



Home Office

Country Policy and Information Note

Bangladesh: Journalists, publishers and internet bloggers

Version 1.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 10 July 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by:

- (a) the state; and/or
- (b) non-state actors, particularly Islamist extremists

due to the person's actual or perceived religious or political views in their role as a journalist or publisher (including internet-based media); a blogger; or as an online activist;

1.2 Points to note

1.2.1 Internet activity may also include any activity undertaken outside of Bangladesh and so may, in appropriate circumstances, give rise to a 'sur place' claim.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For further guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview. See the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#).

2.1.3 Decision makers should also consider the need to conduct language analysis testing. See the [Asylum Instruction on Language Analysis](#).

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2.2 Assessment of risk

a. Treatment by the state

2.2.1 The Constitution provides for freedom of speech and the press. Independent print, broadcast and internet-based media are active and express a wide range of views and political opinions. However, the Bangladesh authorities reportedly sometimes use legal provisions – some of which are vaguely worded – to harass, detain, threaten or prosecute publishers, editors and journalists, or which requires them to practice self-censorship. This also includes internet bloggers and users of social media, where posted/published material is deemed by the authorities to be critical of the state, Constitution or current political leaders; 'seditious'; defamatory; threatening to 'public order'; or which is offensive to 'public morality' or 'hurts religious sentiment'. Some

journalists and bloggers have been subject to surveillance, been arrested, or have had their accreditation withdrawn following politically-motivated and sometimes false allegations against them (see [Legal rights](#) and [Treatment by the authorities](#)).

- 2.2.2 Decision makers must be satisfied that the person claiming to be a journalist, publisher or blogger is able to demonstrate that their activities have brought, or will bring them, to the adverse attention of the Bangladesh authorities. Decision makers must give consideration to all relevant factors, including in particular:
- the subject matter of the material in question
 - whether the published or posted material is directly in contravention of the country's laws, particularly laws relating to sedition or criminal defamation (see [Legal rights](#))
 - whether the material refers specifically to a high-level government official or political leader or influential business owner
 - the language and tone used
 - the reach (circulation) and influence of the publication or other medium
 - the publicity attracted in other media or on the internet
 - the frequency of such articles or posts
 - any past adverse interest in the person by the authorities
- 2.2.3 Decision makers must also consider the profile and declared beliefs of the person, and any political activity that the person may have been involved in.
- 2.2.4 With regard to sur place activities, decision makers must assess risk taking account of factors, including:
- the nature and extent of the 'sur place' activity
 - the likelihood of identification by the Bangladeshi authorities whilst in the UK
 - whether the person is known to the authorities as a committed opponent or someone with a significant political profile, or belongs to a group which the authorities regard with suspicion or consider especially objectionable
 - how the person left the country; where they have been since leaving the country; and timing / method of return.
- 2.2.5 The onus is on the person to demonstrate that, because of their profile and activities, they would on return face treatment which would amount to persecution or serious harm.
- 2.2.6 For further general guidance on assessing risk, including sur place activities, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- b. [Treatment by extremist groups](#)
- 2.2.7 Some journalists, publishers and online activists have been targeted by extremists for producing or posting material seen to be secularist or atheistic

or 'un-Islamic'; or critical of religious extremism; or which defends women's rights; or which is intended for the LGBTI community (see [Islamist extremists](#)).

2.2.8 At least 9 journalists, publishers and internet bloggers have been murdered by extremists since 2013. Some others have been wounded in targeted attacks. As of March 2017, the perpetrators in one of the murder cases have been tried and convicted (see [Islamist extremists](#)).

2.2.9 Given the small number of serious attacks since 2013 relative to the overall number of journalists, publishers and internet bloggers in Bangladesh, there is not in general a risk of persecution from non-state actors. However those expressing views perceived as 'anti-Islamic' will be at higher risk than others from militant extremists. Decision makers must therefore consider the individual factors of each case, taking into account the person's circumstances and recent activities. The onus is on the person to demonstrate that their activities have brought, or will bring them, to the adverse attention of militant extremists. When considering claims from such persons, decision makers should give consideration to all relevant factors, including in particular:

- the person's publicly declared beliefs
- the subject matter of the material in question and how recently it was published or posted
- the person's profile
- the source and nature of any threats received and any past adverse interest by militant groups.

2.2.10 The names of certain Bangladeshi writers, bloggers and human rights activists in the UK have appeared on 'hit-lists' issued by extremist groups in Bangladesh (see [Islamist extremists](#)). With regard to 'sur place' activities, decision makers must assess risk taking account of factors, including:

- the nature and extent of the 'sur place' activity
- whether the material produced by the person in the UK has received media coverage or publicity in Bangladesh
- whether the person has been subject to serious threats from extremists in Bangladesh after leaving the country
- the likelihood that the person will be recognised and pursued by non-state actors following their return.

2.2.11 For further information and guidance on assessing risk, see the Asylum Instruction on [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Protection

2.3.1 If the person's fear is of persecution or serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

- 2.3.2 Where the person's fear is of persecution and/or serious harm from non-state actors, protection is likely to be available. Since June 2016, the Bangladeshi authorities have significantly increased operations by security forces against armed extremists, leading to thousands of arrests. In March 2017, the Government stated in a submission to the UN Human Rights Committee that 499 persons from civil society, including writers, bloggers and online activists, were under police protection. (See [Islamist extremists](#) and [Government response to extremist attacks](#)).
- 2.3.3 See also the country policy and information note on [Bangladesh: Background information, including actors of protection, and internal relocation](#).
- 2.3.4 For further information and guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

- 2.4.1 If the person's fear is of persecution or serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.4.2 If the person's fear is of persecution or serious harm from non-state agents, relocation to another area of Bangladesh may be reasonable depending on the nature of the threat and the individual circumstances and profile of the person, so long as it would not be unreasonable to expect them to do so.
- 2.4.3 See also the country policy and information note on [Bangladesh: Background information, including actors of protection, and internal relocation](#) which notes, for example, that Bangladesh is one of the most densely populated countries in the world.
- 2.4.4 Women, especially single women with no support network, may be vulnerable if forced to internally relocate (see the country policy and information note on [Bangladesh: Women](#)).
- 2.4.5 For further information on considering internal relocation and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Some critics of the government, or those offending public morality or religious sentiment, including journalists, publishers, social media users and bloggers, have been subjected by the authorities to surveillance, harassment and

intimidation, or prosecution under far-reaching and sometimes vague legislation. However not all journalists or internet users expressing views critical of the government are subjected to such treatment and each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk of serious harm or persecution on return.

- 3.1.2 Online activists, journalists and publishers have also been targeted by militant Islamist groups for material seen to be secularist, atheistic or 'un-Islamic', or which is intended for the Lesbian, Gay, Bisexual and Trans community. At least 9 bloggers, journalists and publishers have been murdered by extremists since 2013. However, the relatively small number of these attacks do not indicate that there is in general a real risk of serious harm or persecution and each case needs to be determined on its facts.
- 3.1.3 If the person's fear is of persecution or serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities. Where the person's fear is of persecution and/or serious harm from non-state actors, effective protection is likely to be available. The security forces have taken effective action against terrorist groups since 2015, arresting many members of those groups. Many people, who include writers and bloggers, are already under police protection.
- 3.1.4 If the threat is from non-state agents, relocation to another area of Bangladesh may be viable, depending on the specific source of the threat and the person's profile, personal circumstances and whether internal relocation is reasonable.
- 3.1.5 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

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Country Information

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4. Overview: media and internet access

4.1 Overview

4.1.1 BBC News stated in the Bangladesh Media Profile, updated 18 February 2016:

'BTV [Bangladesh Television] is the sole terrestrial [television] network. Popular satellite and cable channels and Indian TV stations have large audiences.

'State-run radio covers almost the entire country.

'The main broadcasters – Radio Bangladesh and Bangladesh Television (BTV) – are state-owned and government-friendly.

'Newspapers are diverse, outspoken and privately-owned. English-language titles appeal mainly to an educated urban readership.

