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NO SPACE FOR DISSENT

BANGLADESH'S CRACKDOWN ON FREEDOM
OF EXPRESSION ONLINE

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INTRODUCTION

People from all walks of life are facing reprisals in Bangladesh simply for exercising their right to freedom of expression online. Journalists, photojournalists, cartoonists, musicians, activists, entrepreneurs, teenage students and a farmer have been subjected to a wide range of human rights violations, including enforced disappearances, arbitrary detentions, torture and in one case even death in prison.

Bangladeshi authorities have imprisoned at least 433 individuals under the country's draconian Digital Security Act (DSA), according to the country's Department of Prisons as of 11 July 2021. Most of these prisoners or at least 185 individuals are held for allegedly publishing offensive and false information online.

More than 1,300 cases have been filed against about 2,000 people under Bangladesh's draconian Digital Security Act (DSA) and nearly 1,000 people have been arrested since the law was enacted in October 2018. An analysis of print and online news by Amnesty International shows that more than 100 journalists have been sued under the DSA between January 2019 and July 2021, and at least 40 of them were arrested.

The DSA, a vague and overly broad law, has been increasingly used to stifle dissent on social media, websites, and other digital platforms with punishments that go up to life imprisonment. The authorities have targeted critical voices under the pretext of containing false, offensive, derogatory or defamatory information, and it is being deployed as a tool for repression.

Amnesty International analysed a selection of cases against 10 individuals belonging to diverse

backgrounds. The organization found that cases against eight out of 10 individuals have been filed by lawmakers, members of ruling Awami League party or law enforcement officials. In all these cases, individuals were accused of publishing posts on social media that were critical of the government and ruling party politicians, including Bangladesh's Prime Minister Sheikh Hasina and the country's de facto founding or first president Sheikh Mujibur Rahman.

In one case, a folk musician was accused of "hurting religious sentiment" for criticising Allah (God). Six out of 10 cases analysed by the organization featured criminal defamation charges, where the complainant was either a law enforcement official or someone else other than the person said to be defamed. In those cases, the authorities also included assumption that social media posts by the individuals were "about to" deteriorate law and order. Satire and criticism were treated as false, offensive or derogatory information under the law.

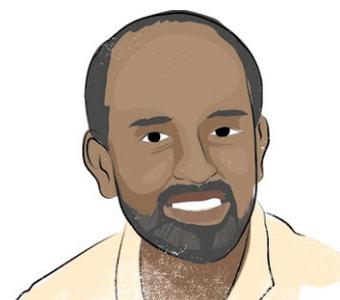
A law enforcement official told Amnesty International that it is their responsibility to contain criticism against the government. Yet, international human rights law is clear that criticism of the authorities can never be legitimately punished.



Writer **Mushtaq Ahmed** died in prison after languishing in pre-trial detention for 10 months solely for criticizing the Bangladeshi government's response to the Covid-19 pandemic on Facebook.



Cartoonist **Ahmed Kabir** Kishore was tortured and held in prison for 10 months for satirizing on Facebook the Bangladeshi government's response to the Covid-19 pandemic and making fun of certain politicians.



Labour rights activist **Ruhul Amin** was arrested for organizing a movement in support of jute mill workers and protesting on Facebook the death of writer Mushtaq Ahmed in prison.

UNDER BANGLADESH'S DRACONIAN DIGITAL SECURITY ACT (DSA)

> **1,300 CASES** HAVE BEEN FILED AGAINST ABOUT **2,000 PEOPLE**

NEARLY 1,000 PEOPLE HAVE BEEN ARRESTED SINCE THE LAW WAS ENACTED IN OCTOBER 2018



Farmer **Abu Zaman** is accused of criminal defamation for making derogatory remarks about one neighbour to others in the neighbourhood.



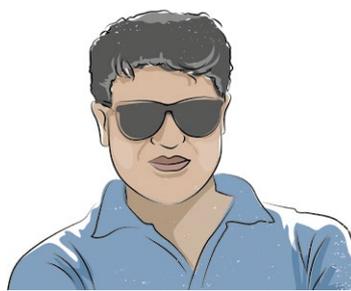
Mohammad Emon, a high-school student, was detained for sharing a sarcastic Facebook post.



Folk musician **Rita Dewan** has been accused of hurting religious sentiment for her criticism of Islam in a musical performance uploaded on YouTube.



Photojournalist **Shafiqul Islam Kajol** was detained for seven months and has been charged under the draconian Digital Security Act for his Facebook posts about a well-known sex scandal in Bangladesh.



Businessman **Emdadul Haque Milon** was detained for criticizing on Facebook the Bangladeshi government's invitation to Indian Prime Minister Narendra Modi.



Journalist **Mohammad Mahtab Uddin Talukder** was arrested by the police for an unsubstantiated Facebook post about a lawmaker's arrest, despite deleting the post and posting an apology.

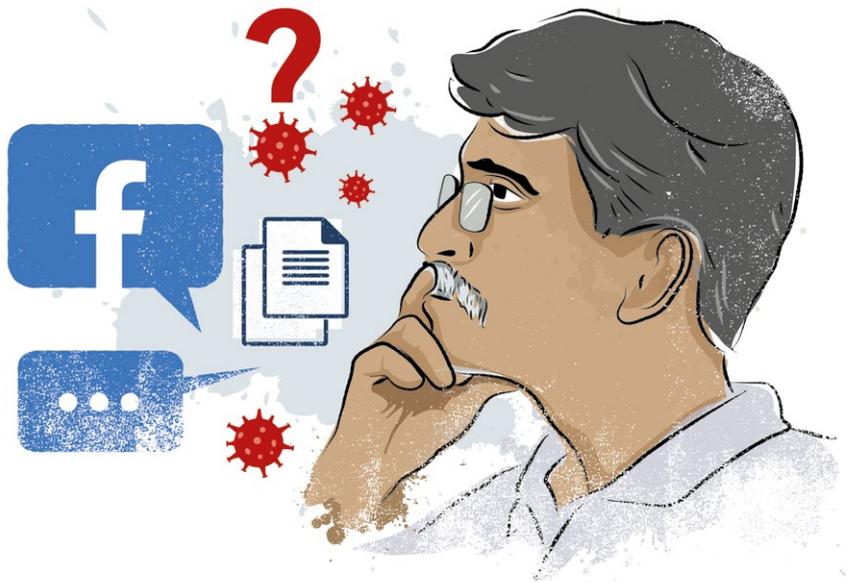


Opposition political activist **Dewan Mahmuda Akhter Lita** has been arrested for campaigning against the ruling party and Prime Minister Sheikh Hasina on social media.

