



ARTICLE 19's Submission to the Universal Periodic Review of Bangladesh

44th Session of the Working Group

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ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. This report assesses the progress made by Bangladesh in implementing recommendations received during the third cycle that relate to freedom of expression, with a focus on the safety of journalists with feminist approach. This was partially based on a UPR national dialogue held on 20 March 2023 in Dhaka. Over 70 participants from different organisations or individual experts from diverse backgrounds (including LGBTIQ groups, media professionals, lawyers, artists and civil society representatives) were present at the event.

The Safety of Journalists with a Feminist Approach

1. During the third cycle of the UPR, Bangladesh received a total of 256 recommendations. Among these recommendations, 26 related to the right to freedom of expression and the safety of journalists, with 20 accepted and six noted.¹ This included recommendations on ensuring effective investigations into all cases of violence against journalists and human rights defenders and bringing the perpetrators to justice, as well as reviewing legislation that is inconsistent with international freedom of expression standards.

Killings and Attempted Killings

2. Several journalists were killed in Bangladesh alongside attempted killings during the reporting period. Killings and other forms of violence go unabated because of the culture of impunity enjoyed by the perpetrators. Multiple UN Special Procedures have called this an “appalling and pervasive culture of impunity”.²

3. An emblematic case to showcase the culture of impunity is the case of the killing of journalist couple **Sagar Sarowar** and **Meherun Runi**. Sagar Sarowar was the News Editor of *Mashranga Television* and Meherun Runi was a Senior Reporter for *ATN Bangla*, two leading satellite television channels in Bangladesh. The couple were stabbed to death in front of their five-year-old son in their rented flat in West Razabazar, Dhaka in the early hours of 11 February 2012. 2022 marked a decade of the killing without any substantive progress in the investigation, let alone getting justice. On the decade following the killings, multiple UN Special Procedures reiterated their calls for justice.³ However, on 5 March 2023, the probe report into the killings was deferred for the 96th time.⁴

4. On April 13 2022, journalist **Mohiuddin Sarkar Nayeem**, a reporter of *Dainik Cumillar Dak* was shot and killed near the Bangladesh-India border in Cumilla by alleged drug

¹ Supported: Slovakia (147.89); Republic of Korea (147.89); Norway (147.78); Netherlands (147.77); Austria (147.75); Poland (147.74); New Zealand (147.73); Switzerland (147.71); France (147.70); Estonia (147.69); Ireland (147.68); UK (147.67); Canada (147.66); Slovakia (147.65); Finland (147.23); Latvia (147.7); Sweden (148.15); Norway (148.14); Mexico (148.13); and Australia (148.3). Noted: Germany (149.53); Greece (149.49); Germany (149.48); Czechia (149.47); US (149.46); and Estonia (149.45).

² <https://www.ohchr.org/en/press-releases/2022/02/bangladesh-appalling-and-pervasive-culture-impunity-killings-journalists-un>

³ Ibid.

⁴ <https://en.prothomalo.com/bangladesh/vt10atw8mv>

traffickers. He had previously reported on drug trafficking in the area.⁵ On 14 April, 4 people were arrested in connection with the shooting.

5. On July 7 2022, the dead body of journalist **Hasibur Rahman Rubel**, working for the local daily newspaper *Dainik Kushtiar Khobor*, was recovered from Gorai river in Kustia. His family alleged that Rubel was deliberately killed for his work as a reporter.⁶

6. On 14 May 2022, *Dainik Agrabani Pratidin* editor, **Mohammad Rashid Chowdhury**, narrowly escaped death in Narayanganj when he was ambushed and stabbed as he was returning home on the evening. He was rushed to the hospital by the passers-by. Local journalists linked the attack to the article Chowdhury published two days earlier about a clash between gangs in Narayanganj. No one has been arrested connecting to this attack.⁷

Physical Attacks, Threat and Intimidation

7. In Bangladesh, journalists and media workers face physical attacks, threat and intimidation routinely, on duty or even off duty. The perpetrators included law enforcers and local political leaders, often affiliated to the ruling party, as well as business people who are involved in some kind of illegal activity.