'Media outlets tend to be polarised, aligning themselves with one or other of the main political factions.'¹

4.1.2 Freedom House noted in its Freedom of the Press 2016 report (published 26 April 2016 and covering 2015) that:

'There is a wide variety of privately owned daily and weekly print publications. Private broadcasting continues to expand, with more than 40 television and two dozen radio stations – including three commercial FM outlets and 14 community stations. The state directly owns or influences several broadcast outlets, including the public BTV, which remains the sole terrestrial television broadcaster with national reach.

'During the past few years, the number of online news outlets, including news websites and internet-based radio stations, has increased dramatically, as has use of major social-networking sites.

'Private broadcast and print media in Bangladesh are often owned by business conglomerates controlled by politically influential individuals or families with extensive assets in other industries, such as manufacturing and finance. Some such outlets allow the interests of their owners to influence their news coverage.

'Many families in rural areas – where the majority of the country's population lives – do not have a reliable supply of electricity or cannot afford a television set. Access to television in urban areas is much more common. Low literacy rates in rural areas limit the reach of newspapers outside of urban centers.

¹ BBC News, 'Bangladesh Profile – Media', updated 18 February 2016, <http://www.bbc.co.uk/news/world-south-asia-12650946>, Date accessed, 10 March 2017

'Political considerations influence the distribution of government advertising revenue and subsidized newsprint, on which many publications depend. Private media owners and corporate interests are also able to influence content through the allocation of advertising. In 2015, the army's military intelligence wing successfully pressured a number of major companies to stop advertising in Prothom Alo and the Daily Star after both newspapers reported on a sensitive army operation in the Chittagong Hill Tracts region...

'Because salaries are often low, some journalists are open to bribes or other incentives to slant their coverage or suppress embarrassing or sensitive information.'²

4.1.3 A listing of the country's principal broadcast and print media can be found on the [BBC News website](#).³ A more comprehensive media guide is published by [ABYZ News Links](#).⁴

4.1.4 Estimates of the percentage of the population with internet access vary widely. According to the Internet World Stats website, as of 31 March 2017 there were estimated to be about 67 million internet users in Bangladesh, representing 40.6 per cent of the population.⁵ There were about 21 million Facebook users by June 2016.⁶ Internet Live Stats estimated that 21,439,070 people in Bangladesh had access to the internet within their homes by 1 July 2016, equivalent to 13.2 per cent of the population.⁷ (See also [Internet access, content and blocking](#)).

4.1.5 The Freedom of the Press 2016 report further noted 'Bangladesh's media environment suffered major setbacks in 2015. The year was marked by deadly attacks against bloggers [by Islamist militants] and a spate of politically motivated legal cases against journalists. Growing concerns over state censorship – including of internet-based content – also had a chilling effect on freedom of expression.'⁸ (See [Islamic extremists](#).)

4.2 Professional associations

4.2.1 The National Press Club (Jatiya Press Club) in Dhaka was originally formed in 1954 and, according to a Banglapedia article updated in December 2014, had about 800 members.⁹ There is a detailed list of members with their photographs and contact details on the Press Club's [website](#) although, on 31

² Freedom House: Freedom of the Press 2016 - Bangladesh, published 26 April 2016

<https://freedomhouse.org/report/freedom-press/2016/bangladesh>, Date accessed 10 March 2017

³ BBC News: Bangladesh profile-Media, updated 18 February 2016 <http://www.bbc.co.uk/news/world-south-asia-12650946>, Date accessed 10 March 2017

⁴ ABYZ News links: <http://www.abyznewslinks.com/bangl.htm>, Date accessed 10 March 2017

⁵ Internet World Stats: Asia, Internet use, Population data and Facebook statistics - March 2017 <http://www.internetworldstats.com/stats3.htm>. Date accessed 10 March 4 May 2017

⁶ Internet World Stats: Asia internet use, population data and Facebook statistics - June 2016: <http://www.internetworldstats.com/stats3.htm>, Date accessed 10 March 2017

⁷ Internet Live Stats <http://www.internetlivestats.com/> Bangladesh Internet Users, <http://www.internetlivestats.com/internet-users/bangladesh/>, Date accessed 10 March 2017

⁸ Freedom House: Freedom of the Press 2016 - Bangladesh, published 26 April 2016 <https://freedomhouse.org/report/freedom-press/2016/bangladesh> Date accessed 10 March 2017

⁹ Banglapedia: Jatiya Press Club, last modified on 7 December 2014 http://en.banglapedia.org/index.php?title=Jatiya_Press_Club Date accessed 10 March 2017

March 2017, not all the webpages in the Membership section could be accessed.¹⁰ The website of the Bangladesh Federal Union of Journalists (BFUJ) lists 11 affiliated organizations across Bangladesh including in Dhaka, Chittagong, Dinajpur, Bogra, Khulna, Tajshahi, Jessore, Cox, Mymensingh, Narayanganj and Kustia.¹¹

- 4.2.2 The [Press Institute of Bangladesh](#) (PIB) is, according to its website, ‘an autonomous organization under the Ministry of Information. Major activities of PIB are to organise training for journalists on different issues, undertake research project[s] on various aspects of media and mass communication and their impact on society, and publish books, journals, booklets etc.’¹²

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5. Legal rights

5.1 Constitutional provisions

- 5.1.1 Article 39 of the [Constitution](#) provides:

‘(1) Freedom of thought and conscience is guaranteed.

(2) Subject to any reasonable restrictions imposed by law 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 –

- (a) the right of every citizen to freedom of speech and expression; and
- (b) freedom of the press,
...are guaranteed.’¹³

- 5.1.2 The US Department of State 2016 Report on Human Rights Practices (USSD 2016 Report) reported, ‘The constitution provides for freedom of speech and press, but the government sometimes failed to respect these rights. There were significant limitations on freedom of speech.’¹⁴

See [Treatment by the authorities](#)

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5.2 Legislation affecting freedom of the press and broadcast media

- 5.2.1 The [Printing Presses and Publications Act, 1973](#) requires newspapers or periodicals to obtain official registration, with a declaration from the publisher submitted to a magistrate. The magistrate may refuse certification. According

¹⁰ National Press Club, Dhaka (website) <http://www.jpcbd.org/>, Date accessed 31 March 2017

¹¹ Bangladesh Federal Union of Journalists, ‘Units’, undated, <https://bfuj.org/member-organizations/>, Date accessed 4 May 2017

¹² Press Institute of Bangladesh: Background, updated 16 October 2014 <http://www.pib.gov.bd/site/page/ab5e49a2-b7b2-4295-8e35-c0fb85d97eca/Background>, Date accessed 31 March 2017

¹³ Bangladesh Ministry of Law, Justice and Parliamentary Affairs: The Constitution of the People’s Republic of Bangladesh (Fifteenth Amendment) Act XIV of 2011 http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367, Date accessed 10 March 2017

¹⁴ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 3 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 10 March 2017

to the Daily Star newspaper, ‘This Act tends to limit publication of newspapers and periodicals because the licensing decisions are often made on political considerations as opposed to professional ability.’ The Daily Star further noted, however that the Act gave journalists a ‘legal basis for their profession.’ The Act was amended in 1991, rescinding a provision that enabled the authorities to shut down newspapers.¹⁵

5.2.2 In 2015 online versions of daily newspapers and other news outlets in Bangladesh were directed to go through a mandatory registration process. The accreditation of journalists with unregistered media outlets would be cancelled.¹⁶

5.2.3 The [Special Powers Act of 1974](#) (SPA), according to the Daily Star, ‘makes it a punishable offence for journalists and media houses to publish any “prejudicial” report.’ The Daily Star noted:

‘The ever-widening and fluid definition of “prejudicial acts” allows considerable scope for abuse. It can prohibit publication of any newspaper containing prejudicial reports, and impose pre-censorship on any publication. Even any true report that offends the ruling authorities might be subjected to the SPA. This Act grants the State extraordinary broad powers of arrest and detention without trial.

‘In a report submitted to the UN Human Rights Council in 2013, the government stated that “[t]he provisions of Special Powers Act, 1974 relating to the control of media have been withdrawn to make the media free from any form of control”. But frequent harassment of journalists by using this law belies the government's claim.’¹⁷

See Article 2(f) of the [Act](#) for a definition of the term “prejudicial act”.

