

## **Bangladesh: Stop stifling online freedom though the ICT Act**

**(Bangkok/Kathmandu, 10 September 2016)** – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns the recent series of detentions under Section 57 of the Information Communication and Technology (ICT) Act that criminalises online dissent and criticism of public affairs in Bangladesh. FORUM-ASIA urges the Government of Bangladesh to repeal this Act and release people arbitrarily arrested so far.

The ICT Act was first passed in 2006 and later amended in 2013 by the Government of Bangladesh to criminalise lawful expression. Under the Act, if found guilty, a person can be imprisoned up to fourteen years for ‘publishing fake, obscene or defaming information in electronic form.’

Together with Sections 54, 55 and 56, Section 57 has been grossly abused in recent years to suppress dissent. Section 57 of the ICT (Amendment) Act (2013) states that if any person deliberately publishes any material in electronic form that: causes the deterioration of law and order, prejudices the image of the state or person; or causes to hurt religious beliefs, the offender can be punished with a minimum of 7 up to a maximum of 14 years imprisonment. The offence is also categorised as ‘non-bailable’. Criminalising online communication based on very broad and vague grounds has subjected the Act to misinterpretation and abuse by the authorities.

A writ petition challenging the validity of the law is pending in the High Court of Bangladesh. The petition has challenged Section 57 of the law, based on arguments that it is in direct conflict with Articles 27, 31, 32 and 39 of the Constitution.

On 2 September 2016, Siddiqur Rahman Khan, a journalist who has worked for many Bangladeshi newspapers and currently edits DainikShiksha.com, a specialised education portal, was arrested for allegedly publishing defamatory content about a former government official, Professor Fahima Khatun, allegedly associated with the ruling Awami League party.<sup>1</sup>

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<sup>1</sup> <http://indianexpress.com/article/world/world-news/bangladesh-editor-arrested-for-defaming-ex-schools-chief-3010194/>

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On 28 August 2016, Dilip Roy, a 22 year old student at Rajshahi University was arrested for protesting on Facebook against a coal plant in the Sundarbans, the largest mangrove area in the world. He has been denied bail by the local court and risks 14 years imprisonment under the ICT Act. A public agitation is also going on calling for the cancellation of the proposed power plant in the Sundarbans due to its negative environmental and social impacts.

On 7 August 2016, three journalists from banglamail24.com, an online news portal, were arrested for reporting about a rumoured airplane crash causing the death of the Prime Minister's son. These journalists, Executive Editor Maksudul Alam, Editor Shahdat Ullah Khan and reporter Pranta Palash, were charged under the ICT Act and now risk imprisonment for 14 years. According to government authorities, the journalists have fuelled rumours about a government official.<sup>2</sup>

Scores of journalists, human rights activists, writers and bloggers have been facing charges for lawful online expression. According to Odhikar, a leading national human rights organisation and a member of FORUM-ASIA in Bangladesh, at least 27 people have been detained under the ICT Act from January 2016 to July 2016. Adilur Rahman Khan and ASM Nasiruddin Elan from Odhikar, are also facing charges under the ICT Act since 2013. Cases against them are still *sub judice* in Supreme Court of Bangladesh.

The arbitrary crackdown on dissenting voices has led Bangladeshi telecommunication regulators to block online access to about 35 websites, which criticise the current Government and its public policies.

'The ICT Act restricts freedom of expression and is in complete violation of Bangladesh' obligations under international human rights law, especially the International Covenant on Civil and Political Rights', says Mukunda Kattel, Director, FORUM-ASIA, 'This Act is being misused by the Government to crack down on dissenting voices. Victim's right to remedy has been severely curtailed'.

Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief stated that Section 57 of the ICT Act 'undoubtedly has a chilling effect on civil society organizations, human rights activists and members of religious minority communities. It much contributes to the perception of a shrinking space for frank public discourse.'<sup>3</sup>

<sup>2</sup> <http://www.benarnews.org/english/news/bengali/journalists-arrest-08082016135743.html>

<sup>3</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16399&LangID=E>

Instead of reviewing the misuse of the present Act, the Bangladesh Government has recently proposed legislation to incorporate Section 54, 55, 56 and 57 of the ICT Act in the proposed 'Digital Security Act' adopted by the Cabinet on 22 August 2016.

FORUM- ASIA reiterates its call to the Government of Bangladesh to safeguard freedom of expression of people in Bangladesh, and repeal Section 57 of the ICT Act, which gives the Government flexible and unhindered means to stifle any opposing voices. Bangladesh should comply with international human rights norms as well as release people who have been implicated under this Act.

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### **About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.*

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