Universal Periodic Review
Bangladesh: Stakeholder’s submission under the 3rd Cycle

Joint Submission on Freedom of Speech, Expression and Thoughts

By

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I. Introduction
1. The joint submission is prepared after extensive consultations and closed group meetings with civil society organisations (CSOs), the media and academe in Bangladesh. Around 30 individuals from these stakeholder groups attended the meetings. An extensive monitoring and desk review also formed parts of the methodology. The status of accepted recommendations by the State during first and second cycles of UPR have also been reviewed.

II. Recommendations received in Bangladesh’s first and second UPR cycles
2. In the first cycle in February 2009, 42 recommendations were made of which Bangladesh accepted 34. Bangladesh received recommendations on taking necessary steps to protect freedom of the press and Human Rights Defenders (HRDs) from Australia and Netherlands\(^1\).

3. On April 2013 during the Second UPR Cycle, Bangladesh accepted 185 of out a total 232 recommendations\(^2\) under different thematic areas, including freedom of expression, freedom of the press and independent media\(^3\). Canada, Australia, Austria and Netherlands recommended for the freedom of the press, while Norway emphasized on a safe and enabling environment for social media and Canada recommended taking steps to ensure that civil society can operate without intimidation\(^4\).

III. Killings and Physical Attacks on Bloggers and online Activists
4. Though bloggers and online activists have been active in Bangladesh for a long time in the country's modern history, they attracted the attention of extreme religious groups mainly after their lead on the Shahbagh Movement held in 2013.\(^5\) Then with a view to politicize the Shahbagh movement, the issue of the religious beliefs of bloggers and online activists were brought to the forefront of public scrutiny. A smear campaign spread throughout the nation alleging that the bloggers are atheists and an attempt to frame the movement as a struggle between the faithful and the nonbelievers\(^6\). As a result of this, bloggers and online activists became the target of religious extremists and further created a misconception among the common people in Bangladesh.

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3. ibid


5. A movement led by the youth in February 2013 calling for fair trial and maximum punishment for the war criminals.

5. In 2013, the sudden emergence and sway of the religious group Hefazat-E-Islam took place, and they labeled all bloggers and online activists as atheists. This group incited a violent movement against all bloggers and online activists, and even sought public execution for them\(^7\). An official committee was then formed in 2013 to track bloggers and social media users who made derogatory remarks about Islam and the Prophet\(^8\). The committee prepared a list of 84 bloggers with an aim to take action against them for their allegedly ‘anti Islam’ writings. That particular list was even subsequently circulated in social media; and has resulted in the brutal killings of many bloggers and activists.

6. Front line Defenders reported that, between February 2013 and September 2017, at least 15 human rights defenders and activists were murdered in Bangladesh.\(^9\) Over the years, the attacks have widened to include civil society actors, writers, academics, bloggers and journalists. These killings are part of an alarming trend of violent intolerance towards freedom of religion and freedom of speech, expression which not only silenced the victims but also sent a chilling message to all in Bangladesh who espouse independent views on religious issues.

IV. Lack of Protection from the state

7. The online activists and bloggers who are in the country or in exile, as well as the families of murdered bloggers, reported that police ignored or didn’t place importance to their request for protection (including from death threats). Many HRDs who were attacked and the families of those who have been killed reported that prior to the attacks, police are known to deny requests for protection\(^10\).

8. Police have also refused to accept formal complaints\(^11\) from bloggers or online activists attempting to report threats, including death threats, and harassment. When activists tried to file complaints, they have been instructed to visit other precincts, have reports subsequently denied and in some instances, given the suggestion to leave the country\(^12\).

V. Self-Censorship

9. Online activists especially those named on the published “hit lists” reduced writing in both print and online forums, as well as reducing their posts on social media on topics

\(^7\) [https://www.theguardian.com/world/2013/apr/16/bangladesh-hefazat-e-islam-women](https://www.theguardian.com/world/2013/apr/16/bangladesh-hefazat-e-islam-women)


\(^10\) [https://frontlinedefenders.atavist.com/bangladesh-report](https://frontlinedefenders.atavist.com/bangladesh-report)

\(^11\) [https://frontlinedefenders.atavist.com/bangladesh-report](https://frontlinedefenders.atavist.com/bangladesh-report)

\(^12\) General Diaries
related to freedom of expression, women’s rights, labour rights, indigenous peoples' rights, freedom of religion and secularism. Activists stopped working and have both fear of legal harassment, government’s increase of punishments for expression-related offenses and fear of physical attack following the murders of their colleagues.

