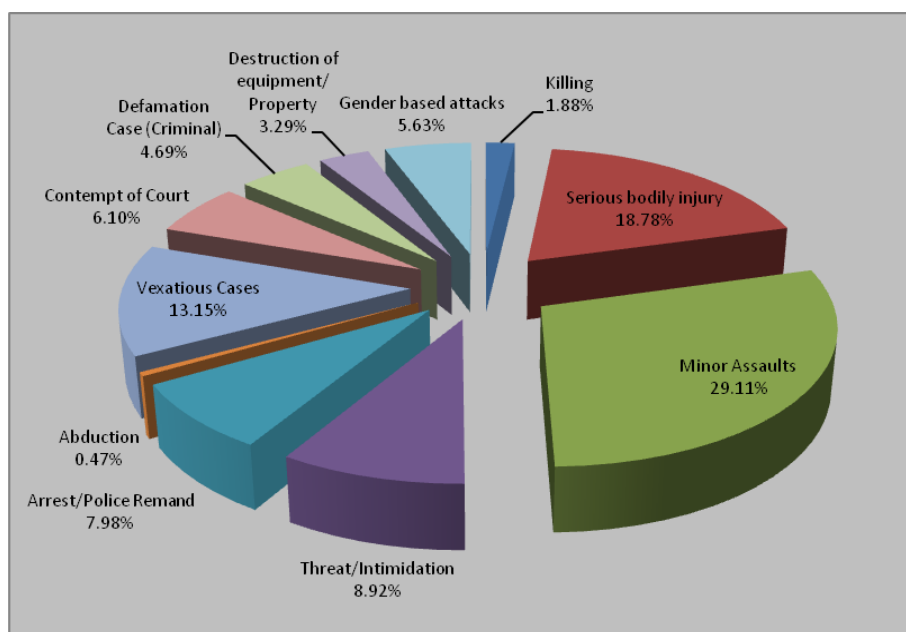


Chart 2:
percentage of
attacks by
category

2. Protection of journalists and online activists

Almost all the attacks recorded took place because journalists were performing their duties as public watchdogs and providers of information in the public interest. In 2014, many journalists were subjected to violence and attacks while exposing corruption, the misappropriation of public funds by public officials, and the involvement of public representatives in murder cases, while covering protests and demonstrations or, in some cases, while representing a particular point of view.

(a) Impunity

Impunity for acts of violence continues to be a persistent problem. Of the total 213 violations recorded, 68 of these occurred in cases where journalists and online users who were exercising their freedom of expression were victims of harassment either through the unwarranted application of laws or through arrest.

For the rest 145 cases, the situation is as follows:

- In 43.45% cases, some form of legal action was initiated i.e. in one of every two cases, an improvement on the ratio of 1:4 in 2013. This resulted in investigations in 30.34% of the cases, an increase on the previous year's figure of 23.67%. However, in the year as a whole, investigations were concluded in only five of the cases, indicating huge delays in the completion of investigations.
- Among the four murder cases this year, only one has already come to trial, that of journalist Shah Alom. Investigations into the murders of Delwar Hossain and Sardar Nipul have not yet been completed. Of the murders of journalists in 2013, the trial for the murder of blogger Rajib Haider has started, and the case of Shahriar Rimon (reported in ARTICLE 19's 2013 country report) remains under investigation without any arrest. Of the 43 journalists and one Blogger killed between 1995 - 2014, only one perpetrator has been convicted. To the dismay of the journalist community the perpetrators of the murdered journalist Manik Saha were discharged resulting in no further legal action against them. Trials are yet to commence in many cases with delays reaching chronic levels including those of the journalist couple Sagor Sarwar and Mehrun Runi murdered in 2013, and others such as Nahar Ali, Humayun Kabir Balu, and Belal Hossain Dafadar murdered in 2001 2004, and 2006 respectively.
- A further 13.10% were resolved out of court. Most of them were resolved with interventions from local representatives of the Union Council, Paurasava (municipality) and local political leaders. When speaking to ARTICLE 19, many of them said that they saw this as a way of avoiding further violations.
- A pattern of insufficient legal action by journalists continues with journalists taking no steps in 56.55% cases. In most cases the victims did not even lodge

a general diary. In the rest of the cases, the police did not take any action, resulting in no further action in all of these cases. One of the main reasons shown by victims for non-action was apathy towards Bangladesh's legal system. For example, one victim commented:

“In a country where murder cases go unpunished what action can happen for minor injuries?”