MUSHTAQ AHMED WRITER

Mushtaq Ahmed, 53, wrote the “Diary of the Crocodile Farmer” and founded the country’s first crocodile farm in 2005. Besides writing and farming, his loving and caring nature made him an affectionate husband, a loving son and brother at home. Outside, his protest and activism against injustice made him a staunch human rights advocate. It is beyond anyone’s comprehension that his criticism of the government would cost him his life, having died in prison after more than 10 months held without trial.

On 26 April 2020, Mushtaq Ahmed wrote an opinion piece criticising the role of public officials at dealing with the pandemic in Bangladesh. A week after he published the piece, on 4 May 2020, Bangladesh’s paramilitary force Rapid Action Battalion (RAB) picked up Mushtaq Ahmed from his residence. The authorities only acknowledged his arrest a day later. He was accused of posting on Facebook comments critical of Bangladesh’s government’s response to the Covid-19 pandemic, “rumours” about Sheikh Mujibur Rahman - the de facto or first president of Bangladesh -, the country’s war of independence and “propaganda” tarnishing the image of the state and the government under Bangladesh’s draconian Digital Security Act. Mushtaq Ahmed was among 11 people, including Bangladeshi cartoonist Ahmed Kabir Kishore, who have been accused in the same case.



Four of those accused were arrested in May 2020. Although two were released on bail within the next four months, Mushtaq Ahmed and Ahmed Kabir Kishore were denied bail six times. Mushtaq Ahmed died in prison on 25 February 2021, after languishing there for more than 10 months solely for exercising his right to freedom of expression. Probe reports conducted by the government concluded that he died of natural causes and reportedly suffered a [heart attack](#) inside the prison.

Ahmed Kabir Kishore, who was released within a week after Mushtaq Ahmed’s death, said both of them were tortured while in the custody of one or more state security agencies prior to their arrest being officially recorded by RAB. RAB officials dismissed the allegations of torture by saying to a [local media](#) that “an aggrieved person can say anything.”

“He was a free-spirited person who loved his country a lot. He was genuinely scared and concerned about Covid-19.

I suppose that’s why he was writing/ sharing Covid-19 related stuff on Facebook,” said Ishrat Ara, elder sister of Mushtaq Ahmed.

The authorities accused Mushtaq Ahmed of publishing “false” information and “propaganda against the liberation war, the spirit of liberation war and father of the nation,” that could “deteriorate law and order” by “supporting or organizing crime” under sections 21, 25, 31 and 35 respectively of the Digital Security Act.

In prison, Mushtaq Ahmed used his time writing affectionate letters to his wife. He got himself a pen customized with his wife’s name on it, which he used for his writing. “He would write about his imagination of how he would come out from jail, places he would go with her,” said Ishrat Ara.

Whenever he called his family during his time in prison, Mushtaq Ahmed shared his concerns about his octogenarian parents and the risks they faced because of the pandemic. Less than two months after the death of Mushtaq Ahmed, his father passed away too.

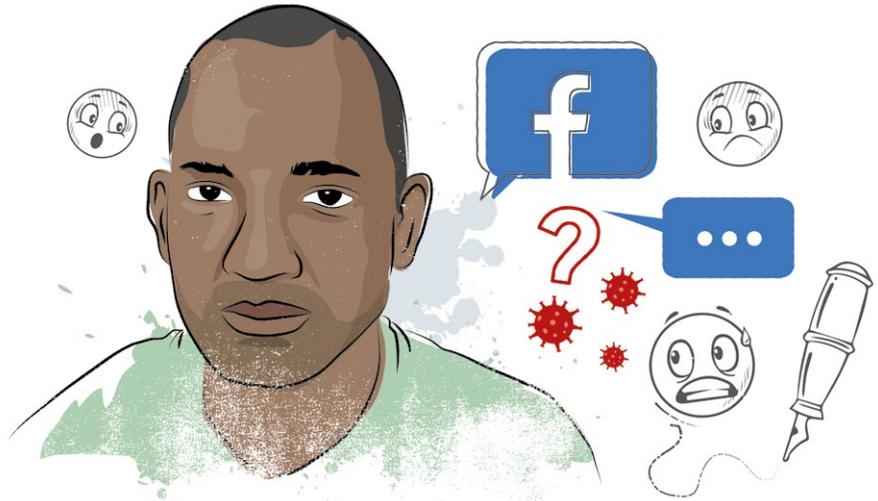
AHMED KABIR KISHORE CARTOONIST

Ahmed Kabir Kishore, 46, is a prominent Bangladeshi cartoonist known for his critical views of the authorities. Although police records say he was arrested by unit-3 of the Rapid Action Battalion (RAB-3) on 5 May 2020, the cartoonist has said he was picked up from his Dhaka residence by men in plainclothes three days prior to the date stated in official records of his arrest. He has been accused under the country's draconian Digital Security Act of satirising on Facebook powerful people and the Bangladeshi government's response to Covid-19 pandemic.

He was tortured from 2 to 5 May 2020 while in custody of state security agencies before the authorities officially recorded his arrest. Someone from behind slapped on both sides of his head with their palms of both hands during the interrogation. "Every time they were not pleased with an answer, they hit me on my legs, ankles and soles of my feet," Ahmed Kabir Kishore told Amnesty International.

He was subsequently held in pretrial detention for 10 months and released on bail a week after fellow accused Mushtaq Ahmed died in prison on 25 February 2021.

Ahmed Kabir Kishore suffered from severely high levels of blood sugar during his incarceration as he lacked timely access to insulin medication that he required to control diabetes. He told Amnesty International that, as a result of



the torture he endured, he bled through his right ear. In addition, he has since experienced severe pain in his left knee and ankle and has difficulty walking. He has had to be under medical supervision since his release on bail.

The Rapid Action Battalion's spokesperson Lt Col Ashiq Billah rejected the allegations of torture and simply dismissed Kishore's complaints as lies.

Ahmed Kabir Kishore told Amnesty International that he believes he has been targeted for his critical cartoons of powerful people. The interrogators questioned him heavily about the caricature of a businessman he had drawn and inquired about his knowledge about a few individuals.

Although Ahmed Kabir Kishore is concerned for the safety of his child and his family, he is determined to seek justice for the horrific experience that he has been put through and the loss of his friend Mushtaq Ahmed in prison.

"I have been drawing political cartoons for many years. Criticising the government does not mean being anti-national. Who will explain this to these people? They understand nothing about cartoons," said Ahmed Kabir Kishore.

Charged under the country's draconian Digital Security Act,

Ahmed Kabir Kishore and six others accused in the same case could face up to 10 years in prison with fines up to one million Bangladeshi takas [USD \$11,795] solely for exercising their right to freedom of expression online, if convicted.

