NO PLACE FOR CRITICISM
Bangladesh Crackdown on Social Media Commentary
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Summary

On April 9, 2018, Bangladesh listed its new Digital Security Bill in parliament, which was then sent to a parliamentary standing committee for review. The proposed law is in part intended to replace section 57 of the Information and Communication Technology Act (ICT Act) 2006, which has been widely criticized for restricting freedom of expression and has resulted in scores of arrests since 2013. However, the current draft of the Bill replicates, and even enhances, existing strictures of the ICT Act. This report documents abuses under section 57 of the ICT Act to warn that any new law should protect rights, not be used to crack down on critics.

For instance, exactly a year ago, Monirul Islam, a rubber plantation worker in Srimongol, southern Bangladesh, experienced an unwelcomed surprise. He was arrested on April 13, 2017, accused of defaming the country's prime minister and harming the image of Bangladesh. His crime: he had “liked” and then “shared” a Facebook post, something social media users around the world do every day. The post, allegedly from a colleague, criticized the ongoing visit by Prime Minister Sheikh Hasina Wazed to India, saying that she was meeting her Indian counterpart, “for the sake of power and to win the coming election.” The post included some cartoons of the prime minister.

He was accused of offences under section 57 of the ICT Act claiming that he, and the publisher of the post, were “opposition supporters” and that the post was an “injustice,” “condemnable,” and a “betrayal to the country.” Denied bail by both the magistrate and district courts, Islam, who denies the offence, was detained for three months before the High Court released him in July 2017. Meanwhile, the author of the original post, reportedly went into hiding fearing his own arrest.

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Section 57 of ICT Act authorizes the prosecution of any person who publishes, in electronic form, material that is fake and obscene; defamatory; “tends to deprave and corrupt” its audience; causes, or may cause, “deterioration in law and order;” prejudices the image of the state or a person; or “causes or may cause hurt to religious belief.” These broad and sweeping terms invite misuse of the law.
When Bangladesh first enacted the ICT Act in November 2006 to regulate digital communications, legal protections within the law limited the number of arrests and prosecutions. In 2013, the government amended the law, eliminating the need for arrest warrants and official permission to prosecute, restricting bail, and increasing prison terms if convicted. A new Cyber Tribunal dedicated to dealing with offences under the ICT Act was also established. As a result, the number of complaints to the police, arrests, and prosecutions has soared.

Between 2013 and April 2018, the police submitted 1271 charge sheets, most of them under section 57 of the ICT Act. Many of these cases involved multiple accused.

Often, it seems, the intent is to intimidate, with relatively few convictions—according to anecdotal comments from court officials—resulting from prosecutions. In September 2017, Md Nazrul Islam Shamim, special public prosecutor of the Cyber Tribunal, told *The Dhaka Tribune* that 65 to 70 percent of cases filed under section 57 cannot be proved in court. “Some cases are totally fabricated and are filed to harass people,” he said. In the first three months of 2018, of the nine cases where trials were concluded, eight were acquitted.

However, the impact of being arrested for a criminal offense can be severe on the individual, their family, and on free speech, as those who might otherwise speak out choose to self-censor rather than risk arrest and months of imprisonment. “A sinister section such as section 57 must be repealed soon,” the Bangladesh daily, *New Age*, said in an August 2017 editorial, “or, else it must be resisted and repulsed by not only the journalist community but also society at large.”

Following public outrage, Bangladesh authorities pledged to repeal the ICT Act, and on January 29, 2018, the cabinet approved a new Digital Security Act. However, the proposed draft is in some instances even broader than the law it seeks to replace and violates the country's international obligation to protect freedom of speech.

This report—based on investigation of police and court documents and interviews with dozens of accused—details violations of free speech rights under section 57 of the ICT Act and concludes with recommendations to the Bangladesh government aimed at ensuring that any new law does not open the door to further violations.
Information and Communication Act

Between 2006, when the law was first enacted, and 2013, when it was amended, police data shows that while there were 426 complaints, only a few resulted in arrests or prosecution. However, after the law was amended in October 2013 the situation changed dramatically.

Hundreds, including several journalists, have been accused under section 57 for criticizing the government, political leaders, and others. In the first three and half months of 2018 alone, police submitted 282 charge sheets with Cyber Tribunal officials. Most involve criticism of the government, defamation, or offending religious sentiments, while the rest are allegations against men publishing intimate photographs of women without their consent. After recent student protests, on April 8, 2018, a police officer filed a complaint referring to 43 “provocative” Facebook posts which “many have liked and commented on” that has, as a result, “created a situation which could potentially harm society and create chaos.” Yet, apart from a few lewd characterizations, these posts contained legitimate commentary about an ongoing political protest.

The Cyber Tribunal provides no official data on the number of convictions and acquittals, but anecdotal evidence suggests few people have been convicted to date. The impact, however, of an arrest for a criminal offense may be significant. As Frank La Rue, former UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, has stated:

Individuals face the constant threat of being arrested, held in pretrial detention, subjected to expensive criminal trials, fines, and imprisonment, as well as the social stigma associated with having a criminal record.

In addition, such treatment may chill free speech. “The government has reassured the public of their commitment to freedom of speech,” the Dhaka Tribune said in a September 2017 editorial. “Then why does section 57 continue to be a tool of harassment?”
Punishing Government Critics

Section 57 is often used in Bangladesh to prosecute those who criticize individual politicians, particularly the prime minister and her relatives. Under the 2013 amendments, a person may be arrested simply on the basis of a complaint to the police, regardless of whether the person filing it has themselves been prejudiced, defamed, or otherwise “injured” by the offending material.

Members and supporters of the ruling Awami League party have exploited this rule to file numerous complaints alleging that online speech has defamed or prejudiced the prime minister, other government officials, or the ruling party.

For example, on August 27, 2016, Rashedul Islam Raju, general secretary of the Awami League’s student wing based at Rajshahi University, complained to police about three Facebook posts by Dilip Roy, a student involved with a left-wing opposition party. Raju said the posts, including one that stated, “I can’t label a dog Awami League, because it would be ashamed to be labeled as such,” constituted a threat to the prime minister, insulted her father (the country’s first president), and defamed the Awami League. Roy was arrested the next day, and remained in custody for three months before the High Court granted bail.

In other cases, police have acted directly against government critics without waiting for a complaint. For instance, on September 5, 2016, Shahadat Hossen Khondaker, a Bangladesh railways employee, was arrested for allegedly posting “anti-government statements” on Facebook. These posts criticized the trial of Mir Quasem Ali, convicted of crimes committed during the country’s independence war. Shahadat remained in detention for 11 months before he finally obtained bail in August 2017.

One of the most well-known uses of section 57 to target government critics involves Odhikar, a Dhaka-based human rights organization. On August 10, 2013, Odhikar’s secretary, Adilur Rahman Khan, was arrested on “suspicion of causing disruption to society” and “carrying out a conspiracy against the state.” His arrest came three months after the group published a report documenting alleged killings of protesters by law enforcement during a rally by the conservative Islamist organization, Hefazet-e-Islami. On September 3, police filed a case against Rahman and Nasiruddin Elan, Odhikar’s director,
under section 57 of the ICT Act, alleging the report was “fiction.” Both men were eventually released on bail, but the case remained pending at time of writing.

Journalists have also faced arrest for writing online about alleged government or corporate corruption or inappropriate conduct. On September 1, 2016, Siddique Rahman, editor of the *Daily Shikkha*, a news website dedicated to education reporting, was arrested in Dhaka after publishing articles about alleged corruption in a government education department. The arrest followed a complaint by the department’s former director general, who said the allegations were false and defamatory to her and “the nation,” would “provoke anyone to commit crimes,” and thus wreak “havoc in the law and order of the country.”

### Protecting Religious Sentiment

Section 57 also criminalizes those whose online words or pictures “cause, or may cause hurt to religious belief.” At a time when religious fundamentalism has become hotly debated on social media, these vague provisions create a significant risk of arrest for anyone writing about Islam with any critical perspective.

For example, one of the earliest prosecutions for hurting religious belief involved the arrest of four young men in Dhaka on April 1, 2013 for making “derogatory comment[s] about the Prophet Mohammad” on Facebook and in various blogs. The High Court granted bail a month later and during hearings in February 2014 issued an order asking the government to explain why proceedings against the four men should not be quashed—one of the few cases in which the High Court has stopped a section 57 prosecution.

On September 26, 2015, Mohan Kumar Mondal and his colleague Shawkat Hossain were arrested in Satkhira after an Awami League activist filed a case alleging that a Facebook post by Mondal had hurt religious beliefs of Muslims. The post criticized Saudi Arabia’s security arrangements during the Haj that led to a deathly stampede killing hundreds. The men were detained for two months before the Cyber Tribunal granted bail on November 29, 2015.

Blogger Limon Fakir was arrested in April 2017 after a case was lodged against him and another well-known blogger, Asaduzzaman Noor, for comments “defamatory of the prophet
Mohammed”. Noor was subsequently arrested from Dhaka airport. They both remain in detention, refused bail by the High Court at a hearing in April 2018.

**Digital Security Act**

In 2015, several leading members of civil society filed a High Court petition against section 57, saying it violated freedom of expression and that prosecutions on vague grounds had created a “sense of terror” and self-censorship among writers, bloggers, journalists, and citizens. They argued section 57 violated article 39 of the constitution which provides, with exceptions, the right to free expression. The case remained pending at time of writing.

However, in August 2017, media outrage following the arrest of a reporter in Khulna for sharing an article on Facebook—about a goat that died almost immediately after being given by a minister to a villager as a relief measure—resulted in some action to restrict use of the law and enabled greater scrutiny of complaints. Acknowledging that section 57 is misused, the government proposed to replace the law with a new Digital Security Act that they argue places some checks and balances on arrests over speech.

However, some provisions of the proposed new law are even more draconian than those in section 57. These include forbidding discussion of facts around the independence movement and setting prison terms for vague offenses like publishing “aggressive or frightening” information. The law would also impose sentences of up to 10 years in prison for posting information which “ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law and order situation”—overbroad language that opens the door to further abuses.

Bangladesh’s journalists are also concerned about section 32 of the proposed act, which will treat the use of secret recordings to expose corruption and other crimes as espionage, arguing it will restrict investigative journalism and muzzle media freedom. Even as the law minister, Anisul Huq, said, “no journalist will be harassed by Section 32 of the Digital Security Act, as this law is not being formulated [to target] journalists,” the commerce minister, Tofail Ahmed, told journalists, “Various media reports often turn out to be humiliating for the MPs. Their images are tarnished. They are representatives of the people after all. So, this act has been formulated to prevent these [media reports].”
Also concerning is a life sentences provision in the proposed law for “negative propaganda and campaign against liberation war of Bangladesh or spirit of the liberation war or Father of the Nation.” The United Nations Human Rights Committee, the independent expert body that monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, has said that laws that penalize opinions about historical facts are incompatible with a country’s obligations to respect freedom of opinion and expression.

It is also essential that restrictions on public debate or discourse, even when the goal is a laudable one such as protecting racial harmony, are not implemented to the detriment of human rights, such as freedom of expression and freedom of assembly. A prohibition on speech that hurts someone’s religious feelings, reinforced by criminal penalties, cannot be justified as a necessary and proportionate restriction on speech.

Under international law, governments are required to protect and respect freedom of speech. Speech can only be restricted when this is clearly set out in domestic law, for legitimate reasons (as set out in international treaties), and only when the measures to restrict the speech are proportionate. Criminalization of speech offenses should only be imposed for the worst cases, such as direct incitement to violence, and not for speech such as criticism of the authorities or defamation.

The internet and social media give individuals unprecedented ability to communicate and access information across borders. Governments, including that of Bangladesh, have welcomed and sought to actively harness the internet to further social and economic development. Instead of fearing such communication will amplify dissatisfaction, Bangladesh should take steps to protect freedom of expression, and welcome peaceful dissent and criticism.
Key Recommendations

- Bangladesh authorities should publicly uphold the right to free speech, including criticism and dissent.
- While the government should immediately act on its pledge to repeal section 57 of the ICT Act, it should ensure that the proposed Digital Security Act that will replace the ICT Act conforms to international standards for the protection of freedom of expression.
- Bangladesh should consult with various UN mechanisms, including the UN special rapporteur on the promotion of the right to freedom of opinion and expression to ensure the Digital Security Act conforms to international standards.
Methodology

This report is based on field research and interviews conducted in Bangladesh from March 2017 to January 2018.

It is based on information obtained by Human Rights Watch relating to over 115 cases involving more than 200 individuals filed at police stations involving allegations under section 57 of the ICT Act. Human Rights Watch worked with Odhikar, a Dhaka based human rights organization, to identify and collate much of the information.

Human Rights Watch also examined 40 written police complaints and First Information Reports, and more than 20 bail applications. In addition, Human Rights Watch interviewed more than 15 people accused of violating the ICT Act, including authors of social media posts and journalists. We also interviewed a dozen civil society activists, lawyers, and some government officials.

The interviews were conducted in person, by phone, or email. Translators were used in interviews conducted in Bengali. We also examined social media content that led to prosecutions. We paid no remuneration or other inducement to victims and witnesses that spoke with us.

A significant number of complaints under section 57 of the ICT Act have been filed against men who allegedly posted or distributed intimate images of women with whom they have fallen out or otherwise wished to humiliate, without the women’s consent. These latter cases are not dealt with in this report.
I. Background

Bangladesh authorities have long sought to limit freedom of expression, particularly in relation to media. However, the current ruling Awami League government is particularly harsh on critics, using a range of laws to prosecute dissent.

History of Crackdown on Free Speech

From 2001-2006, when the Bangladesh Nationalist Party (BNP)—in an alliance with the Jamaat-e-Islami—was in office, the government repeatedly took legal action against its critics and those affiliated with the opposition Awami League.

The privately owned ETV, which received its license from the previous Awami League government, was closed following a court order. Sedition cases were filed against civil society members, and criminal defamation cases were initiated against journalists. In its 2004 annual human rights report, the US State Department said of Bangladesh, “Individuals cannot criticize the Government publicly without fear of reprisal.”

In 2006, after violent protests over a disputed voter list around impending elections, the military stepped in and proclaimed a state of emergency. During the two years in which

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2 In August 2006, Mahmudur Rahman, then executive chairman of the Board of Trade, filed defamation cases against five trustees of a think-tank, Centre for Policy Dialogue. See “Mahmudur Rahman sues five CPD Trustees,” bdnews24.com, August 6, 2006, https://bdnews24.com/politics/2006/08/08/mahmudur-rahman-sues-five-cpd-trustees-arrest-warrant-issued-3rd-ld. Rahman subsequently became editor of Amar Desh and, after the Awami League came into power, was arrested for offences under section 57 of the ICT Act along with other offences, discussed in Section III.


the military-backed caretaker government was in power, the Emergency Powers Rules allowed legal action against media critics, and authorized forced broadcast or publication of stories supporting the government. The military’s intelligence wing, the Directorate General of Forces Intelligence (DGFI), threatened and intimidated journalists.

**Continuing Speech Restrictions**

When the Awami League came to power following an overwhelming victory in elections at the end of 2008, the DGFI remained a powerful influence in reducing critical commentary in the media. In 2010, a current affairs program was cancelled based on claims that it was “anti-government and anti-state.” Several broadcast journalists said the intelligence agency influences the content and what guests are allowed on talk shows. Newspaper editors and journalists also reported threats from intelligence agencies for criticizing the government or the military.

The state’s regulatory body closed two TV stations in 2009, including the pro-opposition Channel One. In 2013, the government-controlled regulatory body stripped two more pro-opposition stations, Diganta TV and Islamic TV, of their licenses for criticizing a security force crackdown on a protest by the Islamist group Hefazet-e-Islami. The main pro-

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opposition newspaper, *Amar Desh*, was closed for a month in 2010 and was permanently shut down in December 2013, after its editor was arrested under the ICT Act.

The Awami League won a second term in January 2014, after controversial elections that the main political opposition parties boycotted due to the government’s failure to hold the elections under a neutral caretaker government. More than half the seats in the election were uncontested. In its second term, the Awami League has become more authoritarian and even less tolerant of criticism.

On the one-year anniversary of the 2014 elections, opposition parties organized a series of violent national strikes and blockades. By the end of February 2015, up to 120 people, mostly members of the public, had been killed, most allegedly due to violence by opposition picketers. Towards the end of March 2015, under intense public and international pressure, opposition parties stopped the strikes. However, scores of opposition activists then faced arbitrary arrests, secret detention, and enforced disappearances amid a crackdown on the opposition.

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11 On June 30, 2011, the government amended the constitution, removing provisions that required the government to hand over power to a non-political, caretaker administration three months before elections. The BNP and the Jamaat-e-Islami demanded the provision be reintroduced before the 2014 elections to ensure free and fair polling. They had themselves sought to control the caretaker government in 2006, which had catalyzed the earlier constitutional crisis in 2007 that led to the state of emergency.


In 2015, DGFI instructed major advertisers to stop advertising in *Prothom Alo* and *Daily Star*, the country’s largest Bengali and English language newspapers. In January 2015, the owner of ETV was arrested after the station broadcast a speech by BNP politician Tarique Rahman.

The government continued to put forward an image of respect for media freedom. In a hearing before the UN Human Rights Committee in March 2017, the law minister called Bangladesh “one of the most liberal countries of the world in terms of freedom of press and media,” citing publication of “1106 daily newspapers, 1169 weeklies, 127 fortnightlies and 280 monthlies” and “more than 28 TV channels, 25 of them...private.” While there are indeed a large number of registered newspapers, many are not active or circulated. Of the main newspapers with wide readership, few are independent of the government or they face informal state restrictions. While there are 28 private television stations, in the last nine years, almost all new stations that received licenses were owned by pro-Awami League businessmen.

