



General Assembly

Distr.: General
17 June 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2020]

* Issued as received, in the language(s) of submission only.



Bangladesh: The government must stop suppressing freedom of expression during the COVID-19 pandemic

Odhikar draws the special attention of the Human Rights Council and the Special Procedures, amid the outbreak of the COVID-19, on Bangladesh. The Bangladesh government appears to be cracking down on freedom of opinion and expression during the outbreak of coronavirus in Bangladesh, targeting journalists, human rights defenders, academics and even arresting ordinary people for speaking out about the COVID-19 pandemic, silencing those who express concern over the government's handling of the coronavirus.

The government is imposing the repressive Digital Security Act 2018 (DSA) systematically and indiscriminately to muzzle freedom of expression; silence, intimidate journalists and rights activists; and sue individuals who are critical of the government's response to the pandemic. The number of cases under the DSA continues to rise in the country. From 1 March to 10 May 2020, 43 cases have been filed under this law. In 2019, the number was 63 for the whole year. At least 12 journalists were arrested under the DSA since the outbreak of coronavirus in March 2020. They were arrested for "spreading rumours and misinformation on Facebook about the COVID-19 situation" and "undermining the image of the father of the nation," the "national anthem" or "national flag". Most of the cases have been filed by the leaders and activists of the ruling Awami League party and the police. According to reports, there were 11 cases filed under the DSA in the country in March, 18 in April and in the first 10 days of May, 14 cases have been registered.¹

Some of the provisions of the Digital Security Act 2018 are vague, highly repressive because of the harsh punishment they entail and in violation of international human rights law. The government has asked all to rely on information from government sources about COVID-19. On 28 March, the government issued a statement warning of action under the Digital Security Act if 'misleading' or 'untrue information' is shared on the internet during this pandemic. According to the statement, people are urged to be vigilant against the spreading of rumours, misleading and untrue information on social media or in any other way during the general holiday across the country to combat the coronavirus.²

On 22 April 2020, Health Minister Zahid Maleque directed officials not to speak with journalists/media saying that it goes against the government's policy, as the media reported 'untrue' news that a separate hospital was being prepared for VIP COVID-19 patients.³

On 6 May 2020, RAB⁴ – 3 filed a case against 11 people under the DSA for allegedly spreading rumours and carrying out anti-government activities, posting anti-government Facebook posts, providing false information about the coronavirus and publishing cartoons of various leaders.⁵ They are cartoonist Ahmed Kabir Kishore, businessman Mostaq Ahmed, IT expert Didarul Islam Bhuiyan, Dhaka Stock Exchange director Minhaj Mannan, Swedish-Bangladeshi journalist Tasneem Khalil who runs Netra News, Shahed Alam, Sayed Zulkarnain, Ashiq Imran, Philip Schumacher, Swapan Wahid and blogger Asif Mohiuddin have been charged. Four of them were arrested and sent to jail by court order.⁶ The RAB stated in the first information report, that the men had been deliberately posting rumours against the Father of the Nation, the Liberation War and the COVID-19 pandemic to harm the nation's image and to create confusion among the public through the social media.⁷

¹ The daily ProthomAlo, 11 May 2020; <https://www.prothomalo.com/bangladesh/article/1655913/ডিজিটাল>

² The daily Jugantor, 29 March 2020; <https://www.jugantor.com/todays-paper/second-edition/293759/বিস্মিতকর-তথ্য>

³ New Age, 23 April 2020; <https://www.newagebd.net/article/104963/health-minister-asks-officials-not-to-talk-to-media>

⁴ The Rapid Action Battalion. The number '3' denotes the particular zone or area covered by a particular RAB contingent. Zone 3 is the Tikatoli/Mughbazaar area, a heavily populated zone.

