

## BANGLADESH

# PROTEST AND PUSHBACK

In an unprecedented show of solidarity, on October 15, 2018, editors of all the major dailies in Bangladesh formed a human chain in front of the National Press Club in Dhaka. They took to the streets demanding amendments to a new law, the Digital Security Act 2018, which was passed by the parliament on September 19, 2018.

The rare show of unity was triggered by grave apprehensions about a law that has wide-ranging power to gag the media and arbitrarily penalize media workers. These concerns exist along with the real fear of attacks on the lives, dignity and property of media persons.

Impunity for perpetrators of crimes against journalists and slow police investigations into these cases ultimately amount to denial of justice. Moreover, exiling of the immediate past chief justice Surendra Kumar Sinha, the organized filing of hundreds of cases against prominent journalists and politicians from different corners of the country, as well as the mysterious disappearance and reappearance of some people have triggered real fears.

Self-censorship is growing in Bangladesh's media as a result of the endemic violence against journalists and media houses, coupled with the widespread impunity enjoyed by the perpetrators of these crimes.

## UNREASONABLE RESTRICTIONS

The constitution of Bangladesh provides for freedom of expression, subject to “reasonable restrictions imposed by law”. The country has a vibrant media incorporating more than 1,000 daily newspapers, 45 private satellite television channels and three State-owned TV channels and thousands of online news websites. Yet activists say that people cannot exercise their constitutional right to free expression as the so-called “reasonable restrictions” are most often imposed unreasonably. A number of laws are invoked to restrict journalists' activities as well as people's right to know and express opinions.

Defamation remains a criminal offense in Bangladesh. Seditious laws can be applied broadly, and penalties range from fines to life in prison or even the death penalty if the accused is found to have undermined the constitution. One case in point is that of *Daily Star* editor, Mahfuz Anam, who is facing 62 defamation and 17 seditious lawsuits, most filed in 2016 after he admitted to publishing unsubstantiated information about Prime Minister Sheikh Hasina, supplied to him by the military intelligence service in 2007 and 2008. While he was not arrested, Anam had to crisscross the country to appear for court hearings in 50 of Bangladesh's 64 judicial districts.

In 2006, Bangladesh enacted the Information and Communication Technology Act (ICT Act) intended to provide a safe virtual space. But instead of protecting citizens, the Act has succeeded in undermining digital security and restraining free speech. Many citizens, including journalists, have been sued and arrested under Section 57 of the ICT Act for expressing their opinions or sharing information on the internet.

The Right to Information (RTI) Act introduced in 2009 has given people wider scope to access information, amid the existing secrecy legislation. However, ongoing challenges remain for its implementation including low response rates to requests for information, and a need to increase awareness of the existence of



A man walks past a wall with images of Bangladeshi founding father Sheikh Mujibur Rahman (L) and Prime Minister Sheikh Hasina Wazed (R) in December 2018. Ahead of the country's general election on December 30, government blocked Facebook, Skype and other social media and censored some news sites purportedly to fight fake news and misinformation. CREDIT: REHMAN ASAD / AFP

the law among the general public, not to mention the authorities.

On September 19, 2018, Bangladesh's parliament passed the much-debated Digital Security Bill, drawing sharp reactions from journalists and rights activists who said it was passed without addressing their key concerns.

While the Act doesn't expressly replace the existing provisions of the ICT Act, especially Section 57, it has instead strengthened this controversial section and created a situation of overlapping laws.

The Editors' Council analysis of the digital security law concluded that it was unconstitutional and stifled freedom of the press. In its assessment, the Council also said the law was “policing media operations, censoring content and controlling media freedom and freedom of speech” and that it gave “unlimited power to the police to enter premises; search offices; carry out body searches; seize computers and networks, servers,



**THE YEAR WAS CRUCIAL FOR BOTH POLITICS AND JOURNALISM IN BANGLADESH, WITH THE GENERAL ELECTION HELD ON DECEMBER 30, 2018, FOLLOWING THE CONVICTION AND ARREST OF THE COUNTRY'S MAIN OPPOSITION LEADER KHALEDA ZIA IN TWO CORRUPTION CASES.**

and everything related to the digital platforms.

Under the ICT Act, the police can arrest anybody on suspicion without warrant and without approval of any other authorities.

The Editors' Council has criticized that the vague language of the act could be "misinterpreted and used against the media" and said it had created an "atmosphere of fear and intimidation, which has made journalism and especially investigative journalism virtually impossible" and caused "panic among all users of the digital space".

Critics, both domestic and international, say the law is inconsistent with constitutional rights to freedom of speech and expression as per Article 39 and undermines democracy and human rights, which are among the fundamental principles of state policy.

Bangladesh's commitment under the Sustainable Development

Goal 16.10, that obliges the government to promote free flow of information, has also come under the scanner after the enactment of the Digital Security Act. Today in Bangladesh, a person may be subject to two-year jail for publishing defamatory content in a newspaper but will get a 14-year jail term for the same thing posted on a website. This discrepancy points to the fact that the government is trying more seriously to tame digital media because the depth, breadth and influence of the digital media are proving to be greater than that of the print media.