In 2016, the Bangladesh Law Commission drafted legislation to outlaw “inaccurate” representation of war history and “malicious” statements in the media that “undermine

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16 Ian Silvera, “Bangladesh police arrest Ekushey TV boss Abdus Salam on ‘trumped-up’ pornography charges,” *International Business Times*, January 7, 2015, http://www.ibtimes.co.uk/bangladesh-police-arrest-ekushey-tv-boss-abdus-salam-trumped-pornography-charges-1482282 (accessed October 8, 2017); Also see US Department of State, Bureau of Democracy, Human Rights, and Labor, “Country reports on human rights practices – 2016: Bangladesh,” March 3, 2017, https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm According to the US State Department report a talk show was cancelled by military intelligence: “When the host continued working on another program, he reported receiving word for word instructions from security forces for behavior on air and being subject to surveillance and death threats via text, letter, and voice messages. The host was ultimately forced to flee the country.”


any events” related to the war. It proposed that efforts to “trivialize” information related to
the killing of civilians during the war would also be forbidden.\footnote{See Law Commission
draft of the ‘Bangladesh Liberation War (Denial, Distortion, Opposition) Crime Law, 2016,’
\url{http://lc.gov.bd/Circular/Holocaust%20Law_Draft%20(Final).pdf} A translation is available at
\url{https://bangladeshpolico.blogspot.co.uk/2016/04/crime-of-distortion-of-history-of.html} Also see Ashutosh Sarkar,
“Liberation War Denial Crimes Act drafted,” \textit{Daily Star}, March 23, 2016, \url{http://www.thedailystar.net/backpage/liberation-
\footnote{“Draft Digital Security Act gets green light,” \textit{Daily Star}, August 23, 2016, \url{http://www.thedailystar.net/frontpage/new-law-
\footnote{ICCPR, art. 19(3). The same three-part test has been applied by, among others, the African Court of Human and Peoples’
Rights to cases under article 9 of the African Charter on Human and Peoples’ Rights, see, e.g., \textit{Lohe Issa Konate v. Burkina
Faso}, Application no. 004/2013, December 5, 2014, \url{http://www.african-
of Human Rights to cases under article 10 of the ECHR, see, e.g. \textit{Goodwin v. United Kingdom}, [GC] (No. 17488/90), 22 EHRR
123 (1996), para. 28-37, the Canadian Supreme Court to cases under the Canadian Charter of Rights and Freedoms, see, e.g.,
\textit{R. v. Oakes}, [1986] 1 SCR 103, 138-139, and the Kenyan High Court, Constitutional and Human Rights division, to cases under
the Kenyan Constitution, see, e.g., \textit{Coalition for Reform and Democracy v. Republic of Kenya}, Petitions 628 and 630 of 2014
and 12 of 2015 (consolidated), February 23, 2015, \url{http://kenyalaw.org/caselaw/cases/view/106083/} (accessed June 23,
2015.)} The current draft of the Digital Security Act would also impose numerous restrictions on using the internet,
including a maximum 14 year sentence for “using a digital device” to spread “negative
propaganda and campaign” regarding the independence war of 1971, the “spirit” of the
war, or the first president.\footnote{“Draft Digital Security Act gets green light,” \textit{Daily Star}, August 23, 2016, \url{http://www.thedailystar.net/frontpage/new-law-
\footnote{ICCPR, art. 19(3). The same three-part test has been applied by, among others, the African Court of Human and Peoples’
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Faso}, Application no. 004/2013, December 5, 2014, \url{http://www.african-
of Human Rights to cases under article 10 of the ECHR, see, e.g. \textit{Goodwin v. United Kingdom}, [GC] (No. 17488/90), 22 EHRR
123 (1996), para. 28-37, the Canadian Supreme Court to cases under the Canadian Charter of Rights and Freedoms, see, e.g.,
\textit{R. v. Oakes}, [1986] 1 SCR 103, 138-139, and the Kenyan High Court, Constitutional and Human Rights division, to cases under
the Kenyan Constitution, see, e.g., \textit{Coalition for Reform and Democracy v. Republic of Kenya}, Petitions 628 and 630 of 2014
and 12 of 2015 (consolidated), February 23, 2015, \url{http://kenyalaw.org/caselaw/cases/view/106083/} (accessed June 23,
2015.)}

\textbf{International Legal Standards}

The International Covenant on Civil and Political Rights (“ICCPR”) states everyone shall
have the right to hold opinions without interference; the right to freedom of expression
including freedom to seek, receive, and impart information and ideas of all kinds,
regardless of frontiers, either orally, in writing, or in print, in the form of art or through any
other media of their choice. Bangladesh became a party to the ICCPR in September 2000.

The ICCPR, in article 19(3), permits governments to impose restrictions or limitations on
freedom of expression only if such restrictions are provided by law and are necessary: (a)
for respect of the rights or reputations of others; or (b) for the protection of national
security, public order, public health, or morals.\footnote{See Law Commission draft of the ‘Bangladesh Liberation War (Denial, Distortion, Opposition) Crime Law, 2016,’
\url{http://lc.gov.bd/Circular/Holocaust%20Law_Draft%20(Final).pdf} A translation is available at
\url{https://bangladeshpolico.blogspot.co.uk/2016/04/crime-of-distortion-of-history-of.html} Also see Ashutosh Sarkar,
“Liberation War Denial Crimes Act drafted,” \textit{Daily Star}, March 23, 2016, \url{http://www.thedailystar.net/backpage/liberation-
war-denial-crimes-act-drafted-1198240} (accessed November 2, 2017).}

The UN Human Rights Committee, the independent expert body that monitors state
compliance with the ICCPR, in its General Comment no. 34 on the right to freedom of
expression, states that restrictions on free expression should be interpreted narrowly and
that the restrictions “may not put in jeopardy the right itself.” The government may impose restrictions only if they are prescribed by legislation and meet the standard of being “necessary in a democratic society.”

This implies that the limitation must respond to a pressing public need and be oriented along the basic democratic values of pluralism and tolerance. “Necessary” restrictions must also be proportionate, that is, balanced against the specific need for the restriction being put in place. General Comment no. 34 also provides that “restrictions must not be overbroad.” Rather, to be provided by law, a restriction must be formulated with sufficient precision to enable an individual to regulate their conduct accordingly.

Restrictions on freedom of expression to protect national security are permissible only in serious cases of threat to the nation and not for example the commercial sector, and should not be used to prosecute human rights activists or journalists for disseminating information in the public interest. Since restrictions based on protection of national security have the potential to completely undermine freedom of expression, “particularly strict requirements must be placed on the necessity (proportionality) of a given statutory restriction.”

With respect to criticism of government officials and other public figures, the Human Rights Committee has emphasized that “the value placed by the Covenant upon uninhibited expression is particularly high.” 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.” Thus, “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.” The Human Rights Committee has further stressed that the scope of

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22 UN Human Rights Committee, General Comment no. 34, art. 19, Freedoms of Opinion and Expression, CCPR/C/GC/34 (2011).
23 UN Human Rights Committee, General Comment no. 34.
26 Ibid., p. 465-66.
27 UN Human Rights Committee, General Comment no. 34, para. 38.
the right to freedom of expression “embraces even expression that may be regarded as deeply offensive.”

The Bangladeshi Constitution guarantees the fundamental right “of every citizen to freedom of speech and expression.” The enjoyment of this right is made expressly subject to “reasonable restrictions imposed by law” which are “in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.”

These restrictions are inconsistent with section 19 of the ICCPR, which requires that the restrictions be “necessary” to protect the interests listed therein, a key element of international legal protection for freedom of expression.

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28 Ibid., para. 11; see also European Court of Human Rights, Handyside v. United Kingdom, (no. 5493/72), Judgment of 7 December 1976, ECHR 1976-V, www.echr.coe.int, para. 49 (freedom of expression “is applicable not only to ‘information’ or ‘ideas’ that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population”); R. v. Central Independent Television plc, [1994] 3 All ER 641 (“Freedom of [speech] means the right to [say] things which the government and judges, however well-motivated, think should not be [said]. It means the right to say things which ‘right-thinking people’ regard as dangerous or irresponsible.”).

II. Challenges to ICT Act and Proposed Digital Security Act

The stated objective of the ICT Act, which the BNP-Jamaat-e-Islami government first enacted in October 2006, appeared to be a largely innocuous effort at “legal recognition and security of information and communication technology.”

In fact, most of the statute deals with digital signatures and electronic records. The current section 57 offence did exist, but it was “non-cognizable,” meaning that the police could only arrest a person after obtaining an arrest warrant from a court. Few of the 426 complaints filed with the police between 2006 and 2013 resulted in arrests. Even among those arrested, few cases went to trial because a court could only accept a case for trial if it received a written report from police and approval from the controller.

In August 2013, the government made significant changes to the ICT Act that increased the risk of abusive prosecutions under section 57:

1. The offence became “cognizable,” i.e., police could arrest without a judicial warrant;
2. Courts no longer needed “controller” approval to proceed to trial;
3. Offences under section 57 were made “non-bailable” i.e., bail cannot be sought as a matter of right but only at the court’s discretion; and
4. The maximum potential penalty rose from 10 to 14 years in prison, with a minimum penalty set at 7 years’ imprisonment.

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31 Data obtained from police headquarters, June 8, 2017. Details on file with Human Rights Watch.
32 The law was initially brought in as an ordinance. Under article 93 of the constitution, during parliamentary recess, the president can pass ordinances under certain circumstances which must be ratified by parliament within 30 days of its next sitting. See The Constitution of the People’s Republic of Bangladesh, art. 93, http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367&sections_id=24650.
33 It is notable that none of the penal code offences that overlap with section 57 allow police to arrest a person without first obtaining permission of the court.
In addition, while offences under the ICT Act were earlier prosecuted in session courts, in February 2013 the government established a Cyber Tribunal to prosecute such cases.\textsuperscript{34} Since the 2013 amendments, arrests and prosecutions under section 57 have increased dramatically and have been widely criticized. For instance, pointing out that some 85 percent of the cases filed under section 57 are eventually dismissed for lack of proof or worse because the allegations are found to be “completely baseless,” \textit{Dhaka Tribune} said in a September 2017 editorial:

Laws exist to uphold justice, and such rampant abuse of the law does a disservice to our justice system. The government has reassured the public of their commitment to freedom of speech—then why does section 57 continue to be a tool of harassment?\textsuperscript{35}

\section*{Section 57}

Section 57 authorizes the prosecution of anyone who publishes, in electronic form, material that is (1) fake and obscene; (2) defamatory; (3) “tends to deprave and corrupt” those who are likely to read, see, or hear it; (4) causes or creates the possibility of “deterioration in law and order”; (5) prejudices the image of the state; (6) prejudices the image of a person; or (7) “causes or may cause hurt to religious belief.”

The provision duplicates long existing penal code offences, while eliminating some of the defenses or other protections provided by the penal code, and is inconsistent with international legal standards for the protection of freedom of speech.

\section*{Defamation}

Section 57 allows prosecution of any online content that is found to be “defamatory” or “prejudicial to the image of a person.” Defamation is already made criminal under the Bangladesh penal code, 1860, which says:

\begin{itemize}
\end{itemize}
Section 57 does not clarify whether safeguards in the penal code apply to claims of defamation under the section.\(^{37}\) One safeguard that clearly does not apply is the requirement, put in place in 2011, that the court should first issue a summons to the accused person in any defamation case under the penal code.\(^{38}\) At the time, the law minister said, "It will help put an end to harassment of journalists, editors, writers, and publishers."\(^{39}\) Section 57 also increases the penalty that can be imposed for defamation, when committed electronically, from 2 years in the penal code to between 7 and 14 years in prison under the ICT Act.

It is increasingly recognized globally that defamation should be considered a civil matter, not a crime punishable with imprisonment. The UN special rapporteur on the protection and promotion of the right to freedom of opinion and expression has recommended that criminal defamation laws be abolished,\(^{40}\) as have the special mandates of the UN, Organization for Security and Co-operation in Europe, and Organization of American States, which have together stated:


\(^{37}\) For example, under the penal code, it is not considered defamatory to (1) impute anything which is true concerning any person, if it is in the public interest that the statement be made; (2) express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions; or (3) express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct. Penal Code, sec. 499, First, Second and Third Exceptions.


\(^{40}\) Report of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue Report, June 2012, UN Doc. A/HRC/20/17, para. 87.
Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws.\textsuperscript{44}

The UN Human Rights Committee has made a similar recommendation in interpreting international law on freedom of expression. The category of being “prejudicial to the image of a person” sweeps even wider than that of defamation, as it can be used to criminalize any criticism, however justified or minor, including criticism of public officials. The mere fact that forms of expression are considered insulting to a public figure, however, is not sufficient to justify the imposition of criminal penalties.\textsuperscript{42} The vagueness of the offense, combined with the harshness of the potential penalty, increases the likelihood of self-censorship to avoid possible prosecution. The law also fails to restrict speech with sufficient precision to enable an individual to regulate their conduct accordingly, as the ICCPR requires.\textsuperscript{43}

\textit{Prejudicing the Image of the State}

Section 57 also criminalizes speech that “prejudices the image of the state.” This sweeping provision potentially applies to any criticism made of the government or any state body and is far too broad to comply with international legal standards.

The UN Human Rights Committee has stated that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition…. States parties should not prohibit criticism of institutions, such as the army or the administration.”\textsuperscript{44}

\begin{itemize}
\item \textsuperscript{42} UN Human Rights Committee, General Comment No. 34, para. 38.
\item \textsuperscript{43} Ibid., para. 25. See also European Court of Human Rights, \textit{Sunday Times v. United Kingdom}, Judgment of 26 April 1979, Series A, no. 30, www.coe.echr.int, ECHR 1, para. 49.
\item \textsuperscript{44} UN Human Rights Committee, General Comment No. 34.
\end{itemize}
Hurt to Religious Beliefs

Section 57 of the ICT Act allows prosecution for material, including social media posts, that “causes, or may cause, hurt to religious belief.” Section 57 is broader than the penal code offenses against “insulting” or “wounding” religious feelings, both of which, unlike in the ICT Act, require a deliberate intent to do so, and carries a much heavier sentence.

Section 57 effectively criminalizes speech that may offend others or be viewed as insulting to their religion. Laws that prohibit “outraging religious feelings” were specifically cited by the former UN special rapporteur on the right to freedom of expression, Frank La Rue, as an example of overly broad laws that can be abused to censor discussion on matters of legitimate public interest.

Freedom of expression is applicable not only to information or ideas “that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.” Prohibiting speech that hurts someone’s religious feelings, reinforced by criminal penalties, is not necessary to protect a legitimate interest or proportionate to the supposed interest being protected.

Deterioration of Law and Order

Section 57 prohibits online speech that “causes, or creates the possibility of deterioration in law and order.” While protecting public order is a legitimate basis for restricting speech under international law, the restriction must be narrowly drawn to restrict speech as little

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46 Section 295A of the penal code prohibits “outraging religious feelings,” carries a maximum penalty of two years in prison. Section 298 prohibits “wounding religious feelings,” carries a maximum penalty of one year in prison. While analysis of these provisions is beyond the scope of this report, it should be noted that the requirement of intent is insufficient to counter the fundamental problem with criminalizing harm to religious feelings or belief.


48 European Court of Human Rights, Handyside v. United Kingdom, para. 49. See also UN Human Rights Committee, General Comment No. 34, para. 11.

49 UN Human Rights Committee, General Comment No. 34, para. 34. See also UN Human Rights Committee, Decision: Ballantyne v. Canada, para. 11.4 (restriction on advertising in English not necessary to achieve stated aim of protecting the francophone population of Canada).
as possible, and be sufficiently precise as to allow people to understand and comply with the restriction, and to restrict the discretion of authorities tasked with enforcing it.\textsuperscript{50}

The restriction on speech that “creates the possibility of deterioration in law and order” does not meet those standards. It is overly broad, and the vagueness of the language gives almost unfettered discretion to the government to use the law to punish speech it does not like. Almost any criticism of the government may lead to dissatisfaction and the possibility of public protests. The government should not be able to punish criticism on the grounds of protecting public order.\textsuperscript{51}

\textit{Punitive Sentencing}

Section 57 also permits the imposition of much heavier sentences than those that can be imposed for the penal code offenses that it duplicates. While violating section 57 can result in a sentence of between 7 to 14 years in prison, the maximum sentence for distributing “obscenity” in section 292 of the penal code is only three months’ imprisonment; two years’ imprisonment or a fine for “insulting religious sentiments” (section 295A); one year’s imprisonment or a fine for deliberately intending to “wound the religious feelings of any person” (section 298); and two years’ imprisonment for “defamation” (section 500). The severity of the criminal sanctions may cause speakers to remain silent rather than speak critically of the government or government officials.

According to court officials, as of June 2017, the Cyber Tribunal has convicted and sentenced 10 people to at least 7 years imprisonment.\textsuperscript{52} Among them is Tonmoy Malick, 25, an electronics shop owner in the southern district of Khulna who was convicted in September 2014 of an offence under section 57 of the ICT for distributing a song that parodied Sheikh Hasina and her father, Sheikh Mujibur Rahman, who led Bangladesh to independence in 1971.\textsuperscript{53} The lyrics included:

\textsuperscript{50} UN Human Rights Committee, General Comment No. 34, paras. 25, 34.
\textsuperscript{51} The restriction on speech that has a “tendency to deprave and corrupt” those likely to read or see it also fails to meet international standards for restriction on speech. There is no consensus on what speech has such a tendency, leaving decisions on what speech to prosecute within the broad discretion of the authorities.
\textsuperscript{52} Human Rights Watch interview with Nazrul Islam Shamim, Cyber Tribunal prosecutor, Dhaka, June 18, 2017.
The country belongs to my father, and whatever needs to be done in these circumstances, I will do it on my own, and I will not allow anyone to do anything…. Sheikh Hasina and her father have sold out the country…. they think the country belongs to them.\textsuperscript{54}

Even within Bangladesh’s harsh sentencing regime, the sentence in the ICT Act is extraordinarily punitive.\textsuperscript{55} However, few trials end in convictions. In the first three months of 2018, court officials said that eight out of the nine completed cases had resulted in unconditional release of the accused due to lack of evidence.\textsuperscript{56}

**Writs Challenging Section 57**

The ICT Act has been challenged as a violation of rights under the country’s constitution. The High Court issued notices in two of those legal challenges asking the government to explain why section 57 should not be struck down.

The first of these two cases, filed before the harsher 2013 amendments, involved a petition by three lawyers challenging the authority of the Bangladesh Telecommunications Regulatory Commission (BRTC) under section 46 of the ICT Act to intercept information transmitted via any computer. In May 2010, BTRC had used its power to block Facebook access after one man, Mahbub Alam Rodin, was arrested for uploading cartoons of some leading politicians, including the prime minister and the leader of the opposition.\textsuperscript{57}

On July 10, 2010, the High Court passed an order asking various government bodies to explain why both section 46 and 57 should “not be declared ultra vires of the


\textsuperscript{55} Potential penalties under section 57 are heavier even than those for many offences involving direct violence.

\textsuperscript{56} Human Rights Watch interview with Cyber Tribunal officials, Dhaka, April 13, 2018.

\textsuperscript{57} “Facebook blocked,” *Daily Star*, May 30, 2010, http://www.thedailystar.net/news-detail-140613 (accessed June 16, 2017). Access to Facebook was restored on June 6, 2010 after Facebook agreed to remove the contents that were alleged to be “offensive and abhorrent pictures of the country’s leaders.” Also see affidavit in opposition, para. 6, Nov. 24, 2015. Copy on file with Human Rights Watch.
constitution,” describing them as “vague and uncertain.”\footnote{58} Since the 2010 court order, there has been no further court hearing.

Following the 2013 amendment to the ICT Act, 11 academics, writers, and political activists\footnote{59} directly challenged the constitutionality of section 57 of the ICT Act in the High Court.\footnote{60} The High Court, in response on September 1, 2015, ruled seeking a response from the government on why the law did not violate constitutional protections.\footnote{61} There has been no further court hearing since this order was given, particularly after the government said it intended to repeal the law in response to repeated criticism from civil society.

Revised Procedures and the Digital Security Act

In January 2016, Law Minister Anisul Haq, acknowledging problems with the law, said that the government intended to replace it with a new Digital Security Act.\footnote{62} He repeated this intent in May 2017, also asserting the government did not intend to curb free speech.\footnote{63}

However, a few months after the law minister’s statement, the authorities were forced to make some administrative changes to the application of the law following a series of arrests that led to public outrage. These included the arrest in June 2017 of Golam Mostafa, the editor of a newspaper in Habiganj, for publishing an article suggesting that a particular

\footnote{58} Court ruling given by Justice Ms Imman Ali and Obaidul Hasan on July 26, 2010.

