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Bangladesh

	2016	2017		
Internet Freedom Status	Partly Free	Partly Free	Population:	163 million
Obstacles to Access (0-25)	14	13	Internet Penetration 2016 (ITU):	18.3 percent
Limits on Content (0-35)	14	15	Social Media/ICT Apps Blocked:	Yes
Violations of User Rights (0-40)	28	26	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	56	54	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2017 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Regulators blocked 35 news websites largely favouring the opposition, and launched a raft of punitive measures against one outlet for spreading rumors which it had actually debunked (see **Blocking and Filtering**, and **Media, Diversity, and Content Manipulation**)
- More than 300 people were briefly detained for violating a broad ICT Act in online comments; most were released on bail, though some were held for several weeks (see **Prosecutions and Detentions for Online Activities**).
- In October 2016, homes and temples in a religious minority area were vandalized in response to a Facebook post perceived to insult Islam; a man was arrested for creating the post, though news reports said he lacked the necessary literacy skills (see **Intimidation and Violence**).

Introduction

Internet freedom improved in 2017 after a break in a years-long trend of violence targeting secular bloggers. But the number of detentions for online content shot up during the same period, and 35 news websites were reported blocked.

The government of the Bangladesh Awami League party under Prime Minister Sheikh Hasina officially encourages open internet access and communication to promote development. Private commercial stakeholders have also helped in the proliferation of internet usage.

Bangladesh further benefits from a vibrant—if often partisan—traditional media industry, though journalists face threats and legal constraints. News websites were blocked in 2016, and one outlet was punished for spreading a rumor involving the Prime Minister's son, even though their report said the rumor was unverified.

The coverage period saw fewer reports of violence in reprisal for online speech, though there was a resurgence in a disturbing trend of unknown actors manipulating Facebook posts to instigate attacks on religious minorities. In October 2016, a minority community was attacked in Nasirnagar over a Facebook post supposedly posted by an illiterate Hindu youth, who was later arrested under the Information and Communication Technology Act of 2006 (ICT Act). Several dozen individuals were arrested under that law for online comments on a range of issues, including many about the prime minister and other leaders.

Obstacles to Access

The number of internet users in Bangladesh is steadily on the rise. More than 90 percent of users access the internet via mobile phone providers, which recently began offering faster 3G service. The government has reduced the price of bandwidth significantly over the last decade. However, users complain about the high cost of private internet service.

Availability and Ease of Access

Key Access Indicators		
Internet penetration (ITU) ^a	2016	18.3%
	2015	14.4%
	2011	4.5%
Mobile penetration (ITU) ^b	2016	78%
	2015	83%
	2011	55%
Average connection speeds (Akamai) ^c	2017(Q1)	4.2 Mbps
	2016(Q1)	3.6 Mbps

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

The International Telecommunication Union estimated internet penetration in Bangladesh at 18 per cent in 2016 (see Key Access Indicators). Government estimates were closer to 46 percent.¹

Information and communication technology (ICT) usage is increasing fast, though Bangladesh lags behind globally. The World Economic Forum 2015 Global IT report ranked Bangladesh 109 out of 143 countries worldwide, with infrastructure and regulatory environment scoring poorly, though overall communication service was comparatively affordable, a factor that is driving growth.²

The government has decreased the price of bandwidth significantly over the last decade.³ According to the Alliance for Affordable Internet, 80 percent of the population in Bangladesh can afford a 500 MB mobile broadband plan based on local income levels, one of the highest percentages among less developed countries.⁴ The ability to access localized information and create content in Bengali has contributed to the popularity of local blog hosting services.⁵

However, users complain about the high cost of private internet service in rural areas. Although no statistics are available, the higher concentration of economic activities and critical infrastructure in urban areas indicates there are likely to be more internet users in cities. The government's 2009 "Digital Bangladesh by 2021" program seeks to integrate internet access with development efforts in national priority areas, such as education, healthcare, and agriculture.⁶ In 2016, 4,547 Union Digital Centers had been established by the government to provide low-cost internet access and related e-services in low-income communities.⁷

Restrictions on Connectivity

The government occasionally restricts the use of mobile service during times of possible unrest. In August 2016, news reports said regulators planned telecommunications and internet blackouts around Dhaka at midnight on some evenings, part of a drill to test the government's readiness to shut down internet and mobile networks in times of crisis.⁸

The fiber-optic infrastructure connecting Bangladesh with international undersea cables is managed by the government. However, the majority of the gateways and internet exchange points (IXPs) are privately owned and managed.

Bangladesh's physical internet infrastructure was historically vulnerable, relying on the undersea cable SEA-ME-WE-4, which connects Southeast Asia, the Middle East, and Western Europe.⁹ Since

1 Calculated based on number of internet subscribers reported by the Bangladesh Telecommunication Regulatory Commission as of August 2017, <http://www.btrc.gov.bd/content/internet-subscribers-bangladesh-august-2017>.

2 "The Global Information Technology Report 2015", World Economic Forum, accessed in August 1, 2016, <http://reports.weforum.org/global-information-technology-report-2015/economies/#economy=BGD>.

3 Muhammad Zahidul Islam, "BTCL cuts the pupdate. rice of bandwidth by 42%", *Dhaka Tribune*, April 4, 2014, <http://bit.ly/PySyKZ>.

4 <http://a4ai.org/wp-content/uploads/2016/04/A4AI-2015-16-Affordability-Report.pdf>

5 ThinkTechHawaii, "Somewherein: The First Social Media Company in Bangladesh with SyedaGulshanFerdous Jana," *YouTube* video, 45:53, August 28, 2014, <https://youtu.be/iVXsFDYLcQU>.

6 "Strategic Priorities of Digital Bangladesh," Access to Information Program, October 2010, <http://bit.ly/1g9Zqvs>.

7 "Union Digital Center", Access to Information (a2i) Programme, accessed in August 1, 2016, <http://www.a2i.pmo.gov.bd/content/union-digital-center>.

8 "Drill on shutting down internet, mobile networks today," *Daily Star*, August 1, 2016, <http://www.thedailystar.net/country/drill-shutting-down-internet-today-1262737>; "Dhaka to see more internet blackouts at midnights, holidays," August 3, 2016, <http://www.thedailystar.net/city/dhaka-see-more-internet-blackouts-midnights-holidays-1263937>.