VI. Press Freedom

10. Amnesty International in a recent report commented, although restrictions on media is not new in Bangladesh and has to varying degrees existed throughout the country’s modern history, this has escalated significantly in recent years, and in particular since 2014. [...] the space for media freedom in Bangladesh today is more restricted than at any point since the country returned to civilian rule in 1991. There is a pervasive fear of being charged, imprisoned or falling victim to physical violence, which has led to extensive self-censorship.  

11. In February 2016, members of the ruling party initiated 83 sedition and defamation cases in multiple courts against Mahfuz Anam, Editor of The Daily Star. Several other senior journalists been arrested, including 81-year-old Shafiq Rehman in April 2016 on charges relating to his alleged role in a plot to cause harm to Prime Minister’s son.

12. Under the section 57 of the ICT act, 21 Journalists were sued within a four month period in 2017

13. According to media reports, two leading outspoken media faced an embargo on advertisement revenue generated from big corporations allegedly because of pressure from several state agencies. This happened after they published a report saying five indigenous persons been killed in the Chittagong Hill Tracts, whom the military has labeled terrorists.

14. The Prothom Alo and Daily Star were denied access to prime-ministerial events because of their reporting critical of the government.

15  http://www.thedailystar.net/frontpage/journalist-shafik-rehman-arrested-1209919
15. In November 2015, the Bangladesh government announced that all online news portals would be required to register with the authorities by December 2015, and that the media credentials of journalists with unregistered media outlets would be canceled\textsuperscript{19}.

16. The government maintains editorial control over the Bangladesh public television station (BTV), and private channels are mandated to air government provided content as well.

VII. Blocking and Censorship

17. It was reported that on 3 April 2017, the cabinet division had forwarded a letter to the telecommunications ministry asking that access to social media site Facebook be blocked every night from 12:00 to 6:00 am. The reason cited was that use of the popular social media site – with 21,000,000 users from Bangladesh as of June, 2016\textsuperscript{20} – was “affecting the students” and “dimming the working capabilities of the youths”\textsuperscript{21}. A day later, on 4 April 2017, the State Minister for Postal and Telecommunications, made assurances that there will be no bar on Facebook.

18. Censorship of digital content, including blocking access to YouTube, FaceBook, and high-profile Bengali blogs, has become increasingly common. The government occasionally restricts the use of mobile telephones during elections. Instead of taking adequate measures to enhance Cyber Security and protect the right to freedom of expression online, the government has even arbitrarily denied peoples’ access to Internet both partially and totally, e.g. the government blocked YouTube on March 2009, September 2012 and banned it for 260 days from September 17, 2012 to June 5, 2013\textsuperscript{22}.

19. On 29 May 2010, Bangladesh Telecommunication Regulatory Commission (BTRC) blocked Face book for 7 days\textsuperscript{23}. In 2013, people in Bangladesh also experienced blocks to accessing Face book. The international Internet gateway operators were asked by BTRC

\textsuperscript{19} \textit{https://freedomhouse.org/report/freedom-press/2016/bangladesh}

\textsuperscript{20} \textit{internetworldstats.com}

\textsuperscript{21} \textit{http://www.thedailystar.net/opinion/human-rights/the-irony-restricting-access-internet-digital-bangladesh-1386799}

\textsuperscript{22} \textit{http://www.thedailystar.net/law-our-rights/advocating-right-internet-access-183778}

\textsuperscript{23} \textit{http://www.thedailystar.net/law-our-rights/advocating-right-internet-access-183778}
to reduce the upload bandwidth of ISPs by 75%. On January 18, 2015 the regulators blocked mobile applications Viber, WhatsApp, Tango, MyPeople for 4 days.

20. On November 18, 2015, Face book, WhatsApp, Viber was blocked upon directives from the BTRC and there was no Internet for hours. Mobile service providers were ordered to block Viber, WhatsApp, LINE, Tango, and my people, supposedly on grounds that terrorists were using the platforms.

21. The BTRC also filters internet content that the government deems harmful to national unity and religious beliefs. The prime minister and other government officials criticized local media for their live telecast of government counter terrorism efforts during the July 1 Holey Bakery terrorist attack. Following the incident, the government enacted a blanket ban on live television news coverage of terrorist attack and disaster rescue operations.