5.2.4 The [Code of Criminal Procedure](#), under Section 99a, empowers the government to take possession of any printed matter which is deemed to be ‘defamatory’ of the President, Prime Minister, Speaker of Parliament or the Chief Justice of Bangladesh; or ‘grossly indecent or scurrilous or obscene’; or which may incite a person to commit a ‘cognizable’ criminal offence.¹⁸

5.2.5 The National Broadcasting Policy was given effect by a Government Gazette notification in August 2014¹⁹, and placed several restrictions on the content of reporting and of advertisements²⁰. An unofficial translation of the draft Policy included, inter alia, the following provisions:

¹⁵ The Daily Star: ‘Still waiting for a free press’, 14 December 2015 <http://www.thedailystar.net/supplements/still-waiting-free-press-186673>, Date accessed 24 March 2017

¹⁶ Freedom House, Freedom on the Net 2016 - Bangladesh, 14 November 2016 https://freedomhouse.org/sites/default/files/FOTN_2016_Full_Report.pdf (pages 113-126), Date accessed 13 March 2017

¹⁷ The Daily Star: ‘Still waiting for a free press’, 14 December 2015 <http://www.thedailystar.net/supplements/still-waiting-free-press-186673>, Date accessed 24 March 2017

¹⁸ Code of Criminal Procedure: Part III: General Provisions http://bdlaws.minlaw.gov.bd/sections/detail.php?id=75§ions_id=14875 Date accessed 24 March 2017

¹⁹ Dhaka Tribune, ‘National Broadcast Policy 2014 gazette issued’, 7 August 2014 <http://archive.dhakatribune.com/bangladesh/2014/aug/07/national-broadcast-policy-2014-gazette-issued>, Date accessed 27 March 2017

²⁰ Bertelsmann Foundation: 2016 Transformation Index: Bangladesh, undated <http://www.bti->

- All private television and radio stations, including online and community stations, would have to obtain a licence from the government. This also applied to existing broadcasters already approved by the Ministry of Information;
- The ideology of any political party should not be promoted in programming or advertising;
- The broadcasting of misinformation or ‘distorted truth’ is prohibited;
- Broadcasters must ‘show due respect’ to religion and religious sentiment, and
- Promote equal rights of women in all spheres of life;
- Programmes instigating violence, criminal activity or ‘contradicting national culture’ must not be broadcast;
- A Broadcasting Commission will be established and will formulate and implement a broadcasting Code of Guidance, receive complaints from the public and act to prevent ‘unwarranted’ infringements of privacy.²¹

See [Treatment by the authorities](#) for further information on the application and enforcement of legislation.

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5.3 Internet-specific legislation

5.3.1 In addition to the provisions of the Penal Code, the Special Powers Act and security legislation, internet communications are subject to the Information and Communications Technology Act, 2006 (ICT Act) as amended in 2009 and 2013.

5.3.2 Freedom House noted in the Freedom of the Press 2016 report:

‘Legislation adopted in 2013 to amend the Information and Communication Technology (ICT) Act – which covers online crimes including defamation and blasphemy – upheld the right of law enforcement agencies to arrest and indefinitely detain suspects without bail, and imposed no limits on officials’ power during the investigatory period. In addition, penalties for online offenses are set at between 7 and 14 years in prison, regardless of whether the crime is related to defamation or national security. The ICT Act has been used to arrest and charge a number of individuals for online expression in recent years, including bloggers and mainstream journalists.’²²

5.3.3 According to a briefing paper prepared in November 2013 by the International Commission of Jurists (ICJ):

project.org/en/reports/country-reports/detail/itc/bgd/ Date accessed 24 March 2017

²¹ Ministry of Information (via SlideShare): National Broadcast Policy 2013 (draft) <https://www.slideshare.net/bnnrc/bangladesh-national-broadcast-policy-english>, Date accessed 27 March 2017

²² Freedom House: Freedom of the Press 2016 - Bangladesh, published 26 April 2016 <https://freedomhouse.org/report/freedom-press/2016/bangladesh>, Date accessed 10 March 2017

'The original ICT Act contains a number of vague, imprecise and overbroad provisions that serve to criminalize the use of computers for a wide range of activities in contravention of the right to freedom of expression, including the right to receive and impart information, protected under international law.

'Section 46 of the original ICT Act, for example, grants powers to the Government to direct any law-enforcing agency to restrict information through any computer resource if in their opinion such prevention is ... "necessary or expedient to do so in the interest of the sovereignty, integrity, or security of Bangladesh, friendly relations of Bangladesh with other States, public order or for preventing incitement to commission of any cognizable offence".

'Section 57 of the ICT Act criminalized publishing or transmitting or causing to publish or transmit ... "any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence".'²³

5.3.4 The ICJ commented that the 'provisions of the [2006] ICT Act, particularly section 57, are incompatible with Bangladesh's obligations under Article 19 of the ICCPR [International Covenant on Civil and Political Rights] ... the offences prescribed are vague and overbroad ... [and] go beyond what is permissible under Article 19(3) of the ICCPR.' The ICJ added:

'The ICT (Amendment) Act 2013 makes the law even less compliant to Bangladesh's human rights obligations ... The amended Act has made offences under sections 54, 56, 57 and 61 cognizable, allowing the police to make arrests without a judicial warrant ... offences prescribed by sections 54, 56, 57 and 61 have been made non-bailable, which means that bail cannot be sought as a matter of right but is at the discretion of the court ... the amended Act has also increased the maximum sentence for offences under sections 54, 56 and 57 of the Act from 10 to 14 years and prescribed a minimum sentence of seven years. The amended law has also retained the optional fine of ten million taka (\$130,000).'²⁴

5.3.5 Another analysis of the ICT Act was published in April 2016 by the UK-based NGO, Article 19, which concluded that 'several provisions of this law are too vague²⁵, or unnecessarily criminalise legitimate expression. The same is true of provisions granting investigatory powers to the authorities or imposing

²³ International Commission of Jurists: Briefing Paper on the amendments to the Bangladesh Information Communication Technology Act 2006', November 2013 <https://www.icj.org/wp-content/uploads/2013/11/ICT-Brief-Final-Draft-20-November-2013.pdf>, Date accessed 16 March 2017

²⁴ International Commission of Jurists: Briefing Paper on the amendments to the Bangladesh Information Communication Technology Act 2006', November 2013 <https://www.icj.org/wp-content/uploads/2013/11/ICT-Brief-Final-Draft-20-November-2013.pdf>, Date accessed 16 March 2017

²⁵ Note that the laws of Bangladesh are formulated in Bangla/Bengali. It is assumed that Article 9's description of the provisions of this Act as being 'vague' relates to the original Bangla version and not to a translation.

obligations on service providers for the purposes of assisting the investigation of cybercrimes. Procedural or public interest safeguards are also missing.²⁶

5.3.6 The USSD 2016 Report observed, ‘Opponents of the [ICT Act] stated that section 57, which criminalizes the posting online of inflammatory or derogatory information against the state or individuals, stifles freedom of speech and is unconstitutional. The High Court previously rejected pleas challenging the constitutionality of section 57.’²⁷

5.3.7 Amnesty International, in their 2016/17 Report on the State of the World's Human Rights – Bangladesh, published 22 February 2017, noted that the authorities ‘increasingly used the Information and Communications Technology (ICT) Act which arbitrarily restricted online expression. The human rights organization Odhikar reported at least 35 arrests under the Act [in 2016], compared to 33 in 2015 and 14 in 2014. Journalists, activists and others were targeted.’²⁸

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5.4 The Digital Security Bill

5.4.1 In August 2016 the Cabinet approved the draft of a controversial Digital Security Act which, if enacted by Parliament, would replace four sections in the 2013 Information and Communications Technology (ICT) Act. The new statute would, according to the Committee to Protect Journalists (CPJ), ‘impose severe penalties for disseminating online material deemed to be anti-state or a threat to national security or public order.’ The CPJ stated that maximum penalties provided for in the draft Act ‘include life in prison for spreading false information about the country's 1971 war of liberation from Pakistan or about national founder Sheikh Mujibur Rahman; seven years for ‘disturbing public order’; and two years for ‘defamation’ or ‘harming religious sensitivities’.’²⁹

5.4.2 At the time of writing (April 2017), CPIT was unable to find information indicating that the Digital Security Bill had been introduced in Parliament.