\footnote{59} The petitioners are: Ahmed Kamal, Professor, Department of History, University of Dhaka; Akmal Hussain, Retired Professor, Department of International Relations, University of Dhaka; Anu Muhammad, Professor, Department of Economics, Jahangimagar University; Abdus Salam, Central Leader of “Ganasanghati Andolon”; Gitiara Nasreen, Professor, Department of Mass Communication and Journalism, University of Dhaka; Saiful Huq Biplobi Worker’s Party of Bangladesh; Fahmidul Haq, Associate Professor, Department of Mass Communication and Journalism, University of Dhaka; Mohammad Tanzimuddin Khan, Associate Professor, Department of International Relations, University of Dhaka; Arup Rahee, Singer, Lyricist and Poet; Samina Lutfia, Assistant Professor, Department of Sociology, University of Dhaka; Rakhal Raha, writer and Manuscript Editor.

\footnote{60} Writ Petition number 9034/2015, High Court, on file with Human Rights Watch.

\footnote{61} Court ruling given by Justices Justice Moyeenul Islam Chowdhury and Justice Md Ashrafual Kamal, Dhaka High Court, September 1, 2015.


Awami League member of parliament might not get a nomination at the next election and in July 2017, the arrest of Abdul Latif Moral, a reporter at a local newspaper in Khulna, for sharing an article published in an online newspaper about the death of a goat given by a member of parliament as part of local relief efforts.

On August 2, 2017, a few days after the arrest of Moral, the police issued instructions, requiring all officers to “maintain strong circumspection before filing cases,” and asked them to consult the legal wing of the police headquarters before registering any case under section 57. Furthermore, within a week, the Awami League instructed its members, and those of its allied parties, to obtain prior permission from their central leaders before filing complaints under section 57. While this did reduce the number of arrests, it did not address the fundamental problems leading to abuse.

On January 29, 2018, the cabinet approved a draft law, intended to replace the much-criticized Information and Communication Technology Act (ICT). Sajeeb Wazed, the Bangladesh prime minister's son and advisor, argued that the provisions in the new law remove the “most controversial elements” of the previous law. While the offence of

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prejudicing the image of a person or state has been removed and proposed sentences are in general less punitive, the draft is in a number of ways even broader than the law it seeks to replace and violates the country's international obligation to protect freedom of speech.\textsuperscript{70}

Section 14 of the draft authorizes sentences of up to 14 years in prison for spreading “propaganda and campaign against liberation war of Bangladesh or spirit of the liberation war or Father of the Nation.”\textsuperscript{71}

Section 25(a) would permit sentences of up to three years in prison for publishing information that is “aggressive or frightening,” broad terms undefined in the proposed statute. The use of such vague terms violates the requirement that laws restricting speech be formulated with sufficient precision to make clear what speech would violate the law. The vagueness of the offense, combined with the harshness of the potential penalty, increases the likelihood of self-censorship.

Section 31, which would impose sentences of up to 10 years in prison for posting information that “ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law and order situation,” is similarly flawed. Without clear definition of what speech would be considered to “ruin communal harmony” or “create instability,” the law leaves wide scope for the government to use it to prosecute speech it dislikes. Section 31 also covers speech that “creates animosity, hatred or antipathy among the various classes and communities.” While the goal of preventing inter-communal strife is important, it should be done in ways that restrict speech as little as possible. UN human rights experts have stated:

\textit{It is absolutely necessary in a free society that restrictions on public debate or discourse and the protection of racial harmony are not implemented at}


\textsuperscript{71}The United Nations Human Rights Committee, the independent expert body that monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, has expressly stated that laws that penalize the expression of opinions about historical facts are incompatible with a country's obligations to respect freedom of opinion and expression. See UN Human Rights Committee, General Comment No. 34, paras. 25, 34.
the detriment of human rights, such as freedom of expression and freedom of assembly.\footnote{72 Heiner Bielefeldt, special rapporteur on freedom of religion or belief; Mr. Frank La Rue, special rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Mr. Githu Muigai, special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, “Joint submission for the OHCHR expert workshop on the prohibition of incitement to national, racial or religious hatred,” Expert Workshop on Asia-Pacific, Bangkok, 6-7 July, 2011, http://www.ohchr.org/Documents/Issues/Expression/ICCPR/Bangkok/SRSubmissionBangkokWorkshop.pdf (accessed March 8, 2018).}

The law’s overly broad definition of “hate speech” opens the door for arbitrary and abusive application of the law and chills the discussion of issues relating to race and religion.

Section 29, like section 57 of the ICT Act, criminalizes online defamation. While, unlike the ICT Act, it limits defamation charges to those that meet requirements of the criminal defamation provisions of the penal code, it is still contrary to growing international recognition that defamation should be seen as a civil matter, not a crime punishable with prison.

Section 28 imposes up to five years in prison for speech that “injures religious feelings.” While this provision, unlike section 57 of the ICT, requires intent, that addition is insufficient to bring it into compliance with international norms.

The proposed law has been widely criticized.\footnote{73 Partha Pratim Bhattacharjee and Tuhin Shubhra Adhikary, “Draft of Digital Security Act Approved: Gag on freedom of expression,” Daily Star, January 30, 2018, http://www.thedailystar.net/frontpage/draft-digital-security-act-approved-gag-freedom-expression-1527013 (accessed March 8, 2018).} Journalists in Bangladesh are particularly concerned about section 32 of the proposed act, which stipulates, “If a person enters any government, semi-government or autonomous institutions illegally, and secretly records any information or document with electronic instruments, it will be considered as an act of espionage and he/she will face 14 years of imprisonment or a fine of BDT 2 million (US$ 24,000) or both.”\footnote{74 “‘According to the Digital Security Law, I am a Spy’: Bangladeshi Journalists Defend Their Right to Investigate,” Global Voices, February 7, 2018, https://advox.globalvoices.org/2018/02/07/according-to-the-digital-security-law-i-am-a-spy-bangladeshi-journalists-defend-their-right-to-investigate/ (accessed March 8, 2018).} They fear that legitimate investigative journalism to expose failures by public officials will be deemed espionage.
Law Minister Anisul Huq has said the law will not be misused, “I can assure that no journalist will be harassed by Section 32 of the Digital Security Act, as this law is not being formulated targeting journalists.”75 Commerce Minister Tofail Ahmed, however, told journalists, “Various media reports often turn out to be humiliating for the MPs. Their images are tarnished. They are representatives of the people after all. So, this act has been formulated to prevent these [media reports].”76

While the government’s stated intent to repeal section 57 is commendable, it should ensure that the new legislation comports with international standards for the protection of freedom of speech, and with requirements of Bangladesh’s constitution.

III. Targeting Criticism of Government

An analysis of cases filed under section 57 of the ICT Act demonstrates the potential for abuse of the provision and the need to ensure that any new legislation not replicate its more problematic provisions.

Section 57 cases start when a person files a complaint. According to information from police headquarters, as of June 2017, a total of 927 complaints have been filed under section 57 since the ICT Act was adopted in 2006. Most of the complaints that Human Rights Watch investigated were filed by government supporters or activists. While in most cases the complaints were filed against just one person, some complaints contained allegations against multiple people.

Under the procedures in place since the 2013 amendments, the police can use a complaint as the basis for arrest. If, after investigation, the police consider there is sufficient evidence to support the initial complaint, they submit a charge sheet to the Cyber Tribunal based in Dhaka. Records of the Cyber Tribunal show the police submitted a total of 1,271 charge sheets between the creation of the court in 2013 and April 15, 2018. Following the submission of the charge sheet, the Tribunal “frames charges” against the accused, which is the formal beginning of the trial.

The number of charge sheets or cases submitted to the court has increased significantly each year, from three in 2013 to 568 in 2017. While the vast majority—around 90 percent

77 These get turned by the police into a First Information Report, and form the basis for an arrest.
78 Obtained from police headquarters, June 8, 2017. Details on file with Human Rights Watch.
79 In one case, an allegation is made against 52 people.
80 A “charge sheet” is a report of the investigation officer following their investigation setting out the reasons why they consider that an offence has been committed.
82 Human Rights Watch interview with Cyber Tribunal officials, Dhaka, April 15, 2018.
according to court officials—involves section 57 of the ICT, some of the cases involve
offences under other provisions of the ICT Act.\textsuperscript{83}

Under the 2013 amendment of the ICT Act, police are not obliged to obtain a court warrant
before making an arrest. Thus, any complaint filed at a police station can, and almost
always does, lead to an immediate arrest.\textsuperscript{84} Once an arrest has been made under section
57, the lower courts often deny bail, particularly since it was made a non-bailable offense
in the 2013 amendments.\textsuperscript{85} While the High Court generally grants bail to the accused on
appeal, the process can take months. As a result, the accused is almost always detained
for at least a month, often longer, before being granted bail.\textsuperscript{86}

In some cases, the accused have gone into hiding to avoid arrest. A small number of
people, with access to lawyers in Dhaka, applied for interim bail at the High Court before

\textsuperscript{83} Offences includes: “damage to computer, computer system” (section 54); “tampering with source code” (section 55);
“hacking with computer system” (section 56); “failure to surrender license” (section 58); “failure to comply with order”
(section 59, 60); “unauthorized access to computer system” (section 61); “misrepresentation and obscuring information”;
“publishing false digital signature” (section 64).

\textsuperscript{84} It is notable that the three penal code offences that overlap with section 57 of the ICT Act are non-cognizable, so that the
police cannot simply arrest a person, but require an arrest warrant to be issued by a court.

\textsuperscript{85} The penal code offenses of defamation and “wounding religious feelings” are bailable offenses; the penal code offense of
“outraging religious feelings” is a non-bailable offense.

\textsuperscript{86} Examples of cases involving long periods in detention, all of which are discussed in this report, include:
Hadisur Rahman, arrested on January 21, 2014 over a Facebook post which among other things, calling Sheikh Hasina “a
judicial killer” in relation to the execution of Quader Mollah. He spent over a year in pre-trial detention before obtaining bail;
Robiullah Robi, 55, news editor of the Daily Inquilab, arrested on August 19, 2014 for a news article accusing a police officer
of corruption. He spent over six months in jail before he received bail;
Rifat Abdullah Khan, 17, son of the Bangladesh Jamaat-e-Islami’s Dhaka city unit chief, arrested on February 21, 2015 for
alleged critical comments about the government, was detained for 9 months before he obtained bail;
Shahadat Hossen Khondaker, an employee of the Bangladesh Railway, arrested On September 5, 2016, for allegedly posting
‘anti-government and hateful statements’ on his Facebook page was in jail for 10 months before he received bail;
Fakir Taslim Uddin Kajal, owner of Shawbdokoli Printers, Shamsuzzoha Manik, publisher of Ba-Dwip Prakashan, and
Shamsul Alam, arrested on Feb 15, 2016 and only received bail from the Cyber Tribunal in Dhaka 8 months later; and
Major Samuzzoha, a retired army officer, arrested in Dhaka for allegedly commenting on FB about a picture of the prime
minister, stating “Is this called the ‘Pakhi’ dress” and also supporting the policies on Hefazet-e-Islam. He was detained for
nearly six months before obtaining bail.
they could be arrested. In such cases, as a condition of providing short term bail, the High Court required the accused to surrender, if ordered, to a lower court.

Number of cases filed at the Cyber Tribunal:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
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<tbody>
<tr>
<td>2013</td>
<td>3</td>
</tr>
<tr>
<td>2014</td>
<td>33</td>
</tr>
<tr>
<td>2015</td>
<td>152</td>
</tr>
<tr>
<td>2016</td>
<td>233</td>
</tr>
<tr>
<td>2017</td>
<td>568</td>
</tr>
<tr>
<td>2018*</td>
<td>282</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,271</strong></td>
</tr>
</tbody>
</table>

* until April 15, 2018

The court does not maintain data on convictions and acquittals. The Cyber Tribunal prosecutor told Human Rights Watch that there have been 10 convictions under section 57, but was unable to provide further details. Md Nazrul Islam Shamim, special public prosecutor of the Cyber Tribunal, told the Dhaka Tribune that most cases filed under section 57 cannot be proved. “Some cases are totally fabricated and are filed to harass people. Most of these cases are settled out of court,” he said.

Although the government has accepted that the ICT Act has led to abuses and proposed replacing it with the Digital Security Act, the law continues to be in force. In April 2018,

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87 For example, see the case of Afsan Chowdhury in Section IV.

88 For instance, on March 30, 2017, cases were filed against Hasan Ali and Aslam Ali, two journalists from Kushtia, alleging that they posted defamatory information. They received ‘ad interim’ bail from the High Court on April 11, 2017 but were ordered to surrender to the magistrate’s court within a month. When the two men did so on May 9, the magistrate court in Kushtia sent them to jail. They then had to appeal against this decision to the Kushtia District and Sessions judge who then granted the two men bail after 11 days of detention. Case no-38, Kushtia police station. Additional information was obtained from the human rights organization Odhikar. See case in Section IV for more details.


after students at Dhaka university started a protest aimed at reducing quotas in
government jobs and demanding a merit-based system instead, the police launched a
crackdown. On April 8, 2018, a police officer filed a complaint, referring to 43
“provocative” Facebook posts that “many have liked and commented on” which “created a
situation [that] could potentially harm society and create chaos,” and proposed action
under section 57.\textsuperscript{91}

**Targeting Known Government Critics**

Section 57 first came to public attention via the April 2013 arrest of Mahmadur Rahman,
editor of *Amar Desh*—the most prominent pro-opposition newspaper—and the August 2013
arrest of Adilur Rahman, secretary of the human rights organization Odhikar.\textsuperscript{92} Both of
these cases were initiated before the amendment of the ICT Act.

*Mahmudur Rahman*

Between December 9 and 13, 2012, *Amar Desh* published transcripts of private
Skype conversations of Nizamul Huq, the chairman of the International Crimes Tribunal—
responsible for holding trials against those accused of international crimes during the
country's war for independence. The transcripts raised significant questions about the
independence of the court.\textsuperscript{93} Huq resigned after *Amar Desh* and the *Economist* published
the leaked transcripts.\textsuperscript{94}

On December 14, 2012, a prosecutor filed a complaint at the magistrate’s court against
Mahmudur Rahman, the paper’s acting editor, and its managing director, Hasmat Ali,
stating that the publication had “been publishing negative news on the International

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\textsuperscript{91} Complaint lodged by SM Shahjalal, inspector, Cyber Security and Crime Division, Bangladesh police, April 8, 2018. Copy
on file with Human Rights Watch.

\textsuperscript{92} Unless otherwise specified all details of allegations against individuals are based on the original Bengali language
complaint and FIR that were lodged at the relevant police stations.

\textsuperscript{93} “The Trial of the Birth of a Nation,” *Economist*, December 15, 2012,
we-explain (accessed August 22, 2017).

\textsuperscript{94} “Discrepancy in Dhaka,” *Economist*, December 8, 2012,
Criminal Tribunal, and has been questioning the tribunal in different ways.” The complaint then referred to the titles of five articles, which it asserted had “created negative idea[s] on [the] International Criminal Tribunal in the mind of the general mass and the international media” and “defamed” the tribunal judges and prosecutors, wounding their “self-respect.” It also alleged that Rahman and Ali had committed sedition.

On April 11, 2013, police arrested Rahman at his office, and seized computers and the printing press. Numerous other cases involving alleged involvement in political violence were filed against Rahman during his subsequent detention.

In November 2015, two-and-a-half years into his detention, the chief metropolitan magistrate rejected Rahman’s bail application, as did the Cyber Tribunal a couple of months later. The High Court finally granted him bail on January 25, 2016. A government appeal to the appellate division against the bail ruling failed. However, Rahman was not released from jail until November 2016 when he finally received bail for all the other cases that had been filed against him. The cases are still ongoing at time of writing.

Adilur Rahman Khan and Nasiruddin Elan

On May 5, 2013, a conservative Islamic organization, Hefazet-e-Islami, held a huge rally in the center of Dhaka to protest against “atheist bloggers” who criticized fundamentalist Islam, as well as in support of its 13-point charter of demands, which included restriction on women’s rights and the introduction of a blasphemy law. There were allegations by

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95 Petition case no 34/ 2012 to Magistrate Court, Dhaka, Md Sahidur Rahman v. Mahmudur Rahman, based on Tejgaon Thana case no 20, dated 14/12/12. On file with Human Rights Watch.

96 The articles named are: “The government has gone mad, they want judgment”; “Dr. Kamal does not understand the criminals, Amirul is creating havoc, Oliur is thief”; “It is good news that Sahara is removed;” “Malum bhai is strongly doubting Haider Ali”; and “Mr Shahinur suddenly fell on my feet.”


Hefazat and independent media that security forces used excessive force in these clashes, killing dozens.\textsuperscript{101}

The Dhaka-based human rights organization Odhikar published a report on June 10, 2013, finding that 61 Hefazet supporters had been killed during the security operation. In July 2013, the Information Ministry wrote to Odhikar asking for details of those that had died, but Odhikar said that it would only provide this information to an independent inquiry commission.

On August 10, 2013, Adilur Rahman, Odhikar’s secretary, was arrested on suspicion of causing disruption to society and carrying out a conspiracy against the state by allegedly publishing a report containing false information.\textsuperscript{102} The following day, he was produced in the magistrate court and the court gave the police permission to search Odhikar’s office. Police then seized laptops and computers from his office. On September 3, police lodged a case against Rahman under section 57 of the ICT Act,\textsuperscript{103} claiming they found a list of 61 people killed on the organization’s computers that was “a product of fiction.”\textsuperscript{104} Odhikar says police used an “unverified” and not yet final list.\textsuperscript{105}

The High Court granted Rahman bail on October 8, 2013. Meanwhile, on September 11, the Cyber Tribunal had issued a warrant for the arrest of Odhikar’s director, Nasiruddin Elan,

\textsuperscript{103}No 115 of 2013 corresponding to Gulshan police station GD 514, August 10, 2013. Copy on file.
\textsuperscript{104}The police claimed that in five cases the deaths were duplicated; in four the people were found alive; that there were inaccuracies in relation to nine other cases and that there was no information whether 11 others were dead or alive.
On January 8, 2014, the Cyber Tribunal framed charges against Rahman, rejecting an application that the accused should be discharged from the case. On January 21, a High Court bench passed an order temporarily staying proceedings after an application to quash the case. However, following a full hearing of the defense application, on January 9, 2017, the court ruled the criminal case should continue due to “prima facie evidence” of a criminal offence. At time of writing, the High Court ruling was being appealed at the Appellate Division.

Targeting Political Criticism in Social Media

Subsequent to the two cases discussed above, and the change in the law, section 57 began to be used more regularly against social media commentary, satire, and other forms of criticism against the prime minister, her deceased father (the country’s independence leader), ministers, judicial officials, and the government more broadly.

Most cases involve Facebook posts. None of the initial complaints in these cases have been filed by the prime minister or others mentioned in the posts. Instead, the arrests under section 57 in the cases documented by Human Rights Watch have been based most often on complaints made by police or activists of the governing Awami League.