8. On 25 December 2022, **Abu Azad**, Chattogram staff correspondent of The Business Standard, was forcibly taken to the office of Ward-3 UP⁸ member Mohiuddin Talukder Mohan at gunpoint and was kept hostage for one and a half hours and was beaten. The incident took place at around 10:00am when Azad went to gather information about an illegal brick kiln. Azad identified his attackers as the men of Islampur UP Chairman Siraj Uddin Chowdhury. The next day, Azad filed a police complaint against ten people, including Mohan and Siraj, for assault, extortion, kidnapping, and attempted murder. Police arrested one suspect that day, identified as the manager of a brick kiln. Mohan and Siraj acquired anticipatory bail from the High Court. Azad complained that after getting bail Siraj threatened him in a public meeting. Siraj is also the President of Islampur union Awami

⁵<https://cpj.org/2022/04/bangladeshi-journalist-mohiuddin-sarker-nayeem-shot-and-killed/>

⁶<https://ipi.media/bangladesh-journalist-hasibur-rahman-rubel-found-dead-days-after-going-missing/>

⁷<https://rsf.org/en/rsf-appalled-stabbing-attack-local-newspaper-editor-bangladesh>

⁸UP stands for Upozila Porishod, an administrative body in Bangladesh.

league, the ruling party.⁹

9. On 10 September 2022, a group of journalists representing national and regional media have come under attack while gathering information about the alleged illegal occupation of the historic house of late Ramnath Biswas, a noted globetrotter and travelogue writer in Baniachong Upazila of Habiganj district. The journalists alleged that, the occupier of the historic house Wahed Mia and his family members carried out the attack.¹⁰

10. On 13 August 2022, Kamalganj correspondent of *Daily Khorpotra* **Abdul Basit Khan** was stabbed in Moulavibazar. He was rushed to Moulavibazar hospital first and then to Sylhet MAG Osmani hospital. He lost his one hand in this attack.

11. On 12 August 2022, four journalists were injured following an attack on them during discharge of professional duties in Lalmonirhat. The journalists are **Anisur Rahman**, Lalmonirhat correspondent of *Jamuna TV*, **Abdur Rob Sujon**, Lalmonirhat correspondent of *Daily Prothom Alo* and **Mahfuzul Islam**, Lalmonirhat correspondent of *Ekhon TV*. The journalists alleged that 20-25 cadres of Saheb Mandal, son of Panchagram union Awami League president and former UP member Azizur Rahman Mandal, carried out the attack.¹¹

12. On 12 February 2022, over 100 people on motorcycles stormed into *Dainik Somoyer Narayanganj*, a local daily newspaper based in Narayanganj at around 12:15p.m., smashing surveillance cameras and destroying the recordings they contained, threatened to kill the editor and said they would return if an apology was not published in the next day's issue. This raid was prompted by an article in the previous day's issue about a police investigation involving Ajmeri Osman, a person famous in Narayanganj for being the nephew of a local parliamentarian who is a member of Bangladesh's ruling Awami League. Videos that members of the newspaper's staff recorded on their smartphones show that the raid was led by Awami League activists.¹²

13. On 26 May 2022, freelance journalist **Mahfuz Kabir Mukta** was attacked by the Bangladesh Chhatra League (BCL), the ruling party's student wing, while he was filming

⁹<https://cpj.org/2023/01/bangladeshi-environmental-journalist-abu-azad-abducted-severely-beaten/>

¹⁰<https://www.newagebd.net/article/180852/journalists-attacked-in-habiganj>

¹¹<https://www.thedailystar.net/news/bangladesh/crime-justice/news/3-journalists-assaulted-camera-vandalised-al-leader-his-sons-lalmonirhat-3093591>

¹²<https://www.thedailystar.net/news/bangladesh/rights/news/narayanganj-newspaper-office-comes-under-attack-2960666>

and streaming the BCL's attack on the opposition student wing Jatiyatabadi Chhatra Dal (JCD) at Dhaka University area.¹³ After the attack, the BCL allegedly snatched a digital camera from Mahfuz and handed him over to the Shahbagh police. The police then detained Mahfuz and linked him to 13 criminal cases, including a case of cheque fraud.