See [Treatment by the authorities](#) for further information on the application and enforcement of legislation.

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²⁶ Article 19, Bangladesh: Analysis of Information Communication Technology Act, April 2016 <https://www.article19.org/data/files/medialibrary/38365/Bangladesh-ICT-Law-Analysis.pdf>, Date accessed 23 March 2017

²⁷ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 10 March 2017

²⁸ Amnesty International, Amnesty International Report 2016/17 - Bangladesh, 22 February 2017, <http://www.refworld.org/docid/58b0341f3.html>, Date accessed 10 March 2017

²⁹ Committee to Protect Journalists, ‘Proposed cyber-security bill threatens media freedom in Bangladesh’, 24 August 2016 <https://cpj.org/2016/08/proposed-cyber-security-bill-threatens-media-freed.php#more>, Date accessed 24 March 2017

5.5 Defamation and sedition laws

5.5.1 Press Reference has observed:

‘Journalists and others are potentially subject to incarceration when criminal libel proceedings are filed by private parties. Members of Parliament [and others] from the ruling party have, in the past, filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges remained pending, and those persons accused remained on bail.’³⁰

5.5.2 The [Penal Code 1860](#) provides as follows:

‘Section 500: (Defamation) ‘Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.’

‘Section 501: ‘Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.’

‘Section 124a (Sedition): Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law shall be punished with...imprisonment for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation 1. The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2. Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3. Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.’³¹

5.5.3 An Amnesty International (AI) report of 2 May 2017, entitled ‘Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh’, noted: ‘[It] is rare for criminal defamation and sedition charges against journalists in Bangladesh to lead to convictions.’ However, these provisions in the Penal Code have been used to harass and intimidate. For example, Mahfuz Anam and Matiur Rahman, the editors of the daily newspapers The

³⁰ Press Reference: Bangladesh, undated <http://www.pressreference.com/A-Be/Bangladesh.html>, accessed 24 March 2017

³¹Government of Bangladesh: Information System of the Laws of Bangladesh: The Penal Code 1860 http://bdlaws.minlaw.gov.bd/pdf_part.php?id=11, Date accessed 27 March 2017

Daily Star and Prothom Alo respectively, have both faced numerous sedition and defamation charges since 2015. The charges stemmed from different articles in each newspaper, which ‘broadly relate[d] to allegations of corruption against the government.’ Most of the cases were filed by Awami League members and supporters. AI noted that the sheer number of cases against both editors meant that they had to engage in time-consuming and costly legal procedures. By the end of 2016, however, the High Court had stayed all 83 cases against Mahfuz Anam. From April 2013, Mahmudur Rahman, editor of the opposition-supporting Bengali daily newspaper Amar Desh, spent over three and a half years in prison; more than 80 different criminal charges were brought against him, including several criminal defamation and sedition charges. The AI report noted, ‘Although sedition cases against media workers are rare, they do still occur – such as in the cases of Mahfuz Anam, Matiur Rahman and Mahmudur Rahman.’³²

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5.6 Security legislation

- 5.6.1 The [Official Secrets Act, 1923](#) prohibits the publication or communication of any officially secret information. Banglapedia noted, ‘Under clause 3 of this Act any person can be convicted of criminal offence if that person goes to a restricted place or proceeds toward that place or makes a map or sketch of that place or collects confidential information about that place or publishes that information. Under section 3(a), nobody can publish any photo, sketch or map of a secret place. Under clause 4, collection of news or information in collaboration with any foreign agent is not permissible. Under clause 5, information collected secretly cannot be published. If a newspaper publishes a secret news [item], the reporter, editor, printer and publisher will be guilty of committing an offence.’³³

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5.7 Access to information

- 5.7.1 The [Right to Information Act, 2009](#) gives citizens the right to information from government ministries and statutory bodies or institutions, and obliges those authorities to provide the information requested. There is no obligation to provide information deemed to be a ‘threat to the security, integrity and sovereignty of Bangladesh’, or which falls within a list of other exceptions provided for in section 7 of the Act. The Act does not apply to organisations and institutions which are involved in state security and intelligence, including certain branches of the police.³⁴

³² Amnesty International, ‘Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh’, 2 May 2017, pages 8, 30, 31. 47
<https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

³³ Banglapedia.org: Press Laws, modified 18 March 2015 http://en.banglapedia.org/index.php?title=Press_Laws, Date accessed 20 March 2017

³⁴ Right to Information Act, 2009: http://old.moi.gov.bd/RTI/RTI_English.pdf Date accessed 24 March 2017

See [Treatment by the authorities](#) for further information on the application and enforcement of legislation.

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6. Treatment by the authorities

6.1 Freedom of expression and the media

6.1.1 Amnesty International observed in their report of May 2017:

‘Since Bangladesh gained independence from Pakistan in 1971, the country’s media has had, to varying degrees, a tense relationship with successive governments ... The new post-independence government imposed a State of Emergency in 1974 and within a year only a handful of media outlets, all state-owned, were still allowed to operate. These restrictions largely remained in place during the period of military-led governments until civilian rule returned in 1991, although some independent print outlets were allowed to operate during this period.

‘Both the BNP and Awami League governments of the 1990s oversaw a gradual loosening of media broadcast licensing laws, and repealed most of the emergency powers which had placed severe restrictions on media freedom during military rule. Since then, there has been a dramatic increase in the number of media outlets in the country, as well as a shift of media ownership away from the state to private actors ... Most of the national media is today owned by one of seven large corporate conglomerates. There were some 2,800 newspapers and magazines in Bangladesh in 2017, as well as scores of independent TV and radio stations throughout the country. Online news is increasingly popular and often accessed through mobile devices, with at least 500 news portals active by the end of 2014.

‘The plethora of outlets is often cited as evidence by the Bangladeshi authorities that media can operate independently and without restrictions. However, most media outlets are deeply politicized, as successive governments have tended to issue broadcast licences to known supporters. As one scholar puts it: “Licensing television channels has become a power play for every political regime that is reflected in the increased rate of approval for television channels before each national election”.³⁵

6.1.2 The US Department of State 2016 Report on Human Rights Practices, published 3 March 2017 (USSD 2016 Report), stated:

‘Both print and online independent media were active and expressed a wide variety of views; however, media outlets that criticized the government experienced negative government pressure. For example, independent journalists alleged that intelligence services influenced media outlets in part by

³⁵ Amnesty International, ‘Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh’, 2 May 2017, pages 27-28
<https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

withholding financially important government advertising and pressing private companies to withhold their advertising as well.

'The constitution equates criticism of the [country's] constitution with sedition. Punishment for sedition ranges from three years' to life imprisonment. Several high profile individuals were charged with sedition, including [Bangladesh Nationalist Party] leader Khaleda Zia, TV personality Mahmudur Rahman Manna, and reporter Kanok Sarwar, but the government did not proceed with prosecutions. The law limits hate speech but does not define clearly what constitutes hate speech, leaving the government with broad powers of interpretation. The government may restrict speech deemed to be against the security of the state; against friendly relations with foreign states; and against public order, decency, or morality; or that constitutes contempt of court, defamation, or incitement to an offense.

'The government maintains editorial control over the Bangladesh public television station (BTV), and private channels were mandated to air government content at no cost. Civil society said that there was political interference in the licensing process, as all television channel licenses granted by the government were for stations supporting the ruling party.

'There were several incidents of government interference in internet communications, filtering or blocking of access, restricting content, and censoring websites or other communications and internet services. Many websites were suspended or closed based on vague criteria, or with explicit reference to their pro-opposition content in violation of legal requirements.'³⁶

6.1.3 Reporters Without Borders / Reporters Sans Frontières (RSF) ranked Bangladesh 144th out of 180 countries in their 2016 World Press Freedom Index – where the country ranked first in the Index is the one with the greatest 'level of freedom available to journalists'. (RSF has described the Index as 'a snapshot of the media freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists in each country.')