9 Faheem Hussain, "ICT Sector Performance Review for Bangladesh," *LIRNEasia*, 2011, <http://bit.ly/1VNLUh2>.

late 2012, however, Bangladesh is also connected via an international terrestrial cable managed by private companies, reducing the risk of being completely cut off.¹⁰

ICT Market

Approximately 94 percent of users access the internet via mobile phone providers, which only recently began offering faster 3G service. The remainder subscribe to fixed lines, either through a traditional internet service provider (ISP), the fixed telephone network (around three percent), or via one of the three wireless WiMax operators (one percent).¹¹ As of August 2017, 129 ISPs were operating nationwide, with no clear market leaders.¹²

Mobile connections are provided by six operators.¹³ In 2017, Grameen Phone, owned by Telenor, had the biggest market share with 54 percent of the total customer base, followed by Banglalink with 24 percent, and Robi with 23 percent.¹⁴

Regulatory Bodies

The Bangladesh Telecommunication Regulatory Commission (BTRC), established under the Bangladesh Telecommunications Act of 2001, is the official regulatory body overseeing telecommunication and related ICT issues. The current administration amended the act in 2010, passing telecommunications regulation to the Ministry of Post and Telecommunications and making the BTRC an auxiliary organization.¹⁵ This move created administrative delays in a number of basic processes like the announcement of new tariffs or license renewals.¹⁶ In 2014, the Ministry of ICT merged with the Ministry of Post and Telecommunications.¹⁷ In addition, the prime minister's office has an Access to Information (A2I) program supported by the United Nations Development Program, which has considerable influence over top-level ICT-related decision making.¹⁸

Limits on Content

The BTRC blocked some news websites during the reporting period, and stripped journalists with one outlet of accreditation. Two messaging apps which advertise secure services have been blocked since mid-2017. There were no reports of state manipulation of online content.

10 "Bangladesh Connected with Terrestrial Cable," *BDNews24*, December 8, 2012, <http://bit.ly/1ga1Gmk>.

11 Bangladesh Telecommunication Regulatory Commission, "Internet Subscribers in Bangladesh June, 2017," <http://www.btrc.gov.bd/content/internet-subscribers-bangladesh-june-2017>

12 Bangladesh Telecommunication Regulatory Commission, "List of Internet Service Provider (ISP)", accessed on August 16, 2017, http://www.btrc.gov.bd/sites/default/files/operator_list/ISP_Nationwide.pdf.

13 Bangladesh Telecommunication Regulatory Commission, "Mobile Phone Subscribers in Bangladesh in June 2016", accessed on August 1, 2016, <http://www.btrc.gov.bd/content/mobile-phone-subscribers-bangladesh-june-2016>.

14 Dilip Pal, CFO, Grameen Phone, presentation, <https://www.telenor.com/wp-content/uploads/2017/02/Telenor-CMD-2017-Grameenphone.pdf>.

15 S.M. Shahidul Islam and Abdullah-Al Monzur Hussain, "Bangladesh Telecommunication (Amended) Act, 2010," *Manual of Cyber Law in Bangladesh*, (Dhaka: Central Law Book House, 2011), 241-264.

16 Faheem Hussain, "Telecom Regulatory Environment in Digital Bangladesh: Exploring the Disconnects between Public Policies/Regulations and Real World Sector Performance," (presentation, Sixth Communication Policy Research South Conference by LIRNEasia and Chulalongkorn University, Bangkok, 2011).

17 "Telecoms, ICT ministries merge," *Telegeography*, February 11, 2014, <http://bit.ly/1K8lBK6>.

18 UNDP Bangladesh, "Access to Information (II)," accessed on August 8, 2015, <http://bit.ly/1ixvvPu>.

Blocking and Filtering

Content relating to religious issues or offending state leaders is subject to censorship in Bangladesh, and a wider range of content was affected in 2016 and 2017 than in the past. In August 2016, news reports said the BTRC had ordered the blocking of 35 news websites for the first time.¹⁹

Officials gave no official reason for the blocking, though one was quoted in news reports as saying the sites had published “objectionable comments” about the government.²⁰ The sites were not mainstream, but several were affiliated with the political opposition. The Bangladesh Federal Union of Journalists and Dhaka Union of Journalists protested the directive and asked that it be lifted,²¹ but the sites remained blocked in mid-2017.

Social media and communication apps are also subject to blocking. Facebook, Facebook Messenger, WhatsApp, and Viber were among several platforms temporarily blocked in 2015.²² Most were accessible throughout the reporting period, with the exception of Facebook, which reported “a disruption affecting access to Facebook products in Bangladesh” in August 2016, possibly related to a network shutdown test (see Restrictions on Connectivity).²³ The government also discussed plans to test Facebook shutdowns in 2017.²⁴

Two messaging apps which advertise secure communications have been blocked since May 2016. Regulators ordered gateway providers to implement the blocks after intelligence agencies claimed they were responsible for the spread of atheism and criticism of Islam.²⁵ Neither Switzerland-based Threema nor Wickr, a U.S. service, appear to have had a significant user base in Bangladesh. The intelligence communities may have singled them out believing them to be used by people seeking to evade government surveillance.

A handful of popular blogs and individual Facebook posts were also targeted for blocking at the same time as the messaging apps, although the effectiveness of those measures is not clear. The owner of the blog *Somewherein* told *The Daily Star* that the BTRC had not responded to questions about the possible block, though traffic fell by around 20 percent in mid-2016. Blocked Facebook pages remain accessible if the user has an https connection, one possible impetus for exploring a block on the platform’s entire domain.²⁶

19 “BTRC orders blocking of 35 news sites,” *The Daily Star*, August 4, 2016, <http://www.thedailystar.net/backpage/btrc-orders-blocking-35-news-sites-1264981>.

20 Committee to Protect Journalists, “Bangladesh journalists could face 14 years in prison for refuting rumor,” August 12, 2016, <https://cpj.org/2016/08/bangladesh-journalists-could-face-14-years-in-pris.php>.