Ahmed Kabir Kishore and six others accused in the same case could face up to 10 years in prison with fines up to one million Bangladeshi takas [USD \$11,795] solely for exercising their right to freedom of expression online, if convicted. The charges include publishing "false information" and "propaganda against the liberation war, the spirit of liberation war, father of the nation", which could "deteriorate law and order" by "supporting or organizing crime" under sections 21, 25, 31 and 35 of the Act.

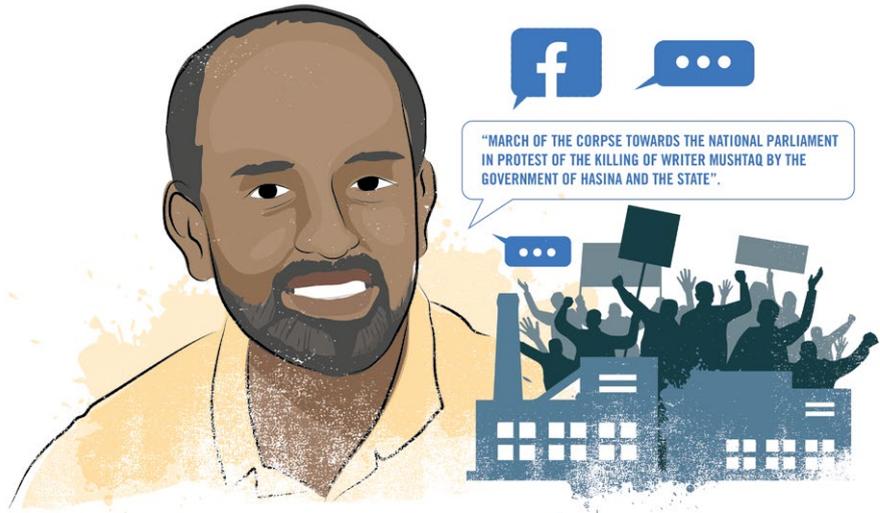
Amnesty International has called on the government of Bangladesh to drop all charges against him and all those accused solely for exercising their right to freedom of expression. In addition, the authorities must promptly, thoroughly, impartially, independently and transparently investigate the allegations of torture and other ill-treatment and bring all those responsible to justice in fair trials and without recourse to the death penalty.

RUHUL AMIN LABOUR RIGHTS ACTIVIST

A labour rights activist for five years, Ruhul Amin, 35, has been organizing movements to protest the Bangladeshi government's decision to close 25 state-owned jute mills that employed about 73,000 workers. These movements have been underway since the government announced the closure of the jute and sugar mills in July 2020. The subsequent leasing of the mills to private corporations have subjected workers to loss of livelihoods, shrinking wages and other benefits.

Ruhul Amin was [arrested](#) by the police three times between April 2018 and October 2020 for carrying out campaigns to reopen the mills. The death in prison of Mushtaq Ahmed on 25 February 2021 had a big impact on Ruhul Amin. The next day, he condemned the writer's death on social media and accused the government of his death. Ruhul Amin posted on Facebook an image calling on people to join a protest in front of the National Parliament of Bangladesh that afternoon. The message on the image read "March of the corpse towards the National Parliament in protest of the killing of writer Mushtaq by the government of Hasina and the state". The post further said, "Repeal the Digital Security Act or arrest us".

Hours later, the Detective Branch of the police picked up Ruhul Amin from his home in Khulna, a district in the southwest of Bangladesh. Using reference of the post, the Detective Branch



accused Ruhul Amin of "tarnishing the image of the state as well as the government, using propaganda to create confusion, hate, unrest and animosity among public and attempting to deteriorate law and order" under sections 25(2) and 31(2) of the Digital Security Act.

In the meantime, the Qatar-based television network Al-Jazeera released a [damning documentary in February 2021](#) about how "a criminal gang is colluding with the security forces of Bangladesh and profiting from links to Prime Minister Sheikh Hasina". Security officials interrogated Ruhul Amin about his connection with a few individuals linked to the documentary. He told Amnesty International he was asked about his sources of income, about the reasons of human rights work despite having completed a university degree and about his political links.

Ruhul Amin's arrest solely for sharing information about a protest and the authority's accusation

against him of creating unrest and animosity among public is speculative and without concrete evidence pointing towards a recognizable criminal offence. These are violation of the right to freedom of expression under International Covenant on Civil and Political Right, to which Bangladesh is a state party. According to the UN Human Rights Committee, protection under right to peaceful assembly extends to "[organization of, assemblies, for example online.](#)"

"Our movement was picking up momentum. I was arrested so that the movement stopped," Ruhul Amin told Amnesty International. "We have been doing movements for jute mill workers on one hand, on the other hand we have been talking about the state's exercise of control, suppression and persecution of people."

Ruhul Amin was released on bail on 19 April 2021, after more than 45 days in prison. The labour rights activist is still facing up to seven years in prison if convicted.

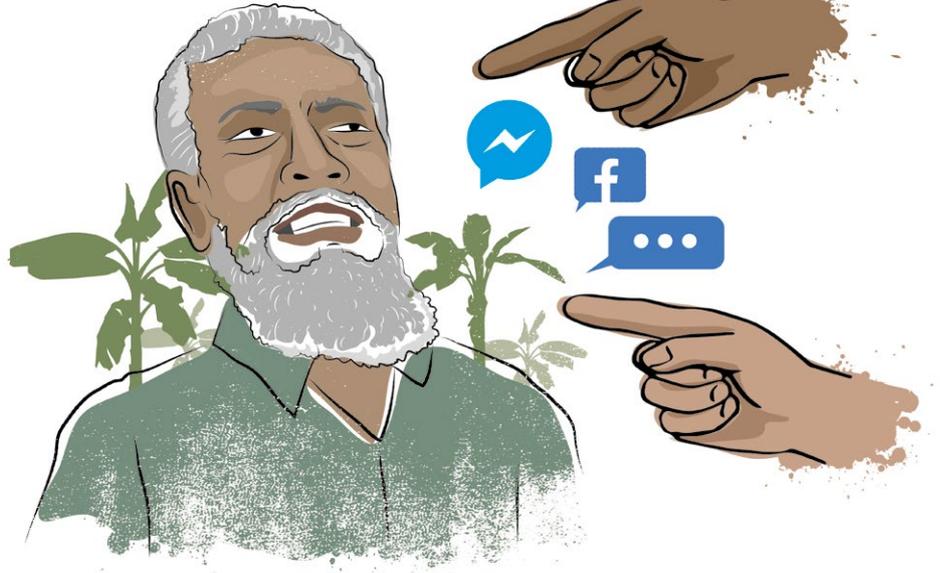
Ruhul Amin's arrest solely for sharing information about a protest and the authority's accusation against him of creating unrest and animosity among public is speculative and without concrete evidence pointing towards a recognizable criminal offence.