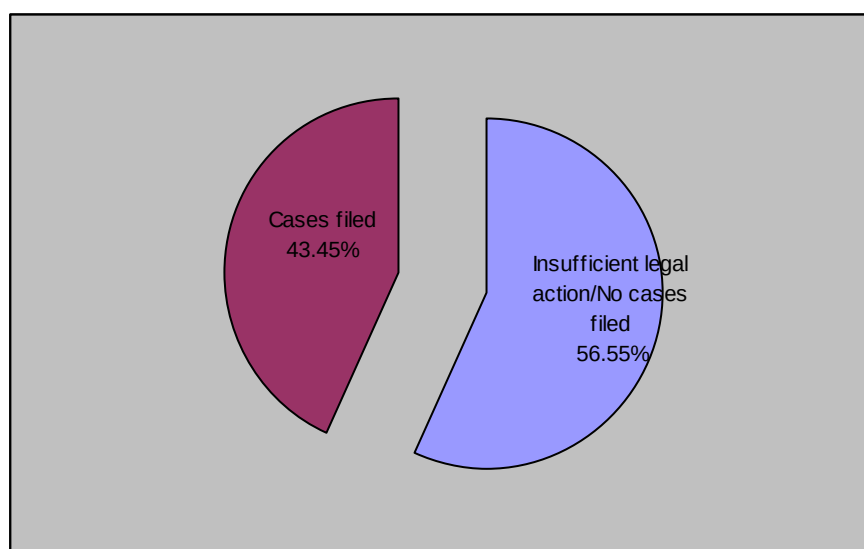


Chart 3: Legal action following attacks on journalists and online activists

(b) Perpetrators

The pattern of who carries out these attacks continues as before. 66.31 per cent of perpetrators were **Non-state actors**. Of these:

- 33.69% were leaders and violent political activists of the political party in power, emerging as a dominant force against the safety and security of journalists;
- 4.81% were violent political activists from the opposition including the religious extremist Jamat-Shibir;
- 6.95% were criminal groups such as emerging cartels, drug peddlers, land grabbers and petty “mastans”
- 5.88% were not identified by the victims;
- 1.07% were religious fundamentalists groups such as Ansar Bangla 7;
- 13.90% were categorised as other (these cases included attacks by one group of journalists upon another and contempt cases);

State actors included law enforcement agencies (22.99%), the attacks carried out by the police, Special Forces such as the Rapid Action Battalion (RAB) and by detective branch of the police. Public officials and other state organs comprise 10.70%, including medical officers and lower level government employees. This is a much larger figure than last year's 12.50%. Overall they comprise:

- 17 arrests by the law enforcement agencies of which 13 were under the *ICT Act 2006*;
- Two cases of serious bodily injury and 17 cases of minor assault perpetrated by third and fourth class employees from government hospitals and intern doctors;
- 13 incidents of contempt proceedings drawn by the judiciary on matters relating to freedom of expression and government transparency;

