

## Bangladesh: Violations against journalists and online activists in 2016

In 2016, Bangladesh faced another violent and repressive year for freedom of expression and press freedom. Brutal attacks on journalists and online activists, and the use of unfair laws and criminal defamation provisions which clearly violate international standards, continued to stifle free speech.

Over the course of the year, ARTICLE 19 recorded an alarming **320 violations, including three murders, against 141 journalists, three online activists and three officials of a publishing house.** Local journalists faced the brunt of these violations compared to journalists in the capital, Dhaka.

The violations included:

- Attacks on physical integrity, including murder, attempted murder, serious bodily injury, minor assault, abduction and attempted abduction;
- Intimidation and threats;
- Harassment through unwarranted application of laws, including criminal defamation cases, vexatious cases, and the use of Section 57 of the ICT Act;
- Arrests and detention;
- Gender-based violations; and
- Destruction of equipment and/or property.

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### Attacks against journalists in 2016

The killing of journalists and online activists in Bangladesh and impunity for such acts continues to be one of the most serious challenges to freedom of expression and the press in the country.

#### *Killed for their reporting and activism*

In 2016, **three people were brutally killed** as a result of their exercise of the right to free expression, and attempts were made on the lives of two others.

- **Xulhaz Mannan**, editor of the country's first and only LGBTI magazine *Roopban*, was hacked to death in his home in Dhaka on 25 April 2016 by a group of extremist youths. Police believe his involvement in the publication of the magazine was the reason for his death, but as of yet only one person has been arrested in relation to the killing. The killing sparked major fears for the LGBTI community in Bangladesh, where gay sex is illegal and LGBTI people already face restrictions on their right to freely express themselves.
- **Khandaker Mahbub Rabbi Tonoy**, a theatre activist, was killed alongside Xulhaz on 25 April 2016.
- **Nazimuddin Samad**, a secular online activist and law student at Jagannath University, was hacked and shot to death by a group of people on a busy road in Dhaka on 6 April 2016. He had previously posted critiques of strict Islamic views on social media, which appears to be the motive for his killing. Only one arrest has been made in the case and no charges brought, despite the fact that four other online activists were hacked to death in 2015, and the Islamic fundamentalist group Ansarulah Bangla Team (ABT) is suspected in all five killings.
- Journalists **Shakil Hasan**, Staff Reporter of Jamuna Television, and **Mahibur Rahman**

**Chowdhury Tasnu**, Nabiganj upazila Correspondent of NTV, both survived murder attempts after they were attacked for investigations into illegal manufacturing and other activities.

### ***Physically attacked***

While there has been a decrease in assaults and serious physical attacks on journalists over the past three years, by almost half in 2016, this still amounted to a concerning **54 physical attacks**. Several of these attacks went unreported for fear of retaliation, and the perpetrators included public officials and their associates.

Those targeted included:

- **Babul Hossain, Omer Razib and Osman Goni**, Dhamrai Correspondent of Daily Amader Shomoy, Daily Amar Sangbad and Local Daily Jalamoyee respectively, sustained such serious injuries after being beaten on 17 August 2016 for reporting on child marriage in a local village that they were hospitalised. Their injuries included damage to sight and a fractured hand.
- **Sarkar Arifur Rahman Arab Ali**, Acting Editor of local daily A Juger Deep, was attacked and beaten on 15 November by a group allegedly hired by the Bera upazila mayor. His paper had regularly reported on alleged corruption involving the mayor.
- **Nirob Chowdhury**, photojournalist for Prothom Alo in Khagrachari, sustained serious injuries after being beaten by a local municipal mayor for photographing illegal extraction of sands from the Chengi River. He was be hospitalised for three days following the assault, and still suffers from a hearing impairment and requires surgery as a result of the attack.

### ***Intimidated into silence***

**Forty-eight journalists were subject to intimidation and threats related to their work** in Bangladesh in 2016. At least four journalists received death threats and threats to cut off their hands as a result of their investigations into and reporting on corruption. A further 36 journalists faced death threats for rallying against the Khagrachari mayor, for his part in the assault of Nirob Chowdhury for reporting on corruption and illegal activities.

### ***Culture of impunity***

Attacks on the press and activists continue to go largely unpunished in Bangladesh. Out of 32 cases filed in 2016 for incidents where journalists or online activists were subjected to attacks, intimidation or threats, or destruction of equipment and property, **56% have not been resolved**.

Notably, in December, a lower court delivered a verdict in the case of murdered journalist Manik Saha, who was killed in a bomb attack twelve years ago, sentencing nine of the eleven accused to life in prison and acquitting the other two. However, the reality remains that **only two of the 51 cases of journalists killed since 1995 have seen convictions**, while most cases did not pass beyond the investigation stage.

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## **Harassment through unwarranted application of laws**

The use of flawed and restrictive laws including the Penal Code, Information and Communication Technology Act (amended), and Special Powers Act, to harass and silence journalists and online activists accounted for 39% of violations in 2016.

### ***Criminal defamation***

The harassment of journalists through legal cases included **78 criminal defamation charges, a seven-fold increase in this type of charge since 2014**. This was influenced by a high number of

cases being brought against several individual journalists, including Daily Star editor **Mahfuz Anam**, who faced 83 separate cases, 66 for criminal defamation, brought by leaders and activists of the ruling Awami League.

### **Section 57 of the Information and Communications Technology (ICT) Act**

The use of Section 57 to criminalise online expression continued to restrict free expression and press freedom online in 2016. The Section criminalises publication of “fake, obscene or defamatory” content online, and was used in 22 cases in 2016, including:

- **Shamsuzzoha Manik** and **Shamsul Alam** of publishing house *Ba-dwhip Prakashan* and **Taslim Uddin Kajol** of Printing Press *Shabdakoli* were arrested under Section 57 on 15 February 2016 for allegedly hurting religious sentiments of Muslims by publishing a book online titled “Islam Bitorko” (Debate on Islam). Shamsuzzoha was imprisoned for more than eight months before he was granted bail in November, while Shamsul and Taslim were released on bail in June.
- **Saiful Islam Chowdhury**, Editor and publisher of local newspaper *Daily Bakkhali*, was arrested on 5 October 2016 under Section 57 after a government official filed a case against him for publishing a report with a caricature. He secured bail on 7 November.

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## **Recommendations**

In order to address these serious and continuing violations of free expression, and protect journalists and online activists, we urge the Bangladeshi government to:

- **Investigate promptly and effectively all violations against journalists** and bring an end to impunity.
- **Create a safe and enabling environment** for journalists and activists to carry out their work, and take measures to ensure their security and protection in line with Bangladesh’s obligations under UN Human Rights Council Resolution 33/2 on the Safety of Journalists, and the government’s commitments during its most recent UPR.
- **Repeal Section 57 of the ICT Act** to bring the Act into line with international standards on freedom of expression, and drop all cases against journalists and online activists under this provision.
- **Repeal all laws criminalising defamation** and replace them with appropriate civil defamation provisions.
- **Provide appropriate training** on violations against freedom of expression, including gender-specific crimes, to relevant law enforcement officials including the police and prosecutors.