³⁷

6.1.4 The Bangladesh Press Council was established by an Act of Parliament in 1974 and began functioning in 1980. Among its objectives are to preserve the freedom of the press, to maintain a professional code of conduct for newspapers and news agencies and journalists, and to provide facilities for the education and training of journalists. The Press Council, which is a quasi-judicial body, also rules on complaints made to it against newspapers and news agencies under section 12 of the Press Council Act, 1974.³⁸ However, the Daily Star commented in 2015: '[I]n the last 41 years, the Council has not taken any bold steps against governmental interference. All of its members

³⁶ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 14 March 2017

³⁷ Reporters Without Borders / Reporters Sans Frontières (RSF): 2016 World Press Freedom Index, <https://rsf.org/en/world-press-freedom-index>, Date accessed 10 March 2017

³⁸ Bangladesh Press Council (website): <http://www.presscouncil.gov.bd/>, Date accessed 23 March 2017

are elected by the government, and the government also controls its funding.³⁹ Odhikar has reported the drafting of a draft bill for a Press Council (Amendment) Act, 2016, ‘incorporating provisions for stopping the publication of any newspaper or media for a maximum of three days or five hundred thousand taka fine, if the media and news agencies contravene any decision or order of the Press Council.’⁴⁰

6.2 Censorship and content restrictions

6.2.1 The USSD 2016 Report noted:

‘Privately owned newspapers usually enjoyed broad freedom to carry diverse views. Political polarization and self-censorship in an atmosphere of fear remained a problem, however. The media generally favored one of the two major political parties.

‘The government sought to censor the media indirectly through threats and harassment. On multiple occasions, government officials asked privately owned television channels not to broadcast the opposition’s activities and statements. One talk show host reported overt censorship from Directorate General of Forces Intelligence personnel, who intimidated and threatened the host and the channel until owners finally cancelled the program ... The well regarded newspapers Prothom Alo and Daily Star were denied access to prime-ministerial events because they published reports critical of the government and prime minister.

‘Both the government and businesses used the threat of pulling advertising dollars to pressure the media to avoid unfavorable coverage.

‘The government did not subject foreign publications and films to stringent review and censorship. Some international media outlets reported delays and difficulties in obtaining visas.

‘A government-managed film censorship board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but it was less strict than in the past.’⁴¹

For further information on film censorship, see the website of the [Bangladesh Film Censor Board](#).

6.2.2 The Freedom on the Net 2016 report also noted that ‘Content relating to religious issues or offending state leaders is subject to censorship in Bangladesh.’ Referring to internet censorship, the report added:

³⁹ The Daily Star: ‘Still waiting for a free press’, 14 December 2015 <http://www.thedailystar.net/supplements/still-waiting-free-press-186673>, Date accessed 24 March 2017

⁴⁰ Odhikar: Annual Report 2016, published 2 January 2017 (pages 19-22) http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/01/AHRR-2016_Eng.pdf, Date accessed 13 March 2017

⁴¹ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, accessed 14 March 2017

'The BTRC [Bangladesh Telecommunication Regulatory Commission] censors content primarily by issuing informal orders to domestic (internet) service providers, who are legally bound through their license and operations agreements to cooperate. Service providers have described official censorship as ad hoc in nature, without proper follow-up mechanisms in place to ensure compliance, though orders appear to be becoming more formal ... No appeals have been documented in response to censorship directives.

'International social media and communication apps...are regular victims of government censorship.

'Between July and December 2015, Facebook reported restricting four pieces of allegedly blasphemous content based on government requests.'⁴²

See also [Internet access](#).

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6.3 Self-censorship

6.3.1 The USSD 2016 Report noted:

'Privately owned newspapers usually enjoyed broad freedom to carry diverse views. Political polarization and self-censorship in an atmosphere of fear remained a problem, however. 'According to some journalists and human rights NGOs, journalists engaged in self-censorship, particularly due to fear of security-force retribution. Although public criticism of the government was common and vocal, some media figures expressed fear of harassment by the government.'⁴³

6.3.2 Odhikar, a Dhaka-based human rights NGO, stated in its Annual Report for 2016, published in January 2017 that 'Journalists must [maintain] self censorship while publishing reports, due to suppression and repressive laws that curtail freedom of expression. Even senior and well-known journalists are not spared.'⁴⁴

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6.4 Internet access, content and blocking

6.4.1 The Freedom House noted in the 'Freedom on the Net 2016' report, published in November 2016:

'In 2015, Bangladeshi online news outlets and the online versions of daily newspapers were directed to go through mandatory registration... The country's print media has been subject to registration requirements like this since the pre-independence period. Through an official Press Information

⁴² Freedom House, Freedom on the Net 2016 - Bangladesh, 14 November 2016 https://freedomhouse.org/sites/default/files/FOTN_2016_Full_Report.pdf (pages 113-126), accessed 13 March 2017

⁴³ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 14 March 2017

⁴⁴ Odhikar: Annual Report 2016, published 2 January 2017 (pages 19-22) http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/01/AHRR-2016_Eng.pdf, Date accessed 13 March 2017

Department handout, the government justified registration as a tool to stop the abuse of media to destabilize society. No penalties were reported for noncompliance.⁴⁵

6.4.2 The USSD 2016 Report stated:

'Individuals and groups generally engaged in the expression of views via the internet, although some activists stated that fear of prosecution under the Information and Communication Technology Act...limited their online speech.

'There were several incidents of government interference in internet communications, filtering or blocking of access, restricting content, and censoring websites or other communications and internet services [in 2016]. Many websites were suspended or closed based on vague criteria, or with explicit reference to their pro-opposition content in violation of legal requirements. The BTRC [Bangladesh Telecommunication Regulatory Commission] is charged with the regulation of telecommunications. It carries out law enforcement and government requests to block content by ordering internet service providers to take action. In May [2016] the BTRC blocked encrypted communication applications Threema and Wickr as well as several blogs and Facebook posts it deemed to be crafted in "malice to Islam." The BTRC Chairman later stated that the BTRC only blocks websites or services upon the request of law enforcement or [Ministry of Home Affairs] and does not take independent action to block any websites or services. In July [2016], the BTRC carried out a directive of the Dhaka Metropolitan Police to block 30 websites and Facebook pages for allegedly inciting militancy or running anti-religion propaganda.⁴⁶

6.4.3 Reporters Without Borders (RSF) stated on 8 August 2016 that the Bangladesh Telecommunication Regulatory Commission (BTRC) had blocked access to 35 news websites 'without giving any official reason' and without referring the matter to the courts before taking action. RSF noted, 'The government has in recent months been stepping up its offensives against opposition journalists, bloggers and social network commentators', and gave details of 16 other websites that had been blocked by the BTRC. The head of RSF's Asia-Pacific desk commented:

'This wave of administrative blocking by Prime Minister Sheikh Hasina's government represents a significant escalation in its policy of suppressing news reports and opinions critical of the government.

'Previously, the government seemed to think any reason – national security, public order, preventing the spread of hate messages or preventing messages that could incite violence – was legitimate. But now it no longer even bothers to explain its flagrant violations of freedom of information. We demand the

⁴⁵ Freedom House, Freedom on the Net 2016 - Bangladesh, 14 November 2016 https://freedomhouse.org/sites/default/files/FOTN_2016_Full_Report.pdf (pages 113-126), Date accessed 13 March 2017

⁴⁶ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 14 March 2017

lifting of this blocking, which flouts basic freedoms protected by Bangladesh's constitution and the principle of proportionality that the authorities should always respect.⁴⁷

6.4.4 In late-2015 the authorities ordered the temporary blocking of social media platforms including Facebook Messenger, WhatsApp, and Viber to prevent potential protests following a Supreme Court ruling in November that upheld death sentences for two political leaders convicted of war crimes. These blocks were in place for up to 22 days.⁴⁸

6.5 Harassment and violence directed against journalists and publishers

6.5.1 Freedom House, in the Freedom of the Press 2016 report, noted:

'The government at times interferes with journalistic work through surveillance. Some journalists' e-mail correspondence is reportedly watched by police, and those brought in for questioning have been asked to supply personal internet passwords to intelligence officers.'⁴⁹

6.5.2 The NGO Odhikar commented in its Annual Report for 2016:

'Government interference over the media has increased ... Journalists face many risks such as threats, physical attacks, arrests, persecution and detention and abuse in remand, which are violations to Article 39 of the Bangladesh Constitution and Article 19 of the ICCPR.