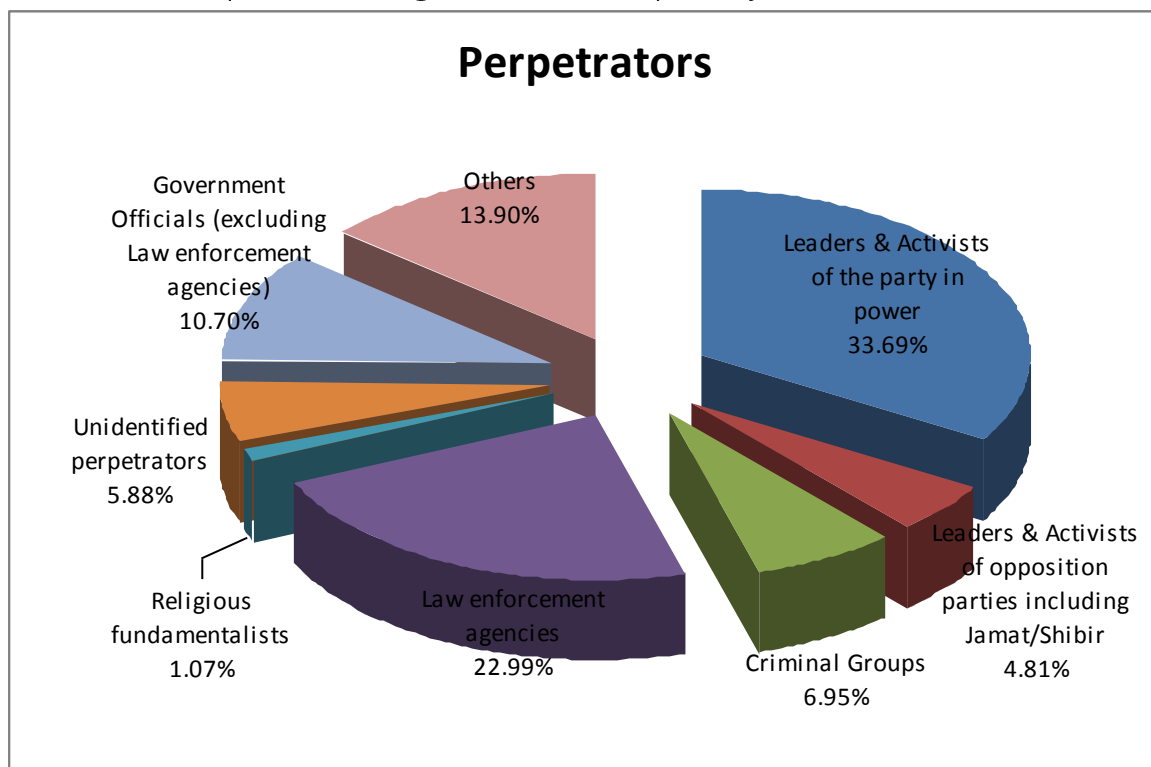


Chart 4: Per centage of Perpetrators carrying out attacks against journalists and online activists

Religious fundamentalist groups remain a threat to the safety of journalists and online activists, though the number of attacks by them reduced in 2014 (see above). It is the leaders and activists from the political party in power who have emerged as a major force threatening the safety and security of journalists this year. In a number of cases the student wing of the ruling party Awami League has been the perpetrator. For example, Gulbar Ali from *Notun Provat*, a local daily in Rajsahi, was seriously injured by Chatra League activists on 3 February. In Dhaka three journalists were seriously injured and five journalists assaulted on 14 July by groups including Chatra League squads.

In 2014, we found that the percentages of attacks on journalists working at national level (40.78%) and local level (59.22%) were much closer than the previous year. Although the journalists at local level are usually more vulnerable than those at national level, the pattern shows that journalists at the decision-making level such as editors, have been the targets of violations more frequently than in previous years.

Attacks against journalists working in print media remain higher (65.92%) compared with those working in electronic media (34.08%). This is consistent with other years.

National level	Local level	Print media	Electronic media
40.78%	59.22%	65.92%	34.08%

Table 1: Attacks on journalists in 2014 segregated by national, local, print and electronic media

3. Policy interventions

The major policy interventions concerning the freedom of expression in 2014 are as follows:

a. The National Broadcasting Policy 2014

On 5 August the Government approved the *National Broadcasting Policy 2014*. A first of its kind the policy envisages the development of an “independent, pluralistic, accountable and responsible Broadcasting system in Bangladesh”. The policy incorporated a number of forward looking ARTICLE 19 recommendations. They include the establishment of an independent broadcasting commission with the authority to formulate guidelines for transparent and open licensing process and programme and advertising codes in consultation with stakeholders. However along with ARTICLE 19, other civil society organisations have expressed concerns that some provisions of the policy provide scope for increased control of the government over broadcasting media. On 23 December the government constituted a thirty eight member national committee including ARTICLE 19 for the formulation the legal framework for the implementation of the policy including the establishment of an independent Commission.