VIII. Legislative Framework

22. The Information and Communication Technology (ICT) Act of 2006, amended in 2013, limits freedom of opinion and expression using vague terminology to criminalise publishing information online that “hurts religious sentiment”, “creates possibility to deteriorate law and order,” or prejudices “the image of the State”. The Act remains ambiguous as to what constitutes an offense, giving judges extensive powers of interpretation. The 2013 amendments notably increased the maximum sentence from 10 to 14 years for offenses, set a minimum sentence of 7 years and allowed police to make warrantless arrests of those accused.

23. Rights activists and journalists have been critical of section 57 from the very beginning. The debate over the provision and demand for its repeal intensified following the arrest of journalist Probir Sikdar in 2015. According to a source at the Cyber Tribunal in Dhaka, there are around 700 section 57 cases are under trial since 2013. Only in 2017 (till early June), a total of 260 cases have come under the trial of the tribunal.

24. This remains a small portion of case actually under trial, while the number of case filed is disproportionately high. According to police headquarters statistics as of June 8,330 cases were filed under Section 57 of the ICT Act in four years after the 2013
amendment. The number was 317 in the first seven years since the enactment of this law.\(^\text{29}\)

25. Another law named ‘The Anti-Terrorism Act (Amendment) 2013’ allows court to accept videos, still photographs and audio clips, chats and conversation used on the social media such as Facebook, Skype and Twitter. Some provisions of this law might be used as a legal tool to subjugate the opposition, suppress dissent and to curtail the fundamental rights of the people.

25. Lawmakers started drafting the Digital Security Act in 2016, intended to address the need for cyber-crime legislation. More than a year after the draft was approved, it is yet to be enacted, but it includes several worrying provisions for HRDs and many consider it will maintain Section 57’s restrictions on freedom of expression in some form.

26. In June 2017, the Cabinet approved a draft National Online Mass Media Policy 2017 that suggested all online media would have to register with a National Broadcast Commission before launching operations. The Commission would be formed under the National Broadcast Act, which is yet to be drafted, and would hold the power to take punitive actions against an online broadcaster if any content poses a threat to security, territorial integrity, peace, public order and unity of the country. The advancements of this Policy will need to be monitored in order to avoid it being used as another way to control and censor online speech.\(^\text{30}\)

**IX. Recommendations:**

- Respect the right to freedom of expression which is ensured in the Constitution of Bangladesh;
- Follow the due process of law in cases of closure of newspapers or television channels, even if such closure is necessary and justified in law;
- Ensure that law enforcement agencies including police uphold the right of citizen’s freedom of expression; Building capacity of relevant law enforcement officials including police and prosecutors through appropriate training on crimes against freedom of expression;

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\(^{29}\) [http://www.newagebd.net/article/17568/cases-pile-up-allegations-hardly-proved](http://www.newagebd.net/article/17568/cases-pile-up-allegations-hardly-proved)

\(^{30}\) [https://www.theapolitical.in/south-asia/bangladesh-hasina-govt-decides-throttle-online-media](https://www.theapolitical.in/south-asia/bangladesh-hasina-govt-decides-throttle-online-media)
• Repeal section 57 of the Information Communications Technology (amendment) Act 2013 to bring those into line with international standards; Review other legal restrictions on the content of what may be published or broadcast to bring them into line with international standards.

• To promote a free, independent and pluralistic broadcasting sector, adopt a progressive broadcasting law, including by establishing an independent broadcast regulator (commission);

• Adopt a holistic approach for addressing issues of protection, safety, security and impunity as well as to investigate attacks on freedom of expression;

Annexes

Relevant Cases:
• Use of ICT Act by Mobile Court

In 26-28 July 2016 conference in Dhaka, Bangladesh, Deputy Commissioners from all 64 districts requested that the government expedite the passage of an amendment to the Mobile Court Act of 2009 giving the executive magistrates increased judicial powers and the Act had not moved forward.

Under the Mobile Court Act, 2009, a mobile court has no jurisdiction to try any person for an offence under the ICT Act, but the executive magistrate sentenced the student under that law. On 20 September 2016, the High Court summoned an executive magistrate and the officer in charge of a Sakhipur police station in Tangail district to appear before it and explain why a schoolboy was sentenced to two years in jail over alleged threats made to a lawmaker via Facebook and their use of a mobile court to jail a boy using the Information and Communication Technology (ICT) Act, which is not within the jurisdiction of the mobile courts.