21 “BFUJ, DUJ factions threaten to start strike,” *Daily Star*, August 8, 2016, <http://www.thedailystar.net/city/bfuj-duj-factions-threaten-start-strike-1266325>.

22 “Social networking sites closed for security reasons, says Minister Tarana Halim,” BDNews24, November 18, 2015, <http://bdnews24.com/bangladesh/2015/11/18/social-networking-sites-closed-for-security-reasons-says-minister-tarana-halim>; Ishtiaq Husain, “Twitter, Skype, Imo blocked in Bangladesh,” December 13, 2015, <http://www.dhakatribune.com/bangladesh/2015/dec/13/government-blocks-twitter-skype-and-imo>; Agence France-Presse, “Bangladesh Lifts Ban on All Social Media,” via *Express Tribune*, December 14, 2015, <http://tribune.com.pk/story/1010061/bangladesh-lifts-ban-on-all-social-media/>.

23 Facebook Government Requests Report, Bangladesh, July 2016– December 2016, <https://govtrequests.facebook.com/country/Bangladesh/2016-H2/>.

24 Syed Samiul Basher Anik, “No decision on shutting down Facebook yet,” *Dhaka Tribune*, April 3, 2017, <http://www.dhakatribune.com/bangladesh/2017/04/03/cabinet-seek-btrc-opinion-shutting-facebook/>.

25 Muhammad Zahidul Islam, “Govt blocks 2 messaging services,” May 20, 2016, <http://www.thedailystar.net/frontpage/govt-blocks-2-messaging-services-1226884>.

26 Jeanette Si, “HTTP vs HTTPS: What it Means for Internet Censorship,” Internet Monitor, July 13, 2017, <https://thenetmonitor.org/blog/posts/http-vs-https-what-it-means-for-internet-censorship>.

The BTRC censors content primarily by issuing informal orders to domestic service providers, who are legally bound through their license and operations agreements to cooperate. Service providers have described official censorship as ad hoc in nature, without proper follow-up mechanisms in place to ensure compliance.²⁷ No appeals have been documented in response to censorship directives.

Content Removal

There were no reported cases of forced deletion of particular content during the reporting period, though not all cases are publicly disclosed. News website *Banglamail24* was reported inaccessible after its staff were sanctioned, though it's not clear if it was blocked or closed down (see Media, Diversity, and Content Manipulation).²⁸

The government periodically asks private providers to take down content; Google reported officials requested that the company remove four items between July 2016 and December 2016.²⁹ The government increased pressure on international companies during the reporting period, requiring Facebook, Google, and Microsoft to respond to official removal requests involving what news reports described as “inappropriate content” within 48 hours.³⁰

Media, Diversity, and Content Manipulation

Bangladesh enjoys a vibrant offline and online media industry, though self-censorship on specific topics is increasing among particular communities. Blocking of social media platforms and communications apps also threaten the diversity of online content (see Blocking and Filtering), though many people used VPNs to bypass blocking.³¹

Some signs of pressure on digital media outlets have been evident in the past two years. In 2015, Bangladeshi online news outlets and the online versions of daily newspapers were directed to go through mandatory registration; the print media has been subject to registration requirements since before independence.³² The government justified registration as a tool to stop the abuse of media to destabilize society.³³ No penalties were reported for noncompliance.

However, nine journalists reporting for online news portal *Banglamail24* were stripped of accreditation in August 2016, the same month as a number of pro-opposition websites were blocked (see Blocking and Filtering). The site had discredited a report published elsewhere online that said

27 UNDP Bangladesh, “Access to Information (II),” accessed June 2013, <http://bit.ly/1ixvvPu>; interviews with seven experts who requested anonymity, 2013, Bangladesh.

28 *BDNews24*, “Charged for spreading rumour, acting editor of banglamail24.com, two others land in jail,” August 9, 2016, <http://bdnews24.com/bangladesh/2016/08/09/charged-for-spreading-rumour-acting-editor-of-banglamail24.com-two-others-land-in-jail>.

29 Google Transparency Report, “Government requests by country: Bangladesh,” <https://transparencyreport.google.com/government-removals/by-country/BD>.

30 Mark Wilson, “Microsoft, Google, Facebook bow down to Bangladesh government over content removal,” IT Pro Portal, June 14, 2016, <http://www.itproportal.com/2016/06/14/microsoft-google-facebook-bow-down-bangladesh-government-content-removal/>.

31 “Internet users defy Facebook ban in Bangladesh,” Deutsche Welle, November 20, 2015, <http://www.dw.com/en/internet-users-defy-facebook-ban-in-bangladesh/a-18863635>

32 Press Information Department (PID), accessed in July 25, 2016, <http://www.pressinform.portal.gov.bd/>

33 “Registration mandatory for online newspapers”, Dhaka Tribune, November 9, 2015, <http://archive.dhakatribune.com//bangladesh/2015/nov/09/registration-online-newspapers-made-mandatory>.

the prime minister's son had died in a plane crash, but was subsequently accused of helping to spread the rumor. The acting editor, executive editor, and a staff reporter of *Banglamail24* were arrested under the ICT Act on August 9 (see Prosecutions and Detentions for Online Activities). The site was subsequently inaccessible.³⁴

There were no other documented economic constraints imposed by the government or other institutions specifically targeting online media outlets, nor documented instances of commentators with undeclared sponsorship manipulating political debate online.

Online media practitioners and social media commentators reported a climate of self-censorship on political and religious topics in Bangladesh, which has seen fatal attacks on bloggers. Associates of victims closed their blogs, and dozens of bloggers have fled the country (see Intimidation and Violence).³⁵

Digital Activism

The 2013 Shahbag movement is the country's most significant example of online activism to date. No comparable instances of online activism with national impact took place in 2017, though internet users continued to use digital tools and social networks to raise funds for social and humanitarian causes.³⁶

The Shahbag protests were initiated by Gonojagoron Mancha (a group primarily comprised of the Bangladesh Online Activists' Network) in response to a February 2013 war crimes tribunal verdict involving the leader of the country's largest political Islamic party Jamaat-e-Islami—critics said the verdict was lenient—but quickly grew to encompass broader political and economic issues.³⁷ In its early stages, the movement spread through blogging, Facebook, and mobile telephony.³⁸ Twitter gained popularity as a tool to broadcast information about Shahbag.³⁹

Violations of User Rights

During the coverage period, no bloggers or digital activists were killed in reprisal for online expression, marking a slight improvement in a very dangerous environment for digital speech. Dozens of arrests for online speech were reported under the ICT Act, included several journalists.