b. Legal standards on Contempt of Court

Like any other jurisdiction the purpose of the law relating to contempt of court in Bangladesh has been primarily to uphold the dignity of the courts, to ensure compliance of judicial orders and to protect the judiciary from unwarranted criticism. *The Contempt of Courts Act, 1926* has been the principle law governing contempt proceedings in Bangladesh. However the law is silent as to what would constitute “contempt” leaving it entirely at the discretion of the judges. The exercise of this position has often been seen as not conducive for free expression. In 2013 *the Contempt of Courts Act* was enacted replacing the 1926 Act. This law provided detailed standards on what does and does not constitute contempt. In particular sections 4 – 7 provided greater protection and freedom of the expression of journalists in line with international standards and good practices. While the act was seen as a welcome addition for freedom of expression it was declared unconstitutional by the High Court Division bringing back

into force the 1926 Act, thus reverting to the earlier position with regard to contempt laws in Bangladesh. Given the considerable number of high profile contempt proceedings (see section 1 cii) in 2014 the nexus between the current legal regime on contempt and permissible legitimate expression with regard to court proceeding has once again come in the forefront of public discussion.

c. Safety, Security and Welfare of Journalists

On 1 July Parliament passed the *Bangladesh Journalists Welfare Trust Act 2014* with an aim to ensure welfare of the insolvent, injured and physically impaired journalists and dependents of the deceased journalists. The law provides for the establishment of a permanent Trust for providing financial support to journalists in need. A Board of Trustee under the Chairmanship of the Minister for Information and representation among others from editors and leadership of journalists unions have been formed under the Act. Although at a nascent stage the statutory Trust with a permanent fund has the potential to extend welfare support to journalists' community. In the fiscal year 2013-14 the government distributed BDT eleven million among 181 journalists in accordance with the Journalists Assistance Allowance Grants Policy 2012. For the 2014-15 fiscal years the government has allocated BDT 12 million.

d. Regulation of Foreign Funding for Non-governmental organisations (NGOs)

On 1 December the Cabinet gave the final approval to the draft Foreign Donations (Voluntary Activities) Regulation Bill 2014. The Bill proposes number provisions that would have profound effects on NGOs receiving foreign funding. Civil society organisations, donors, human rights defenders in Bangladesh and the international community have expressed serious concerns over the proposed law as it goes far beyond what is permissible under international standards on freedom of association. The several new requirements for registration and clearance for projects will have the potential to be easily misused to limit legitimate activities of NGOs. The Bill is due to be placed before Parliament.

e. Approvals for television and community radio stations

In 2014 the government has given approvals for eight televisions channels bring to a total of 26 by this government. However this year a right winged national daily and two television channels were closed down without any clarity of the reasons for doing so

4. Conclusions and Recommendations

On the basis of the findings we conclude:

Alarming increase in harassment through unwarranted application of laws:

There has been an alarming increase in harassment through unwarranted application of laws in 2014 the figure has risen to 68 from the earlier 33 cases in 2013, an increase by 106.06 per cent. We have also found that thirteen media persons including a number of editors, publishers, senior office bearers of journalists association and media executive have faced contempt proceedings. We did not record such incidents in 2013. Cases of intimidation and threat have also increased by 26.66%. This is contributing to an overall environment of intimidation and fear and possibly leading to self-censorship.

Attacks against physical integrity remain significant:

Four journalists have been killed this year and attacks on the physical integrity of the journalists including serious bodily injury and minor assault remain significant even though the overall numbers have decreased in comparison to last year.

Impunity for acts of violence continues to remain a persistent problem:

Of the total violations in only five cases (3.44%) investigations have been concluded. In 27 per cent of the cases investigations are pending while the vast majority of the cases i.e. 69.65% remain out of the reach of law. We have not recorded any conviction for violence perpetrated against journalists in 2014. Of the 43 journalists and one blogger killed from 1995 - 2014 there has been only one conviction. Trials are yet to commence in many cases with delays reaching chronic levels. To the dismay of the journalist community the perpetrators of the murdered journalist Manik Saha were discharged resulting in no further legal action against them. Together this non-action for attacks, delays in investigation and the absence of convictions contribute to the continuity of a culture of impunity that is tragically becoming a harsh reality for journalists in Bangladesh.

Criminalisation of online expression continues with the application of section 57 of the Information, Communications Technology Act 2006 (as amended in 2013):

6.10 per cent of violations comprised of arrests (13) by the law enforcement agencies under the ICT Act 2006. Of them eight are still in custody, they are Kazi Mahbubur Rahman Rahi, Ullas Das, Shamsuzzoha, Rabiullah Robi, Imran Hasan Arif, Ong Sing Marma, Sukur Ali, Sezan Hasan. Expressions have been penalised on grounds of “hurtful to the image of the state or person” or “hurtful to religious sentiments”, which is deeply problematic as the law itself does not provide any guidance as to what constitutes these grounds, leaving it widely open to arbitrary application by law enforcement agencies. This type of trend of arbitrary use promotes a culture of fear and shrinks the space for online expression, tacitly forcing online activists, users, and bloggers to resort to self-censorship when expressing their opinions. This is also applicable to journalists as many media companies publish online editions.