Judicial Harassment of Journalists and Human Rights Defenders - Digital Security Act and Other Laws

14. Another common threat facing journalists in Bangladesh is bringing false charges, often under the notorious Digital Security Act (DSA). Ever since its promulgation in 2018, the DSA has become a tool for widespread harassment, particularly by law enforcers or politically powerful people. In particular, it contains several speech offences, including criminal defamation, defamation of religions, or the sending of 'offensive' information that would criminalise a wide range of legitimate expression. ARTICLE 19 documented 620 cases under the DSA between 2019 to 2022, with 1092 people accused in total. 44 cases were criminal defamation cases. This affected 207 journalists in total.

15. On 7 June 2022, police arrested **Fazle Elahi**, the editor of the local online portal *Pahar24.com* in Rangamati, in a case under the DSA. Naznin Anwar, daughter of former reserved seat MP and Mohila Awami League leader Firoza Begum Chinu, brought the case over a report Fazle Elahi published in *Pahar24.com*.¹⁴

16. On 5 April 2022, the Barisal Cyber Tribunal accepted a complaint against **Imran Hossain Titu**, the Barguna district correspondent of *Ekattor TV* under the DSA for his video content broadcasted by *Ekattor TV* on 1 March 2022, alleging that a local shrine's management committee, led by Shahidul Islam Mollik, general secretary of the Mirzaganj Union Parishad, had engaged in corruption. Mollik's nephew, Badal Hossain filed the complaint against Titu. Titu complained about repeated direct, in-person threats from politicians and their associates for his extensive reporting on their alleged corruption. He fears of further retaliation against him, including possibly arrest.¹⁵

¹³<https://www.newagebd.net/article/171907/man-filming-bcl-jcd-clash-ends-up-in-jail>

¹⁴<https://www.thedailystar.net/news/bangladesh/crime-justice/news/police-arrest-editor-local-rangamati-daily-dsa-case-3041696>

¹⁵<https://cpj.org/2022/08/bangladeshi-journalist-imran-hossain-titu-investigated-under-digital-security-act/>

17. On 17 May 2021, **Rozina Islam**, senior journalist with the Bengali Newspaper *Prothom Alo* was arrested at the Secretariat of the Ministry of Health in Dhaka, in connection with a case filed by the Health Ministry under sections 379 and 411 of the Penal Code, which relate to theft and possession of items of theft, and sections 3 and 5 of the Official Secrets Act of 1923, which relate to ‘disclosing information, documents or other articles relating to international relations’ and ‘disclosure of information, documents or other articles protected from disclosure’, respectively. Prior to handing over to the Shahbagh police, she was detained for five hours at the Secretariat of the Health Ministry and was reportedly aggressively frisked by officials and her mobile phone was confiscated. The following day, on 18 May 2021, Rozina Islam was presented before the Dhaka Chief Metropolitan Magistrate Court, where police requested for her to be remanded in custody for five days. However, this request was denied by the Court and she was sent to Kashimpur Central Jail, from where she was released on 23 May 2021 after being granted bail. On 23 January 2023, a Dhaka court directed Police Bureau of Investigation (PBI) to further investigate the cases against her.