Media had reported that the boy was sentenced to prison for two years for a Facebook posting criticizing a local AL Member of Parliament (MP). Appearing before the High Court on 27 September 2016, the boy said the MP hit him, the officer in charge beat him, and the executive magistrate kicked him. On 18 October 2016, the High Court declared

31 Sakhipur upazila nirbahi officer
the mobile court’s decision illegal, acquitting the boy of charges and directing the secretaries of Public Administration and Home Affairs and the police to place them outside Dhaka division “for a fair investigation”.

- Mahfuz Anam, Editor, Daily Star Bangladesh

On 3 February 2016 Daily Star editor Mahfuz Anam in a private TV talk-show discussion made an introspective comment about a lapse in his editorial judgement in publishing, following the 1/11 changeover, a few reports that the newspaper could not verify independently.

**Reaction of PM’s son in social media:**
After that, on February 5, 2016 Prime Minister’s son Sajeeb Wazed Joy posted on Social Media (Facebook) demanding the trial of Mr. Anam. He wrote that Daily Star published those to defame his mother and it was a conspiracy to remove her from politics.

**Filing of case:**
Ruling party leaders and pro-Awami League journalists and intellectuals, all of a sudden, started a vitriolic campaign against soon after his 3 February Television interview. Some of them have asked the government to arrest him first, and then try for “sedition”. A total of 83 lawsuits, including 17 for sedition, have been filed so far against the newspaper editor in 53 districts. In those cases, compensation had been sought about more than Hundred thousand crore Bangladeshi taka. Different district courts summoned and issued arrest warrant against him. On March 27, 2016 Mr. Anam filed a petition with the High Court challenging the legality of these cases. Following his writ, on April 11, 2016 High Court stayed the proceedings of 72 cases. On June 13, 2016 High Court stayed another 10 case proceedings for three months.

**Bail:**
On March 3, 2016 Mr. Anam got four week anticipatory bail in 66 cases. On June 7, 2016 High Court granted a six month anticipatory bail to him in ten more cases.


34 [http://www.thedailystar.net/frontpage/admitting-mistake-was-courageous-351277](http://www.thedailystar.net/frontpage/admitting-mistake-was-courageous-351277)


• **Probir Shikder, Journalist and Editor, Daily Bangla 71**

Journalist Probir Shikder, editor of Daily Bangla 71, Uttaradhikar-71, was arrested by the security force for “tarnishing the image” of LGRD Minister Khandaker Mosharraf Hossain.

**Filing of Case:**

He was arrested on 16 August 2015 from his office in Dhaka, after Faridpur Awami League leader Swapan Kumar Paul filed the case in Faridpur under the ICT Act over a Facebook post he made. On 4 August 2016, Dhaka court framed charges against journalist Probir Sikdar in a case filed under Information and Communication Technology Act.

Probir Shikder said in his facebook post that his life was under threat and also said that, if he was killed, then LGRD minister Khandaker Mosharraf Hossain, Moosa bin Shamser and Condemned fugitive war criminal Abul Kalam Azad would be responsible. The plaintiff of the case said that, journalist probir shikder termed the false allegation to tarnish the image of LGRD minister.

**Bail:**

After three days the Chief Judicial Magistrate granted him bail.

• **Case: Abdul Hakim Shimul, Journalist and Shahzadpur correspondent for Bangla daily 'Dainik Samakal'**

On 2 February 2017, Abdul Hakim Shimul was reporting on a clash between two factions of local wings of the ruling party (Awami League) in Shahzadpur, Sirajganj district, Rajshahi division, Bangladesh. According to eyewitnesses, Abdul Hakim Shimul was taking photos of the clash but when the Awami League arrived at the residence of the mayor of Shahzadpur municipality, Halimul Haque Miru, the mayor emerged with a shotgun and opened fire. During the shooting, the mayor noticed Abdul Hakim Shimul while he was taking photos of the incident and subsequently shot the human rights defender. He was hit by several bullets and died on 3 February 2017 while being transported to Dhaka to receive the medical treatment.

**Filing of Case:**

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40 [http://www.thedailystar.net/country/journo-probir-sikdar-indicted-1264528](http://www.thedailystar.net/country/journo-probir-sikdar-indicted-1264528)

Later that night (3 February 2017), the wife of Abdul Hakim Shimul filed a murder case at the Shahzadpur Police Station accusing 18 people including the mayor and his brother. Abdul Hakim Shimul had recently spoken out against the mayor’s decision to raise municipality tax which is believed to have resulted in the targeting of the human rights defender.

On 5 February 2017 around 10 p.m., a joint team of the detective branch of Sirajganj and Dhaka Metropolitan Police (DMP) arrested the Shahzadpur municipality mayor Halimul Haque Miru in Shyamoli area, Dhaka. On 6 February 2017, the mayor was sent to Sirajganj district prison.

