

# **REPORTERS WITHOUT BORDERS**

**FOR FREEDOM OF INFORMATION**

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## **BANGLADESH**

### **Contribution by Reporters Without Borders (RSF), a non-governmental organization with special consultative status, on freedom of the media and information in Bangladesh**

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An international Paris-based NGO that has promoted media freedom worldwide since 1985, Reporters Without Borders (also known by its French acronym RSF) has consultative status with the United Nations. Its bureaux in ten cities around the world and its network of correspondents in 130 countries enable it to closely monitor freedom of information and expression worldwide.

#### **1. Overview of the press freedom situation: a highly repressive environment**

RSF is very concerned about freedom of the press and information in Bangladesh, which is ranked 146th out of 180 countries in RSF's 2017 World Press Freedom Index, two places lower than in 2016. For the past several years, journalists have been subjected to physical and judicial harassment by local authorities and religious groups. This is one of the main reasons for self-censorship and it is slowly killing media pluralism.

The Bangladeshi government does not take kindly to criticism of its constitution or the State religion, Islam. Journalists and bloggers who resist censorship or self-censorship on these subjects may face life imprisonment, the death penalty, or murder by Islamist militants, who often issue online calls for the deaths of outspoken secularist bloggers and writers.

Self-censorship in the media is growing as a result of the endemic violence against journalists and media outlets, and the systematic impunity enjoyed by those responsible. In 2016, the government took a tougher line towards its critics and the media in general. This was made clear by official statements expressing hostility towards the media, the blocking of dozens of websites, and the many lawsuits brought against journalists by Prime Minister Sheikh Hasina's Awami League.

#### **2. Draconian legislative measures to restrict press freedom**

Although the Bangladeshi constitution theoretically guarantees freedom of expression and press freedom (article 39), media outlets and professionals are subjected to judicial harassment. Criminal defamation and sedition charges are abusively used to reduce journalists to silence, especially by Bangladesh's ruling party, the Awami League, and its supporters.

The **Information and Communication Technology (ICT) Act** is a prime example of legislation that is often misused to silence local journalists. **Section 57** of the ICT Act states that any content or any post, image or video in an electronic format that “*causes to deteriorate law and order, prejudice the image of the state or person or hurt religious beliefs*” is a non-bailable offence punishable by seven to fourteen years in prison. The fuzziness of Section 57’s wording has allowed political coalitions and their supporters to gag journalists whose reporting annoys them. This draconian law is widely condemned in Bangladesh because it provides a blanket immunity for state agencies to arrest any person for even trivial matters and has resulted in many critical journalists being jailed.

At least **21 journalists** were sued under Section 57 from March to August 2017. It has also been used to target citizen-journalists and bloggers.

- **[Abdul Latif Morol](#)** of the *Daily Prabaha* was arrested on 1 August for sharing a news item about a dead goat on Facebook. In a complaint brought under Section 57, he was accused of defaming the fisheries and livestock minister in connection with the reported death of some of the livestock and poultry that the minister had distributed to deprived people.
- **Taufiqul Islam Babar**, a reporter for the Dhaka-based daily *Samakal*, was sued on 2 July by Iqbal Hossain Chowdhury Milton, the ruling party chairman of a local council in the Chittagong region, over a report describing certain individuals accused of murder as the henchman of former environment minister Hasan Mahmud.
- **Nazmul Hossain**, a senior reporter for *Jamuna Television*, was sued on 3 July over a ten-day-old Facebook post. The complaint was brought by Hazrat Ali Belal, a lawyer with the Dinajpur Bar Association. It named three other people who allegedly shared the post.
- **Kazi Motaher Rahman Babu**, the editor of a local daily in Khulna *Somoyer Khobor*, and one of his former reporters, **Shohag Dewan**, were accused of misinformation in a complaint brought by local court officials on 14 June.
- A court ordered the detention of **Golam Mostafa Rafiq**, the editor of the *Habiganj Samachar* daily, after his arrest at his office on 12 June over an allegedly false report in the newspaper. Citing a Dhaka-based news website, the report claimed that Abdul Majid Khan, a ruling party MP, would not get his party’s nomination for the next election. Filed by an aide to Khan, the complaint against Rafiq also named acting editor **Rasel Chowdhury** and managing editor **Niharanjon Saha Niru**.
- A retired army general, Masud Uddin Chowdhury, brought a defamation suit on 6 June against the journalist **[Afsan Chowdhury](#)** over a Facebook post that mentioned him.
- **Nipun Chandra Das**, a correspondent for *The Asian Age*, and **Sanjoy Banerjee**, a correspondent of *The Dainik Janata*, were sued on 16 May by Sikder Golam Mostafa, an Awami League secretary in Patuakhali, over their reports about a local gang that tortured a Hindu woman and tried to seize her land.
- A company sued **Ahmed Razu**, the executive editor of the *Natunsomay.com* website, on 29 April, accusing him of “tarnishing” the company’s image in two reports.
- Ali Reza Ripon, the brother of Narayanganj mayor Selina Hayat Ivy, filed a complaint on 15 April accusing five local journalists of defaming them. Those named in the suit were **Habibur Rahman Badal**, editor and publisher of *Dandy Barta*; **Raju Ahmed**, editor of *Narayanganjer*