'The current government has politicised various national institutions in the last eight years. The government was engaged in numerous incidents of human rights abuse in 2016 by using significant institutions, including the Election Commission, the Anti Corruption Commission, the National Human Rights Commission and the Information Commission, that are subservient to it; and at the same time, through enacting and imposing various repressive and abusive laws. The government, in 2016, has already drafted several repressive laws and if these laws are passed, they will severely violate the human rights of the citizens.

'The Information and Communication Technology Act 2006 (amended 2009, 2013) and the Special Powers Act 1974 are being imposed against people who are critical of the decisions and activities of those in high positions of the government and their families. The law enforcement agencies are also arresting 'accused persons' under sedition charges for criticising the above, mainly on Facebook.'⁵⁰

⁴⁷ Reporters Without Borders / Reporters Sans Frontières (RSF): Bangladesh: 'RSF condemns government blocking of 35 news sites', 8 August 2016 <https://rsf.org/en/news/bangladesh-rsf-condemns-government-blocking-35-news-sites>, Date accessed 10 March 2016

⁴⁸ Freedom House: Freedom on the Net 2016, published November 2016, https://freedomhouse.org/sites/default/files/FOTN_2016_Full_Report.pdf (page 5), Date accessed 10 March 2017

⁴⁹ Freedom House: Freedom of the Press 2016 - Bangladesh, published 26 April 2016 <https://freedomhouse.org/report/freedom-press/2016/bangladesh>, Date accessed 10 March 2017

⁵⁰ Odhikar: Annual Report 2016, published 2 January 2017 (pages 19-22) http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2017/01/AHRR-2016_Eng.pdf, Date accessed 13 March 2017

6.5.3 On 18 October 2016 police arrested and filed a case against 2 Chhatra Dal activists under the Special Powers Act 1974, alleging that they had posted 'objectionable comments against Prime Minister Sheikh Hasina' on Facebook. (Chhatra Dal is the student wing of the opposition Bangladesh Nationalist Party.)⁵¹

6.5.4 Amnesty International noted in their 2016/17 annual report on Bangladesh, published 22 February 2017:

'Independent media outlets and journalists came under severe pressure by the government. Several journalists faced arbitrary criminal charges, often for publishing criticism of Prime Minister Sheikh Hasina, her family or the Awami League Government. Journalists reported increased threats from government officials or security agencies.

'The government continued to use a range of repressive laws to restrict the right to freedom of expression extensively.

'In February [2016], more than 80 sedition and defamation cases were brought against Mahfuz Anam, editor of the The Daily Star [an English language daily newspaper]. The charges related to his admission that he had, under pressure from military intelligence, published unsubstantiated corruption allegations against Sheikh Hasina when she was out of government during the military rule of the 1990s. All charges were stayed by the High Court but the prosecution could reactivate them in the future. In April [2016], 82-year-old journalist and opposition supporter Shafik Rehman was arrested on suspicion of involvement in an alleged plot to "kill and kidnap" the Prime Minister's son, Joy Wazed. After being held for more than four months without charge, including several weeks in solitary confinement, he was released on bail in August [2016].'⁵²

6.5.5 The New York Times, reported on 27 March 2016, 'Officials say the government is not behind the barrage of litigation [brought against Daily Star editor Mahfuz Anam], though many of the cases were filed by activists with the ruling Awami League, and at least one by an assistant public prosecutor. However, The New York Times added:

'With political opposition dwindling, it has become increasingly risky to publish material critical of the government. Twenty-five defamation cases are underway against Matiur Rahman, the editor of Prothom Alo, The Daily Star's sister paper and the country's second most popular Bengali-language newspaper.

'Asif Nazrul, a law professor at the University of Dhaka, said the legal cases would further weaken Bangladesh's civil society... "These cases are a strong

⁵¹ Odhikar, 'Human Rights Monitoring Report October 1 – 31, 2016', published 1 November 2016 http://imadr.org/wordpress/wp-content/uploads/2016/11/Odhikar_Bangladesh_Human-rights-monitoring-monthly-report_October-2016.pdf, Date accessed 20 April 2017

⁵² Amnesty International, Amnesty International Report 2016/17 - Bangladesh, 22 February 2017, <http://www.refworld.org/docid/58b0341f3.html>, Date accessed 10 March 2017

signal to not just Mahfuz Anam but to all media that if you go beyond the limits that have been set, then you too can be prosecuted for sedition,” he said.

‘Pressure on the two newspapers began to build last fall. After Prothom Alo and The Daily Star published a report in August [2015] on the killing of five men by army troops in the Chittagong Hill Tracts, a former conflict area where the military has a large presence, a series of major private advertisers abruptly withdrew from the two newspapers, and advertising revenues for both publications dropped steeply... One executive said the advertisers had come under pressure from the government.’⁵³

6.5.6 The USSD 2016 report recorded:

‘The government imprisoned several prominent editors affiliated with the BNP [Bangladesh National Party], including the arrest of 81-year-old journalist Shafiq Rehman in April [2016] on charges relating to his alleged role in a plot to cause harm to [the Prime Minister’s] son. On September 6, the Supreme Court granted him three-month conditional bail after four and a half months of detention. The government continued to pursue charges against the editor of Amar Desh, Mahmudur Rahman, whom police arrested in 2013 for publishing Skype conversations between the Chairman of the ICT and a private consultant on ICT cases.’⁵⁴

6.5.7 The International Federation of Journalists (IFJ) reported in August 2016 that 3 online journalists had been arrested and 9 journalists had their press accreditation cancelled ‘for allegedly publishing “false news” about the Prime Minister’s son.’ The IFJ commented, ‘These arrests are the latest in a series of government crackdowns in Bangladesh against the press and media freedom. The arrests are an attempt to silence critics and intimidate the media.’⁵⁵

6.5.8 According to the NGO Ain o Salish Kendra (ASK), there were a total of 117 incidents of harassment against journalists during the period January – December 2016, of which there were ‘9 threats from ruling party members or affiliates’ and 9 incidents of harassment by law enforcement agencies⁵⁶.

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6.6 Academic freedom and cultural events

6.6.1 The USSD 2016 Report observed:

‘Although the government placed few restrictions on academic freedom or cultural events, media groups reported authorities discouraged research on

⁵³ The New York Times, ‘Bangladesh Editor Faces 79 Court Cases After an Unusual Confession’, 27 March 2016 https://www.nytimes.com/2016/03/28/world/asia/bangladesh-editor-faces-79-court-cases-after-saying-he-regrets-articles.html?_r=0, Date accessed 10 March 2017

⁵⁴ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 14 March 2017

⁵⁵ International Federation of Journalists, ‘Online journalists arrested in Bangladesh for ‘false news’, 9 August 2016 <http://www.ifj.org/nc/news-single-view/backpid/52/article/online-journalists-arrested-in-bangladesh-for-false-news/>, Date accessed 30 March 2017

⁵⁶ Ain o Salish Kendra (ASK): ‘Journalist Harassment : January-December 2016’, <http://www.askbd.org/ask/2017/01/08/journalist-harassment-january-december-2016/>, Date accessed 24 March 2017

sensitive religious and political topics that might fuel possible religious or communal tensions. Academic publications on the 1971 independence war were also subject to scrutiny and government approval. Appointment of teachers in universities continued to be politicized, and...the Ministry of Education suggested that police or intelligence agencies should review teachers' personal information to ensure that they are not involved in antigovernment or criminal activities.⁵⁷

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7. Islamist extremists

7.1 Violence against journalists, publishers and internet bloggers

7.1.1 Referring to the overall incidence of terrorist activity in Bangladesh, the US Department of State 2015 Country Report on Terrorism (USSD Terrorism Report 2015), published on 2 June 2016 noted:

'Bangladesh experienced a significant increase in violent extremist activity in 2015 compared to 2014. Notably, attacks in 2015 were claimed both in the names of al-Qa'ida in the Indian Subcontinent (AQIS) and the Islamic State of Iraq and the Levant (ISIL), whereas in past years violent extremist activity was associated with local groups.'⁵⁸

7.1.2 The USSD 2016 Report stated:

'Atheist, secular, and LGBTI writers and bloggers reported they continued to receive death threats from extremist organizations [in 2016]. Following his inclusion in a "hit list" of 34 individuals published online by Ansar al-Islam (a purported AQIS affiliate) in November 2015, one blogger reported frequent threats via Facebook messenger and persistent surveillance, including an incident in April when four masked individuals with weapons followed him before being scared away by police.