Legal Environment

34 *BDNews24*, "Charged for spreading rumour, acting editor of banglamail24.com, two others land in jail," *Benar News*, "Bangladesh Arrests Journalists over Report on False Rumor," August 8, 2016, <http://www.benarnews.org/english/news/bengali/journalists-arrest-08082016135743.html>; Committee to Protect Journalists, "Bangladesh journalists could face 14 years in prison for refuting rumor."

35 GeetaAnand and Julfikar Ali Manik, "Bangladesh Says It Now Knows Who's Killing the Bloggers," June 8, 2016, http://www.nytimes.com/2016/06/09/world/asia/bangladesh-killings-bloggers.html?_r=0.

36 "Watch: Mushfiq urges aid for flood victims," *Dhaka Tribune*, August 16, 2017, <http://www.dhakatribune.com/sport/cricket/2017/08/16/watch-mushfiq-urges-aid-flood-victims/>.

37 Mohammad ShahidUllah, "Shahbag People's Movement: New Generation Challenging the Unjust Structure," *Voice of the Oppressed*, February 18, 2013, <http://www.voiceoftheoppressed.in/tag/bangladesh-online-activist-network/>.

38 Tamanna Khan, "Shahbag beyond Boundaries," *The Daily Star*, March 29, 2013, <http://bit.ly/1OdiSoR>.

39 Faheem Hussain, Zyma Islam, and Mashiat Mostafa, "Proliferation of Twitter for Political Microblogging in a Developing Country: An Exploratory Study of #Shahbag," Research funded by the Asian University for Women Faculty Research Fund, 2013.

Article 39 (1, 2) of Chapter 2 in the Constitution of the People's Republic of Bangladesh recognizes freedom of thought, conscience, and speech as a fundamental right.⁴⁰ Online expression has been traditionally considered to fall within the scope of this provision. The judicial system of Bangladesh is independent from the executive and the legislative branches of government, but critics say it can be partisan. Police and regulators generally bypass the courts to implement censorship and surveillance without oversight.⁴¹

During the reporting period, the ICT minister announced plans to enact a Digital Security Act to prevent cybercrime.⁴² The Cabinet approved a draft in August 2016, but it was yet to be finalized in mid-2017. The minister also reported the establishment of a Cyber Incident Response Team to assess the online vulnerability of private and public infrastructure.

Some freedom of expression concerns were raised about the Digital Security Act,⁴³ particularly in the context of the controversial Section 57 of the Information and Communication Technology Act of 2006 (ICT Act), which has been used to punish online speech. Section 57 could potentially be replaced by similar provisions in the Digital Security Act rather than reformed or scrapped, prompting objections from analysts, who also questioned the need for the new legislation.⁴⁴

The ICT Act defines and ostensibly protects freedom of expression online.⁴⁵ It introduced punishments for citizens who violate others' rights to communicate electronically: Section 56 of the act defined hacking as a crime punishable by up to three years in prison, a fine of BDT 10,000,000 (US\$125,000), or both. However, under Section 57, different types of violations involving social, political, and religious content distributed electronically are punishable by a minimum of seven years of imprisonment and fines up to BDT 10,000,000 (US\$125,000).⁴⁶ On August 19, 2013, the ICT act was amended, increasing the maximum prison term from 10 to 14 years.⁴⁷ Sections 68 and 82 contain provisions for a Cyber Tribunal and Cyber Appellate Tribunal to expedite judicial work related to any cybercrime. As of 2017, there is one Cyber Tribunal in Dhaka, headed by a low-ranking member of the judiciary. The Appellate Tribunal, which can dissolve the Cyber Tribunal's verdicts, is yet to be formed.⁴⁸

Before the 2013 amendment came into effect, police had to seek permission before making ICT-

40 S.M. Shahidul Islam and Abdullah-Al Monzur Hussain, "Right to Information Act, 2009," *Manual of Cyber Law in Bangladesh*, (Dhaka, Central Law Book House, 2011) 1-47.

41 "The Historic Masdar Hossain Case and the Independence of Judiciary of Bangladesh: A Compilation," *WahabOhid Legal Aid*, March 12, 2013, <http://wahabohidlegalaids.blogspot.com/2013/03/the-historic-masdar-hossain-case-and.html>
M. Moneruzzaman, "Judiciary independence still on paper," *The Bangladesh Chronicle*, January 15, 2013, <http://bit.ly/1MbZnO5>.

42 "Govt to formulate digital security act, Palak tells JS," *Daily Star*, February 6, 2017, <http://www.thedailystar.net/country/govt-formulate-digital-security-act-palak-tells-js-1357003>

43 "Govt to finalise Digital Security Act in Aug," *Daily Star*, July 9, 2017, <http://www.thedailystar.net/politics/digital-security-ict-act-section-57-bangladesh-government-finalise-august-free-speech-press-freedom-1430536>.

44 Eresh Omar Jamal, Moyukh Mahtab and Shamsuddoza Sajen, "Digital Security Act, 2016," *Daily Star*, October 29, 2016, <http://www.thedailystar.net/opinion/interviews/how-does-it-affect-freedom-expression-and-the-right-dissent-1305826>.

45 S.M. Shahidul Islam and Abdullah-Al Monzur Hussain, "Information and Communication Technology Act, 2006," *Manual of Cyber Law in Bangladesh*, (Dhaka, Central Law Book House, 2011) 90-91.

46 Bangladesh National Parliament, Act No. 39, Information and Communication Technology Act, 2006, <http://bit.ly/1Nqa8wC>.