Police have pressed charges against Mayor Miru and 36 others. So far, 21 suspects, including Miru and his brother Mintu, have been arrested.\(^\text{42}\)

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**Few examples on attacks on writers/online activists/Bloggers in Bangladesh (2013-2016)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Date and place of occurrence</th>
<th>Description</th>
<th>Progress in case/Further initiative</th>
</tr>
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<tbody>
<tr>
<td><strong>Asif Mohiuddin</strong></td>
<td>Stabbed on 15 January 2013 in Dhaka</td>
<td>On 15 January 2013, Asif Mohiuddin, was stabbed near his office by four youths. The Islamist extremist group Ansarullah Bangla Team admitted the attack on him.</td>
<td>Asif Mohiuddin is in exile at this moment.</td>
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| **Ahmed Rajib Haider**  
(Killed) | **15 February 2013 at Mirpur, Dhaka** | **On the night of 15 February 2013, Ahmed Rajib Haider, a blogger was attacked near his house at Mirpur, Dhaka.** | **On 2 April 2017, The High Court upheld a speedy trial tribunal verdict that sentenced two people and different terms in jail for six others for killing blogger Ahmed Rajib Haider. On December 31, 2015, the special tribunal handed the death penalties to the duo for masterminding the murder of blogger Rajib and also fined them Tk 10,000 each.** |
|---|---|---|---|
| **Avijit Roy**  
(Killed) | **Killed on 26 February 2015 Dhaka University, Dhaka** | **Avijit Roy was a prominent advocate of free expression in Bangladesh, coordinated international protests against government’s censorship and imprisonment of bloggers. He was well known for his writings on his self-founded site Mukto-Mona.** | **In a Twitter post on the day after his death, Ansar Bangla-7 claimed responsibility for the killing. A case of murder was filed by Roy’s father without naming any suspects at Shahbag Police Station on 27 February 2015. On 19 February 2017 Dhaka Metropolitan Police Commissioner confirmed.** |

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http://www.thedailystar.net/city/blogger-rajib-murder-death-2-confirmed-1385122


Ansar Bangla-7 is said to be the same organization as Ansarullah Bangla Team.
said to have made a “significant” headway in the investigation of the Avijit Roy murder case. Though it seems that Law enforcers haven't been able to make any headway in the probe yet.

| Wasekur Rahman Babu | Killed on 30 March 2015 in Tejgaon, Dhaka | Wasekur Rahman Babu was hacked to death on 30 March 2015 morning in Tejgaon, Dhaka. Known as Wasekur Babu on Facebook, the blogger used to write under pseudonyms on popular blogs. | Preliminary murder charges have been lodged against two men – both students at Islamic religious schools, who were arrested at the scene after being overpowered by bystanders – and against a third assailant who fled and has yet to be found. But the masterminds in this case still remain undetected. |
| Ananta Bijoy Das Babu | Killed on 12 May 2015 in Sylhet, Bangladesh | Ananta Bijoy Das, a Blogger plus Banker was hacked to death by four masked men | Ananta’s brother filed the case against four people on 13 May 2015. The Metropolitan Session court in Sylhet has taken into cognizance |


in Sylhet on 12 May 2015. Ananta used to write for Mukto-Mona Blog which used to be moderated by Avijit Roy. a supplementary charge sheet against six persons in a case filed over the murder of blogger Ananta Bijoy Das. On 8 May 2017 the court fixed 23 May 2017 for framing charges against the six accused and acquitted 10 suspects, who were detained in connection with the case.48

| Niladri Chattopadhyay Niloy (Killed) | 7 August 2015, Dhaka, Bangladesh | A group of four youths stabbed blogger Niladri Chattopadhyay indiscriminately in his Flat at East Goran, Dhaka. | As per police, a witness identified one out of four arrestees accused in connection with blogger Niladri Chattopadhyay murder.49 |
| Nazimuddin Samad (Killed) | 6 April, 2016, Dhaka, Bangladesh | He was first struck with Machetes and then killed with a gunshot to the head.50 | Police have said they have identified the mastermind and the perpetrators of the killing and they belong to the banned militant outfit Ansarullah Bangla Team (ABT)51. |

49 [http://www.thedailystar.net/online/witness-identifies-blogger-niloy%E2%80%99s-killer-134560](http://www.thedailystar.net/online/witness-identifies-blogger-niloy%E2%80%99s-killer-134560)