Some complaints allege that the social media posts were “defamatory” to the prime minister or other political leaders. Others arbitrarily allege that the comments create “the possibility of the deterioration of law and order.” Some complaints even blatantly accuse the person of supporting opposition parties. In some cases, multiple complaints have been filed in different police stations, requiring the accused to seek bail in multiple courts.

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107 Judgment given by Justices Enayetur Rahman and Shahidul Karim, criminal appeal no. 84/214.

108 As is often the case on social media, language used can be harsh, and often include unpleasant sexual innuendo particularly against women public figures.

109 See Annex 1 for details of 60 cases involving 127 accused people. Many of these cases were provided by Odhikar.

110 This is the language in section 57 of the ICT Act that is used in the FIRs.
In many cases, the accused deny involvement in the publication of the Facebook posts that form the basis of the complaint.

**Criticizing the Prime Minister or Family Members**

Dozens of people have been arrested since 2013 for criticizing the prime minister or her relatives. In most cases that Human Rights Watch and other human rights organizations have documented, the complaints were filed by members of the public who are supporters of the ruling Awami League.

**Monirul Islam**

On April 13, 2017, Monirul Islam, 32, a rubber plantation worker in Srimangal, was arrested following a complaint made by a pro-government trade union leader, Mohammad Araj Ali. The complaint said that Monirul had “liked” and “shared” a Facebook post containing objectionable photographs and comments about the Indian and Bangladesh prime ministers. The original post by Kabir Hossain was alleged to have said that the prime minister was meeting her Indian counterpart “for the sake of power and to win the coming election.” Hossain went into hiding to evade arrest.

Authorities filed charges against both men, saying the Facebook comment defamed the prime minister, harmed the image of Bangladesh, and represented a “betrayal to the country.” The trade union leader who filed the police complaint said the accused men were opposition supporters, noting, “as a citizen of this country and as a government employee, after seeing the post in Facebook…. I was extremely hurt and agitated.” The case remains under investigation, and no charge sheet had been submitted at time of writing.

**Mohammad Sabuj Ahmed**

On September 10, 2016, Mohammad Sabuj Ahmed, 35, a leader of the Jamaat-e-Islami in the district of Magura, was arrested for allegedly publishing “false, obscene, and

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112 Ibid.
113 Ibid.
defamatory information” on Facebook relating to Sheikh Hasina's father, Sheikh Mujibur Rahman. His arrest was based on a complaint from Awami League party member Mohammad Al Imran and related to a Facebook post that said, “Today, the people who make the whole country ‘Vatican of Mujib,’ I have one message to them—if Hasina falls, the godlike image of Bangabandhu will fall as well.” His case was before the Cyber Tribunal at time of writing.

Dilip Roy

Dilip Roy, a leftist student leader at Rajshahi University, wrote three short satirical Facebook posts in August 2016 about Sheikh Hasina, the Awami League, and the government’s energy policy. One post said, "I can't label a dog Awami League, because it would be ashamed to be labeled as such." Another said the prime minister would be cheated by her own party members. A third said that the prime minister risked popular protests by going ahead with a controversial energy plant in Phulbari.

His arrest on August 28, 2016, followed a complaint by Rashedul Islam Raju, then-acting chairman of the Bangladesh student Awami league at Rajshahi University. Raju alleged the posts were, “a threat to the Prime Minister, an insult to the father of the nation and a provocative information against Bangladesh Awami League, which is defamatory to the

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116 Ibid.

117 He is also accused of inappropriately criticizing the Bengali poet Rabindranath Tagore. The full post reads: “The degradation of the World Poet and Father of the Nation. Is it possible for anyone to garner respect forcefully? Feraun used to make people his slave and he wanted them to worship him all the time. Today, the people who make the whole country ‘Vatican of Mujib’, I have one message to them - if Hasina falls, the godlike image of Bangabandhu will fall as well. No one worships Rabindranath except people in Calcutta and Bangladesh. The people in the West don’t even know the name of Rabindranath. All the grandsons and granddaughters of the father of the nation are citizens of western countries. Even his daughter Rehana too. When they are there in the Western countries, they don’t even bring the name of Rabindranath to their mouths. But when they come to Bangladesh, they talk about Rabindranath in faulty Bengali. That’s a shame.”

118 The post stated: “Prime minister, do you have your lantern ready? Maybe they will steal from your share too and you will then lament and regrettably say (her father’s dialogue).” This comment involves the idea that the Prime Minister’s colleagues will steal from the prime minister. The words “Her father’s dialogue” seems to be a reference back to Sheikh Mujib’s purported comment that “All [AL party men] are thieves.”

119 The full post, as set out in the FIR, was: “Prime Minister Hasina, you probably want to see another Phulbari happen congratulations for that. I believe the nation will oblige and give you that experience.” Rajpara Thana, FIR No. 33/276, August 28, 2016.
Rifat Abdullah Khan

Rifat Abdullah Khan, 17, son of Jamaat-e-Islami party leader Rafiqul Islam Khan, was arrested on February 21, 2015, following a complaint lodged at Ramna Model Police Station by a police inspector claiming that Khan, along with 51 other people, had circulated false, obscene, and defamatory cartoons of the prime minister, her father, ministers, judges, and high-ranking members of the law enforcing authorities.

One post included photoshopped pictures of the prime minister, her son, and senior officials of the “highly abusive” Rapid Action Battalion (RAB) with the caption, “Wearing underwear over your pants does not make you superman.” The complaint said that these images were an attempt to create sympathy for the opposition Jamaat-e-Islami, help the political opposition movement, seek cancellation of the “ongoing trial of war criminals,” and try to “create chaos in society.”

\[120\] In the FIR, Raju claimed that he confronted Roy about the posts who admitted to having written them, and stated, “So what if I did post the status update, do what you want to do.”

\[121\] Court ruling by Justices Enayetur Rahim and JBM Hassan, Criminal Misc Case no 35872/2016, November 14, 2016.

\[122\] One other person, Ziauddin Farhad, was also arrested. The other 50 named in the case, who were not arrested at the time of the original arrests, are: Yassin Arafat, literary editor of Chaatra Shabir, Comilla; Talal al Tair; Jabir Ahsan; Abu Obaidullah, IT editor of Bangladesh Chaatra Shabir and administrator of Basherkella website; Habib Ahsan, Administrator of Basherkella website; Shahdin Mahfuz Mohon, administrator of Basherkella website; Talha ibne Alauddin, administrator of Basherkella website; Murad Ali; Tawhid Ehsan; Nishhongo Shopnochari; Musa Tarik; Ammar Yasir; Ahmed Musa, administrator of Basherkella website; Abu Bakr Siddique, administrator of Basherkella website; Adil Khan Reza; Abu Bakr Siddique; Abil Khan Reza; Mizan Humayon, administrator of Basherkella, Tehran; Mizanur Rahman, editor of Basherkella, Tehran; Aijz Farouqi; Ahmed Hai; Rashidul Islam; Obaidulla Mahadi; Saiful Islam; Shaheen Munir, administrator of Turun Projonmo; Hasan Al Banna; Richard Parker, administrator of Free Mahmudur Rahman website; Tajul Islam; Mirzur Hossain Mobaruk Prince; Ashikur Rahman, administrator of Islami Online Activist Network; Manmunur Rashid Polash; Tanvir Arafat, editor of Free Mahmudur Rahman website; Ahmed Sohan, administrator of Titumir Basherkella website; Arnab Zia, editor of IAM Bangladesh website; Meher Abdullah, editor of Tarun Projonmo; Abu Abdullah; Moshurr Hossain, former president of Chittagong city Shibir; Nurul Amin, incumbent president of Chittagong Islami Shibir; Shahin Khan; Arafat H Biplob, journalist, Naya Diganta; Shohat Akkas; Abu Saleh; Mosharaf Hossain; Abdullah Al Zafi; Mirza Humayun Kabir; Miftatun Janat; Tuhin Hasan Murad; Helal; Morshed; Shohag; Mushfiqur Alam; Riad Khan; Shoaid Khan.


\[124\] Ibid.

\[125\] Ibid.
On December 10, 2015, after nine months in detention, the High Court granted Rifat bail. At time of writing, the police had completed their investigation and the case was before the Cyber Tribunal. The High Court subsequently stayed proceedings.\(^{126}\)

**Imran Hossain Arif**

On September 3, 2014, Imran Hossain Arif, 30, was arrested in Kushtia following a complaint from Anik Hossain, an Awami League youth leader. Hossain complained about Arif’s Facebook comment which said, “If Bangabandhu Sheikh Mujibur Rahman was the father of the nation, then Sheikh Hasina is my sister and Sajib Wajed Joy is my nephew.”\(^{127}\) When one reporter asked the officer in charge of Kumarkhali police station why the post was derogatory when most of her party men addressed the prime minister as “sister,” he replied, “He has been prosecuted as it is derogatory to us, if not to you.”\(^{128}\) Police submitted a charge sheet and the case was pending before the Cyber Tribunal at time of writing.

**Major Samuzzoha**

On August 19, 2014, Major Samuzzoha, a retired army officer working at Grameen Phone, a telecom company, was arrested in Dhaka for making a comment a year earlier on the attire of the prime minister in a photograph in which she wore a sari and scarf. The FIR said that he had written, “Is this called the ‘Pakhi’ dress,” referring to a style of clothing made famous by an Indian television serial.\(^{129}\)

The officer from Demra police station who initiated the case said that this comment was derogatory, would mar the country’s image, and was a threat to law and order since others

\(^{126}\) Court ruling dated February 4, 2016, Misc. Case No. 2366/2016


\(^{129}\) FIR No 37, Kafrul Thana, Dhaka relating to offences allegedly committed between May 6, 2013 and July 25, 2013. The complaint was lodged by Ibrahim Khalil, Sub-Inspector, Gulshan Zonal Team, DB North who said that he received a tip off, on August 19, 2014.
had remarked and shared the Facebook post.\textsuperscript{130} The FIR stated that during interrogation, the accused admitted to having published this post. Major Samuzzoha denies this. “It is a total lie,” he said. “They showed me a few photoshopped printed pages of Facebook and told me those are posted from my Facebook. They didn’t find it in my Facebook, as I opened my [page] to them. And I didn’t admit any wrongdoing during my 10-day remand, despite many threats and psychological torture.”\textsuperscript{131} He was detained for nearly six months before obtaining bail. Police filed charges and the case was pending before the Cyber Tribunal at time of writing.\textsuperscript{132}

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**Hadisur Rahman**

Following a “tip-off” that a group of people were publishing distorted pictures of Sheikh Hasina, police said they arrested Hadisur Rahman on January 28, 2014.\textsuperscript{133} Police said they had recovered photoshopped images of the prime minister from Rahman’s mobile phone, including one where she “looked like a blood-thirsty Eagle,” and another of her in the form of a Hindu goddess. The complaint lodged by the police said that the second picture “hurts religious sentiment and is provocative to a certain religious group.”\textsuperscript{134} Also accused were Nurul Amin and seven other unnamed individuals, whom the police claimed had made derogatory comments about the prime minister. Rahman spent a year in jail before the High Court granted him bail. The trial is continuing.\textsuperscript{135}

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\textsuperscript{130} In addition, the FIR claimed that he had made “provocative claims” about the conservative Islamic group Hefazet-e-Islami in giving a “48-hour ultimatum” to the government to agree to their demands made by the organization, and calling the government a “pitcher of sin.”


\textsuperscript{132} Human Rights Watch interview with Nazrul Islam Shamim, Cyber Tribunal prosecutor, Dhaka, June 18, 2017.

\textsuperscript{133} FIR no 22/14, Tejgaon Industrial Area police station, January 28, 2014. Complaint lodged by Sub-inspector Nazmul Haq on file with Human Rights Watch.

\textsuperscript{134} Ibid.

\textsuperscript{135} Human Rights Watch phone interview with family of Hadisur Rahman, April 16, 2018
Mohammad Nurun Nobi Sujon

On November 11, 2013, a RAB-1 officer arrested Md Nurun Nobi Sujon, 32, at his home in Dhaka. The complaint lodged by the RAB officer at Uttara police station said after some “serious interrogation”, Sujon revealed that he was an active member of the student wing of the Jamaat-e-Islami, was involved in politics, and had revealed the names of two other men, Mohammad Abul Yusuf and Mohammad Jassim, who were “involved in disseminating false and derogatory information and photos of the present head of government.” The complaint said that the three men “tried to create an unstable situation by provoking the common people. Under these circumstances section 57 is being used.”

Yusuf and Jassim went into hiding to evade arrest. The police have submitted a charge sheet and the case was pending before the Cyber Tribunal at time of writing.

Mohammad Benazir

Late on November 9, 2013, Benazir, 28, was arrested in Dhaka for allegedly posting derogatory pictures and comments about the prime minister and some government ministers. One picture of the prime minister was captioned, “I am a hawker of democracy. Do you want to buy democracy?” and in another, “I respect the constitution but I will do what I want.” He also posted satirical remarks about the home minister and the Indian prime minister. A charge sheet has been submitted to the Cyber Tribunal and a trial was proceeding at time of writing.

136 Case no 8, Uttara police station, November 11, 2013. On file with Human Rights Watch.
137 Ibid.
139 Complaint made by Shafiqur Islam. Case No. 15 in Demra Police station, November 9, 2011.
140 Under a picture of the former Home Minister Sahera Khatun selling oranges it read, “These oranges are full of true Indian spirit”; and under a picture of the Indian Prime Minister Manmohan Singh and Bangladesh Prime Minister Sheikh Hasina with a child on her lap, it read “Blessing for your child and family.”
141 In another case, Nurul Huda, 30, the Imam of a mosque in Chandpur was arrested in Matlab on October 14, 2016, for calling the prime minister an atheist and dictator on Facebook saying, “I want to say the atheist dictator Hasina has lost her ‘faith’ and has become a non-believer and believer in many gods and atheist. So the atheist Sheikh Hasina has no right to be a leader of this Muslim country. We should force her to be out of the country.” See “Facebook Post: Govt employee, imam arrested for demeaning PM,” Daily Star, October 16, 2016, http://www.thedailystar.net/backpage/facebook-post-govt-employee-imam-arrested-demeaning-pm-1299430 (accessed September 2, 2017).
AKM Wahiduzzaman

In September 2013, AKM Wahiduzzaman, a geography professor, was accused by A B Siddiqui, chairperson of the Awami Jononetri Porishod, of defaming Prime Minister Sheikh Hasina, her family, and her colleagues in four Facebook posts. The complaint referred to a number of different posts: one questioned the capabilities of the prime minister and her children; two others criticized the organization of the upcoming 2014 election and described the ruling party members of parliament as “neo-nazis;” and the last suggested that some of the prime minister’s relatives collaborated with Pakistan’s military during Bangladesh’s independence war.

Siddiqui argued in his original complaint that Wahiduzzaman had committed “criminal intimidation” and used “obscene language” to defame the prime minister, her children, and other family members, causing her “image and honor” to be “ruined in the country and abroad...the kind of language that he has been using against the Prime minister is

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142 A group that supports the ruling Awami League party, although not directly affiliated.

143 The initial complaint was made to Rampura police station on September 11, 2013. It was transferred into ICT No: 08/74 Rampura, Than: DMP, Dhaka on March 3, 2014.

144 This stated in full, translated from the original Bengali, “It is being shown is big scrolls in TV, ‘The son of the Prime Minister and IT Specialist Shojib Wajed Joy,’ before that they used to show ‘disabled specialist Sayma Wajed Putul!!!!!’ After graduating from public administration and doing a couple of power point presentations, he is now IT specialist! And by looking after her own disabled child, she is now a disabled specialist. And their mother has dozens of doctorate degrees! Hehehe.....the full family of specialists. It’s a good thing that their real scientist father is not alive to see all this.” Annexed to complaint to the police.

145 Translated from the original Bengali. The first said, “True. There is no such country in the world where, without ending a parliament, the parliament members sit in their posts and at the same time direct and participate in the election. Those who support this neo-nazi system are themselves neo-nazis. And those who believe that it is not the responsibility of the 267 parliament members to change this system and that it is the responsibility of the opposition party that consists of 36 parliament members to come forward for a dialogue, they are the low intelligent Awami League.” And the other: “Remember, that this government is responsible for revising the constitution and creating this neo-nazi system. And those who are getting ready to give 1996 as an example, they should also know that, during that time the government did not have the two third required majority to create the care-taker government system by revising the constitution. At that time, the opposition party walked out of the parliament and made it close to impossible to revise the constitution, and due to this the election of 15 February became necessary.”

146 Translated from Bengali: “The Facebook verified leader, and the future digital Facebook Prime Minister has requested everyone to support the idea that the Rajakaars should be excluded from the voter list. Mother has agreed, but before that, she has to take decision about her family rajakaars ‘Nura rajakaar’ and ‘Nula rajakaar’. It is her last chance to prove that her statement is not another political stunt. One cannot be the follower of Sheikh Foridi by carrying brick in the underarms. Come on leader...we are waiting.”
close to sedition.”147 After Wahiduzzaman surrendered to the magistrate court on November 6, he was jailed for over a month before the High Court granted him bail.148 Police submitted a charge sheet with the Cyber Tribunal, where the case was ongoing at time of writing. Wahiduzzaman has since left the country. 149

Wahiduzzaman denied making the posts and says they came from a fake account using his name.150 In a written message to Human Rights Watch, he said the consequences have been severe. “On November 7 of 2013, I was suspended from my job as the assistant professor of National University. Members of my family were threatened by pro-government activists and regularly harassed by the police. My university-going daughter is faced with abusive behaviour of pro-government student activists.” He added, “This case is a perfect example of how the [criminal justice system] functions without professional efficiency...while innocent citizens are victimized [and] how a group of pro-ruling party opportunists are offered privileges to abuse the justice process.”151

_Criticizing Government, Corruption Allegations_

Facebook posts that claim general corruption by the government and, in particular, Sheikh Hasina’s family, have also led to arrests.

_Ehsan Habib and Three Others_

This case involves posts written many years before the complaint was filed, with multiple cases initiated in different police stations over the same allegation, requiring the accused to make multiple bail applications.

On February 4, 2017, Nurul Baki Khan, an Awami League supporter, lodged a complaint with local police against Ehsan Habib, an assistant registrar at the Jatiyo Kobi Kazi Nazrul Islam University in Mymensingh, as well as the university’s registrar Aminul Islam. This

147 Complaint to Rampura police station, in Dhaka, copy with Human Rights Watch.
148 On October 10, he obtained ad-interim bail in the High Court, but was ordered to surrender to the magistrate court within one month.
150 Ibid.
151 Ibid.
followed student protests that started five days earlier on January 31, 2017, claiming that Habib had referred to them as “cows” on Facebook. On February 5, a university investigation committee suspended Habib.

In his police complaint, Khan said that Habib’s alleged Facebook post about “cows” had “created condemnation and hatred among the people.” He also drew attention to two posts that were published five years earlier on Habib’s Facebook page and claimed, without any evidence, that the two older posts were written jointly by Habib and another registrar, Aminul Islam, and were “indecent, defamatory, false and provocative statements undermining the honorable Prime Minister and Awami League leaders.”