*Alo*; its publisher **Mobarak Hossain Kamal**; **Sifat Al Raman Linkon**, news editor of the *Narayanganjbarata24.com* website; and the site's executive editor, **Mahmud Hasan Kachi**.

- Journalist Hasibur Rahman Rizu sued **Hasan Ali**, the Kushtia correspondent of *Bangla Vision* and *Bdnews24.com*, and **Aslam Ali**, a staff reporter for the local *Darpan* newspaper, on 30 March over their allegedly derogatory posts about him on Facebook.
- **Morsalin Babla**, the editor and publisher of the Narayanganj-based newspaper *Juger Chinta*, was sued on 25 March by Sohel Ali, the president of Fatullah Thana Jubo League, over a report in the newspaper.
- **Mostafij Mishu**, the Rajshahi University correspondent of *Dainik Alokito Bangladesh*, was sued on 1 March over his report about the formation a Chhatra League committee at the university. The suit was brought by Minarul Islam, a former Chhatra League leader.

According to figures provided by prosecutors at the Cyber Security Tribunal of Bangladesh, around 740 cases have been filed across the country under the ICT Act in the past four years – 60% of them under the controversial Section 57. Only three cases were filed in 2013, but the number has increased exponentially each year since then, with a record 319 cases in the first half of 2017 – raising new concerns that it is being misused to harass people who want to use their right to inform.

Section 57 evades the obligation to safeguard freedom of the press, and contravenes the Right to Information Act, which recognizes free speech as a basic right. Furthermore, Section 57 clearly violates Bangladesh's obligations under the International Covenant on Civil and Political Rights, to which Bangladesh is a party. Under the ICCPR, a state must not under any circumstances restrict the freedom of expression of its citizens by means of vague, imprecise, and overly broad regulatory language.

### 3. Journalists facing physical threats

**Violence** against journalists and media outlets has resulted in more and more self-censorship. It is all the more worrying as many cases go unpunished. The physical violence has two main sources: political parties and their supporters, on one hand, and Islamic fundamentalist groups, on the other.

#### A. Politics-related violence against journalists and media outlets

Journalists in Bangladesh are quickly exposed to a generalized climate of hostility whenever they fail to censor themselves and dare to criticize high-profile politicians. This was very clear in February 2016 when Prime minister Sheikh Hasina began to wage a personal war against *The Daily Star* newspaper and its outspoken editor Mahfuz Anam. The government's blocking of 35 news websites to gag the political opposition in August 2016 followed the same pattern. But political pressures against journalists can take a far more worrying form:

- Local journalist **Abdul Hakim Shimul** was shot in the head while covering clashes between members of rival Awami League factions on 2 February 2017. He died the next day. RSF accuses the Awami League of playing a role in his murder.
- *ATN News* cameraman **Abdul Alim** and reporter **Ishan Bin Didar** were brutally beaten in January 2017 by policemen inside Shahbagh police station in Dhaka while covering a protest against the construction of a power plant. They had gone into the police station to film the arrest of one of the protesters. Alim needed three stitches to his right eyebrow as a result of the beating.

