

Bangladesh: Stop crack-down on human rights defenders with Digital Security Act

(Kathmandu/Bangkok, 22 May 2019) – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns the arrest of human rights defenders. Md. Abdul Kaium, who works for FORUM-ASIA member organisation Odhikar, writer-lawyer Imtiaz Mahmud, and poet-journalist Henry Swapon under the Digital Security Act 2018. FORUM-ASIA firmly urges the Government to stop such harassment of human rights defenders, and protect the right to freedom of expression of all its citizens.

In addition to working for Odhikar, Kaium also works as a journalist of news portal bdpres24.com and a freelance web developer. In November 2018, Kaium was hired by Mohammed Idris Khan, also known as Idris Ali to develop a news portal, bartabangladesh.com.

Disputes between Kaium and Idris Ali go back to 2011, including allegations of smear campaigns and spreading of derogatory news. However, these were mostly settled in 2016.

On 11 May 2019, Kaium was called by Idris Ali to come to his office to receive a payment and was offered US Dollars. Kaium insisted the payment be made in Bangladeshi Taka and refused to accept the Dollars. Shortly after, he was arrested on charges of illegal business in foreign currencies. He was taken to the police station at Mymensingh, where he was tortured to confess to the charges.

On 12 May 2019, the Police produced a case file in which they claimed Kaium was being held at another police station in Trishal, even though in actuality he was still being held in Mymensingh. The file stated he was charged under the Digital Security Act 2018 and the Bangladesh Penal Code 1860.

On 13 May 2019, the Police produced him before the Mymensingh Court, and sought for his remand. His bail was denied and he continues in detention. He was held in custody for more than 24 hours before being produced before the Court, which is a violation of the law. Police allegedly obtained the passwords of his phone, email, and Facebook account, which is a violation of his right to privacy.

In another incident, poet-journalist Henry Swapon was arrested at his home in Barishal on 14 May 2019. He was charged under Digital Security Act, along with poet-dramatist Alfred Sarkar and camera-person Jewel Sarkar, based on a complaint by Father Lawrence Laka Valley Gomez from the Barisal Catholic Church, which alleged that their post on social media had ‘hurt religious sentiments of both Christians and Muslims.’ Alfred and Jewel Sarkar were not arrested.

On 23 April 2019, Henry posted a status on Facebook criticising a cultural program on Easter Sunday at a local Catholic church, while everyone was mourning the violent extremist attacks on various churches and hotels in Sri Lanka. Reportedly, he had already received other threats, including for him to leave his home

and death threats in 2015. On 11 May 2019, miscreants came to his home and threatened him. Even though he filed a complaint, Police refused to register his case.¹ Henry was granted bail on 16 May 2019.

Additionally, prominent writer-lawyer Imtiaz Mahmud was arrested at his home in Dhaka on 15 May 2019. He was arrested based on a case filed nearly two years ago under section 57 of the Information Communication Technology Act, which was later amended to become the Digital Security Act, for comments on Facebook about minority and indigenous people's rights in Bangladesh.² Authorities alleged that he used Facebook to misguide people by spreading false information and rumours to tarnish the country's image. Mahmud was granted bail on 16 May 2019.

FORUM-ASIA believes the Digital Security Act grants wide discretionary powers to law enforcement agencies to arrest people randomly, and conduct searches without warrants. The law falls short of international human rights standards and is abused by authorities to stifle free expression.³

FORUM-ASIA is also concerned over the use of Digital Security Act against human rights defenders, journalists, lawyers, and free-thinkers, which has had a deep and lasting impact on free expression in the country. Freedom of expression is not only a cornerstone of democracy, but also a prerequisite for the fulfilment of many other rights.

FORUM-ASIA urges the Government of Bangladesh to:

- Immediately and unconditionally drop all charges against Md. Abdul Kaium, Henry Swapan, and Imtiaz Mahmud, and refrain from any further arrests under the draconian Digital Security Act,
- Repeal the Digital Security Act to ensure that its provisions are not applied to restrict freedom of expression, and
- Guarantee the right to the freedom of expression, as enshrined in the Constitution of Bangladesh in compliance with international human rights standards.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 67 member organisations in 21 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 democratisation.

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¹ <https://www.thedailystar.net/city/news/poet-henry-swapan-arrested-under-ict-act-1743544>

² <https://newsnextbd.com/?p=7131>

³ <https://www.forum-asia.org/?p=27376>