47 A Legal Aid and Human Rights Organizations (ASK), "ICT (Amendment) Act, 2013: Right to Information and Freedom of Expression under Threat," October 9, 2013, <http://www.askbd.org/ask/2013/10/09/ict-amendment-act-2013-information-freedom-expression-threat/>

48 A Legal Aid and Human Rights Organizations (ASK), "ICT (Amendment) Act, 2013: Right to Information and Freedom of Expression under Threat," October 9, 2013, <http://www.askbd.org/ask/2013/10/09/ict-amendment-act-2013-information-freedom-expression-threat/>

related arrests.⁴⁹ Now no warrant is required, and offences under the act are non-bailable, meaning suspects must apply for bail at a court.⁵⁰ The harsher provisions may reflect the government's concerns over internet activism and security.

While introducing harsher penalties for freedom of expression online, however, the government has simultaneously made some progress in catching the killers and masterminds responsible for the assassinations of bloggers. The biggest success was the fast-tracked trial and verdict delivered in the case of Ahmed Rajib Haider, a secular blogger who was murdered in 2013 (see Intimidation and Violence). In December 2015, eight members of the extremist group Ansarullah Bangla Team were found guilty of carrying out or assisting in the murder. Two were sentenced to death, one to life imprisonment, and the five others received jail terms ranging from three years to ten years.⁵¹ On April 2, 2017, the High Court upheld the two death penalty verdicts.⁵²

A separate investigation into the murder of blogger and writer Avijit Roy was halted during the coverage period of this study, after police reported killing their prime suspect in an exchange of fire in Dhaka on June 20, 2016.⁵³ Civil society groups criticized the police action.

Prosecutions and Detentions for Online Activities

The number of cases filed under Section 57 increased significantly, reportedly resulting in more than 300 arrests during the coverage period, though none came to trial, and sentences remain infrequent.

Arrests and prosecutions under the ICT Act have been documented since 2013, when the law was first widely applied. But in August 2017, *Prothom Alo*, the country's leading Bengali newspaper, reported that the number of people filing suit under Section 57 had doubled since 2016. At least 19 journalists were implicated in Section 57 cases between January and August, including several filed by people close to ministers or parliamentarians.⁵⁴ In one example, the acting editor, executive editor, and a staff reporter of *Banglamail24* were arrested for spreading a rumor they had actually debunked (see Media, Diversity, and Content Manipulation).⁵⁵ Police recorded a total 391 cases in the first six months of the year, accusing a total 785 people, of whom 313 were arrested, *Prothom Alo* reported, citing police statistics.⁵⁶

Experts say the present trend is in part because prosecutions are not limited to government entities and the political party in power. Individuals and corporate interests are increasingly filing charges

49 Ellery Roberts Biddle, "Bangladesh's ICT Act Stoops to New Lows," *Global Voices Advocacy*, September 18, 2013, <http://bit.ly/1O1Lxy9>.

50 "Changes To ICT Law Act against freedom of speech: Rizvi," *TheBangladesh Chronicle*, September 10, 2013, <http://bit.ly/1K8oz1l>.

"Changes to Info Technology Law: Ominous draft cleared by govt," *Priyo News*, August 20, 2013, <http://bit.ly/1LXLZdm>.

51 "Bangladesh court awards death to 2, life term to 1 for blogger's murder," *International Business Times*, December 31, 2015, <http://www.ibtimes.co.in/bangladesh-court-awards-death-2-life-term-1-bloggers-murder-661570>.

52 "HC upholds blogger Rajeeb murder verdict," *Dhaka Tribune*, April 2, 2017, <http://www.dhakatribune.com/bangladesh/court/2017/04/02/hc-upholds-blogger-rajeeb-murder-verdict/>.

53 Kamrul Hasan, "Avijit murder prime accused killed in Dhaka 'gunfight,'" *Dhaka Tribune*, June 20, 2016, <http://archive.dhakatribune.com/bangladesh/2016/jun/19/avijit-murder-prime-accused-killed-dhaka-gunfight>.

54 Sheikh Sabiha Alam, "Suits under ICT act double in six months," *Prothom Alo*, August 2, 2017, <http://en.prothom-alo.com/bangladesh/news/155241/Suits-under-ICT-Act-double-in-six-months>

55 *Benar News*, "Bangladesh Arrests Journalists over Report on False Rumor."

56 Sheikh Sabiha Alam, "Suits under ICT act double in six months."

under Section 57 over alleged online defamation. As a result, national police have issued a directive requiring that police investigate all complaints before allowing individuals to file charges.⁵⁷

The most widely reported arrest of the coverage period concerned Rasraj Das, a Facebook user who was arrested on October 29, 2016, for allegedly posting images considered to defame Islam. He denied responsibility and said his account had been hacked.⁵⁸ The content sparked violence in the local community (see Intimidation and Harassment). Rasraj was held for several weeks before he finally got bail on January 16, 2017.⁵⁹ The case against him had yet to be dropped in mid-2017.

Some other recent cases under Section 57 are presented below. Though detailed accounts are not always available, published reports suggest that those who were detained were granted bail after a few days.

- Abdul Latif Morol, a journalist for the local *Daily Probaho* newspaper in the southeast, was arrested on August 1, 2017, after another local journalist accused him of defaming State Minister Narayan Chandra on Facebook;⁶⁰ he was released on bail on August 2.⁶¹ In an apparent first, the investigating police officer was suspended over alleged procedural irregularities involving the arrest.⁶²
- On July 14, Professor Abul Mansur Ahmed of the Dhaka University Mass Communication and Journalism Department filed a case under Section 57 against Associate Professor Fahmidul Haq of the same department. Mansur Ahmed alleged that Fahmidul Haq had brought false allegations against him via a Facebook post in a closed online group. No arrest was made.⁶³
- Tulona Al Harun, a model and TV presenter, and her younger brother Layek Ali were arrested on June 23 after a colleague accused Tulona of defaming her online.⁶⁴
- On June 6, Lt Gen (retd) Masud Uddin Chowdhury sued Professor Afsan Chowdhury, an eminent intellectual, for alleged defamation on Facebook. The General asked police and regulators to block the Professor's Facebook page.⁶⁵
- Digital journalist Ahmed Raju was arrested on April 30, following a complaint by Walton, a local conglomerate. Raju had published two investigating reports alleged the company had poor quality control; he was separately accused of extorting money, and remained in custody on the latter charge even after he was granted bail in the first case on May 3.⁶⁶

57 "Section 57 requires the approval of the Police Headquarters," *Bengali Tribune*, <http://tinyurl.com/y74yy3la>.