ABU ZAMAN FARMER

Abu Zaman, 50, is a farmer at Bajitpur village in Kishoreganj, near the capital Dhaka. After farming for nearly two decades in Saudi Arabia, he returned home around 2014. He and his family have faced harassment for nearly two decades due to a neighbour who has been trying to acquire the property where he lives with his family. This troubled relationship has led to several false accusations in police cases against him, although he spent the six years since his return without any new problems with his neighbours.

On 19 October 2020, Abu Zaman's neighbour filed a case against him at the Katiadi police station in Kishoreganj under Bangladesh's Digital Security Act. The neighbour accused Abu Zaman and another person of sharing "false" and "defamatory" information about his late father on Facebook messenger, claiming it "could deteriorate law and order" under sections 25, 29 and 31 of the Act. Abu Zaman, who cannot read or write and has no knowledge about Facebook, could face up to 10 years in jail, if convicted.

The casefile, seen by Amnesty International, carries no narration of the accusation against Abu Zaman with the exception of a line which states that the accused have tarnished the image of one of his neighbours by making derogatory comments about his father to other people in the neighbourhood.



Abu Zaman told Amnesty International that he has been harassed for nearly two decades to give up the land in which he lived with his family. According to Abu Zaman, the land where they live is part of his wife's family ancestral property. About 10 years ago, his neighbour purchased 75 percent of the property but now, according to Abu Zaman, they want to take the entire property away.

"They trapped me into this case because I understand nothing about it. I am not a literate person. I have no knowledge about Facebook," said Abu Zaman.

The Digital Security Act not only violates Bangladesh's international obligations to protect the right to freedom of expression, but its vague and overbroad provisions have created rooms for authorities and people in position of power and privilege to exploit the law and use it as a tool to harass people.

After failing to corroborate any evidence against Abu Zaman of committing any criminal offence using a digital platform, police on

15 April 2021 charged him for defamation under Bangladesh's Penal Code of 1860.

"We don't have a yardstick to determine the damage from an offence. His statements are defamatory. This is certainly a crime," said SM Shahadat Hossain, the local police chief at Katiadi police station to Amnesty International.

The use of criminal law to address defamation allegations places serious restrictions on the right to freedom of expression. Therefore, defamation laws need to be defined precisely to avoid inhibiting legitimate criticism of government or public officials. The way in which defamation is criminalized under the Digital Security Act shows the serious shortcomings of a criminal approach to defamation, where the law has been further instrumentalised to silence dissent. Amnesty International therefore, calls on the Bangladeshi authorities to ensure that defamation is treated as a matter for civil litigation, not criminal.

MOHAMMAD EMON TEENAGE STUDENT

Mohammad Emon, 15, is a high school student in Mymensingh, a northern district of Bangladesh. In June 2020, his mother bought him a smartphone to fulfil his wish to use Facebook. They were both unaware of the trouble someone could run into simply for expressing their views online.

On 19 June 2020, roughly two weeks after Mohammad Emon got his phone as a gift, he shared a Facebook post which stated, “For every 100 taka [USD \$1.18] recharged on phone, 35 to 25 taka have to be given to Sheikh Hasina as widow allowance because her husband is no more.”

Mohammad Emon told Amnesty International that he saw this post on another person’s Facebook and shared it to get likes and comments from his friends. The teenager said he had deleted the Facebook post within an hour of sharing it and wrote an apology on the advice of other people, but to no avail.

The authorities lodged a criminal case against him for sharing this post of Facebook, and accused him of publishing “false” and “defamatory” information “that could deteriorate law and order” under sections 25, 29 and 31 of the Digital Security Act. A leader of the youth wing of Prime Minister Sheikh Hasina’s political party Awami League filed on 20 June



The UN Human Rights Committee on the right to freedom of expression has observed that the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.

2020 the case against Mohammad Emon arguing that local leaders and political activists were aggrieved by the teenager’s post on Facebook.

Within a day, local police sent Mohammad Emon to the juvenile correction facility in Gazipur. Although he was released on bail after 16 days, he appeared at the court almost every month to register his attendance.

“I have lost about 60,000 to 70,000 takas [USD \$700 to \$825] on legal fees and travel. I had to borrow money to get my son out on bail,” said Khodeja Khatun, mother of the teenager.

After more than a year since the police lodged the case against him, the investigation officer confirmed to Amnesty International on 6 July 2021 that they recently filed criminal charges against him for his Facebook post.

The UN Human Rights Committee on the right to [freedom of expression](#) has observed that the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties. The arrest and detention of Mohammad Emon merely for sharing a post on Facebook with undertones of sarcasm epitomises the harassment that the Digital Security Act is capable of causing to anyone who offers even the faintest criticism of the government and public figures in Bangladesh.

Mohammad Emon has since stopped using Facebook and said he did not foresee the damage that sharing a joke on Facebook could cause to him and his family. He hopes that the authorities will drop the charges against him after seeing what this post was all about: sharing a sarcastic joke by a teenager.

RITA DEWAN FOLK MUSICIAN

In February 2020, a YouTube channel uploaded video of a stage performance of Baul (mystic) musician Rita Dewan. In the argumentative performance, the 39-year-old musician criticised Islam and the role of Allah (God). Soon after her recorded performance was uploaded on YouTube, she started receiving death threats on her mobile phone. Concerned by the messages, Rita Dewan issued an apology through the YouTube channel.

In the following 10 months, the authorities lodged four separate cases against Rita Dewan filed by four different individuals under the Digital Security Act and Bangladesh's Penal Code. In three of the cases, she is accused of "insulting religion", "creating outrage by insulting religious belief", "provoking breach of peace" and "making statements conducing to public mischief" under sections 295A, 298, 504 and 505 of the Penal Code 1860. Another case under section 28 of the Digital Security Act (DSA) accuses her of "publishing and broadcasting information hurtful to religious values and sentiment".

Of the four cases, she was acquitted in two under the Penal Code after the individuals withdrew the complaints. Nevertheless, she could still face up to 10 years in jail along with a fine of up to two million Bangladeshi takas [USD \$23,592] if convicted in only the case under the DSA.

The UN Human Rights Committee has observed that prohibition of the



display of the lack of respect for a religion or other belief system is impermissible to be used to prevent or punish criticism of religious doctrine or tenets of faith. Similarly, the UN Special Rapporteur on [freedom of religion and belief](#) has stated that subjective feelings of offensiveness against any religion or faith should never guide legislative action, court decisions or other State activities.

"I did not say anything to be at fault. After those cases were filed, I have not been able to perform at musical events that helped me support my parents and my family. I feel that I now have no option but to beg," Rita Dewan told Amnesty International.

The cases pursued against Rita Dewan and the harsh consequence of the Digital Security Act looming over her demonstrate how some domestic laws promote intolerance and create a framework for unduly restricting people's freedom if their action goes against mainstream political or religious views.