Increasing use of contempt proceedings:

13 incidents (6.10%) comprised of contempt proceedings drawn by the judiciary on matters relating to freedom of expression and government transparency. The question of constitutional validity of the Contempt of Courts Act 2013 is currently pending for adjudication before the apex court of the country. We believe that reverting back to the Contempt of Courts Act 1926 even if the 2013 Act is finally adjudged as unconstitutional would have alarming implications on freedom of expression.

Hostility towards women journalists continues:

We recorded 12 such cases in 2014 with cases including workplace discrimination, gender-based harassment, physical violence and obstruction from holding public office and carrying out professional duties. This year we have also found that women journalists face huge obstacles and discrimination when they seek representation and leadership positions in the local Press Clubs thus asserting their rights of association.

Broadcasting law to promote independent, pluralistic and accountable media:

A national committee has been for drafting a law on broadcasting as outlined in the National Broadcasting Policy 2014. There are huge expectations that the law would usher in a new horizon where broadcasting media of Bangladesh would be independent, pluralistic, accountable and responsible provided the law upholds the right to freedom of expression and the broadcasting commission established under that law would be truly independent.

Alarming increase of state as perpetrator:

33.69% per cent of all attacks have been carried out by state actors in 2014 from the 12.5 % in 2013. This is an alarming increase. An overall 23 per cent were carried out by the police, Special Forces such as the Rapid Action Battalion (RAB) and by detective branch of the police. We have also found that in 11% of the cases attacks have been perpetrated by public officials working outside law enforcement agencies. This culture of getting away without any legal consequence has only served to embolden state actors even those outside the remit of law enforcement.

Violent activists of political parties emerging as a dominant force against safety of journalists:

66.31 per cent of attacks were carried out by non-state actors. An overall 33.69 per cent were leaders and violent activists of the political party in power, emerging as a dominant force against the safety and security of journalists. We have also seen attacks by one group of journalists upon another comprising 7.8 per cent of the violations.

Obligations of the State to take rights based approach to address issues of protection, safety and impunity:

The government has taken a number of initiatives for the welfare of journalists, while these are praiseworthy they are welfare based and do not address issues of rights of journalists pertaining to their safety, security and impunity at the national level.

Intimidation of journalists, bloggers and particularly murder and physical attacks, limit the freedom of expression not only of journalists but of all citizens, because they produce a chilling effect on the free flow of information, due to the fear they create of reporting on abuses of power, illegal activities and other wrongs against society. As such Bangladesh has an obligation to take effective measures to prevent such illegal attempts to limit the right to freedom of expression.

We make the following recommendations for protecting the safety of journalists and freedom of expression of all citizens to the following actors:

The Government of Bangladesh

- Vigorously condemn such attempts when they do occur, investigate them promptly and effectively in order to duly sanction those responsible, and provide compensation to the victims where appropriate. They should also inform the public on a regular basis about these proceedings.
- Take effective measures to address cases where state actors are involved in attacks; send strong signals that it is not appropriate and will not be tolerated;
- Ensure that law enforcement agencies including police uphold the right of journalists and citizen's freedom of expression;
- Adopt a "holistic protection" approach for addressing issues of protection, safety, security and impunity including by establishing a specialised mechanism to provide protection and to investigate attacks on freedom of expression overseen by an independent body. In this regard lessons can be drawn for initiatives that are being undertaken along the lines of what is being done in Nepal;
- Hold consultations to review and amend the Contempt of Courts Act to bring it into line with international standards. In meantime, refrain from bringing cases under this Act.
- Hold consultations to review and amend provisions including section 57 of the Information Communications Technology Act 2006 to bring them into line with international standards. In the meantime dropping the pending cases against individuals for exercising their right to FoE under the ICT law;
- Repeal criminal defamation and replace it with appropriate civil defamation law;
- Move forward to adopt a progressive broadcasting law to promote a free, independent and pluralistic broadcasting sector, in line with international standards, including by establishing an independent broadcast regulator (commission)
- Ensure that the Foreign Donations (Voluntary Activities) Regulation Bill due to be placed before Parliament is finally able to address issues so that it complies with international standards and does not overly restrict civil society space and NGO activities;
- The government should put in place anti-SLAPP (strategic litigation against public policy) legislation to prevent cases being brought simply to harass those who have exercised their right to FoE.