⁵ The Daily Star, 7 May 2020; <https://www.thedailystar.net/frontpage/news/digital-security-act-11-sued-two-sent-jail-1900228>

⁶ The Daily Star, 9 May 2020; <https://www.thedailystar.net/frontpage/news/case-against-11-under-dsa-charges-appear-be-puzzling-1900915>

⁷ Ibid

Earlier on 24 March 2020, the Information Ministry announced that it has formed a unit of 15 officials to monitor social media and various television outlets for “rumors” about COVID-19 cases. Later in the face of huge outcry, the Ministry cancelled its circular to monitor private TV channels and whether they were running propaganda or rumours about the novel coronavirus outbreak. However, a cell has been formed to assist the authority and the media to monitor rumours or misinformation being circulated on the social media and other media outlets.⁸

Doctors and ordinary citizens who write about the danger of the coronavirus on Facebook, are persecuted. Meanwhile, the government has asked doctors and nurses not to speak to the media, after some nurses reported shortage of food for health workers at the Kuwait Bangladesh Friendship Government Hospital. A doctor at the Noakhali 250-bed General Hospital has been given a show-cause notice for one of his Facebook posts in which he criticized the Health Secretary for not providing N95 masks and PPEs to physicians. In his post, he wrote that neither he nor his colleagues got any N95, KN95 or FFP2 masks. He questioned why the Health Secretary was lying about masks being distributed at hospitals.⁹

Academics have not been spared either. On 25 May 2020, two college teachers – Kazi Zakaria Ferdousi, of Goforgaon Government College and Shahadat Ullah Kaisar, of Barisal Government Women College – were suspended for allegedly posting on social media about the spread of COVID-19.¹⁰

Apart from filing cases and arresting people under repressive laws, journalists and political activists have become victims of enforced disappearances and torture for allegedly writing and posting against the inactions of the government on different issues, even in this pandemic. Shafiqul Islam Kajol, a Bangladeshi photojournalist and newspaper editor, was disappeared on 10 March 2020, a day after defamation charges were filed against him by an influential ruling party lawmaker. An international campaign by human rights defenders commenced and he was ‘recovered’ on 3 May 2020. His disappearance is symbolic of Bangladesh’s ongoing crackdown on free speech under the Digital Security Act.¹¹

The incumbent government started to control the media ever since it came to power in 2009 and this control has become widespread. The government controls most of the media, especially the electronic media and is obstructing objective and neutral reporting by putting pressure on the media in various ways. Bangladesh is ranked 151st out of 180 countries in the Reporters Without Borders (RSF) 2020 World Press Freedom Index.

Journalists have been attacked, assaulted, threatened and sued while performing their professional duty. Between January and April 2020, according to Odhikar documentation, 34 journalists were injured, 11 were assaulted, seven were attacked, seven were threatened, and 37 journalists were sued. During this period 49 persons were arrested under the DSA while four were arrested under the Information and Communication Technology Act 2006 (amended in 2009 & 2013), for allegedly publishing ‘negative’ information about the government and the ruling party or the high-level persons of the ruling party. The associations of journalists, including Bangladesh Federal Union of Journalists (BFUJ) and Dhaka Union of Journalists (DUJ) have expressed deep concern over the ongoing attacks, suing and harassment of journalists across the country.

The justice delivery mechanism and law enforcement in Bangladesh have become dysfunctional and coercive as these institutions have been used by government for self-serving interests instead of upholding rule of law and justice. Odhikar considers the recent suing and arrest of journalists, academics, bloggers and human rights defenders as clear threats to freedom of press and of expression. We condemn the frequent and

⁸ The Daily Star, 27 March 2020; <https://www.thedailystar.net/frontpage/news/monitoring-media-information-ministry-scraps-circular-amid-outrage-1886434>

⁹ The daily Prothom Alo, 19 April 2020; <https://en.prothomalo.com/bangladesh/local-news/physician-served-show-cause-notice-for-criticising-health-secretary>

¹⁰ Bangla Tribune, 26 May 2020; <https://www.banglatribune.com/others/news/615557/ফেসবুকে-উস্কানিমূলক-পোস্ট-দুই-কলেজ-শিক্ষক-বরখাস্ত>

¹¹ <https://www.dw.com/en/press-freedom-what-happened-to-missing-bangladeshi-journalist-shafiqul-kajol/a-53199732>

indiscriminate use of the DSA against the media. We demand the immediate release of all who have been arrested under the DSA and a withdrawal of the cases against them.

Odhikar urges the Human Rights Council to call on the Bangladeshi authorities to immediately release all human rights defenders, journalists, bloggers, media activists arrested and held not only for their coverage/opinion of the COVID-19 pandemic but also for exercising freedom of expression; and to drop all charges against them. Bangladesh must decriminalize defamation and repeal the Digital Security Act 2018 along with all other repressive laws. Bangladesh, as a State Party, has specific obligations under the International Covenant on Civil and Political Rights, which have obviously been ignored.