One of these posts, published on August 16, 2012, criticized the Awami League leaders for going into hiding at key moments of Bangladesh’s history. The second, published on September 10, 2012, was a comment that a new hospital wing was yet to accommodate patients because the prime minister had not yet inaugurated it.

The day after Habib was suspended, another Awami League supporter, Fozle Rabbi, lodged a complaint at Trishal Police Station in Mymensingh against Ehsan Habib and Aminul Islam as well as two other assistant registrars—Afruza Sultana and another man also named

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153 The post read, “On 25th March 1971, as soon as the Pakistani military started a full-forced fascist attack on our population, the entire Awami League leaders, in order to surrender, went to India leaving the people behind to face the extreme dangers of the attack. Similarly, in 1975, when Sheikh Mujibur Rahman was murdered, they went into hiding in order to save themselves.”

154 The full post stated, “Today I went to the Mymensingh Medical Collage Hospital, there was no space in the 500 bedded hospital. Along with the beds, patients were receiving treatment staying on the balconies as well. This made me sad. When I was exiting through the outdoor, the new 8/10 storey high building came into view and I know this new unit of the hospital can accommodate 500 more beds, which completed construction 8 months ago, but I don’t know why this is not being used for treating patients till now. I asked one of my doctor friends and got to know the main reason is that the building is planned to be opened by the Prime Minister and only then the people of the greater Mymensingh district can avail treatment there. But the Prime Minister could not manage the time for the past 7 months and that’s why we are not getting the medical services. Really our golden Bangladesh is a golden country. Our Prime Minister is also a golden Prime Minister. The bureaucrats are golden bureaucrats who are keeping the hospital unused to get the prime mister’s favor. And the politicians are wrapped in gold.” The complaint also stated that the two men had insulted Professor Dr. Syed Giyas Uddin Ahammed, the previous vice chancellor of Jatiya Kabi Kazi Najrul Islam University, ‘by presenting various false, indecent, defamatory statements against him’ though no detail was provided in the complaint.
Aminul Islam. He claimed that all four were Jamaat-e-Islami supporters who were “strategically engaged with many misdeeds, including damaging the image of the current democratic government by creating instability within the government.” On February 13, 2017, three of the registrars obtained anticipatory bail.

**Arman Sikdar**

Arman Sikdar was arrested on February 4, 2017, after a local student leader of the Awami League complained that Sidkar's Facebook post denigrated the prime minister and the Awami League student wing with his comment “Now the crooks are giving advice.” Sikdar denied the allegation and said his account was hacked. The case was pending at time of writing.

**Ruhul Amin**

Ruhul Amin was arrested on September 22, 2016, after a complaint that he had “defamed” the prime minister and her family in “an indecent, defamatory, [and] provocative” Facebook post. Amin accused the family of corruption saying, “The truth is a thief is born in a thief’s house. The whole world now know[s] that the family of Sheikh Hasina is a family of thieves. I am inviting Sheikh Hasina to tender her resignation.” The FIR was lodged six months after the posts were published, and said that Amin was a member of the student wing of the Jamaat-e-Islami. The High Court granted him bail on January 24, 2017.

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155 FIR no 06/37, Trishal Police Station, February 5, 2017.

156 Ibid.

157 See Criminal Miscellaneous Case No 5736/2017.


159 FIR Case No. 27, Natore Police station, September 22, 2016. Corresponding to GR No 490/16. On file with Human Rights Watch.

160 Ibid. Full Facebook post quoted in the FIR, translated from the original Bengali, “The first bank heist was done by Sheikh Kamal. Now it is being done by his nephew Joy. Sheikh Kamal, the brother of Sheikh Hasina was involved in the first bank heist of Bangladesh and now his nephew Joy keeps up the family tradition by conducting digital heist from Bangladesh Bank reserve. The truth is a thief is born in a thief’s house. The whole world now know that the family of Sheikh Hasina is a family of thieves. I am inviting Sheikh Hasina to tender her resignation.” [Sheikh Kamal was the younger brother of Sheikh Mujib who was politically active in the Awami League between 1971 to 1975 when he was killed along with Mujib. Joy, is the son of Sheikh Hasina.].

Tanvir Ahmed, Tawhidul Hasan, and Mohammad Omar Faruq

Sometimes the complaints provided to the police do not provide details of what was allegedly written on the social networking sites, but only claim that the comments are anti-state and seeking “to create chaos in the country.” However these are sufficient for the police to arrest the accused.

On December 3, 2015, Tanvir Ahmed, 38, Tawhidul Hasan, 21, and Omar Faruq, 22, were arrested for such statements on Facebook. According to a complaint filed at Adabor Police station in Dhaka, Mohammad Amirul Islam, a senior warrant officer belonging to RAB-2, heard that some men had gathered near Ali Ahmed Jame Mosque and were “engaged in a meeting to carry on anti-government activities.”

The RAB officer said that when he arrived at the place, he found about five to six people having a discussion who then ran away, but that he and his colleagues managed to catch three of them. “When we asked them that why they had gathered there, they couldn’t give us any answer. Later, they confessed that were involved in making anti-state posts and comments in Facebook with fake IDs, and that they had gathered there to carry on such activities.”

Criticizing the International Crimes Tribunal

Two of the people mentioned above, arrested for comments about the prime minister, were also accused of criticizing the International Crimes Tribunal. Hadisur Rahman was arrested on January 28, 2014, in part for criticizing the death sentence imposed on Jamaat leader Quader Mollah, who was executed the previous month. The complaint made by a police officer stated, “on many occasions he termed the Prime Minister as a ‘judicial killer’

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162 FIR No-03/212, Adabor Police station, Dhaka, December 3, 2015.
163 Ibid.
164 Ibid.
165 The International Crimes Tribunal was established in 2010 to investigate and prosecute those accused of international crimes during the country’s 1971 independence war, when they were alleged to have collaborated with the Pakistan military. The process, which has resulted in the execution of a number of leaders of the Jamaat-e-Islami, has been beset with controversy concerning unfair procedure, judicial bias, collusion amongst prosecutors and judges, and intimidation of defense witnesses. See, for example, “Bangladesh: Azam trial concerns,” Human Rights Watch news release, August 16, 2013. https://www.hrw.org/news/2013/08/16/bangladesh-azam-trial-concerns.
and in some posts also expressed that he would like to be like Abdul Quader Mollah, whom he termed a martyr, used poetry to express his anti-liberation war view, and reminded the prime minister about what happened in 1975.”

Rifat Abdullah Khan, arrested on February 21, 2015, was also accused of seeking “to cancel the ongoing trial of war criminals.” The complaint specifically mentioned that he had made “derogatory remarks about the skype conversations referring to the Chief Justice and the International Crimes Tribunal Judge Nizamul Huq Nasim.”

Shahadat Khondaker
On September 5, 2016, Shahadat Khondaker, an employee of the Bangladesh railways, was arrested for allegedly posting “anti-government statements” on Facebook. Police said that he had “intentionally and electronically published defamatory, indecent, false, inappropriate, and provocative statements against the Honorable Prime Minister and Supreme Court Judges to the public, creating a possibility of law-enforcement decline and damaging the image of the state and person.”

Khondoker had criticized the proceedings of the International Crimes Tribunal, arguing that the “prosecution could not prove where and whom Mir Quasem Ali murdered,” and questioning the integrity of the evidence, as well as the political neutrality, of judges. In another message, he referred to the Jamaat-e-Islami politicians convicted of crimes by the

166 FIR no. 34(2)2015, Pallabi police station, no. 34(2)2015, March 22, 2015. On file with Human Rights Watch. In August 1975, Sheikh Mujib and members of his family were assassinated by members of the military.


169 The post stated, translated from Bengali, “The Prosecution could not prove where and whom Mir Quasem Ali murdered. Witnesses who were born in 1977 testified for incidents that happened in 1971. When Chattra League leader Shamsuddin Chowdhury Manik is the Judge, what kind of judgment do you expect (against his sworn enemies)? Aren’t those people who were given jobs [by MQA apparently] not citizens of this country? Do their taxes not help national progress? Can’t the Prime Minister remember whose money it is when she accepts checks for 12 or 15 lakh Taka?” The last sentence seems to refer to money that the prime minister’s office received for charitable purposes from the Islamic Bank, which was seen by many as a bank controlled by the Jamaat-e-Islami.
Tribunal as “roses,” writing, “Millions of roses await blossoming, if a few more flowers fall to make a complete flower necklace, then I will not stand in the way.”\textsuperscript{170} Khondaker eventually obtained bail in August 2017.\textsuperscript{171}

Mohammad Osman Gony and Abul Hasan Rasu

On April 14, 2015, Mohammad Osman Gony, 20, and Abul Hasan Rasu, 27, both student leaders and supporters of the Jamaat-e-Islami party, were arrested from Comilla Cadet College for posting “insulting cartoons and posts” about the prime minister and other officials on Facebook.\textsuperscript{172} The FIR claimed that the two men were “creating political unrest to sabotage the trial of the war criminals.”\textsuperscript{173} The case was pending at time of writing.

Criticizing the Judiciary

Criticism of the judiciary has also led to arrests under the ICT Act.

Sheikh Noman

On April 21, 2017, Sheikh Noman was arrested in Sreemangal town in Moulvi Bazaar after the police received a complaint that he had criticized the chief justice in a Facebook post for “attending different political programs.” The complaint was made by lawyer Enayet Kabir Mintu, an assistant to the public prosecutor, who said that Noman was a BNP supporter and had, in publishing his criticism, “tarnished the image of the independent

\textsuperscript{170} The full post, translated from the Bengali, “A 49-year-old garden will lose the biggest of its six roses today. Millions of roses are in this garden spanning 56 thousand square miles and their fragrance engulf the whole place. Millions of roses are waiting to be bloomed. If more flowers are needed to make the perfect flower necklace, then I won’t think all of that went in vain. I still dream that humanity will triumph, unshackling from the grasp of the barbarians. The future bright, because lies are only temporary, and truth shall prevail.”

\textsuperscript{171} The day after he was arrested police presented Khondaker to the magistrate court and he was remanded in their custody for 5 days. On September 10, 2016, the police re-presented him to the court and he was then remanded into jail. Three months later, on December 11, 2016, the metropolitan magistrate rejected his bail application. On January 2, 2017, the sessions Judge also rejected an application for bail saying that “there is specific allegation against him [under section 57 of the ICT] which [is] grave in nature. … The case is under investigation.” On March 29, 2017, the High Court passed an order asking the prosecution to explain why he should not receive bail, however it did not pass an interim bail order so he remained in custody. See Criminal Miscellaneous Case no 13234/2017.

\textsuperscript{172} FIR case no. 34, Ramna Model Thana District, Dhaka, February 21, 2015. On file with Human Rights Watch.

\textsuperscript{173} Ibid.
judiciary of the country.”

Mintu argued the chief justice had become a “hated target of a vested quarter” because of his involvement in the International Crimes Tribunal.

Noman, however, said that he supported the student wing of the governing Awami League, and that someone else had published the Facebook post using a phone that he had lost at an acrimonious Awami League political meeting on March 22, 2017. He said the complaint to police was made by the assistant to the public prosecutor due to an argument he had had with public prosecutor Asadur Rahman, who had “threatened to teach me a lesson.”

Norman was remanded into police custody. “I was not allowed to assign myself any lawyer initially,” he said. “During the remand hearing, the judicial magistrate also did not ask me any question about what I have done.” He remained in detention for nearly three months before obtaining bail in July 2017. “I was branded an opposition activist. Now, I am really worried about my future,” he said.

The investigation was still under process at time of writing.

**Nazmul Hossain, Othoi Aditto, Tariq Rahman, and Nusrat Jahan**

On July 3, 2017, a lawyer filed a complaint at Kotwali police station in Dinajpur against Nazmul Hossain, a senior reporter at Jamuna Television. The lawyer objected to Hossain’s Facebook post criticizing preferential treatment given to judges, saying it “ridiculed the department of justice.”

Three others, Othoi Aditto, Tariq Rahman, and Nusrat Jahan Ishika, were accused of sharing the post but received anticipatory bail before they could be arrested.

The Facebook post, titled “The red staircase of Justice and Delwar’s crutch,” described how a disabled man in Kamalpur railway station used his crutch to help a couple get into a

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175 FIR No-04/96, Sylhet, April 21, 2017.


177 Ibid. Chaatra Dal is the student wing of the opposition Bangladesh Nationalist Party.


crowded train, while a High Court judge was provided the comfort of protocol. According to the FIR, Hossain concluded:

Some days ago, a justice of the High Court was saying that judges do not get enough benefits. They don’t have any computer, no AC, their roads are blocked with water. This kind of attitude hurts us. Why should a justice intimidate the authority to get this type of protocol? All these problems can be solved if they can follow the attitude of the disabled man. Then they don’t have to force people to show respect to them.\textsuperscript{180}

The complaint to the police alleged that the journalist compared the “respected Judges of the Bangladesh High Court” with a beggar, thereby “disrespecting and defaming” the judge. The complainant said the post had “tried to lead the general people toward darkness, and make them lose faith on the system. He has all hurt the sentiment of all the people of Bangladesh.”\textsuperscript{181} Nazmul had not been arrested at time of writing.\textsuperscript{182}

\textit{Lewd or Morphed Images of Political Leaders}

In addition to prosecutions for posts critical of the government or government officials, people have also been prosecuted for publishing tasteless images, including photoshopped pictures of the prime minister with sexual innuendo.

\textsuperscript{180} The full post reads, translated from Bengali, “The time was 7.30 at Komlapur Railway station at platform no 4. Suddenly my eyes were stuck on a disabled man. The train door was very crowded so they could not get inside through the door, they had to get in through a window. The train is going to start soon. The groom cannot decide what to do. If they take the bus, it is going to take 18 hours. He was very anxious. Suddenly the disabled man came forward; he offered the groom his crutch and advised him to get on the train. He helped his wife get into the train first, then he got in. The disabled man re-wrote history. That day, I also experienced another thing. A justice of the High Court will go to Dinajpur. The Railway authority has therefore put a red carpet at the entrance. Red Carpet will also be there in Dinajpur at the time of his exit. This is the protocol. Nevertheless, my friends, younger brothers and seniors who are working in Zilla NDC, they have got tired maintaining such protocol. Whenever the Judge visits the district, the NDC’s has to arrange for the welcome of the Judge. During Eid, many Judges stay at the circuit house instead of staying at their own home. In this way, they can get benefit from the junior officials. Some days ago, a Justice of the High Court was saying that, the Judges do not get enough benefits. They don’t have any computer, no AC, their roads are blocked with water. This kind of attitude hurts us. Why should a justice scare the authority just for this type of protocol? All these problems can be solved if they can follow the attitude of the disabled man. Then they don’t have to force people to show respect to them.”

\textsuperscript{181} op. cit. Case no. 22 Kotwali Thana, Dinajpur July 3, 2017.

\textsuperscript{182} Human Rights Watch phone interview with Nazmul Hossain, Dhaka, February 1, 2018.
Mohammad Alauddin Alo

Mohammad Alauddin Alo, 30, was arrested on January 17, 2016, for creating and disseminating obscene pictures of Prime Minister Sheikh Hasina and former Foreign Minister Dipu Moni.\textsuperscript{183}

He was arrested based on the complaint of a man called Nazimuddin, who stated that on the morning of January 16, he was at the Feni Noakhali highway bus-stand when he heard the accused talking about the prime minister in a derogatory manner, calling her “bad names.”\textsuperscript{184} The men boasted that they had posted satirical pictures of her on the internet. When others at the bus-stand objected the men ran away, but Nazimuddin and others managed to catch Alauddin Alo, and said they “found three or four A4 sized printed papers in his hand which had a lot of pictures. Eight of them contained distorted pictures of the prime minister and the foreign minister Dipu Moni.” The complaint stated that in two pictures, the heads of the prime minister and Dipu Moni were replaced on the bodies of two nude men.\textsuperscript{185} Nazimuddin said that Alauddin Alo admitted that, with the assistance of the other accused, he had posted two pictures on Facebook.

Hasanul Haque Mithu

On October 5, 2016, Hasanul Haque Mithu, who runs a motor-parts shop, was arrested in Natore for posting “obscene” material on Facebook involving the prime minister and state minister Alhaj Zunayed Ahmed Palok, after a complaint by Mohammad Sohel Takuder.\textsuperscript{186}

Mithu was denied bail by the magistrate. On November 8, 2016, he applied for bail at the sessions court, claiming the allegation against him was false and that the “case was filed to harass him politically.”\textsuperscript{187} The sessions court judge rejected the bail application stating,

\textsuperscript{183} FIR no. 57, Dagonbhuiyan police station, Feni, January 16, 2016. Two other men, Jamal Uddin, 28, and Kazi Iftekhar Hossain, 23, were also named in the case that was subsequently filed.
\textsuperscript{184} Ibid.
\textsuperscript{185} Ibid.
\textsuperscript{186} Case no. 4, Singra PS, Natore, October 5, 2016. Md Sohel Takuder stated in his complaint that at about 9 p.m., he logged into Facebook and saw that Mithu, using his Facebook account “Aftab Motors Singra,” had posted the obscene comments.
\textsuperscript{187} Criminal Miscellaneous Case No 38749, Bail application to High Court, September 8, 2016.
“All the proof stands against him.” Mithu claims that he had no knowledge of the post and that someone had uploaded the post with a “view to damaging my reputation.”

188 Order 2, Sessions Court, Natore, case no 1996/2016.
189 Criminal Miscellaneous Case No 38749, Bail application to High Court.
IV. Crackdown on Media

While journalists are among those prosecuted under the ICT Act for their personal Facebook posts that criticize political leaders, a considerable number of cases have also been filed against journalists and editors in Bangladesh under the ICT Act concerning their professional writings. These fall into two categories: cases alleging journalists published allegedly false news about state authorities, and cases alleging journalists defamed someone in their reports.190

Alleged False News

Sarwar Alam

Sarwar Alam, the publisher and editor of the news website CTN24.com, was arrested in Cox’s bazaar on July 15, 2016, for publishing an article reporting the death of an individual that the police said was “false and fabricated.”191 A case was also filed against two other journalists of the news portal—executive editor Islam Mahmood and chief reporter Shahed Mizan—but they managed to escape arrest by going into hiding. Alam was detained for a month before the Cyber Tribunal granted him bail on August 17, 2016.