18. On 10 March 2020, one day after multiple cases under DSA was filed against him and 31 others, photojournalist **Shafiqul Islam Kajol**, editor of fortnightly magazine *Pakkhakal*, disappeared for 53 days before reappearing on 3 May 2020 at the Indian border area. The ruling party lawmaker from the Magura 1 constituency Saifuzzaman Shikhor filed a case against Kajol and 31 others on charges of publishing a report with false information regarding expelled Jubo Mohila League leader Shamima Noor Papia — who had been arrested back in February on charges of smuggling counterfeit notes and sentenced to jail in October in an arms case — and circulating it on social media. The police also registered a fourth case against him under the Bangladesh Passport Order 1973, accusing him of “trespassing” into his own country on 3 May 2020. The Jashore magistrate’s court granted him bail in the “trespassing” case, but police refused to let him go and filed another case against him later that evening under Section 54 of the Code of Criminal Procedure-1898, which allowed police to hold Kajol without a warrant until he is prosecuted under the DSA. After several failed attempts of bail, he finally walked out of jail on 24 December 2022 after 237 days since he disappeared and then landed in jail. His cases are still ongoing.¹⁶

Death in Custody, Torture and Ill-Treatment

¹⁶<https://archive.dhakatribune.com/bangladesh/2020/12/25/journalist-kajol-released-from-jail>

19. Torture against journalists in police custody is a very common phenomenon in Bangladesh.

20. On 25 February 2021, writer **Mushtaq Ahmed** died in prison without trial for ten months, following his detention under the DSA for criticizing the government's response to COVID-19 pandemic. The government's probe committee concluded that he died of natural

causes, reportedly from a heart attack. He was denied bail at least six times. Cartoonist **Ahmed Kabir Kishore**, who was arrested in the same case as Mushtaq Ahmed, was released a week after Mushtaq died in prison. He told that both Mushtaq and he were tortured in custody by one or more state security agencies. On 10 March 2021, Kishore filed a case with the metropolitan sessions judge's court in Dhaka, under the Torture and Custodial Death (Prevention) Act – 2013, seeking redress which has no progress so far.¹⁷

21. On 23 November 2022, police picked up **SM Yusuf Ali**, bureau chief of *Dainik Adhikar* and editor of online news portal *Feni Report* from his residence around 1.30am and later on that day took him before the court by tying rope around his waist. He was arrested in relation to a case filed in 2019 by the former Superintendent of Police (SP) of Feni district Jahangir Alam Sarkar.¹⁸

22. On 14 March 2020, **Ariful Islam**, correspondent of the *Dhaka Tribune* was arrested for exposing alleged corruption by the Deputy Commissioner (DC) of Kurigram district. He was beaten and taken to the DC's office. A mobile court was set up there, which sentenced Ariful to a year's imprisonment on trumped up charges of narcotics possession.

Harassment of Family Members of Expatriate Journalists

23. The family members of journalists also face harassment and intimidation.

24. On 25 March 2022, **Mahinur Khan**, the brother of exiled Bangladeshi journalist **Zulkarnain Saer Khan**, one of the journalists who worked with *Al Jazeera's* Investigative Unit (I-Unit) on All the Prime Minister's Men, an explosive investigation that linked high-ranking Bangladeshi government officials to corruption, was beaten with iron rods by four

¹⁷<https://www.thedailystar.net/frontpage/news/kishore-was-tortured-custody-2052617>

¹⁸<https://www.thedailystar.net/news/bangladesh/crime-justice/news/outrage-feni-journalist-produced-court-tied-rope-around-waist-3176671>

men in Dhaka.¹⁹

25. On 13 September 2022, officers with the detective branch of the Bangladesh police in Noakhali arrested **Nur Alam Chowdhury Pervez**, brother of **Shamsul Alam Liton**, editor of United Kingdom-based *Weekly Surma*. Police accused U.K.-based Liton of spreading anti-government propaganda on social media platforms and alleges that Pervez conspires with Liton to create “confusion and agitation” among the public. Before this, on 9 September 2022, police in Moulvibazar district arrested **Abdul Muktedir Manu**, brother of **Abdur Rab Bhuttow**, a special correspondent for *The Weekly Surma* and head of the privately owned digital news platform *London Bangla Channel*. On 14 August 2022, journalist Liton published an editorial for *The Weekly Surma* calling on Bangladesh Prime Minister to hold government officials accountable for alleged money laundering.