58 Shakhawat Liton, "Rasraj a victim," *Daily Star*, December 4, 2016, <http://www.thedailystar.net/frontpage/rasraj-victim-1324699>.

59 "Nasirnagar Mayhem: Rasraj Das gets bail, finally," *Daily Star*, January 17, 2017, <http://www.thedailystar.net/backpage/nasirnagar-mayhem-rasraj-das-gets-bail-finally-1346365>.

60 "Facebook shares dead goats news, journalist arrest," *Prothom Alo*, August 1, 2017, <http://tinyurl.com/y789e58c>.

61 "Journalist bail in Khulna 57 case," *Prothom Alo*, August 2, 2017, <http://tinyurl.com/ybhzhhsj>.

62 "OC withdrawal of case under section 57," *Prothom Alo*, August 2, 2017, <http://tinyurl.com/ybllajdw>.

63 "DU teacher sues colleague under section 57 of ICT law," *Daily Star*, July 14, 2017, <http://www.thedailystar.net/backpage/du-teacher-sues-colleague-under-section-57-ict-law-1433029>.

64 Khorshed Alam, "Model arrest in ICT law," *Priyo*, June 23, 2017, <https://www.priyo.com/articles/model-tulona-arrested-20170623>.

65 "Legal notice served to block Afsan Chowdhury's Facebook ID," *Dhaka Tribune*, June 11, 2017, <http://www.dhakatribune.com/bangladesh/court/2017/06/11/legal-notice-block-afsan-facebook/>.

66 "Journalist Ahmed Raju got bail in ICT case" *Priyo*, May 3, 2017, <https://www.priyo.com/articles/in-one-case-journalist-raju-jamil-remanded-in-another-case-201753>.

- Md. Bellal Hossain, a local Imam from Bhola, was arrested on March 19, for sharing allegedly “antigovernment” content online.⁶⁷ News reports did not elaborate on the nature of the content.
- Chowdhury Irad Ahmad Siddiky, a former Dhaka Mayoral candidate, was arrested on February 23 on arriving in the country from the Netherlands. Irad was under investigation by a social media monitoring team from the Cyber Security and Crime Prevention Division and several cases had been filed against him for making offensive comments about the Father of the Nation, the prime minister, and her government on Facebook.⁶⁸
- On December 23, 2016, police arrested Nazmul Huda, a journalist with private television station Ekushey Television, and seized his phone and laptop. He was later charged with spreading false information online to provoke a strike among garment workers in the Ashulia area of Dhaka,⁶⁹ among other charges, including attacking a garment factory, sexual harassment, and stealing apparel. He remained in custody in mid-2017.⁷⁰
- On September 1, Siddiqur Rahman Khan, editor of the education-related online news portal *Dainik Shiksha*, was arrested for reporting on the alleged corruption of a former education official with political connections. On September 6, he was granted bail.⁷¹
- On August 29, Junayed Ahmed Sumon, an activist from the ruling Awami League’s own student organization, was arrested under the ICT Act for posting a modified image of a female Awami League lawmaker on Facebook.⁷²
- On August 27, Dilip Roy, a leading member of a left-leaning student organization at a prominent public university, was arrested over a Facebook post that criticized Prime Minister Sheikh Hasina for a statement involving the controversial Rampal coal power plant.⁷³
- On August 24, police arrested Ali Ahmed Mollah for allegedly making derogatory remarks against the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, on Facebook, following a complaint from a local politician.⁷⁴

Surveillance, Privacy, and Anonymity

Bangladesh recognizes the right to privacy and correspondence under Article 43 of the

67 “Bhola imam held for Facebook post,” *Dhaka Tribune*, March 19, 2017, <http://www.dhakatribune.com/bangladesh/nation/2017/03/19/bhola-imam-held-facebook-post/>.

68 “Irad Siddiky arrested upon arrival at Shahjalal,” *Dhaka Tribune*, February 23, 2017, <http://www.dhakatribune.com/bangladesh/crime/2017/02/23/irad-siddiky-arrested-shahjalal/>.

69 “ETV journo Nazmul put on fresh remand,” *Dhaka Tribune*, January 3, 2017, <http://www.dhakatribune.com/bangladesh/court/2017/01/03/etv-journo-nazmul-put-fresh-remand/>.

70 “Police grievance behind journo Nazmul Huda’s arrest,” *Dhaka Tribune*, February 7, 2017, <http://www.dhakatribune.com/bangladesh/crime/2017/02/07/police-grievance-behind-journo-nazmul-hudas-arrest/>.

71 “Journalist Siddiqur Rahman granted bail,” *Dhaka Tribune*, September 6, 2016, <http://www.dhakatribune.com/bangladesh/2016/09/06/journalist-siddiqur-rahman-granted-bail/>.

72 “BCL man jailed for disgracing lawmaker on FB,” *Dhaka Tribune*, August 29, 2016, <http://www.dhakatribune.com/bangladesh/2016/08/29/bcl-man-jailed-disgracing-lawmaker-fb/>.

73 “RU leftist leader arrested over FB post on PM, Rampal,” *Dhaka Tribune*, August 28, 2016, <http://www.dhakatribune.com/bangladesh/2016/08/28/ru-leftist-leader-arrested-status-pm-rampal/>.