'A journalist at a prominent newspaper reported receiving frequent death threats since September 2015, including from persons claiming affiliation with Da'esh. The journalist reported receiving almost daily text messages with threats and passages from the Quran describing death, such as "consider doomsday as if tomorrow," and "all will see the Prophet at the graveyard." Several other outlets experienced similar threats, some of which culminated in bias-based murders.'⁵⁹

7.1.3 The USSD Terrorism Report 2015 recorded, 'AQIS claimed attacks on February 26, March 30, May 12, August 7, and October 31 [2015] that resulted in the murders of four bloggers and a publisher... In each of the

⁵⁷ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 10 March 2017

⁵⁸ US Department of State: Country Reports on Terrorism 2015 (Chapter 2), published 2 June 2016, <https://www.state.gov/j/ct/rls/crt/2015/257518.htm> Date accessed 10 March 2017

⁵⁹ US Department of State: Country Report on Human Rights Practices 2016 - Bangladesh, published 03 March 2017 (Section 2a) <https://www.state.gov/j/drl/rls/hrrpt/2016/sca/265532.htm>, Date accessed 10 March 2017

terrorist incidents claimed by AQIS, attackers used machetes.⁶⁰ The victims were secularist bloggers and critics of religious extremism Niladri Chattopadhyay Niloy (also known by his pseudonym Niloy Neel), Ananta Bijoy Das and Washiqur Rahman Babu^{61 62}; writer and blogger Dr Avijit Roy; and Faisal Abedin Deepan of the Jagriti Prokashoni publishing house, which had published books authored by Avijit Roy. Two other writers and another publisher were attacked and wounded on 31 October 2015⁶³.

- 7.1.4 The Committee to Protect Journalists (CPJ) reported on 7 April 2016 that another blogger, Najimuddin Samad, had been murdered in Dhaka by unidentified assailants. Samad, a law student, had written critically on Facebook about Islamism and the issue of whether the Bangladeshi constitution should include Islam as a state religion⁶⁴.
- 7.1.5 On 25 April 2016 Xulhaz Mannan, the editor of Bangladesh's first LGBT magazine 'Roopban', and his partner Mahbub Rabbi Tonoy were murdered in a machete attack in Dhaka. A Twitter post by a spokesperson for Ansar Al Islam, AQIS's chapter in Bangladesh, claimed responsibility and stated that the two men were killed for being 'pioneers of practicing and promoting homosexuality in Bangladesh.'⁶⁵ Roopban has ceased publication.⁶⁶ (See also the country policy and information note on [Bangladesh: Sexual orientation and gender identity](#).)
- 7.1.6 According to the Amnesty International report of May 2017, a total of at least 7 secular activists – 5 bloggers, 1 publisher and 1 online activist – had been killed since 2013.⁶⁷ (These figures appeared to exclude 'Roopban' editor Xulhaz Mannan and his partner, making a total of 9 – CPIT.) The AI report

⁶⁰ US Department of State: Country Report on Terrorism 2015 - Chapter 2 - Bangladesh, published 2 June 2016 http://www.ecoi.net/local_link/324723/450859_en.html Date accessed 5 January 2017

⁶¹ AlJazeera, 'Fourth secular Bangladesh blogger hacked to death', 7 August 2015 <http://www.aljazeera.com/news/2015/08/fourth-secular-bangladesh-blogger-hacked-death-150807102408712.html>, Date accessed 27 March 2017

⁶² Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 15 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁶³ The Guardian (London), 'Secular publisher hacked to death in latest Bangladesh attacks', 31 October 2015 <https://www.theguardian.com/world/2015/oct/31/faisal-abedin-deepan-bangladesh-secular-publisher-hacked-to-death>, Date accessed 28 March 2017

⁶⁴ Committee to Protect Journalists, 'Secular blogger hacked and shot to death in Bangladesh', 7 April 2016 <https://cpj.org/2016/04/secular-blogger-hacked-and-shot-to-death-in-bangla.php#more>, Date accessed 24 March 2017.

⁶⁵ BDnews24.com, 'Five identified' in Xulhaz, Tonoy killing', 5 August 2016 updated 6 August 2016, <http://bdnews24.com/bangladesh/2016/08/05/five-identified-in-xulhaz-tonoy-killing> date accessed 16 August 2016

⁶⁶ Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 19 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁶⁷ Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 15 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

also gave the names of 5 secular activists who had narrowly survived such attacks. Ansar al-Islam claimed responsibility for all of these incidents.⁶⁸

'Hit-lists' and other death threats

- 7.1.7 Militant extremists in Bangladesh have, on a number of occasions, issued so-called 'hit-lists' threatening the lives of specific writers, internet bloggers, human rights activists and others. These lists have appeared on the internet or were sent by post to newspapers. For example, a 'hit-list' containing the names of 84 people was issued in 2013. The names on that list included 4 of the bloggers who were subsequently murdered in 2013 and 2015⁶⁹ and Najimuddin Samad, who was killed in April 2016 (see above).⁷⁰
- 7.1.8 The Dhaka Tribune reported on 11 November 2015 that the proscribed Islamist group Ansarullah Bangla Team (ABT) had published a 'hit-list' of 34 secular bloggers, writers and activists, as well as some supporters of the trial of war criminals from the country's 1971 war of independence. VOA Asia noted that ABT had claimed responsibility for most of the murders of bloggers and activists in Bangladesh since 2013.⁷¹ According to the Dhaka Tribune, the ABT posting, titled "Who's next", stated: "An identified list of Bangladeshi Activists, Blogger and intellectuals in worldwide who promote anti-Islamist group [sic]. They must die. Our All Mujahedin, this is our duty to slash their Head." The final paragraph of the posting that "the Mujahideen will target every apostates and enemies of Islam who are trying to insult Allah and prophet of religion of Islam."⁷² (The Dhaka Tribune article attributed this 'hit-list' to the group 'Ansar Al Islam', reflecting the fact that Ansarullah Bangla Team (ABT) later became known as Ansar Al Islam, identifying itself as the Bangladesh affiliate of al-Qaeda in the Indian Subcontinent – AQIS.⁷³) The Dhaka Tribune published the [list](#) of the 34 names; most of those people were living in Bangladesh, but some were then in the UK, Germany and the US.⁷⁴

⁶⁸ Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 16
<https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁶⁹ Voice of America (VOA) Asia, 'Bangladesh Secular Bloggers Defiant Despite New Threats', 28 September 2015 <http://www.voanews.com/a/bangladesh-secular-bloggers-defiant-despite-new-threats/2982323.html> Date accessed 20 April 2017

⁷⁰ Amnesty International, 'Bangladeshi authorities must act after brutal killing of secular activist', 7 April 2016, <https://www.amnesty.org.uk/press-releases/bangladeshi-authorities-must-act-after-brutal-killing-secular-activist> Date accessed 20 April 2017

⁷¹ Voice of America (VOA) Asia, 'Bangladesh Secular Bloggers Defiant Despite New Threats', 28 September 2015 <http://www.voanews.com/a/bangladesh-secular-bloggers-defiant-despite-new-threats/2982323.html> Date accessed 20 April 2017

⁷² The Dhaka Tribune, 'New hit list targets 34 secular individuals', 11 November 2015 <http://archive.dhakatribune.com/bangladesh/2015/nov/11/new-hit-list-targets-34-secular-individuals>, date accessed 20 April 2017

⁷³ BD News 24, 'Ansar al-Islam banned in Bangladesh', 5 March 2017 <http://bdnews24.com/bangladesh/2017/03/05/ansar-al-islam-banned-in-bangladesh>, accessed 20 April 2017