Intersectional Analysis

26. Women journalists, and journalists from other marginalised groups like the indigenous population or refugees, face additional challenges. In addition with all the common risks, women journalists faced sexual harassment, online harassment and abuse, and other forms of gendered violence. They did not face such violence just from unknown people, but also at their workplace and from fellow colleagues. Indigenous and refugee journalists face increased surveillance and risk of killing and disappearance.

27. In addition with the legal harassment, journalist **Rozina Islam** faced online harassment and abuse against her on social media seeking to undermine her reputation. Pictures of her with devil’s horns were posted on the Ministry of Health’s Facebook page. The Ministry has also released statements and videos accusing her of spreading misinformation about the ministry.

28. On 15 July 2022, the Bangladeshi Armed Police Battalion 16 conducted a raid at the house of Rohingya human rights defenders and journalists **Saiful Arakani** and **Aziz Arakani** in Nayapara Registered Camp. Unable to find them at the residence, the police physically assaulted and arrested the defenders’ father Sultan Ahmed and their brother-in-law Nur Bareq. While Sultan Ahmed was released by the police after four hours, Nur Bareq remains under detention for more than four days without being made to appear in

¹⁹<https://www.aljazeera.com/news/2023/3/24/bangladesh-investigative-journalist-brother-beaten-with-rods>

court. He was also severely beaten and tortured in the custody of the police.²⁰

29. On 27 August 2022, Bandarban correspondent of *The Daily Star*, **Sanjoy Kumar Barua**, belonging to the indigenous community, was slapped with a case under DSA for using the word “indigenous” in a report titled “Three indigenous villages face land grabbing” published in the daily on 28 July 2022.²¹

Legal and Administrative Barriers

30. The Bangladesh Telecommunication Regulatory Commission (BTRC) proposed Regulation for Digital, Social Media and OTT Platforms that has raised serious concerns as it threatens the rights to freedom of expression and privacy, including by undermining encryption and weakening online safety. If enforced, the regulations will have a serious impact on human rights and put journalists, dissidents, activists and vulnerable communities in particular at greater risk. It continues to give the government the power to order social media companies to remove material on broad and vague categories. It also gives the BTRC an additional legal power to issue a notice to any person, whether they live inside or outside Bangladesh, requiring them to remove certain prohibited content within 24 hours, including on ambiguous grounds that could cover protected speech. It would also require intermediaries, such as WhatsApp and Signal, to enable traceability and the identification of any suspects deemed to be violating the guidelines outlined in the draft regulations.

31. On 19 July 2022, the Ministry of Information and Broadcasting issued a directive to 35 TV channels asking them not to use the word “Adivasi” (meaning indigenous people), referring to a provision of the 15th amendment of the Constitution.

Recommendations

32. ARTICLE 19 suggests the following recommendations to Bangladesh:

- Repeal the Digital Security Act and drop all charges brought under this act;

²⁰<https://www.frontlinedefenders.org/en/case/threats-and-harassment-faced-rohingya-human-rights-defenders-saiful-arakani-and-aziz-arakani>

²¹<https://www.thedailystar.net/backpage/news/bandarban-another-case-filed-against-star-reporter-1801453>

- Immediately cease all human rights violations committed against journalists and media workers, including killings, torture and ill-treatment, arbitrary arrests and arbitrary detention, physical, sexual and gender-based violence, as well as intimidation, threats and harassment of all kinds;
- Conduct impartial, prompt, thorough, independent and effective investigations into all alleged cases of violence, threats and attacks against journalists and media workers and their families, including bringing perpetrators to justice;
- Immediately drop any new restrictive legislation that impedes the right to freedom of expression;
- Cease judicial harassment of journalists and ensure that they are able to carry out their professional duty with any fear of reprisals; and,
- Develop effective protection mechanisms to counter gender-specific and other specific forms of violence against journalists and ensure that women journalists and journalists from other marginalised communities are free from any discrimination and stigma.