The arresting officer said in his report, “I asked Sarwar about the news and he informed me that the news had already been removed from the website. After further interrogation, he admitted that the news was in the trash folder of his computer. When asked further, he admitted that he, along with the mentioned acquaintances, had prepared the news and published it with ill-intention in mind.”192

Sarwar Alam admitted that the news report had carried inaccurate information, but denies he published it with ill-intention, stating “A dead body was recovered and my news portal

190 See Annex 2 for table containing details of 15 cases involving 27 accused. The table includes information identified and collated by Odhikar.
192 Ibid.
The police had not filed a charge sheet and the investigation officer had been moved to another police station, with no new investigation officer appointed, at time of writing. Since obtaining bail, Alam attended court seven times at time of writing. The two other accused journalists remain in hiding.\textsuperscript{194}

**Nazmul Huda**

On December 23, 2016, Nazmul Huda, a reporter at Ekushey Television and the newspaper *Bangladesh Pratidin*, was arrested for his reporting on protests by garment workers. The police said that he instigated the workers to continue their protests through his reporting.\textsuperscript{195} He was accused of publishing “false information” using “his mobile phone and laptop,” stating the workers were demanding a 15,000 taka (USD 181) monthly salary along with a set of 16 demands.\textsuperscript{196}

He was also accused of writing a second article, published in the *Bangladesh Pratidin* on December 22, 2016, which allegedly included four inaccurate sentences.\textsuperscript{197} The complaint, filed by the police, claimed “The false news of the mentioned defendant has created discontent among the garment workers. It has also attempted to break the reputation of the government, and to create chaos within our law enforcement system.”\textsuperscript{198} A case was filed against Huda under section 57 of the ICT Act. Not only do the allegations fail to explain how the reports can cause “discontent” or “chaos,” the complaint falsely accuses Najmul of reporting that 600 factories in Ashulia were “closed.”\textsuperscript{199}

\textsuperscript{193} Human Rights Watch phone interview with Sanwar Alam, May 20, 2017.
\textsuperscript{194} Human Rights Watch phone interview with Sanwar Alam, January 24, 2018.
\textsuperscript{195} The FIR, filed by SI Shahdat Hossain in Ashulia Thana, stated that three days earlier ‘through his mobile phone and laptop’ Huda sent false information to the *Daily Bangladesh Pratidin*. Case no. 46, December 12, 2016, Ashulia Thana, Dhaka.
\textsuperscript{196} Ibid.
\textsuperscript{197} The relevant sentences were: “long route public buses on the Abdullahpur-Bypile road had been stopped from the previous day ... there are more than 600 garments factories in Savar and Ashulia area ... the police did not allow any vehicle through the Bypile road ... other than the 55 closed factories, workers of other factories came to their workplaces, but did not work.”
\textsuperscript{198} Case no. 46, December 12, 2016, Ashulia Thana, Dhaka.
\textsuperscript{199} Ibid.
Huda says that on the day of his arrest, a police officer invited him to a press conference at the Ashulia police station, but when he arrived, several police officers bundled him into a vehicle, blindfolded him, and then beat him. “I was taken to different places and threatened with crossfire,” Huda said. He says that after several hours, in the early hours next morning, he was handed over to the Detective Branch of the police, from which he was taken to the Savar government hospital for treatment for injuries sustained from police beatings. Later that day, he was taken to court and remanded into police custody.

Although the Cyber Tribunal granted bail on January 23, 2017, Huda was only released after he received bail for a number other cases that had been filed against him during the same period. The investigation is continuing and no charges had been submitted at time of writing.

Robiullah Robi, Atiqur Rahman, and Rafique Mohammad
On January 16, 2014, three journalists from the newspaper Daily Inquilab, Robiullah Robi, the diplomatic correspondent, and reporters Atiqur Rahman (Ahmed Atiq) and Rafique Mohammad, were arrested for publishing an allegedly false report that said Indian security forces had taken part in operations in Bangladesh’s Satkhira district ahead of the January 5, 2014 parliamentary polls. The newspaper printing press was also sealed off. Senior correspondent Afzal Bari was initially detained, but later released.

The three journalists were taken to the office of the police Detective Branch in Dhaka and were produced before the court the following day. Robi and Rahman were remanded into police custody for two days before being sent to jail, while Mohammad was sent directly to

200 In Bangladesh “crossfire” is the euphemism of an extrajudicial execution.
jail. On February 20 and 21, 2014, the High Court gave the three men bail.\textsuperscript{204} The police have not yet submitted a charge sheet to the Cyber Tribunal at time of writing.\textsuperscript{205}

**Alleged Defamatory Reports**

The ICT Act has also been used in cases of alleged defamation along with other charges.

**Robiullah Robi**

On August 19, 2014, Robiullah Robi,\textsuperscript{206} of the *Daily Inquilab* was arrested for alleged violations under the ICT Act relating to an article claiming that Prolal Kumar Joardar, a former protocol officer of Prime Minister Sheikh Hasina, had abused his authority in recruiting and transferring police officials, and in selecting officers to participate in UN peacekeeping missions, including by favoring Hindus.\textsuperscript{207} Joardar complained of defamation, saying that Robi had published an article that contained false and baseless information that hurt religious sentiment, spread negative news about the police force, created confusion among the general public, and tried to ruin law and order.\textsuperscript{208}

The police also lodged an FIR naming the editor and the chief reporter of the paper and seized two computers used in writing and editing the report. Robi was jailed for six months before receiving bail. The High Court stayed the case on April 12, 2018.\textsuperscript{209}

**Shahnewaz Khan Sumon, Sajjad Hossain, and Six Others**

In November 2014, a local Awami League leader and city mayor, Saidul Karim Mintu, filed a complaint against eight reporters following articles published two months earlier by two newspapers, the *Daily Nayadiganta* and *Bangladesh Protidin*, which had accused him of corruption. A number of the journalists argued that they were only named in the case

\textsuperscript{204} Human Rights Watch phone interview with Robiullah Robi, May 20, 2017.
\textsuperscript{205} Human Rights Watch phone interview with Atiqur Rahman, April 18, 2018.
\textsuperscript{207} Robiullah Robi was also previously detained for writing another article under the ICT Act, as described in the section above.
\textsuperscript{208} FIR case no. 18, Wari Thana, Dhaka, August 19, 2014.
\textsuperscript{209} Human Rights Watch phone interview with Robiullah Robi, April 18, 2018
because the mayor was critical of reports that they had published in the past about him. The police took no immediate action, but on April 30, 2015, Shahnewaz Khan Sumon, the Jhenaidah correspondent of *Somoy TV*, was arrested and detained for three months before receiving bail on August 4, 2015.\footnote{Following his arrest on the ICT charge, he was subsequently charged in two cases involving alleged violence said to have been carried out by opposition activists.} Sajjad Hossain, from *Amader Orthoniti*, was arrested on May 1, 2015, and remained imprisoned until the Cyber Tribunal granted him bail 41 days later. Sheikh Ruhul Amin, of *Bangladesh Protidin*, evaded arrest and secured anticipatory bail.

Shahnewaz Khan said that he was named in the case and arrested even though he was not involved in reporting on the corruption allegations. “I was summoned to the Sadar police station. I went there and was then arrested under the ICT case filed by the mayor even though I had not reported anything regarding his corruption. I was the victim of the mayor’s previous anger towards me.”\footnote{Human Rights Watch phone interview with Shahnewaz Khan, May 20, 2017.} He said the mayor was annoyed with him about a TV report broadcast in May 2014, in which a victim’s wife had accused Mayor Mintu of murder.

Sajjad Hossain, from *Amader Orthoniti*, says that he was arrested in Jhenaidah town, not for his journalism, but because of a personal rivalry with another reporter close to the mayor. “I was also an accused in the case filed by the mayor, although I did not report anything about the mayor’s corruption and wrong deeds. I was taken to the city police station where a sub-inspector blindfolded me and tortured me.”\footnote{Human Rights Watch phone interview with Sajjad Hossain, May 20, 2017.} As of February 2018, police had not submitted a charge sheet, but the accused had to make repeated appearances before the district court.\footnote{Human Rights Watch phone interview with Sajjad Hossain, January 29, 2018.}

**Joton Chandra Ghosh and Omar Farouq Sumon**

In June 2015, a local civil servant in Mymsensingh, Abdul Awaal, filed a case against journalists Joton Chandra Ghosh and Omar Farouq Sumon, claiming they wrote reports about him that were defamatory, accusing him of corruption.
In the complaint, Awaal alleged that on June 2, 2015, Ghosh published “false, fabricated, and baseless news” on the news website Oporad Sangbad, then posted the article on Facebook. He further alleged that a week later, on June 9, Omar Farouq Sumon published a report on the same issue on another website. Awaal stated in his complaint that, “I have been performing my duty as UNO\(^{214}\) with [the] utmost integrity but a vested quarter is trying to taint my image by publishing those false and fabricated news and [posting] the news on FB.”\(^{215}\) Sumon was arrested on August 6, obtained bail on November 15, 2015, and was again detained during his trial in November 2016. Ghosh was detained when he surrendered to the court during the trial. Both men were acquitted on November 24, 2016.

**Abu Al Moursalin Babla**

Mir Mojammel Ali, a member of the Awami League, filed a complaint on March 25, 2017 against Abu Al Moursalin Babla, 45, the editor of daily *Juger Chinta* in Narayanganj and special correspondent at Channel-I, accusing him of publishing an article which was “completely false, fabricated, groundless and defamatory” resulting in negative implications for his “family, social and political image.”\(^{216}\) The article claimed that Ali had taken for his own use most of the government rice he had received for distribution in his local area and also accused him “of controlling the extortion, drugs, jute, and stolen oil sectors in that area.”\(^{217}\) Babla said that the report was “factual and authentic.”\(^{218}\) He has avoided arrest by obtaining anticipatory bail and subsequently received bail. As of February 1, 2018, the investigation remained active but no charge sheet had been submitted.\(^{219}\)

**Golam Mujtaba Dhruba**

Golam Mujtaba Dhruba wrote an article for bdnews24.com about a heated exchange involving staff members of Manikganj court who refused to move a truck blocking the road as a family was trying to take a sick child to a hospital on motorcycle. Court staff members

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\(^{214}\) Upazila Nirbahi Officer, a district official.

\(^{215}\) FIR lodged at Haluaghat police station, Mymensingh, June 16, 2015.

\(^{216}\) FIR no 85/268, Fotulla Model Thana, Narayanganj, March 25, 2017.

\(^{217}\) Ibid.


\(^{219}\) Human Rights Watch phone interview with Abu Al Moursalin Babla, February 1, 2018.
reportedly told the family that the truck would not move until they had finished shifting the belongings of a judge, Mahbubur Rahman.

On June 13, 2017, Rahman filed a complaint with the police saying that the article published by the news website had falsely accused him of having “pushed” a “child to the ground.” He complained that the article “made me a villain before the 20 Crore people of this country” and had “disrespected the image of all the 1600 judges in this country... [and] damaged the image of the judicial system.”

Dhruba was not arrested. As of February 1, 2018, the investigation was still pending.

Saiful Islam Chowdhury
Saiful Islam Chowdhury, editor and publisher of www.ebakkhal.com in Cox’s Bazar, was arrested on October 5, 2016 following a complaint by a medical college lecturer, Dr. Abdus Salam. Salam complained about an article and cartoon on the website that he said defamed and mocked him. According to Chowdhury, who is involved in local Awami League politics, police persuaded Dr. Salam to lodge the case following an article the website published on corruption in police recruitment. He said:

Another newspaper published a story on corruption of a physician at Cox’s Bazar Medical College. On October 1, I published the news in my newspaper along with a satirical cartoon. Some people then posted the cartoon on social media and this went viral. Following this, my paper published another report on corruption in police constable recruitment. The police were angry and on October 5, they got the physician Abdus Salam to file an FIR and I was arrested a few hours after the case was registered.

Chowdhury said that his detention in jail was irregular. “The police took me to Cox’s Bazar police station and did not produce me before the court,” he said. “My supporters and local

\[221\] Human Rights phone interview with Golam Mujtaba Dhruba, February 1, 2018.
\[222\] The news website is no longer online.
\[223\] Coxsbazar Sadar Model police station, case no. 08, October 5, 2016. Copy on file with Human Rights Watch.
journalists rushed to the police station which prompted police officers to send me to jail without even going to the court.”

The journalist was detained for five weeks and was granted bail by the Cyber Tribunal on November 9, 2016. At the time of writing, the police had not submitted a charge sheet.

Alleged Personal Defamation on Social Media

Aside from defamation allegations against journalists for their professional work, there are also cases claiming defamation filed under the ICT law by politicians and others against individuals (some of whom also happen to be journalists) writing on Facebook and other social media.225

Probir Sikdar

On August 15, 2015, Probir Sikdar, editor of the online news portal Uttoradhikar 71News, was arrested in Dhaka following a complaint filed by Swapan Kumar Paul, a leader of the Awami League. Paul said Sikdar had "tarnished the image" of an Awami League cabinet minister on Facebook.226

Earlier that month, Sikdar had warned on his personal Facebook page that if anything “happened to him,” minister Khandaker Mosharraf Hossain, businessman Moosa bin Shamser, and a fugitive convicted of 1971 war crimes, Abul Kalam Azad, “should be held responsible.” Sikdar made these comments after receiving threats following an article he had published on his website concerning alleged war crimes committed in 1971.227

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225 See Annex 3 for table containing details of 11 cases. The table includes information identified and collated by Odhikar.


227 Probir Sikdar says that when he approached police in Dhaka about the threats, they refused to accept his General Diary (GD) complaint because it mentioned the minister’s name. On August 10, 2015, Probir Sikdar then posted a copy of the GD form which he had filled in at the police station on Facebook along with a message expressing fear that his life was in danger.
After a media outcry, Sikdar was released on bail on August 19. Police filed charges before the Cyber Tribunal on April 16, 2016, and the case was at trial at time of writing.

**Tasnuva Rahman**

Tasnuva Rahman, a teacher at Natore government Girls High School, was arrested on February 13, 2016, after Mohammad Sayed Hasan, a friend of the local member of parliament Mohammad Shafiqul Islam Shimul, alleged that she had uploaded a distorted photograph of Shimul’s wife and posted it on Facebook along with defamatory remarks. Rahman was detained for six weeks before the High Court granted bail on March 28, 2016.

The complaint accused Rahman of publishing the photograph and comments with an intent to humiliate her for her attire. Rahman, however, says that she herself is comfortable wearing jeans. “I wrote a post on Facebook saying what was wrong if I wear jeans instead of traditional salwar-kameez and shari. It was nothing more than that.” She says that her outspoken attitude caused resentment among many local leaders and resulted in the case being filed. The police submitted a charge sheet to the Cyber Tribunal on April 5, 2017 and the case was dismissed on the first day of hearing on January 9, 2018.

**Hasan Ali and Aslam Ali**

On March 30, 2017, Hasan Ali—a journalist working for the TV station Bangla Vision, the website bdnews24.com, and the newspaper, The Doinik Barta—and Aslam Ali, a staff reporter at the newspaper Kushtiar Darpon, were arrested following an allegation made by Hasibur Rahman Riju that the two journalists had made defamatory remarks on the Facebook page “Sultan Eslam.” Riju said in his complaint to Kushtia police station that a

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230 FIR case no. 17, Natore Police Station, Rajshahi, February 12, 2016.


tea stall worker, Miraz, had confirmed the two journalists used his phone to publish the post that “defamed” his character and “offended” him in front of his family.²³³

Hasan Ali, however, claimed the story was fabricated. “As a journalist and human rights activist, I stand by the side of victims and give them advice and other help,” he said.

I also write news about enforced disappearances and killing[s] in custody, and because of this, the police are very angry with me. On several occasions in the past, police officials have threatened me, and taken me to the police station based on baseless and trivial complaints, and [tried] to get me to suffer though they know I am innocent.²³⁴

He argued that he was targeted because he reported on a case of sexual abuse by a police officer. The police officer, he said, “has targeted me and on several occasions, threatened, and insulted me. The current case against me is part of his vindictive plan against me.”²³⁵

Aslam and Ali were initially released after journalist colleagues came to the police station, but after having received interim bail from the High Court, they were later jailed for 11 days when they surrendered to the lower court.²³⁶ The police submitted a charge sheet and the first hearing at the Cyber Tribunal was on January 4, 2018.²³⁷

Afsan Chowdhury
On June 5, 2017, retired army officer, Lt. General Masud Uddin Chowdhury filed a complaint at Gulshan police station against the columnist and lecturer Afsan Chowdhury for “false”

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²³⁵ Ibid.
²³⁶ “Two Kushtia journalists sent to jail in ICT case,” New Age, May 10, 2017, http://www.newagebd.net/print/article/15302 (accessed Nov 4, 2017). They had received interim bail from the High Court on April 11, 2017 but were ordered to surrender to the magistrate court within a month. When the two men did so on May 9, the magistrate court in Kushtia sent them to jail.
²³⁷ Conversation with accused, Hasan Ali on February 24, 2018
In the complaint, the retired army officer said that on May 7, Chowdhury, “with ill-intention to taint my social reputation,” suggested on Facebook that he was the father of a suspect involved in a recent high-profile rape case. He said that none of his family members had been linked to the case.

The police did not arrest Chowdhury but on June 11, according to a subsequent bail application, plainclothes police went to Chowdhury’s house when he was not present and enquired about him with the gatekeeper. On June 12, Chowdhury obtained interim bail from the High Court for one month, which was subsequently extended. No charge sheet has been submitted at the time of writing.

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239 FIR no 6, Gulshan police station, Dhaka, June 5, 2017.

240 Application for bail on behalf of Afsan Chowdhury.

V. Offending Religious Sentiment

Section 57 has been used to prosecute people for using social media to hurt religious belief. 242

Mashiur Rahman Biplob, Rasel Parvez, Subrata Adhikary Shuvo Rahman, and Asif Mohiuddin

Mashiur Rahman Biplob, Rasel Parvez, and Subrata Adhikary Shuvo Rahman were arrested on April 1, 2013 in Dhaka, for hurting the religious sentiment of people and insulting Islam with “derogatory comment[s] about the Prophet Mohammad” on Facebook and in various blogs. Blogger Asif Mohiuddin was arrested two days later. The arrests took place two weeks after the government formed a committee to identify and prosecute those who made offensive statements against Islam and its Prophet.243

Biplob, a business partner of a web development company in Mirpur, wrote online about contemporary politics, science, and literature. Parvez was a school teacher in Dhaka, and Shuvo a student at Dhaka university. All three were initially arrested under section 54 of the Code of Criminal Procedure. Subsequently, police also filed a criminal case under section 57 of the ICT Act. On May 12, 2013, the High Court granted bail. 244

On February 16, 2014, hearing an appeal from the accused, the High Court passed on order asking the government to explain why the proceedings should not be quashed, and stayed the criminal proceedings.245

242 See Annex 4 for table containing details of 8 cases involving 20 accused. Odhikar helped collate the information.

243 The government was under pressure to take actions against so called “atheist bloggers” by the political movement Hefazet-e-Islam.


245 Court ruling passed pursuant to Criminal Misc Case No 10905/2014, Dhaka High Court, February 16, 2014.
Mohan Kumar Mondal and Shawkat Hossain

On September 26, 2015, Mohan Kumar Mondal, 40, executive director of Leaders, an NGO, and his colleague Shawkat Hossain, 36, were arrested by Shyamnagar police in Satkhira. They were detained after Akbar Kabir, a local Awami League leader, filed a police complaint alleging that Mondal had mocked Haj pilgrimage to Mecca. They were jailed until the Cyber Tribunal granted bail on November 29, 2015.