Since the cases were launched, Rita Dewan has struggle to secure

new performances. She has performed less than 10 shows between February 2020 and 2021, whereas she would have 70 to 80 shows in a year. While this has been partly due to the eruption of Covid-19 pandemic, the cases against her also made organizers fear for their own safety.

On top of this, Rita Dewan has run into further financial constraints in the process of bearing costs of legal counsel for appearance in multiple courts as the cases were filed in more than one district of Bangladesh.

The stress caused by the harassment and intimidation has induced high blood pressure and increasing sugar levels for Rita, who has chronic diabetes. The cases, court appearances, fear of arrest and reduced number of shows have caused deteriorating mental and physical health conditions, harassment and financial insecurity for the musician.

As part of the draconian crackdown on freedom of expression, artistic freedom is also under threat in Bangladesh.

EMDADUL HAQUE MILON BUSINESSMAN

Emdadul Haque Milon, 35, is a pharmacist and contractor at Muktagachha in Mymensingh, a northern district of Bangladesh. On the evening of 3 March 2020, he was stopped by some unidentified men on a road adjacent to his pharmacy on instruction of a local political leader of the ruling Awami League party. Police eventually arrived at the location and took Emdadul Haque Milon into custody, based on the Awami League leader's allegation that Emdadul Haque Milon made offensive remarks about a ruling party minister on Facebook. The next day, the local political leader came to the police station and filed a case against Emdadul Haque Milon under the Digital Security Act.

The post that apparently sparked the anger of the local politician was in connection with the scheduled trip of Indian Prime Minister Narendra Modi to Bangladesh in March 2020. Ahead of the visit, Emdadul Haque Milon posted on his Facebook account on 27 February 2020 that "Inviting Modi, an oppressor of Muslims at the birth centenary of Mujib is an insult to the Bengali nation's pride, Bangabandhu, and people of Bangladesh will not welcome that."

In addition to this Facebook post, the Awami League leader also accused him for sharing a post with a satirical image of Bangladeshi minister Obaidul Quader to express



"Inviting Modi, an oppressor of Muslims at the birth centenary of Mujib is an insult to the Bengali nation's pride, Bangabandhu, and people of Bangladesh will not welcome that."

his dissatisfaction of the electronic voting system. Emdadul Haque Milon has denied sharing anything about Obaidul Quader and said that the police did not find such a post on his Facebook.

Police lodged against him a case for publishing "offensive" and "defamatory" content and "deteriorating law and order" under sections 25(2), 29(1) and 31(2) of the DSA. If convicted, he could face up to seven years in prison and/or a fine of up to 500,000 takas [USD \$5,897].

Biplob Kumar Bishwas, officer-in-charge of Muktagachha Police Station in Mymensingh, where Emdadul Haque Milon was detained, told Amnesty International, "When the government is asking everyone to refrain from commenting about Indian Prime Minister Narendra Modi...and the honourable secretary of Awami League [Muktagachha unit] has come to the police station to file a case, it means there is deterioration of law and order."

The police official's explanation contravenes Article 19 of the International Covenant on Civil and Political Rights that clearly states that everyone has the right to hold opinions without interference and to freely share information and ideas of all kinds.

"He [Emdadul Haque Milon] has insulted a person. He does not have a right to insult a person. He has posted a distorted image of our honourable secretary [Obaidul Quader]. We have filed the case after consulting with the administration," the ruling party politician and plaintiff of the case told Amnesty International.

Under international human rights law, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties. The use of defamation laws with the purpose or effect of inhibiting legitimate criticism of government or public officials, whereas of heads of state, the military, public institutions, flags or symbols, violates the right to freedom of expression.

Emdadul Haque Milon told Amnesty International that he feels that the case was filed by the ruling Awami League party politician abusing his power to stop him from submitting a proposal for a government contract that subsequently went to the politician's son-in-law.

Emdadul Haque Milon was released on bail on 26 March 2020, after serving 23 days in prison. The case against him continued as of May 2021 as police has not completed the investigation in more than a year.

MOHAMMAD MAHTAB UDDIN TALUKDER JOURNALIST

Journalist Mohammad Mahtab Uddin Talukder, 47, is the editor and publisher of the local newspaper Daily Haorancholer Kotha based in Sunamganj, a district located in north-eastern Bangladesh.

Between 2019 and 2020, the journalist produced a series of 20 to 22 reports published in his newspaper about allegations of corruption against a lawmaker in his neighbouring constituency in Sunamganj. According to Mohammad Mahtab Uddin Talukder, there was a Facebook post from his account on 4 May 2020 which stated that the lawmaker was arrested by the state's anti-corruption commission. Mohammad Mahtab Uddin Talukder claims his account was hacked and he had no knowledge of the existence of the post initially.

"I would corroborate such information with relevant authorities and file a report in my newspaper or television," he told Amnesty International, explaining why he believed his account was hacked as he would not post such information on Facebook. When a colleague informed him about the post coming out from his Facebook account, he had the post taken down with the help of a co-worker and issued another post clarifying that his account was hacked. He said that his knowledge about Facebook was limited.



"As journalists, we have no protection from the government. This law breaches people's right to freedom of expression and must be repealed,"

He then went to the local police station to file a complaint about his Facebook account being hacked. Instead of registering his complaint that evening, the police arrested Mohammad Mahtab Uddin Talukder at midnight on 5 May 2020 in a case under the Digital Security Act.

"This case was filed against me because of publishing news against the lawmaker. I have spent both Eid festivals away from my children in jail. My newspaper was closed for a long time. I have had to go through a lot of difficulty meeting the legal and living expenses as well as the cost of my newspaper staff," said Mohammad Mahtab Uddin Talukder, who spent three months and 23 days in jail until he was granted bail.

The case, now pending at the Cyber Crimes Tribunal, accuses the journalist of publishing "false" and "defamatory" information that could "deteriorate law and order" by "supporting in organizing crime" under sections 25, 29, 31 and 35 of the Act. The journalist could face up to seven years in jail if convicted.

"As journalists, we have no protection from the government. This law breaches people's right to freedom of expression and must be repealed," concludes Mohammad Mahtab Uddin Talukder.

SHAFIQUIL ISLAM KAJOL

PHOTOJOURNALIST

Shafiqul Islam Kajol, 50, is a Bangladeshi photographer and editor of a daily *Dainik Pokkhokal*. He has been charged under Bangladesh's Digital Security Act (DSA) solely for his Facebook posts, which were critical of the government. He was detained on 3 May 2020, held in pretrial detention for seven months and denied bail at least 13 times during this period. He was eventually released on bail on 25 December 2020. The case against him nonetheless continues, and he could face up to seven years in prison, if convicted.