74 “One held for Facebook post demeaning Bangabandhu,” *Daily Star*, August 24, 2017, <http://www.thedailystar.net/frontpage/one-held-facebook-post-demeaning-bangabandhu-1274563>

constitution.⁷⁵ However, there is no specific privacy or data protection law, leaving internet and mobile phone users vulnerable to privacy violations.⁷⁶

On March 13, 2017, Facebook refused to sign a Memorandum of Understanding (MoU) with Bangladesh police. The police had asked Facebook to demand additional identification, including National ID numbers, from Bangladesh nationals who want to sign up to the social network.⁷⁷ According to Facebook, the Bangladesh government made a total of 49 requests to the social network service provider for information on 57 Facebook users between July and December 2016. Facebook said it responded with some data for 8 percent of legal requests and 40 percent of emergency requests.⁷⁸

Although the government does not require individuals to register to blog or use the internet, registration is mandatory for online news portals (see Media, Diversity, and Content Manipulation). Citizens are also required to provide biometric details, in addition to national identity cards and related personal information, to obtain a mobile connection.⁷⁹ Citizen rights groups raised concerns about the security of the registration process and possible access to biometric data by third parties.⁸⁰

The government can request telecommunications providers retain the data of any user for an unspecified period under the Bangladesh Telecommunication Regulatory Act 2001.⁸¹ The Act was amended in 2010 and allows government mechanisms to intercept electronic voice or data communications from any individual or institution without a court order to ensure the security of the state; the act also requires domestic service providers to cooperate, though without clear provisions detailing procedures or penalties for noncompliance.⁸²

In March 2017, news reports said the government is planning to install internet monitoring equipment worth approximately US\$19 million by May 2018 under a project titled “Cyber Threat Detection and Response.” The equipment would perform granular analysis of network traffic using deep packet inspection (DPI) in order to help the government enforce the ban on pornography and conduct monitoring to combat militancy, the reports said.⁸³

The home ministry had separately submitted a proposal in 2015 to purchase approximately US\$25 million worth of equipment from foreign companies to upgrade its mobile telephony, internet, and related surveillance networks. The proposal asked a cabinet committee on economic affairs to relax procurement regulations to facilitate the purchase, which would enable the National Telecommunication Monitoring Center (NTMC) to conduct “lawful interception” to assist local law

75 Constitution of the People’s Republic of Bangladesh, March 26, 1971, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367

76 Faheem Hussain and Mohammad SahidUllah, “Mobile Communication and Internet in Bangladesh: Is Privacy at Risk for Youth Population?,” *Media Watch*, Centre for Communication Studies, 2013.

77 “Facebook refuses MoU with Bangladesh police,” *Dhaka Tribune*, March 14, 2017, <http://www.dhakatribune.com/bangladesh/2017/03/14/igp-facebook-refuses-mou/>.

78 Facebook Government Requests Report, “Bangladesh,” July 2016 – December 2016, <https://govtrequests.facebook.com/country/Bangladesh/2016-H2/>.

79 “Bangladesh launches registration of mobile phone SIMs with biometric details,” *BDNews24*, December 16, 2015, <http://bdnews24.com/bangladesh/2015/12/16/bangladesh-launches-registration-of-mobile-phone-sims-with-biometric-details>.

80 Md. Joynul Abedin, “Biometric SIM Registration and Public Anxiety,” *Daily Sun*, March 10, 2016, <http://www.daily-sun.com/printversion/details/119870/Biometric-SIM-Registration-and-Public-Anxiety->.

81 Telecommunications Industry Dialogue, “Bangladesh,” <https://www.telecomindustrydialogue.org/resources/bangladesh/>.

82 Abu Saeed Khan, “Bangladesh Telecommunication (Amended) Act, 2010,” (presentation, Third South Asian Meeting on the Internet and Freedom of Expression, Dhaka, Bangladesh, 14-15 January 2013).

83 Rejaul Karim Byron and Muhammad Zahidul Islam, “Cyber Threat Detection, Response: Govt to install tools for constant watch,” *Daily Star*, March 29, 2017, <http://www.thedailystar.net/frontpage/govt-monitor-online-activities-1382893>.

enforcement agencies. The center has operated under the home ministry since February 2014, news reports said. Foreign companies listed in the proposal include U.S. firms Verint Systems and SS8, German firms Trovicor and UTIMACO, the Italian firm RCS, the Chinese firm Inovatio, and the Swiss firm New Soft.⁸⁴ The companies advertise equipment capable of analyzing data traffic, calls, emails, and audiovisual materials online. The status of the proposal in 2017 was not clear.

In 2014, the UK-based nonprofit Privacy International reported that Bangladesh's Rapid Action Battalion, a special forces unit implicated in human rights abuses, was seeking to purchase mobile surveillance technology from a company based in Switzerland. The technology would allow police to "indiscriminately gather data from thousands of mobile phones in a specific area and at public events such as political demonstrations," according to Privacy International.⁸⁵ The same year, leaked documents about a Bangladesh law enforcement agency's 2012 purchase of FinFisher software distributed by Gamma International to monitor digital traffic was published on Wikileaks.⁸⁶

Intimidation and Violence

During the coverage period, no bloggers or digital activists were killed in reprisal for online expression, marking a slight improvement in a very dangerous environment for digital speech. Between February 2013 and June 2016, at least 39 people were murdered in Bangladesh by religious extremists targeting high profile proponents of secular viewpoints.⁸⁷

At least one violent incident took place in response to online content, though the source of the content was disputed. On October 30, 2016, thousands of local Muslims attacked temples and houses belonging to a local Hindu minority community in reaction to a Facebook post perceived as offensive to Islam.⁸⁸ The alleged author of the post, described in news reports as illiterate, spent more than two months in prison, though he denied responsibility for it (see Prosecutions and Detentions for Online Activity).

Despite the comparative lack of violent incidents in the past year, the recent murders continue to cast a long shadow. Though Al-Qaeda networks claimed responsibility in some cases,⁸⁹ police have said local radical groups, notably Ansarullah Bangla Team, recruited and trained students and religious teachers to execute the targets, frequently using machetes.⁹⁰ "Atheist bloggers" were particularly singled out as key instigators behind the 2013 Shahbag Movement (see Digital Activism) which catalyzed the campaign of violence.⁹¹

84 Rejaul Karim Byron, "Bangladesh to purchase modern surveillance equipment," August 3, 2015, <http://www.thedailystar.net/frontpage/govt-buy-new-surveillance-tools-120967>.

85 EdinOmanovic and Kenneth Page, "Who is Selling Surveillance Equipment to a Notorious Bangladeshi Security Agency," Privacy International, April 29, 2013, <https://www.privacyinternational.org/?q=node/427>.

86 RezaulHauque, "WikiLeaks reveals Bangladesh's spyware purchase," *BDNews24*, November, 2, 2014, <http://bit.ly/1NqbIhO>.

