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**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.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Bangladesh: Freedom of expression must be ensured by repealing repressive laws and policies

ODHIKAR – Coalition for Human Rights draws the special attention of the Human Rights Council and UN human rights monitoring mechanisms regarding infringement of right to freedom of expression and systematic harassment and intimidation and reprisals against human rights defenders (HRDs), journalists and dissidents by Bangladeshi authorities using repressive laws. Bangladesh government has severely violated the freedoms of speech, thought, conscience and expression of the citizens predominantly by imposing the Digital Security Act, 2018 (DSA). The DSA is increasingly being used to suppress dissent on social media, websites and other digital platforms, with penalties extending to life imprisonment. The authorities have targeted critics of the government on the pretext that they have made false, offensive, derogatory or defamatory statements online.

Citizens, including journalists, human rights defenders, dissenters, opposition leaders-activists and ordinary citizens have been arrested under the Digital Security Act 2018 (DSA) for writing or ‘liking/sharing’ posts on social media criticising the government, Prime Minister, leaders of the ruling party or their family members, and senior police officials. Furthermore, the DSA has also been used to accuse people of hurting ‘religious sentiments’. The cyber-crimes tribunals have passed convictions in cases filed under Section 57 of the Information and Communication Technology Act, 2006 and the DSA. A research organisation, the Centre for Governance Studies, studied 835 cases from January 2020 to January 2022, and found that 85% of the plaintiffs who filed cases under the DSA were government leaders and activists. 95 of these cases have been due to alleged defamation of the Prime Minister and 50 cases due to alleged defamation of different ministers.¹

According to Odhikar, in the three months of January-March 2022, a total of 17 people were arrested under the DSA for expressing their opinion in social media. On 3 March 2022, the police arrested Advocate Shahnewaz of Faridpur Bar Association under the DSA for allegedly ‘insulting’ former President Sheikh Mujibur Rahman, his daughters and Parliament member Nixon Chowdhury, on Facebook.² Police arrested Swechchashebak Dal3 leader Ibrahim Hossain on 21 January 2022, after a case was filed against him by a police officer, for spreading defamatory information about the government and courts on social media in Panchagarh.⁴ Juba Dal5 leader of Feni, Abu Taher Kalu, was arrested on 20 February 2022 after a case was filed against him by the Joint Convener of Parshurampur Juba League⁶, for allegedly posting and sharing various information on Facebook against Inspector General of Police (IGP) Benazir Ahmed.⁷

Abuse of the Information and Communication Technology (ICT) Act has resulted in choking the critics of the government. On 24 January 2022, the Cyber Tribunal of Rajshahi sentenced a man named Abdul Mukit Raju to 10 years imprisonment under Section 57 of the ICT Act for allegedly distorting the meaning of the word on Facebook. The case was filed in 2017 by a local Awami League leader Saidur Rahman.⁸ Similarly, Dhaka Cyber Tribunal Judge Mohammad Ash Sams Joglul Hossain on 20 January 2022, sentenced a man named Rashed Talukder to seven years imprisonment under Section 57 of the ICT Act for making ‘derogatory’ remarks about Prime Minister Sheikh Hasina on Facebook. The case was filed in 2016 by the police of Kalihati Police Station in Tangail.⁹

The media and the flow of information are severely controlled by the incumbent Awami League led government and independent or neutral media are under pressure and forced to apply self-censorship. Due to this, various incidents and occurrences of human rights violations are not published. However, these have been published on social media. As a result, the government also brought the social media under extensive surveillance.

The Bangladesh Telecommunication Regulatory Commission (BTRC) has drafted a new policy called “Bangladesh Telecommunication Regulatory Commission Regulation 2021” to control digital, social media and OTT platforms. Most provisions in the regulation are unconstitutional and violate the International Covenant on Civil and Political Rights.¹⁰ Similar to the Digital Security Act, this regulation prohibits any content that “creates unrest or disorder or deteriorates or advances to deteriorate law and order situation” or “is offensive, false or threatening and insulting or humiliating to a person”. This will further curtail the

freedom of expression and bring Private Service Providers under scrutiny. Private Service Providers violating this regulation can be fined up to BDT 3 billion under the 2001 Bangladesh Telecommunication Regulatory Commission Act,¹¹ and punished with up to five years of imprisonment.¹²

Attacks on journalists have become a common phenomenon in the country. Aside from police, journalists are being attacked by pro-government miscreants while carrying out their professional duties and newspaper offices attacked. Between January and March 2022, 46 journalists were injured, nine were assaulted, three were arrested and four were threatened. Many journalists are worried about their safety in the face of threats from the ruling party leaders and activists.