On 9 March 2020, a lawmaker from Bangladesh's ruling Awami League party filed a case against Shafiqul Islam Kajol and 31 others under sections 25, 26, 29 and 31 of the DSA for publishing "false, offensive, illegally obtained and defamatory" content on Facebook that "could deteriorate law and order". Another member of the ruling party filed a second case against him under sections 25, 26 and 29 of the Act, three hours after Shafiqul Islam Kajol was last seen leaving his office at 6:51PM on 10 March 2020. A third case under the Act was filed against him the next day.

Shafiqul Islam Kajol was not seen for 53 days after he left his office on 10 March, raising concerns that he was forcibly disappeared by the authorities. On 3 May 2020, the Bangladeshi police said he was found 100 yards from the border with India. Instead of allowing him



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to return to his family, the police filed a case against him under the Bangladesh Passport Order, 1973 for "trespassing" into his own country from neighbouring India without passport.

Amnesty International obtained [CCTV footage](#) of the moment that Shafiqul Islam Kajol left his office on 10 March 2020. The video shows at least three unidentified men approaching the journalist's motorbike parked outside his office and appearing to tamper with it, just moments before he is seen driving away with it. His disappearance and the multiple cases filed against him follow a flurry of critical posts he made on Facebook about the involvement of ruling Awami League party members in a sex trafficking ring being operated out of a five-star hotel in Dhaka.

"All the three cases against me were related to posts shared on Facebook regarding a well-known sex scandal. I posted information that was already in the public domain," said Shafiqul Islam Kajol,

who feels the cases against him are politically motivated because he was sharing information that were exposing powerful people.

Amnesty International has called on the Bangladeshi government to [drop the charges](#) against the photojournalist and all those accused solely for exercising their right to freedom of expression.

DEWAN MAHMUDA AKHTER LITA POLITICIAN

Dewan Mahmuda Akhter Lita, 34, is a politician and publicity secretary of the women's wing of opposition Bangladesh Nationalist Party in Chattogram.

The politician's satirical posts and criticism containing caricatures on Facebook about the ruling party and Prime Minister Sheikh Hasina, among others in Bangladesh, landed her in jail for nearly two months in January 2019 in a case filed by Bangladesh's paramilitary force Rapid Action Battalion under the country's draconian Digital Security Act.

In the case documents, seen by Amnesty International, some of the Facebook posts for which she has been arrested state that "an autocrat is teaching about democracy by riding on the back of another autocrat", "Awami League has won, democracy has lost, democracy has been violated in broad daylight" and a caricature of Bangladesh's chief election commissioner pressing the cover on a coffin that reads "democracy", as Prime Minister Sheikh Hasina hammers a nail on it.

Political cartoons, regardless of being offensive to politicians, leaders and people in positions of power, are protected under the right to freedom of expression. The UN Human Rights Committee has [concluded](#) that "all public figures, including those exercising the highest political authority such as heads of state and government, are



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legitimately subject to criticism and political opposition".

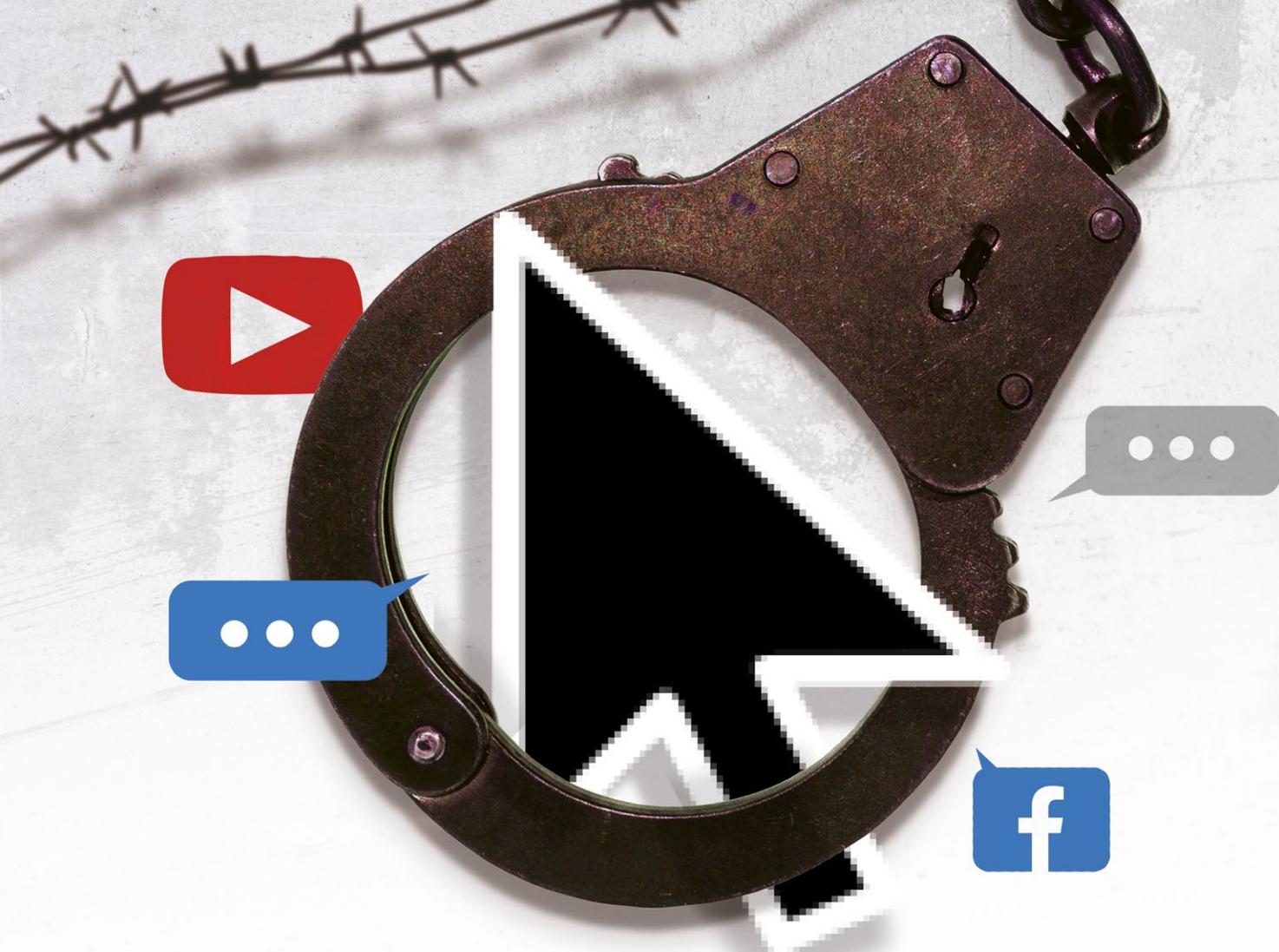
Despite the safeguards stipulated in international human rights law, this frontline politician of the opposition party has been charged with posting on Facebook "false" and "defamatory" information that were "about to deteriorate law and order" under sections 25, 29 and 31 of the Act. She could face up to 10 years in prison if convicted.