Mondal had criticized Saudi Arabia’s security arrangements during the Haj on Facebook, and the way in which it had dealt with dead bodies after a stampede on September 24, 2015 killed hundreds of people. The post questioned the rationality of the Muslim ritual of throwing stones at devils during Haj, suggesting, “such devils were roaming everywhere.” Mondal says the complainant, Akbar Kabir, is an associate of local lawmaker SM Jaglul Hayder, with whom he had a disagreement. Mondal said, “Akbar Kabir called me over the cellphone on September 26 and asked me to meet him. I went to Garage Bazar area around 12 p.m. along with Showkat. Akbar and Kabir’s people called the police and handed us over to them.”

Police submitted a charge sheet against Mondal in January 2016, but not against Showkat, and the trial started soon after. As of February 2018, nine witnesses had testified at the tribunal and the case was due to end soon.

Sujan Mohanta

On February 1, 2017, Sujan Mohanta, 27, a roadside vendor, was arrested by police in Joypurhat in Dinajpur for allegedly posting on Facebook a picture that insulted Islam. Sujan’s wife, Boby Mohanta, told journalists, “Somebody took Sujan’s phone and posted

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249 Human Rights Watch phone interview with Mohan Kumar Mondal, January 24, 2018.
something on Facebook. My husband can't post such a thing on Facebook as he knows its consequences.”

The Facebook post is said to have sparked tension in the area, with about 50 people demonstrating in the municipality headquarters. Police were deployed at Sujan's home, Hindu temples, and mosques in the area. The case remains under investigation at time of writing.


251 Ibid.
VI. Recommendations

To the Government of Bangladesh

- Publicly uphold the right to free speech including criticism and dissent.
- Immediately act on the government’s pledge to repeal section 57 of the ICT Act.
- Ensure the proposed Digital Security Act, drafted to replace the ICT Act, conforms to international standards for the protection of freedom of expression, as set forth in the International Covenant on Civil and Political Rights and as interpreted by the UN Human Rights Committee and UN mechanisms, such as the UN special rapporteur on the promotion of the right to freedom of opinion and expression.
- Establish policies and procedures to counter hate speech through public campaigns and measures tailored to specific threats. This could include public education, promotion of tolerance, publicly countering libelous or incendiary misinformation, and strengthening security to protect threatened populations.
- Instruct police and other law enforcement departments, including RAB and DGFI, to uphold their duty to protect individuals threatened for their speech, and hold them accountable when they fail to do so.
- Pending repeal or amendment of the ICT Act, call upon the attorney general to inform prosecutors that arrests and prosecutions for peaceful speech should fully respect the standards of freedom of expression as set out in the ICCPR as interpreted by the Human Rights Committee. In general, prosecutions should be limited to speech intended to and likely to incite violence, discrimination, or hostility against an individual, or clearly defined group of persons in circumstances in which such violence, discrimination, or hostility is imminent and alternative measures to prevent such conduct are not reasonably available.
- Issue clear guidelines to the police and prosecutors that criticism or insult of the government or government policies or state institutions cannot be the basis of arrest or prosecution.
- Instruct all police departments that decisions on whether to arrest someone for speech should not be based on arbitrary claims of offended sentiment and threats of violence by those offended. Decisions to arrest someone for speech should be based solely on an evidentiary assessment of whether incitement to violence or other harms has occurred, consistent with applicable international freedom of expression law and standards.
- Instruct prosecutors that that all suspects facing charges and trials should be promptly released from detention unless there is strong and clear evidence that the
suspects are likely to flee, destroy evidence, or interfere with the investigation, and detention is necessary and proportionate: detention should be the exception not the rule. All detainees should be brought promptly before a judge to review the legality and necessity of their detention.

- Introduce education programs for all prosecutors to ensure that they are fully aware of international freedom of expression law and standards. Cases involving publication of intimate photos without consent raise concerns separate from the speech cases addressed in this report, and should be addressed by legal provisions specifically dealing with the issue.

To Donors and Key Influential Governments including the US, UK, China, and India

- Urge Bangladesh to protect the rights to peaceful expression and assembly, including through the reforms detailed in the recommendations above.
- Regularly and publicly raise concerns about the arrests of bloggers, writers, journalists, and members of the public for exercising their right to freedom of expression; urge that all charges against them to be dropped; and call for the immediate release of those already imprisoned for doing so.
- Encourage Bangladesh to invite the UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression on a fact-finding visit.
- Offer assistance to train police, prosecutors, and judges in international law and standards on freedom of expression and assembly.
Acknowledgments

This report was researched and written by David Bergman, a consultant with the Asia Division at Human Rights Watch. Research assistance was provided by Iqbal Mahmud.

It was edited by Meenakshi Ganguly, South Asia director; Clive Baldwin, senior legal advisor; and Danielle Haas, senior editor. Linda Lakhdir, legal advisor, provided additional reviews. Production assistance was provided by Racqueal Legerwood, Asia associate; Fitzroy Hepkins, administrative manager; and Jose Martinez, senior coordinator.

We would like to thank Odhikar for assistance to this project. We would also like to thank the activists, lawyers, and journalists who spoke with us.
### Annex 1: Examples Concerning Political Criticism on Social Media\(^{252}\)

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Arrest</th>
<th>Case Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>AKM Fahim Mashroor, CEO, bdjobs.com</td>
<td>April 25, 2018</td>
<td>Arrested after a student activist of the governing party filed a case alleging he was sharing “propaganda and misleading information” and posting Facebook status updates “belittling the prime minister.”(^{253})</td>
</tr>
<tr>
<td>Imran Sarkar, Rezaul Haque, Rumana Chowdhury, Romij Uddin, Md. Hasan, and others</td>
<td>April 8, 2018 (case filed)</td>
<td>Case filed by a police officer alleging that in relation to the students protests over civil service job quotas, 40 Facebook posts were “used to propagate false and fabricated information” resulting in “deteriorating the law and order situation in Bangladesh.”(^{254})</td>
</tr>
<tr>
<td>Harun ar Rashid, BNP voluntary wing leader</td>
<td>Feb. 4, 2018</td>
<td>Arrested in Lalmonirhat for allegedly posting on Facebook a ‘caricature’ of Prime Minister Sheikh Hasina and making an ‘offensive’ comment.(^{255})</td>
</tr>
<tr>
<td>Md Helal</td>
<td>Jan. 26, 2018</td>
<td>Arrested in Lakshmipur for allegedly distorting the image of the prime minister on Facebook.(^{256})</td>
</tr>
<tr>
<td>Noor Mohammed</td>
<td>Jan. 7, 2018</td>
<td>Arrested in Narayanganj for Facebook comments against the prime minister, her son Sajib Wazed, the general secretary of the Awami League, Obaidul Kader,</td>
</tr>
</tbody>
</table>

\(^{252}\) This data was collected in collaboration with Odhikar. We include citations only in cases not independently investigated and discussed in the report.


\(^{254}\) Copy of FIR lodged by Cyber Security and Crime Unit, Counter Terrorism and Transnational Crime Unit, Dhaka Metropolitan Police, with Human Rights Watch.


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<th>Name</th>
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257 “Insult to prime minister on Facebook: Narayanganj Jamaat worker arrested,” Jugantor, January 8, 2018 (access April 11, 2018).
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raihan Hossain, BNP student activist</td>
<td>Sep. 27, 2017</td>
<td>Arrested in Laxmipur for allegedly publishing derogatory statements on Facebook about the prime minister and her father, Sheikh Mujibur Rahman. Case was filed by an Awami League activist.265</td>
</tr>
<tr>
<td>Lelin Khan, vice-president of BNP students-wing in Narail</td>
<td>Aug. 10, 2017</td>
<td>Arrested in Narail for allegedly posting a distorted photograph of the Prime Minister Sheikh Hasina and of ex-home minister Sahara Khatun on Facebook.266</td>
</tr>
<tr>
<td>Rafiq Molla</td>
<td>Aug. 6, 2017</td>
<td>Arrested in Rajbari for allegedly posting on Facebook caricatures of the prime minister.267</td>
</tr>
<tr>
<td>Abdul Latif Moral</td>
<td>Jul. 28, 2017</td>
<td>Arrested in Kulna for allegedly sharing an article on Facebook titled “Goat given by minister of state in the morning, dies at night” with an “intention to defame the minister of state.”268</td>
</tr>
<tr>
<td>Amir Hamza, 35, BNP youth wing member</td>
<td>Jul. 27, 2017</td>
<td>Arrested in Kishoreganj for allegedly uploading on Facebook cartoons of the former president Zia-ur-Rahman and Prime Minister Sheikh Hasina.269</td>
</tr>
<tr>
<td>Ramjan Ali, 23</td>
<td>Jul. 24, 2017</td>
<td>Arrested in Habiganj for allegedly posting on his Facebook page a distorted image of the prime minister.270</td>
</tr>
<tr>
<td>Dr Selim Kaji</td>
<td>Jul. 21, 2017</td>
<td>Arrested in Shariatpur for allegedly posting derogatory photos of the prime minister, former foreign minister, Dipu Moni, Food Minister Kamrul Islam and others.271</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Alleged Facebook Posts</th>
<th>Source Details</th>
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<tbody>
<tr>
<td>Imtiaz Mahmood, lawyer</td>
<td>Jul. 21, 2017</td>
<td>Case filed against him for alleged Facebook posts which sought to “instigate communal violence” in Chittagong Hill Tracts area.</td>
<td>[272](<a href="https://www.thedailystar.net/backpage/sc-lawyer-sued-under-section-57-1437289">https://www.thedailystar.net/backpage/sc-lawyer-sued-under-section-57-1437289</a> (accessed April 19, 2018).)</td>
</tr>
<tr>
<td>Nazmul Hossain and three others</td>
<td>Jul. 3, 2017</td>
<td>Arrested for allegedly publishing on Facebook a post that “ridiculed the department of justice.” Three others who also shared the post secured interim bail.</td>
<td></td>
</tr>
<tr>
<td>Maksuda Akhter Sumi, 22</td>
<td>May. 22, 2017</td>
<td>Arrested for allegedly posting on Facebook derogatory comments about the prime minister.</td>
<td>[274](<a href="http://m.dailynayadiganta.com/detail/news/222271">http://m.dailynayadiganta.com/detail/news/222271</a> (accessed April 11, 2018).)</td>
</tr>
<tr>
<td>Sheikh Noman</td>
<td>Apr. 21, 2017</td>
<td>Arrested in Moulvi Bazaar for allegedly criticizing on Facebook the Chief Justice for “attending different political programs.”</td>
<td>[275](<a href="http://www.dhakatribune.com/bangladesh/politics/2017/04/21/youth-criticised-chief-justice-facebook-arrested/">http://www.dhakatribune.com/bangladesh/politics/2017/04/21/youth-criticised-chief-justice-facebook-arrested/</a> (accessed October 27, 2017).)</td>
</tr>
</tbody>
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276 Please see case in section III for details.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Details</th>
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</table>
| Suman Hossain         | Apr. 5, 2017 | Arrested in Laxmipur for allegedly posting a caricature of the Prime Minister Sheikh Hasina and her father, Sheikh Mujibur Rahman on Facebook.  
278 |
| Md Bellal Hossain, 35, Imam of a mosque | Mar. 19, 2017 | Arrested in Bhol for allegedly posting on Facebook “anti-government” commentary including derogatory comments about two Bholalawmakers.  
279 |
| Chowdhury Irad Ahmed Siddiky | Feb. 23, 2017 | Arrested in Dhaka after allegedly posting on Facebook offensive messages against the prime minister and her father.  
280 |
| Ehsan Habib, Aminul Islam, Ehsan Habib and Aminul Islam | Feb. 13, 2017 (received anticipatory bail) | Allegedly published posts that were said to be “indecent, defamatory, false, and provocative statements undermining the honorable Prime Minister and Awami League leaders.”  
281 |
| Habul Khalifa, 35, a businessman and activist of the opposition BNP student wing | Feb. 5, 2017 | Arrested in Barisal for allegedly mocking the recently deceased Awami League leader.  
282 |
| Arman Sidkar, Feb. 4, 2017 | | Arrested in Narail for allegedly publishing comments on Facebook that denigrated the prime minister and the Awami League student wing by stating, “Now the crooks are giving advice” in relation to a speech she gave to the students.  
283 |

278 “Derogative comments on the Prime Minister and Bangabandhu in Lakshmipur, one arrested,” Banglarjamin, April 9, 2017.


281 See case in Section III for details.


<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Arrested Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abdul Wadud, 34</td>
<td>Nov. 7, 2016</td>
<td>Arrested in Sirajganj for allegedly posting on Facebook critical remarks about the Prime Minister Sheikh Hasina.(^{284})</td>
</tr>
<tr>
<td>Mohammad Shafi</td>
<td>Oct. 25, 2016</td>
<td>Arrested for allegedly publishing, while on holiday Saudi Arabia, Facebook posts, that included derogatory images and commentary about the prime minister, her son, and lawmakers.(^{285})</td>
</tr>
<tr>
<td>Nurul Huda, 30, Imam of a mosque</td>
<td>Oct. 14, 2016</td>
<td>Arrested in Chandpur for allegedly posting on Facebook comments that called for the removal of Sheikh Hasina as prime minister because she was an “atheist dictator.”(^{286})</td>
</tr>
<tr>
<td>Ahmed Ullah, 45</td>
<td>Oct. 14, 2016</td>
<td>Arrested from Naogaon for alleged posting on Facebook remarks and mocking photos of the Prime Minister Sheikh Hasina as well as the local Awami League member of parliament, Ishrafil Alam.(^{287})</td>
</tr>
<tr>
<td>Milon Khondaker, 30</td>
<td>Oct. 6, 2016</td>
<td>Arrested in Naogaon for allegedly posting derogatory remarks and mocking photos of the Prime Minister Sheikh Hasina and local Awami League member of parliament, Ishrafil Alam.(^{288})</td>
</tr>
<tr>
<td>Ruhul Amin</td>
<td>Sep. 22, 2016</td>
<td>Arrested in Natore for allegedly “defaming the honorable Prime Minister Sheikh Hasina, her son Joy, and her family,” by “publishing an indecent,</td>
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<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Arrested for</th>
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<tbody>
<tr>
<td>Mohammad Sabuj Ahmed</td>
<td>Sep. 10, 2016</td>
<td>Allegedly publishing “false, obscene and defamatory information” relating to Sheikh Mujib, stating that if the prime minister died, “the godlike image of Bangabandhu will fall as well.”</td>
</tr>
<tr>
<td>Shahadat Hossen Khondoker</td>
<td>Sep. 5, 2016</td>
<td>Allegedly publishing Facebook posts critical of the International Crimes Tribunal and questioning the role of the judges.</td>
</tr>
<tr>
<td>Dilip Roy, leftist student leader at Rajshahi University</td>
<td>Aug. 28, 2016</td>
<td>Allegedly publishing three satirical Facebook posts about Sheikh Hasina, her father, the Awami League, and also the government’s energy policy.</td>
</tr>
<tr>
<td>Saddam Hossain Gazi, 20, opposition BNP supporter</td>
<td>Aug. 16, 2016</td>
<td>Allegedly publishing anti-government comments on two Facebook pages about murders, enforced disappearances, the national budget, and calling for the downfall of the prime minister.</td>
</tr>
<tr>
<td>Masud Rana, elected local government politician</td>
<td>Aug. 10, 2016</td>
<td>Allegedly publishing on Facebook a picture mocking the prime minister and making derogatory comments.</td>
</tr>
<tr>
<td>Abdul Alim, Mustakim and Shamim</td>
<td>Aug. 8, 2016</td>
<td>Allegedly publishing on Facebook a photograph mocking the prime minister.</td>
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290 See case in Section III for details.

291 See case in Section III for details.

292 See case in Section III for details.


295 Ibid.
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Reason for Arrest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Titu Khan, 32</td>
<td>Aug. 8, 2016</td>
<td>Arrested in Faridpur for allegedly posting on Facebook over a period of time derogatory comments about the prime minister.296</td>
</tr>
<tr>
<td>Md. Shafiullah, 17, student</td>
<td>Aug. 1, 2016</td>
<td>Arrested in Khagrachari for allegedly posting a photo on Facebook that ridiculed a story concerning militancy, and mocked the prime minister and other public figures on Facebook.297</td>
</tr>
<tr>
<td>Rafiqul Islam Miraji, 26, alleged member of Hizbut Tahrir</td>
<td>Jul. 16, 2016</td>
<td>Arrested in Comilla for alleged anti-state comments on Facebook.298</td>
</tr>
<tr>
<td>Mithun Chakma, indigenous rights campaigner</td>
<td>Jul. 12, 2016</td>
<td>Arrested in Khagrachari for allegedly publishing an article accusing an army officer of involvement in the 1996 disappearance of an activist and Twitter posts mocking police as “musclemen” who were “equipped with battle-dress.”299</td>
</tr>
<tr>
<td>Foysal Arif Junayed, Awami League member</td>
<td>Jul. 3, 2016</td>
<td>Arrested in Rangpur for allegedly posting on Facebook derogatory remarks about Prime Minister Sheikh Hasina and her father, Sheikh Mujibur Rahman.300</td>
</tr>
<tr>
<td>Humayun Kabir, an employee of a furniture shop</td>
<td>Jun. 9, 2016</td>
<td>Arrested in Jessore for allegedly posting caricatures of the prime minister and the former railways minister, Surenjit Sengupta, on Facebook.301</td>
</tr>
</tbody>
</table>

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296 “3 youths arrested in Satkhira for Facebook insult to prime minister” Daily Naya Diganta August 10, 2016


<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Details</th>
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<tbody>
<tr>
<td>Mehedi Hasan, a</td>
<td>Jan. 24, 2016</td>
<td>Arrested in Khustia for allegedly posting an abusive statement against the prime minister on IMO, a text and video messaging service.302</td>
</tr>
<tr>
<td>second-year university</td>
<td></td>
<td>student</td>
</tr>
<tr>
<td>student activist</td>
<td>Dec. 6, 2015</td>
<td>Arrested in Barguna for allegedly posting on Facebook anti-government comments.303</td>
</tr>
<tr>
<td>Mahfuzur Rahman, 18, AL</td>
<td></td>
<td>student activist</td>
</tr>
<tr>
<td>student activist</td>
<td>Dec. 3, 2015</td>
<td>Arrested in Dhaka for allegedly posting on Facebook statements against the government and important personalities to “create chaos in the country.”304</td>
</tr>
<tr>
<td>Tanvir Ahmed, 38,</td>
<td></td>
<td>Tawhidul Hasan, 21, and Md Omar Faruq, 22</td>
</tr>
<tr>
<td>student activist</td>
<td>Nov. 12, 2015</td>
<td>Arrested from Dhaka university for allegedly publishing on Facebook comments critical of the government and the prime minister. 305</td>
</tr>
<tr>
<td>Abdur Rahman, Imran,</td>
<td></td>
<td>Golam Mostafa, Firoze, and Hanif</td>
</tr>
<tr>
<td>student activist</td>
<td>Nov. 5, 2015</td>
<td>Arrested in Laxmipur for allegedly posting photographs on Facebook mocking the Prime Minister Sheikh Hasina and Information Minister Hasanul Huq Inu.306</td>
</tr>
<tr>
<td>Md Shahjahan, a</td>
<td></td>
<td>madrasa teacher and local Jamaat-e-Islami president</td>
</tr>
<tr>
<td>student activist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>student activist</td>
<td>Sep. 2, 2015</td>
<td>Arrested in Bandarban for allegedly using a fake Facebook identity called “Tungipara” to make derogatory comments against Sheikh Mujibur Rahman, the country’s independence leader and father of the prime minister.307</td>
</tr>
<tr>
<td>Mizanur Rahman Biplob,</td>
<td></td>
<td>former Bandarban Mayor, and Habibur Rahman Khokon, ward councilor</td>
</tr>
<tr>
<td>student activist</td>
<td></td>
<td></td>
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<tr>
<td>student activist</td>
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304 See case in Section III for details.