- After at least six journalists were the targets of violence by political activists in a single month in October 2013, the **Bangladesh Publishers Council** issued a statement voicing concern about the violence and urging the country’s political parties to get their activists to stop targeting journalists.

## **B. Religion-related violence against journalists and bloggers**

At least 30 journalists, citizen-journalists and bloggers have been physically assaulted since 2013 for criticizing Islamist fundamentalism. Responsibility for the murders of bloggers and journalists, referred to as “blasphemers,” was in most cases claimed by the Indian subcontinent branch of Al-Qaeda and the Bangladeshi extremist group Ansarullah Bangla Team.

- **April 2016:** secularist blogger **Nazim Uddin Samad**, 27, was stabbed with machetes and shot by three unidentified individuals, who shouted “Allahu Akbar” (God is great) while attacking him.
- **October 2015:** **Faisal Arefin Dipan**, 43, the owner of the Jagriti Prakashani publishing house, was hacked to death in Dhaka on 31 October. The attack followed another stabbing the same day in which publisher **Ahmedur Rashid Chowdhury** and two writers, **Ranadeep Basu** and **Tareque Rahim**, were stabbed in their office. The three men were taken to hospital, and at least one was reported to be in critical condition.
- **October 2015:** **Ahmedur Rashid Chowdhury Tutul**, 43, the editor and publisher of the *Shuddhashar* magazine, was attacked by assailants with machetes. He was hospitalized in a critical condition. He had received a death threat in connection with his secular views in February 2015.
- **August 2015:** secularist citizen-journalist **Niloy Neel** (also known as Niladri Chattopadhyay Niloy) was [hacked to death](#) in his Dhaka home by five intruders armed with machetes, after being threatened by radical Islamist militants.
- **May 2015:** **Ananta Bijoy Das**, 33, a citizen-journalist writing for *Mukto-Mona* (“Free Thinking”), was [killed](#) in broad daylight by four masked men with machetes. He had been getting threats from Islamist extremists for months in connection with his blog posts.
- **March 2015:** **Washiqur Rahman**, a 27-year-old blogger who defended fundamental freedoms, was [murdered with machetes](#) by three men in an industrial district of Dhaka. Police arrested two of the men but the third got away.
- **February 2015:** US-Bangladeshi journalist **Avijit Roy**, the founder of *Mukto-Mona*, was [killed by men](#) armed with machetes who also inflicted serious injuries on his wife, Rafida Ahmed Banna.

## **4. RSF recommendations**

In the light of these observations, RSF urges the Bangladeshi authorities to:

- Guarantee the safety of journalists and bloggers who strive to exercise the right to press freedom in Bangladesh.
- Repeal Section 57 of the ICT Act.
- Ensure that the new Digital Security Act, which is due to be adopted soon, provides a clear definition of “cyber-crime,” so that it will not be misused to persecute journalists and bloggers who are exercising their right to freedom of expression and information. The penalties under this law must also be proportionate and bailable, unlike Section 57 of the ICT act.
- Put an end to online censorship and to all criminal proceedings against individuals using the Internet for journalistic work or for the legitimate expression of views on political and religious matters.
- Respect the principles of the UN Human Rights Council resolution of 18 March 2016 on promoting and protecting human rights during protests and, more specifically, during political rallies. Bangladesh must establish good conduct procedures for the police and for political party supporters in order to guarantee the safety of journalists covering demonstrations.
- End impunity and punish those responsible for violence against journalists and media outlets, including members of the Ansarullah Bangla Team fundamentalist group and its affiliates. Cooperate with the authorities of other countries when an activist involved in violence against journalists or bloggers flees abroad.

## **REPORTERS WITHOUT BORDERS**

### **Contacts**

#### **Paris**

Daniel Bastard  
Head of Asia-Pacific Desk  
dbastard@rsf.org  
+33 1 4483 8470

Sophie Busson  
Head of advocacy  
+33 1 44 83 60 58  
justice[at]rsf.org