Abdul Haque, the RAB official who filed the case against the young politician told Amnesty International that "our law enforcement agency has a responsibility to contain criticism against an established government."

After spending two months in detention and being denied bail at least two times by the lower court, Dewan Mahmuda Akhter Lita was released on bail on orders

of Bangladesh's High Court in one of the cases under DSA. The Cyber Tribunal in Dhaka dismissed one more of the DSA cases filed against her.

"They arrested me because I was vocal against the government's misdeeds. They arrested me to silence the opposition," Dewan Mahmuda Akhter Lita told Amnesty International. She also said that she was humiliated while in RAB custody. "They said that I am a street girl and that I worked for money. They asked me to divulge names of senior politicians of my party who supported me. My only offence is that I support BNP."



THE DIGITAL SECURITY ACT 2018

The Government of Bangladesh enacted the Digital Security Act (DSA) in October 2018 with vague and overbroad provisions that criminalize legitimate forms of expression. Despite [supporting recommendations](#) at the Universal Periodic Review in May 2018 to bring the law in line with international human rights law and standards on the right to freedom of expression, the government has failed to reform or repeal the Act.

Bangladesh has 433 prisoners of the DSA as of 11 July 2021. At least 185 individuals have been held for allegedly publishing false and offensive information online under Section 25, 162 persons have been imprisoned for criminal defamation under Section 29 and 163 persons have been held under Section 31 of DSA for attempting to deteriorate law and order by transmitting information online. The Department of Prisons said that some prisoners are charged with multiple sections of the law.

The Cyber Tribunal based in Dhaka has recorded 199 cases for trial between 1 January and 6 May 2021. Amnesty International has found that 134 of those cases clearly specified the sections under the DSA. Eighty percent of those cases or 107 out of 134 cases were filed under both Sections 25 and 29 of the DSA, which criminalizes “false, offensive, derogatory and defamatory information” in contravention with the ICCPR.

The tribunal has dismissed nearly 50 percent or 97 out of 199 cases during the period understandably for lacking merit and evidence. That, however, did not waive the human rights violations that people have suffered including facing detention for various periods even before the cases appeared for trial.

Section 43 of the Act gives arbitrary powers to the police to search a place, seize devices and contents and arrest an individual without a warrant if they believe that an offence under the DSA has been or is being committed or if there is a possibility of the person committing other crimes or destroying any evidence.

Amnesty International has found a concerning pattern in which the authorities are weaponizing sections 25, 29, and 31 of the Act as a way to target and harass critical voices, which stipulate punishment of up to 10 years in prison and/or a fine up to one million Bangladeshi takas [USD \$11,795].

The UN Human Rights Committee has advised the States to avoid “penalizing or rendering unlawful untrue statements that have been published in error but without malice.” Furthermore, UN Special Rapporteur on freedom of expression has also observed that “[d]efamation concerns are not as strong on the Internet where the concerned individual can immediately reply to the article to address the harm caused.”

Yet, false, offensive or derogatory posts on social media or any other digital platforms are a criminal offence under the DSA that stipulates up to five years in prison and/or a fine of one million Bangladeshi takas under section 25 alone.

Defamation on a website or any other electronic format is also considered as a criminal offence under section 29 of the DSA, which stipulates up to five years in prison and/or a fine of one million Bangladeshi takas. Section 29 of the DSA is [governed](#) by Bangladesh’s Code of Criminal Procedure, which under section 198 says that no court shall take cognizance of an offence unless the complaint is filed by the defamed person, with certain exceptions such as if the person is below 18 years old or is physically or mentally unwell, in which case some other person, with the leave of the court, may make a complaint on their behalf. Ruling party politicians and law enforcement officials are rampantly using this provision to accuse people of defamation on behalf of third people, something that goes well beyond the narrow circumstances allowed under Article 198 of the Code of Criminal Procedure.

The DSA further stipulates imprisonment of up to 10 years and/or fine up to one million Bangladeshi takas under section 31 on speculation that an individual’s post on social media, a website, or any other digital format could cause a “deterioration of law and order”. The section fails to explain the necessity of the action by establishing a direct and immediate connection between an expression and the precise nature of threat.



UNDER BANGLADESH’S

DIGITAL SECURITY ACT

ACCUSE INDIVIDUALS OF CRIMINAL OFFENCE FOR PUBLISHING SATIRE OR CRITICISM ONLINE IN THE PRETEXT OF FALSE, OFFENSIVE OR DEFAMATORY CONTENT.

Source: Cyber Tribunal, Dhaka **Time:** 1 January to 6 May 2021
Amnesty International listed all those cases that clearly specified sections under the DSA

The Act allows a maximum punishment of life imprisonment under section 21 for holding views that may be seen as propaganda against Bangladesh’s Liberation War, the de facto or first president of the country, the national anthem, and the national flag using digital devices. There are at least 13 prisoners charged under this section as of July 2021.

The law has no safeguards in place for people to seek redress when cases brought under the DSA constitute a human rights violation, including for undue restrictions on the right to freedom of expression or breaches of privacy.

Many people have been subjected to indefinite pretrial detention as the police fail to complete the investigation within their stipulated timeframe of 75 days under section 40 of the Act. Amnesty International has documented a concerning pattern in which those detained under the DSA for expressing critical opinions of the authorities on social media are denied bail and held in pretrial detention for longer periods than those allowed under the law.

Following the death in prison of writer Mushtaq Ahmed on 25 February 2021, the United Nations High Commissioner for Human Rights Michele Bachelet criticised the DSA and said, “Bangladesh urgently needs to [suspend the application](#) of the Digital Security Act and conduct a review of its provisions to bring them in line with the requirements of international human rights law.”

Diplomats of Canada, Denmark, European Union, France, Germany, Italy, the Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States [have expressed concern over the DSA and pledged](#) to continue to engage with the Bangladeshi authorities on their governments’ wider concerns about the problematic provisions and implementation of the DSA, given its incompatibility with Bangladesh’s obligations under international human rights law and standards.

THE DIGITAL SECURITY ACT 2018

Section 25

Transmission, publication, etc. of offensive, false or threatening data information.