87 GeetaAnand and Julfikar Ali Manik, "Bangladesh Says It Now Knows Who's Killing the Bloggers," *New York Times*, June 8, 2016, http://www.nytimes.com/2016/06/09/world/asia/bangladesh-killings-bloggers.html?_r=0.

88 <http://www.dhakatribune.com/bangladesh/crime/2016/11/02/nasirnagar-attacks-driving-away-hindus/>

89 "Al-Qaeda branch claims responsibility for murder of writer-blogger Avijit Roy," *The Daily Star*, May 13, 2015, <http://bit.ly/1QoOBm8>.

90 GeetaAnand and Julfikar Ali Manik, "Bangladesh Says It Now Knows Who's Killing the Bloggers."

91 Al Jazeera, "Bangladesh Opposition Protests turn Deadly," February 22, 2013, <http://www.aljazeera.com/news/asia/2013/02/2013222103554838445.html>.

- Armed assailants hospitalized blogger Asif Mohiuddin with serious stab wounds in January 2013;⁹² now overseas, he believes he remains on a hit list.⁹³
- In February, leading Shahbag activist Ahmed Rajib Haider was murdered.⁹⁴ Eight people have been convicted for their involvement in the killing though two remain at large (see Legal Environment).
- In February 2015 two unknown assailants attacked the Bangladeshi-American atheist blogger Dr. Abhijit Roy and his wife Rafida Ahmed Bonya on the Dhaka University campus. Abhijit Roy managed the blog *Muto-Mona* ("Free Thinker") from America, and had returned to attend an annual book fair. Dr. Roy died and his wife was badly injured.⁹⁵
- In March 2015, blogger Washiqur Rahman, known for his critical writings about Islam, was hacked to death near his home in Dhaka.⁹⁶
- In May 2015, Ananta Bijoy Das, another prominent contributor to *Muto-Mona*, was killed by four masked men armed with machetes in the northeastern Bangladeshi city, Sylhet.⁹⁷
- In April 2016, armed men killed Xulhaz Mannan in his apartment in Dhaka along with a friend.⁹⁸ Mannan founded *Roopbaan*, a print magazine serving the LGBTI (lesbian, gay, bisexual, transgender, or intersex) community, in 2014. Homosexuality is a criminal offence in Bangladesh.⁹⁹ The magazine had limited distribution because of the sensitivity of the topic,¹⁰⁰ but formed part of a wider advocacy network that used social media to create community online and advocate for LGBTI causes.¹⁰¹

This disturbing series of attacks has increased security concerns in the online activist community. Many bloggers have left the country or sought asylum abroad.¹⁰² Others expressed their determination to continue writing.¹⁰³

92 "Blogger knifed in Dhaka," *BDNews24*, January 14, 2013, <http://bdnews24.com/bangladesh/2013/01/14/blogger-knifed-in-dhaka1>

93 Pantha and Rezwan, "Bangladeshi Blogger Writes About Prison Experience," *Global Voices*, July 28, 2013, <http://bit.ly/1LXOeh4>. Austin Dacey, "Bangladesh's Atheist Blogger Still Wants to Talk," *Religion Dispatches*, December 12, 2013, <http://bit.ly/1UHFYE7>.

94 "Blogger Brutally Killed," *The Daily Star*, February 16, 2013, <http://archive.thedailystar.net/newDesign/news-details.php?nid=269336>

95 "Assailants Hack to Death Writer Avijit Roy, Wife Injured," *BDNews24*, February 26, 2015, <http://bit.ly/1LK15SS>.

96 "Knife attack kills Bangladesh blogger Washiqur Rahman," BBC, March 30, 2015, <http://www.bbc.com/news/world-asia-32112433>

97 Joseph Allchin and Victor Mallet, "Third Secular Blogger Killed on Bangladesh Street," *Financial Times*, May 12, 2015, <http://on.ft.com/1IYL2wO>.

98 Saad Hammadi and Aisha Gani, "Founder of Bangladesh's first and only LGBT magazine killed," *The Guardian*, April 25, 2016, <https://www.theguardian.com/world/2016/apr/25/editor-bangladesh-first-lgbt-magazine-killed-reports-say-roopbaan>.

99 Ashif Islam Shaon, "Where does Bangladesh stand on homosexuality issue?" *Dhaka Tribune*, April 27, 2016, <http://archive.dhakatribune.com/bangladesh/2016/apr/27/where-does-bangladesh-stand-homosexuality-issue>.

100 "First local magazine for gays launched," *Daily Star*, January 20, 2014, <http://www.thedailystar.net/first-local-magazine-for-gays-launched-7611>.

101 Rezwan, "LGBT Activists Arrested at Bengali New Year March, Later Released," *Global Voices Advocacy*, April 15, 2016, <https://advoc.globalvoices.org/2016/04/15/lgbt-activists-arrested-at-bengali-new-year-march-later-released/>; Agence France-Presse, "Bangladesh 'rainbow rally' cancelled over permit issues," via *Daily Mail*, April 13, 2016, <http://www.dailymail.co.uk/wires/afp/article-3538373/Bangladesh-group-hold-rainbow-rally-despite-threats.html>.

102 Rights organizations do not publicize the details of individual cases for security reasons.

103 Saeed Ahmed, "Washiqur Rahman: Another secular blogger hacked to death in Bangladesh," *CNN*, March 31, 2015, <http://cnn.it/19v17k8>.

Technical Attacks

No cyberattacks on online news sites and blogs were documented in Bangladesh during the coverage period. A high profile hacking of a computer at the central bank was used to transfer millions of dollars to a bank in the Philippines, highlighting wider cybersecurity vulnerabilities.¹⁰⁴ ISPs have informally organized a Cyber Emergency Response Team to deal with malicious online threats.¹⁰⁵

104 Raju Gopalakrishnan and Manuel Mogato, "Bangladesh Bank official's computer was hacked to carry out \$81 million heist: diplomat," Reuters, May 19, 2016, <http://www.reuters.com/article/us-cyber-heist-philippines-idUSKCN0YA0CH>.

105 Bangladesh Cyber Emergency Response Team, accessed April 2013, <http://www.bdcert.org/v2/>