According to a 2022 report released by Reporters Sans Frontiers-RSF, Bangladesh ranked 162nd out of 180 countries in the world in terms of media freedom. In 2021, its position was 152th. In other words, Bangladesh has slipped 10 notches this year. This is an obvious threat to the media and press in Bangladesh. The government has taken repressive measures against journalists and human rights defenders since 2013 (prior to the 2014 election year); and they face persecution, threats, harassment, torture and degrading treatment. Such reprisals have intensified following the December 2021 sanctions on Rapid Action Battalion imposed by the United States of America.

UN human rights experts have expressed concern over the lack of justice for the murder of journalists in Bangladesh. They issued a statement on the 10th anniversary of the murder of married journalists Sagar Sarwar and Meherun Nesa Runi.¹³ In a statement, UN human rights experts said that a decade had passed since the killings of the two journalists, but no trial had yet taken place. A terrible and widespread culture of impunity exists in Bangladesh.¹⁴

The European Union also raised concerns regarding issues of civic space and freedom of expression offline and online, noting the importance for legislation and its implementation in this area not to go beyond the stated purpose of fighting digital crime and to be in line with international Human Rights obligations.¹⁵

The Law Minister Anisul Huq has admitted that the DSA has been misused and abused to some extent. But he did not support repealing the Act, saying cybercrimes are not committed physically, and the DSA has been formulated to hold trials for cybercrimes.¹⁶ The provisions of the DSA violate human rights norms. According to international law, independent regulatory bodies should be appointed in the areas concerning freedom of expression but the Digital Security Agency is controlled and appointed by the government. It is an executive body whose purpose is to fulfil the objectives of the DSA. The law is not made to protect the citizens of Bangladesh but to serve the interests of the ruling party.

Under these terrible circumstances, Odhikar calls on the UN Human Rights Council to:

- Pressurise the Bangladesh government to end the crackdown on people's right to freedom of expression, cease interference with media and repeal the repressive laws and policies that restrict freedom of opinion and expression, including the Digital Security Act (DSA), Information and Communication Technology Act (ICT Act).
- Pressurise Bangladeshi authorities to adopt and/or amend laws and policies where applicable in compliance with international human rights law and standards.
- Take immediate and appropriate measures to ask Bangladesh government to release everyone arrested under the controversial and repressive DSA and ICT Act for exercising their rights to freedom of expression and opinion.

1. Manabzamin, 18 February 2022; <https://mzamin.com/article.php?mzamin=316067&cat=10/>

2. Jugantor, 5 March 2022; <https://www.jugantor.com/todays-paper/bangla-face/526966/>

3. Voluntary wing of Bangladesh Nationalist Party (BNP), opposition (outside Parliament)

4. Prothom Alo, <https://www.prothomalo.com/bangladesh/district/>

5. Youth wing of BNP

6. Youth wing of the ruling Awami League party
7. Manabzamin, 21 February 2022; <https://mzamin.com/article.php?mzamin=316420&cat=9/>
8. Prothom Alo, 24 January 2022; <https://www.prothomalo.com/bangladesh/district/>
9. The Daily Star, 20 January 2022; <https://www.thedailystar.net/news/bangladesh/crime-justice/news/man-gets-7-years-making-derogatory-remarks-pm-social-media-2943611>
10. New Age, 03 April 2022; <https://www.newagebd.net/article/167160/proposed-btrc-measures-to-put-society-under-surveillance-tib>
11. Available at: <http://bdlaws.minlaw.gov.bd/act-details-857.html>
12. The Daily Star, 26 March 2022; <https://www.thedailystar.net/weekend-read/news/why-we-should-be-worried-2990786>
13. UN News, 11 February 2022; <https://news.un.org/en/story/2022/02/1111822>
14. New Age, 12 February 2022; <https://www.newagebd.net/article/162522/un-experts-concerned-over-impunity-for-killings-of-sagar-runi>
15. New Age, 21 May 2022; <https://www.newagebd.net/article/171194/>
16. The Daily Star, 22 May 2022; <https://www.thedailystar.net/news/bangladesh/news/digital-security-act-despite-some-abuse-i-dont-support-repeal-3028981>