- (1) If any person, through any website or any other digital medium,
 - (a) intentionally or knowingly transmits, publishes or propagates any data-information which he knows to be offensive, false or threatening in order to annoy, insult, humiliate or malign a person; or
 - (b) publishes or propagates or abets to publish or propagate any information, as a whole or partly, which he knows to be propaganda or false, with an intention to affect the image or reputation of the country, or to spread confusion,then such act of the person shall be an offence.
- (2) If any person commits an offence under sub-section (1), he shall be punished with imprisonment for a term not exceeding 3 (three) years, or with fine not exceeding BDT 300,000 (USD \$3,540), or with both.
- (3) If any person commits the offence referred to in sub-section (1) for the second time or repeatedly, he shall be punished with imprisonment for a term not exceeding 5(five) years, or with fine not exceeding BDT one million (USD \$11,795), or with both.

Section 29

Publication, transmission, etc. of defamatory information.

- 1) If any person publishes or transmits any defamatory information as described in section 499 of the Penal Code (Act XLV of 1860) in website or in any other electronic format, he shall be punished with imprisonment for a term not exceeding 3 (three) years, or with fine not exceeding BDT 500,000 (USD \$5,897), or with both.
- (2) If any person commits the offence referred to in sub-section (1) for the second time or repeatedly, he shall be punished with imprisonment for a term not exceeding 5 (five) years, or with fine not exceeding BDT one million (USD \$11,795), or with both.

Section 31

Offence and punishment for deteriorating law and order, etc.

- 1) If any person intentionally publishes or transmits anything in website or digital layout that creates enmity, hatred or hostility among different classes or communities of the society, or destroys communal harmony, or creates unrest or disorder, or deteriorates or advances to deteriorate the law and order situation, then such act of the person shall be an offence.
- (2) If any person commits an offence under sub-section (1), he shall be punished with imprisonment for a term not exceeding 7 (seven) years, or with fine not exceeding BDT 500,000 (USD \$5,897), or with both.
- (3) If any person commits the offence referred to in sub-section (1) for the second time or repeatedly, he shall be punished with imprisonment for a term not exceeding 10 (ten) years, or with fine not exceeding BDT one million (USD \$11,795), or with both.

Disappeared, tortured, detained for ulterior reasons

For nearly two months, photojournalist **Shafiqul Islam Kajol** was nowhere to be found, raising concerns about an enforced disappearance. On 3 May 2020, the Bangladeshi police said he was found 100 yards inside Bangladesh's border in the southwest with India. A ruling party lawmaker filed a case against him under the DSA a day before his disappearance. Two more DSA cases were filed in the subsequent days. Shafiqul Islam Kajol had posted on Facebook news links and lists that pointed fingers at ruling Awami League party members who were allegedly involved in a sex trafficking ring being operated out of a five-star hotel in Dhaka.

"All the three cases against me were related to posts shared on Facebook regarding a well-known sex scandal. I posted information that was already in the public domain," said Shafiqul Islam Kajol, who feels that the charges against him under the DSA are politically motivated because he was sharing information that were exposing powerful people.

Cartoonist **Ahmed Kabir Kishore** still bears marks of wounds on his legs allegedly from torture and has difficulty walking. He said he was picked up from his Dhaka residence by men in plainclothes, interrogated and tortured in custody of one or more security agencies for two days prior to 5 May 2020, the date stated in official records of his arrest. The interrogators questioned him heavily about a caricature of a businessman he had drawn, his knowledge about him, motive behind the drawing and inquired about his knowledge about a few other individuals.

"Every time they were not pleased with an answer, they hit me on my legs, ankles and soles of my feet," Ahmed Kabir Kishore told Amnesty International. Someone from behind slapped on both sides of his head with their palms of both hands during the interrogation. As a result of the torture, he said, he bled through his right ear and now requires a hearing aid.

Emdadul Haque Milon, a pharmacist and contractor, said that a local political leader of ruling Awami League party had him detained on 3 March 2020 to stop him from submitting a proposal for a government project that subsequently went to the politician's son-in-law. He was released on bail after 23 days.

RECOMMENDATIONS

AMNESTY INTERNATIONAL URGES THE BANGLADESHI AUTHORITIES TO:

- Repeal the Digital Security Act unless it can be promptly amended in line with international human rights law and standards, including the ICCPR to which Bangladesh is a state party;
- Immediately and unconditionally release, and drop all charges against all those accused solely for exercising their right to freedom of expression;
- Promptly, thoroughly, impartially, independently and transparently investigate the death in prison of Mushtaq Ahmed, and the allegations of torture and other ill-treatment of Ahmed Kabir Kishore and bring all those responsible to justice in fair trials without recourse to the death penalty;
- Draft legislation or incorporate provisions within existing laws to provide an effective remedy and adequate reparations for human rights violations, including undue restrictions of the right to freedom of expression and breaches of privacy;
- Ensure public participation, including members of the press, in drafting any legislation and policy related to cyber space before they are approved by the cabinet or passed at the parliament;
- Decriminalize defamation and treat defamation as a matter of civil litigation;
- End indefinite pretrial detention of people unless a court finds specific, concrete and compelling reason to do so in the interest of justice and safety. Such a decision must be reviewed frequently and be subject to appeal;
- End the practice of unlawful arrest and detention of individuals under the DSA, in line with Article 9 of ICCPR and [directive](#) of the Appellate Division of the Supreme Court of Bangladesh;
- Submit without further delay, for the consideration of the Human Rights Committee, the second periodic report under the International Covenant on Civil and Political Rights;
- Engage constructively with the UN Special Procedures, including by:
 - issuing a standing invitation to the UN Special Procedures and inviting the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to carry out an independent assessment of the situation, ensuring unfettered access to relevant stakeholders and locations;
 - responding to the numerous communications by UN Special Procedures, in particular to the communications from the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders regarding the compatibility of the DSA with international human rights law.

AMNESTY INTERNATIONAL URGES UNITED NATIONS MEMBER STATES TO:

- Raise concern at the ongoing crackdown on freedom of expression online against journalists, artists, students and activists in the form of enforced disappearance, arrest, indefinite detention, torture, and even death in prison of people solely for exercising dissent and encourage the implementation of the above recommendations;
- Encourage Bangladesh to implement, as a matter of urgency, the recommendations they accepted at the Universal Periodic Review with regards to legislative reform and efforts to protect and promote the right to freedom of expression;
- Hold Bangladesh to account for its obligations and commitments as a member of the Human Rights Council, including the specific [voluntary pledge](#) to “preserve freedom of the press and promote the constructive role of civil society and print, electronic and social media in the promotion of human rights at all levels,” as well as its obligation to cooperate with the Special Procedures;
- Explore ways to provide technical assistance and exchange of good practices to draft legislation or incorporate provisions within existing laws to provide an effective remedy and adequate reparations for human rights violation, including undue restrictions on the right to freedom of expression and breaches of privacy.



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TO ONE PERSON, IT
MATTERS TO US ALL.**

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