- Provide appropriate training on crimes against freedom of expression, including gender specific crimes, to relevant law enforcement officials including the police and prosecutors;
- Strictly follow the due process of law in cases of closure of newspapers or television channels, even if such closure is necessary and justified in law;
- Review other legal restrictions on the content of what may be published or broadcast to bring them into line with international standards.

Oversight bodies such as the National Human Rights Commission

- The remit of NHRC should be extended to cover discrimination and/or anti-discrimination law covering private parties and enable the Human Rights Commission to investigate and take action against organisations and institutions found to be discriminating against women journalists;

Media Organisations

- Media houses should adopt equality action policies, anti-harassment guidelines to address discrimination and harassment of women, including in terms of pay and promotion.
- Media houses should make a clear commitment to support their staff when they are the subject of attacks and/or legal harassment, including by supporting them to take legal action against the perpetrators.
- To end the climate of impunity, ensure that criminal cases are filed for each and every attack on journalists affiliated with them, and monitor the progress of investigation and trial;
- Provide adequate safety, risk awareness and self-protection training and guidance to journalists affiliated with them;
- Provide necessary security equipments to local correspondents, photographers, and reporters covering political agitations and clashes;
- Ensure the formulation of guidance to address gender discrimination, gender-based censorship and sexual harassment as a serious barrier to women's participation and representation in the media and the establishment of robust and effective mechanisms to address complaints from women journalists;
- Promote policy measures such as gender policies, internal code of conduct, equal opportunity employment and anti-bullying and anti-harassment policies toward the development of good practices to free the media from such negative trends;
- Work in partnership with NGOs to raise awareness among journalists on issues of discrimination, censorship and harassment on the basis of gender.

Civil society Organisations

- Monitor the progress of implementation of Bangladesh's UPR commitments regarding protection of journalists and online activists, and exert effective pressure on the government to ensure due compliance.

Notes

1. The term ‘killing’ means causing the death of any journalist or online activist in a criminal manner;
2. ‘Serious bodily injury’ means a bodily injury that involves a substantial risk of death, extreme physical pain requiring an in-hospital stay of several days, disfigurement, or loss/impairment of the function of a bodily member/organ;
3. ‘Minor assault’ indicates the use of criminal force resulting in physical pain that does not amount to serious bodily injury;
4. ‘Abduction’ means compelling by force or inducing by deceitful means to leave a particular place;
5. ‘Threat/intimidation/’ means threatening any journalist or online activist why any injury to his/her person, property or reputation with an intention of pushing the journalist or online activist so threatened to exercise self-censorship in exercising his/her right to freedom of expression;
6. ‘Arrest’ and ‘police remand’ in this report refer to the incidents where journalists/online activists were arrested by the police, and place in police custody by judicial order;
7. ‘vexatious case’ means the filing of a criminal case, regardless of its merit, solely to harass or subdue an individual. This does not include criminal defamation cases;
8. ‘Criminal defamation case’ means the initiation of a criminal case against a journalist alleging that something published/expressed has defamed the complainant;
9. In this report, ‘gender-based attacks’ means physical or psychological attacks against a woman journalists/online activist that are inflicted because of her gender;
10. ‘Destruction of equipment/property’ means causing the destruction/damage of (a) any journalistic equipment such as camera, microphone, motorbike etc., or (b) any property belonging to a journalist, when such destruction/damage is carried out to censor the journalist’s right to freedom of expression;
11. ‘Cadres’ means violent political activists. They include hardcore political activists who can/would resort to violence for their party and also hired guns who will work for the highest bidder;
12. ‘General Diary’ is a legal term that connotes a formal written application addressed to the Officer-in-charge of a police station at the level of an Inspector. A General Diary may or may not lead to a formal investigation;
13. ‘Rigorous Imprisonment’ means imprisonment with labour;
14. ‘Press Club’ means association of journalists, often created for recreational purposes of journalists.