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<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Arrested Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sohag Bhuiyan</td>
<td>Aug. 15, 2015</td>
<td>Arrested in Barisal after allegedly posting a caricature of the prime minister on Facebook.</td>
</tr>
<tr>
<td>Selim Mujumdar, BNP voluntary wing member</td>
<td>Aug. 3, 2015</td>
<td>Arrested in Siddhirganj after allegedly posting on Facebook caricatures of the prime minister and Narayanganj member of parliament, Shamim Osman.</td>
</tr>
<tr>
<td>Roman Palwan, 28</td>
<td>May. 18, 2015</td>
<td>Arrested in Bhola for allegedly posting on Facebook a cartoon of Prime Minister Sheikh Hasina.</td>
</tr>
<tr>
<td>Arfan Ali, assistant professor of Sher-e-Bangla Agriculture University</td>
<td>Apr. 24, 2015</td>
<td>Arrested in Dhaka for allegedly posting on Facebook derogatory statements about the Prime Minister Sheikh Hasina.</td>
</tr>
<tr>
<td>Osman Gony, 20, student leader of Islami Chatra Shibir</td>
<td>Apr. 14, 2015</td>
<td>Arrested in Comilla for allegedly posting on Facebook “insulting cartoons and posts” about the prime minister and others which created “sympathy for the Islami Chatra Shibir and Jamaat-e-Islam and creating political unrest to sabotage the trial of the War-criminals.”</td>
</tr>
<tr>
<td>Rifat Abdullah Khan, 17, Ziauddin Farhad and 50 others</td>
<td>Feb. 21, 2015</td>
<td>Arrested in Dhaka for Facebook posts which allegedly “tried to create sympathy for Bangladesh Jamaat-e-Islami and adding fuel to the movement of the 20-party</td>
</tr>
</tbody>
</table>

308 “Prime Minister’s distorted picture is posted on Facebook in Barisal,” *Jugantor*, August 15, 2015.


313 See case in Section III for details.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>314</td>
<td>Rubel Hossain, 22</td>
<td>Feb. 8, 2015</td>
<td>Arrested in Naogaon for allegedly uploading on Facebook a satirical picture of Prime Minister Sheikh Hasina from his mobile phone.</td>
</tr>
<tr>
<td>315</td>
<td>Fidratul Muntaha Sanjid, student</td>
<td>Jan. 23, 2015</td>
<td>Arrested in Dhaka for allegedly posting on Facebook derogatory comments about the Prime Minister Sheikh Hasina and her son.</td>
</tr>
<tr>
<td>318</td>
<td>Kalu Miah, 50, activist of Jamaat-e-Islami, and four others.</td>
<td>Oct. 21, 2014</td>
<td>Arrested in Sirajganj for allegedly publishing on Facebook abusive comments about Prime Minister Sheikh Hasina. The case filed against him also accused four other men.</td>
</tr>
<tr>
<td>320</td>
<td>Imran Hossain Arif, 30</td>
<td>Sep. 3, 2014</td>
<td>Arrested in Kushtia for allegedly posting a Facebook comment: “If Bangabandhu Sheikh Mujibur Rahman was the father of the nation, then Sheikh Hasina is my sister and Sajib Wajed Joy is my nephew.”</td>
</tr>
</tbody>
</table>

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314 See case in Section III for details.


317 “For insulting Bangabandhu on Facebook, young man is arrested in Raninagar” *Prothom Alo*, October 30, 2014.


319 “For ridiculing Prime Minister the Jamaat activist is arrested,” *Amader Shomoy*, September 21, 2014.


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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Major Samuzzoha, a retired army officer</td>
<td>Aug. 19, 2014</td>
<td>Arrested in Dhaka for allegedly commenting on Facebook about a picture of the prime minister and for supporting Hefazet-e-Islami.(^{322})</td>
</tr>
<tr>
<td>Hadisur Rahman</td>
<td>Jan. 28, 2014</td>
<td>Arrested for allegedly posting a picture of the prime minister looking “like a blood-thirsty Eagle,” another where she was in the form of a Hindu goddess, and for criticizing the International Crimes Tribunal and describing the prime minister as a “judicial killer.”(^{323})</td>
</tr>
<tr>
<td>Md Nurun Nobi Sujon (and Md Abul Yusuf and Md Jassim)</td>
<td>Nov. 11, 2013</td>
<td>Arrested in Dhaka for allegedly “disseminating false and derogatory information and photos of the present government head ... [which sought to] create an unstable situation by provoking the common people.” The two other men are in hiding to avoid arrest.(^{324})</td>
</tr>
<tr>
<td>Benazir, student</td>
<td>Nov. 9, 2013</td>
<td>Arrested in Dhaka for allegedly posting on Facebook derogatory pictures and comments about the prime minister and other government ministers, saying: “I am a hawker of democracy. Do you want to buy democracy?” he captioned below a picture of the prime minister.(^{325})</td>
</tr>
<tr>
<td>AKM Wahiduzzaman, academic</td>
<td>Nov. 7, 2013</td>
<td>Arrested in Dhaka for allegedly posting on Facebook comments that included “obscene language to defame” Prime Minister Sheikh Hasina, her son, daughter, and other members of her family.”(^{326})</td>
</tr>
</tbody>
</table>

\(^{322}\) See case in Section III for details.
\(^{323}\) See case in Section III for details.
\(^{324}\) See case in Section III for details.
\(^{325}\) See case in Section III for details.
\(^{326}\) See case in Section III for details.
### Annex 2: Cases Against Journalists for Published Reports

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Arrest</th>
<th>Media Outlet</th>
<th>Case Details</th>
</tr>
</thead>
</table>
| Layes Mondal & Sabid, journalist | Nov 21. 2017      | Administrator and news editor of Trishal News.com | Both men arrested after police alleged that the journalists published a false report about Chief Justice Sinha under headline, “Death threats after detaining relatives, Sinha resigns.” Police also claimed that article contained false and fabricated information about the president, parliament members, detective branch of the police and family members of former chief justice SK Sinha.


330 See case in Section IV for details.
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Position/Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ahmed Razu</td>
<td>Apr. 30, 2017</td>
<td>Executive editor, Natun Somoy</td>
<td>The Walton Group, a large business conglomerate, alleged that Razu had tarnished the company’s image by running false stories. The case was dismissed on Aug 23, 2017.</td>
</tr>
<tr>
<td>Abu Al Moursalin Babla</td>
<td>Mar. 25, 2017</td>
<td>Editor, <em>Juger Chinta</em></td>
<td>The chairman of the Awami League youth front in Fatullah claimed that published corruption allegations were false.</td>
</tr>
<tr>
<td>Nazmul Huda</td>
<td>Dec. 23, 2016</td>
<td>Reporter, <em>Bangladesh Pratidin</em></td>
<td>Police alleged that articles written by Huda on a worker protest were false and instigated others.</td>
</tr>
<tr>
<td>Saiful Islam Chowdhury</td>
<td>Oct. 5, 2016</td>
<td>Editor and publisher, <a href="http://www.ebakkhali.com">www.ebakkhali.com</a>,</td>
<td>A doctor claimed that an article about him was defamatory.</td>
</tr>
<tr>
<td>Shahadat Ullah Khan, Maksudul Alam, and Pantho Polash</td>
<td>Aug. 8, 2016</td>
<td>Acting editor, executive editor and staff reporter, Banglamail24.com</td>
<td>Police alleged that the journalists had reproduced on their site a false story published in another newspaper suggesting that Prime Minister Sheikh Hasina’s son Sajeeb Wazed had died in a plane crash.</td>
</tr>
</tbody>
</table>

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332 See case in Section IV for details.
333 See case in Section IV for details.
334 See case in Section IV for details.
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Position and Media</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarwar Alam</td>
<td>Jul. 15 2016</td>
<td>Editor, CTN24.com</td>
<td>Police claimed that an article concerning the death of a person was false.</td>
</tr>
<tr>
<td>Kabir Hossain, Badrul Islam Masud, and Champak Chakrabory</td>
<td>Sep. 21, 2015</td>
<td>Editor, news editor and chief reporter, <em>Dainik Sangu</em></td>
<td>Manager of the KDS company claimed that articles about the company's managing director were defamatory.</td>
</tr>
<tr>
<td>Shakhawat Hossain</td>
<td>Jun. 17, 2015</td>
<td>Editor, <em>Islamicnews24.com</em></td>
<td>Police alleged that the website had falsely attributed pictures of violence against Rohingyas to incite religious hatred. Site apologized for the mistake.</td>
</tr>
<tr>
<td>Joton Chandra Ghosh and Omar Farouq Sumon</td>
<td>Jun. 2015</td>
<td>Journalists, <em>Operad Sangbad</em></td>
<td>A local government officer alleged that articles critical of him were defamatory.</td>
</tr>
<tr>
<td>Shahnewaz Khan Sumon, Sajjad Hossain, Sheikh Ruhul Amin and five other reporters</td>
<td>Apr. 30, 2015</td>
<td>Correspondents of <em>Somoy TV, Amader Orthoniti, Bangladesh Protidin and other media</em></td>
<td>Awami League mayor in Jhenaidah said that article concerning alleging corruption had defamed him.</td>
</tr>
<tr>
<td>Robiullah Robi</td>
<td>Aug. 19, 2014</td>
<td>Journalist, <em>Daily Inquilab</em></td>
<td>A former protocol officer of Prime Minister Sheikh Hasina alleged that he had been defamed in an article which argued that he had misused his power.</td>
</tr>
</tbody>
</table>

336 See case in Section IV for details.
337 See case in Section III for details.
339 See case in Section IV for details.
340 See case in Section IV for details.
341 See case in Section IV for details.
| Robiullah Robi, Atiqur Rahman, and Rafique Mohammad | Jan. 16, 2014 | Diplomatic correspondent and reporters, *Daily Inquilab* | Police alleged that a report accusing Indian security forces of joining security operations in Satkhira ahead of the January 5, 2014, parliamentary polls was false.³⁴² |

³⁴² See case in Section IV for details.
### Annex 3: Allegations of Personal Defamation on Social Media

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Arrest</th>
<th>Defamatory Comments Against Whom</th>
<th>Case Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albab Khan, Awami League student wing member (six other activists also accused)</td>
<td>Jul 12, 2017</td>
<td>Mahmud Us Samad Chowdhury, Awami League MP for Sylhet-3</td>
<td>Arrested after politician alleged that Khan and others had published defamatory remarks and objectionable images.344</td>
</tr>
<tr>
<td>Nurul Islam, former Awami League student wing leader</td>
<td>July 11, 2017</td>
<td>Enamul Haq, Awami League MP for Rajshahi-4 constituency</td>
<td>Arrested for allegedly publishing defamatory remarks against politician involving the MP’s picture with a woman.345</td>
</tr>
<tr>
<td>Afsan Chowdhury, university professor</td>
<td>Jun. 5, 2017 (got interim bail)</td>
<td>Lieut. Gen. Masud Uddin, retired officer</td>
<td>Allegedly made a false allegation that the retired officer was involved in a rape case in Dhaka.346</td>
</tr>
<tr>
<td>Sheikh Mohammad Ratan, and 7 journalists</td>
<td>Apr. 12, 2017</td>
<td>Mir Nasiruddin, trainee lawyer</td>
<td>Allegedly ‘liked’ an article on Facebook about a forged law degree. Case also brought against seven journalists.347</td>
</tr>
</tbody>
</table>

343 This data was collected in collaboration with Odhikar. We include citations only in cases not independently investigated and discussed in the report.

344 “Facebook insult about two Awami League MPs,”, *Jugantor*, July 14, 2017.

345 Ibid.

346 See case in Section IV for details.

347 Police has filed a charge sheet. An investigating officer has been ordered to appear before the court on March 14, 2018. Human Rights Watch phone interview with Ratan, January 24, 2018.
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Alleged Subject</th>
<th>Alleged Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasnuva Rahman, teacher at Natore government Girls High School</td>
<td>Feb. 13, 2016</td>
<td>Shamima Sultana Sume, wife of the Natore member of parliament</td>
<td>Allegedly uploaded a photograph on Facebook with defamatory remarks.348</td>
</tr>
<tr>
<td>Junayed Ahmed Sumon, Awami league student activist</td>
<td>Aug. 27, 2016</td>
<td>Jebunnessa Afroj</td>
<td>Allegedly doctored a photo of the Awami League lawmaker Jebunnessa Afroj with a caption that read, “Female lawmaker now turned into a female model.”349</td>
</tr>
<tr>
<td>Probir Shikder, editor of the online news portal Uttoradhikar 71News</td>
<td>Aug. 15, 2015,</td>
<td>Khandaker Mosharraf Hossain, government minister</td>
<td>Allegedly &quot;tarnished the image&quot; of the minister on Facebook.350</td>
</tr>
<tr>
<td>Belayet Hossain Millat, Awami League student leader</td>
<td>Jun. 12, 2015</td>
<td>Ziaul Haque Mridha, member of parliament</td>
<td>Allegedly made derogatory remarks on Facebook page called “True news of Surail.” Millat admitted to one comment that he later removed and said the rest were fake.351</td>
</tr>
<tr>
<td>Arifur Rahman, student</td>
<td>Jan. 21, 2015</td>
<td>Shariful Islam, Awami League student leader</td>
<td>Allegedly opened a Facebook page in the name of “Ashik Hossain” and wrote defamatory comments about him.352</td>
</tr>
</tbody>
</table>

348 See report for details.
350 See case in Section IV for details.
### Annex 4: Offending Religious Sentiment under ICT Act

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Arrest</th>
<th>Case Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anis Alamgir, Journalist</td>
<td>Jan, 30, 2017</td>
<td>Case filed for allegedly hurting religious sentiment by writing on Facebook that a Hindu goddess &quot;was a symbol of sex.&quot;[^354]</td>
</tr>
<tr>
<td>Rakash Roy, 42, Hindu religious leader</td>
<td>Jun. 6, 2017</td>
<td>Arrested for allegedly posting on Facebook a derogatory comment about Prophet Muhammad.[^355]</td>
</tr>
<tr>
<td>Abdul Aziz, 35</td>
<td>Jun. 1, 2017</td>
<td>Arrested in Sylhet for allegedly posting on Facebook provocative, communal comments and threatening to kill secular people.[^356]</td>
</tr>
<tr>
<td>Rajat Roy, grocery store owner</td>
<td>Feb. 19, 2017</td>
<td>Arrested in Habiganj, Sylhet, for allegedly posting a photo on Facebook that hurt religious sentiment resulting in a mob attack on four Hindus.[^357]</td>
</tr>
<tr>
<td>Sujan Mohanta, 27</td>
<td>Feb. 1, 2017</td>
<td>Arrested in Dinajpur for allegedly posting a picture on Facebook that insulted Islam.[^358]</td>
</tr>
<tr>
<td>M.A. Motaleb Miji, Abdul Matin, Kamal Hossain</td>
<td>Aug. 6, 2016</td>
<td>Arrested in Chittagong for allegedly posting on Facebook a distorted photograph of the prime minister and comments that hurt religious sentiment.[^359]</td>
</tr>
</tbody>
</table>

[^353]: This data was collected in collaboration with Odhikar. We include citations only in cases not independently investigated and discussed in the report.


[^358]: See case in Section IV for details.

<table>
<thead>
<tr>
<th>Name(s)</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nur-e-Jalal, and another</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Khondaker Mohin and Abdul Mannan</td>
<td>Apr. 29, 2016</td>
<td>Mohin was arrested in Natore for allegedly criticizing a person who had donated money to build a mosque in Shekhherat village. Mannan was not arrested. ³⁶⁰</td>
</tr>
<tr>
<td>Fakir Taslim Uddin Kajal, printer, Shamsuzzoha Manik, publisher, and Shamsul Alam</td>
<td>Feb. 15, 2016</td>
<td>Arrested in Dhaka for publishing a book titled “Islam Bitarko” (Arguments in Islam) during the annual Ekushey Book Festival. The police also seized the books and shut down the book stall. ³⁶¹</td>
</tr>
<tr>
<td>Mohan Kumar Mondal and Shawkat Hossain</td>
<td>Sep. 26, 2015</td>
<td>Arrested in Satkhira for allegedly mocking haj. ³⁶²</td>
</tr>
<tr>
<td>Asif Mohiuddin</td>
<td>Apr. 3, 2013</td>
<td>Arrested in Dhaka for posting “anti-religious” comments on his blog. ³⁶³</td>
</tr>
<tr>
<td>Mashiur Rahman Biplob, Rasel Parvez, and Subrata Adhikary Shuvo Rahman</td>
<td>Apr. 1, 2013</td>
<td>Arrested in Dhaka for allegedly posting on Facebook and in various blogs comments that hurt the religious sentiment of people and insulting Islam with “derogatory comments about the Prophet Mohammad”. ³⁶⁴</td>
</tr>
<tr>
<td>Chappel Poddar, 25, and Manjurul Hasan Shikder Polash, 30</td>
<td>Nov. 7, 2015</td>
<td>Arrested in Bagerhat for allegedly making offensive comments on Facebook against the Quran. ³⁶⁵</td>
</tr>
</tbody>
</table>

³⁶² See case in Section V for details.
³⁶⁴ See case in Section V for details.
NO PLACE FOR CRITICISM
Bangladesh Crackdown on Social Media Commentary

Since 2013, Bangladesh authorities have used draconian provisions in the Information and Communication Technology Act (ICT Act) to arrest scores of people for political and social commentary critical of the current Awami League government or its leaders. Those targeted have also included journalists and editors arrested for articles critical of government officials or for writing about corruption or maladministration, as well as numerous individuals arrested for allegedly offending religious sentiment or for defamation.

No Place for Criticism details dozens of cases since authorities amended the act in 2013 to add harsher penalties and allow the police to make arrests without warrant. Since the Cyber Tribunal was established in 2013, the police submitted 1271 charge sheets to the Cyber Tribunal in Dhaka, most of them under section 57 of the act, a particularly sweeping provision. Many detainees have been held for months without trial. A significant number of those arrested are linked to Bangladesh opposition parties and were detained following complaints to the police by members of the governing Awami League.

The government has pledged to replace the ICT Act with a new law, the Digital Security Act, a draft of which is now being considered by parliament. However, the proposed new law in some respects is broader and more open to abuse than the law it seeks to replace, and it continues to violate Bangladesh’s international obligation to protect freedom of speech.

Human Rights Watch calls on the government to immediately act on its pledge to repeal the ICT Act, but replace it with a law that conforms to international standards for the protection of freedom of expression. Bangladesh authorities should publicly uphold the right to free speech, including criticism and dissent.