⁷⁴ The Dhaka Tribune, 'New hit list targets 34 secular individuals', 11 November 2015 <http://archive.dhakatribune.com/bangladesh/2015/nov/11/new-hit-list-targets-34-secular-individuals> Date accessed 20 April 2017

7.1.9 The Guardian (London) and VOA Asia had reported in September 2015 that a previous list of 20 names had been issued by Ansarullah Bangla Team. That list included 'nine bloggers based in the UK, seven in Germany, two in the US, one in Canada and one in Sweden. Some [were] Bangladeshi citizens living overseas. Others [were] dual nationals or citizens of...western nations.'⁷⁵ ⁷⁶

7.1.10 Amnesty International noted in May 2017:

'Secular bloggers and other activists told Amnesty International that they have been subjected to ongoing death threats from armed groups, and that such threats have continued unabated even after the last known attack in April 2016. The threats are usually made over social media platforms like Facebook or Twitter, or over mobile phones through text messages. Occasionally, secular bloggers also told Amnesty International that they had been threatened in person, or that they themselves or family members had received threatening phone calls at home or on their mobile phones.'⁷⁷

7.1.11 See also the country policy and information note on [Bangladesh: Background information, including actors of protection, and internal relocation](#) for further information on militant Islamist groups which are active in Bangladesh.

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7.2 Government response to extremist attacks

7.2.1 The USSD Terrorism Report 2015 stated, 'Government forces reportedly arrested numerous members of ISIL and of domestic terrorist groups [in 2015], including suspected supporters of Jamaat ul-Mujahideen Bangladesh (JMB) and Ansarullah Bangla Team [later known as Ansar al Islam].' The same report noted that 'The Government of Bangladesh insisted that ISIL did not have an operational presence in the country and attributed the ISIL-claimed attacks to domestic elements.'⁷⁸ A former army Brigadier, now a security analyst, was quoted by BBC News as saying, 'Every underground [Islamist] outfit has some sort of interconnection because they share the same ideology.'⁷⁹

7.2.2 The acting leader of Ansarullah Bangla Team (Ansar al Islam), and two of his close associates were arrested in Dhaka in September 2015, on suspicion of

⁷⁵ The Guardian (London), 'British jihadis in Bangladesh fanning flames of extremism, says Dhaka', 23 September 2015 <https://www.theguardian.com/world/2015/sep/23/militant-group-publishes-hit-list-of-bloggers-activists-and-writers#img-2> Date accessed 20 April 2017

⁷⁶ Voice of America (VOA) Asia, 'Bangladesh Secular Bloggers Defiant Despite New Threats', 28 September 2015 <http://www.voanews.com/a/bangladesh-secular-bloggers-defiant-despite-new-threats/2982323.html> Date accessed 20 April 2017

⁷⁷ Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 17 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁷⁸ US Department of State: Country Report on Terrorism 2015 - Chapter 2 - Bangladesh, published 2 June 2016 http://www.ecoi.net/local_link/324723/450859_en.html Date accessed 27 March 2017 accessed 5 January 2017

⁷⁹ BBC News, 'Who is behind the Bangladesh killings?', 2 May 2016 <http://www.bbc.co.uk/news/world-asia-34517434>, Date accessed 27 March 2017

involvement in the murder of writer and blogger Avijit Roy earlier that year.⁸⁰ The Mail Online reported on 11 November 2015 that the police had taken measures to protect individuals seen to be at risk:

'A prominent Bangladeshi academic [Anisuzzaman] and other secular writers, bloggers and intellectuals have been given increased security, police said Wednesday, amid fears they could be the next victims of violence blamed on Islamic militants.

"We've provided security to those who've informed us that they're facing security risks," Dhaka metropolitan police spokesman Muntashirul Islam told AFP, adding that police were also acting on tip-offs.⁸¹

7.2.3 Amnesty International noted in May 2017, 'Since June 2016, the Bangladeshi authorities have significantly increased operations by security forces against armed groups, leading to thousands of arrests and the killings of dozens of suspects in what security forces claimed to be shootouts.'⁸²

7.2.4 In December 2015 a Dhaka court convicted eight people in connection with the 2013 murder of blogger Ahmed Rajib Haider. Three men were found guilty of the murder, two of whom received death sentences, while another five men received prison sentences of varying lengths for abetting the crime.⁸³ The CPJ, however noted in April 2016 that the authorities had not yet "convicted anyone" for the murders of the four bloggers and a publisher in 2015.⁸⁴ BBC News commented on 2 May 2016:

'[I]n many cases the police have been unable to identify the culprits. For instance, it has been more than a year since writer Avijit Roy was hacked to death. But no one has been convicted.

'Many analysts believe the police are not taking the investigation seriously because of Ms Hasina's [the Prime Minister's] comments, which include criticism of the atheist bloggers ... Last week, she issued a stern warning to anyone who criticised religion, saying: "I don't consider such writings as

⁸⁰ The Dhaka Tribune, 'Three militants remanded in Avijit murder case', 12 September 2015 <http://archive.dhakatribune.com/crime/2015/sep/12/three-militants-remanded-avijit-murder-case> Date accessed 20 April 2017

⁸¹ Daily Mail Online, 'Bangladesh police boost security for writers, bloggers', 11 November 2015 <http://www.dailymail.co.uk/wires/afp/article-3313916/Bangladesh-police-boost-security-writers-bloggers.html> Date accessed 20 April 2017

⁸² Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 22 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁸³ Amnesty International, 'Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh', 2 May 2017, page 21 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁸⁴ Committee to Protect Journalists, 'Secular blogger hacked and shot to death in Bangladesh', 7 April 2016 <https://cpj.org/2016/04/secular-blogger-hacked-and-shot-to-death-in-bangla.php#more>, Date accessed 24 March 2017.

freethinking but filthy words. Why would anyone write such words? It's not at all acceptable if anyone writes against our prophet or other religions.”⁸⁵

7.2.5 Amnesty International stated in their May 2017 report:

‘Several secular activists told Amnesty International that they had tried to approach the police for protection after receiving threats, but were ignored. In several cases, activists said that police had refused their attempts to file General Diary (GD) (the standard first report of transgressions filed with the police) complaints to register the threats against them. In some cases police simply told them to leave the country to ensure their safety, while others reported police harassing them for the fact that they wrote on secular topics.

‘Others said they were extremely reluctant to approach the police since they feared they could themselves be charged. Many cited the four cases brought against secular bloggers under the ICT Act in 2013 as having seriously undermined their trust in the police.

‘However, some activists did report having a more positive experience. One secular activist in her early 20s, Heda (pseudonym), said that she approached police after she started receiving a flood of death threats on social media. Police granted her protection, with officers stationed outside her house and accompanying her whenever she went outside. Heda, however, still reported feeling so unsafe that in 2016 she fled to a European country where she is now seeking asylum. In March 2017, the government stated in a submission to the UN Human Rights Committee that 499 “eminent persons” from civil society were under police protection. Although this includes “writers, bloggers and online activists”, the government did not specify how many, nor the specific form of protection.’⁸⁶

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8. Violence against journalists and bloggers not attributed to Islamist militants

8.1.1 The local correspondent of the Bangla-language daily Samakal, Abdul Hakim Shimul, was shot and killed in Shahjadpur on 2 February 2017, while covering street clashes between two factions of the Awami League party. It is not clear from press reports whether the journalist was specifically targeted.⁸⁷

8.1.2 For further, up to date information on incidents of violence or harassment against journalists and publishers, see the [Reporters without Borders website](#).

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⁸⁵ BBC News, ‘Who is behind the Bangladesh killings?’, 2 May 2016 <http://www.bbc.co.uk/news/world-asia-34517434> Date accessed 27 March 2017

⁸⁶ Amnesty International, ‘Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh’, 2 May 2017, page 23-24 <https://www.amnesty.org/download/Documents/ASA1361142017ENGLISH.PDF>. Date accessed 22 May 2017

⁸⁷ Committee to Protect Journalists, ‘Bangladeshi journalist fatally shot covering street battles’, 3 February 2017 <https://cpj.org/2017/02/bangladeshi-journalist-fatally-shot-covering-stree.php>, Date accessed 24 March 2017

Version control and contacts

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Clearance

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