## **AGITATIONS AND PROTESTS**

The year was crucial for both politics and journalism in Bangladesh, with the general election held on December 30, 2018, following the conviction and arrest of the country's main



opposition leader Khaleda Zia in two corruption cases.

Two massive street demonstrations occupied the country – one in April demanding the reform of the quota system in government jobs and the other in late July and early August for better road safety. The government quelled both movements by force, as well as by giving assurances of fulfilment of the demands of the agitators, most of whom were students.

Protests began on July 29, 2018, after the death of two students in Dhaka as a speeding bus ran over them. The massive student protests spiralled into violence after attacks on protesting students in Dhaka, allegedly by the activists of ruling Awami League's student wing Chatra League, were backed by Bangladesh law enforcement agencies.

On August 5, the Bangladesh Telecommunication Regulatory Commission (BTRC) ordered telecommunications providers to limit mobile internet access to 2G connections for 24-hours to restrict the ability of students to mobilize or spread growing fury online. Pamphlets, propaganda, stories and images – some factual and some manipulated – of the attacks on students flooded social media, prompting renewed outrage.

Following government claims that the violence surrounding the student protests was being fuelled by provocative and “fake” content shared over social media platforms, police arrested renowned photographer Shahidul Alam, actress Quazi Nawshaba Ahmed and scores of students for social media posts that allegedly incited the agitators. Six cases were filed against hundreds of unnamed people under the ICT Act and many students were arrested for posts on Facebook. Actress Nawshaba was released on bail on August 21, but Shahidul Alam remained behind bars for more than three months, as the government contested his case and appealed to the courts to deny him bail. Shahidul was ultimately released on November 20 after securing bail from the Supreme Court.

The road safety movement became a dangerous beat for

Bangladeshi students protest in Dhaka on August 5, 2018, following the deaths of two college students in a road accident. Prime Minister Sheikh Hasina urged students to go home even as police fired tear gas shells during the eighth day of unprecedented protests over road safety which paralysed parts of Dhaka. CREDIT: MUNIR UZ ZAMAN / AFP

journalists to report on. While covering the developments, at least 23 journalists were assaulted, some brutally beaten up and their equipment vandalized by “unidentified” attackers in the capital.

Correspondents of different dailies and online portals came under attack while they were carrying out their duty in Jahangirnagar University in Dhaka and Chittagong University during the quota reform movement in April.

## ELECTION CONTROLS

Three days before the general elections on December 30, the government blocked Facebook and other social media platforms. A day before the election, it also suspended 4G and 3G mobile data services. The government also blocked Skype and censored some news sites purportedly to fight fake news and misinformation.

The BTRC ordered the shutdown of 3G and 4G internet services on December 29 and, although the mobile internet was restored for a few hours in the evening of polling day, it was later shut down again until further notice. Services were also cut off on December 27 for 10 hours.

But the restriction and limitations on the internet could not stop the spread of rumour and gossip based on unreliable information circulated via mobile phones, which are ubiquitous in every corner of Bangladesh. There was panic in many places and families in villages were alerting students over the phone

## TWO MASSIVE STREET DEMONSTRATIONS OCCUPIED THE COUNTRY — ONE IN APRIL DEMANDING THE REFORM OF THE QUOTA SYSTEM IN GOVERNMENT JOBS AND THE OTHER IN LATE JULY AND EARLY AUGUST FOR BETTER ROAD SAFETY.

about possible trouble and urging them not to take risks by participating in protests. The ruling Awami League emerged as a landslide winner in the general election for its third consecutive term in power amidst Opposition allegations of rigged polls.

On polling day, at least 18 people were killed and more than 200 injured in clashes. At least seven journalists were assaulted in Dhaka and Chattogram, while a number of journalists covering the polls faced obstructions from both activists of political parties and law enforcers.

Private television station Jamuna TV claimed that it was arbitrarily taken off the air by cable operators on the eve of the election.

Prior to the election, on December 24, a group of reporters who were covering the elections campaign were attacked by masked men with hockey sticks and batons. The assailants injured around ten journalists, mainly from *Jugantor* daily and Jamuna TV in a hotel in Nawabgonj, 40km from Dhaka. The attackers also smashed hotel windows and vandalized more than a dozen vehicles belonging to private owners as well as media outlets.

### THE SWORD OF 'DIGITAL SECURITY'

The post-election era began badly for the media. Police on January 1, 2019, picked up *Dhaka Tribune's* Khulna correspondent Hedait Hossain Mollah in front of the Khulna Press Club. Hedait and Khulna correspondent of *Daily Manabzamin*, Rashidul Islam then became the first journalists to be accused of violations under the Digital Security Act. Assistant Returning Officer and Upazila Nirbahi Office (UNO or executive magistrate) of Batiaghata sub-district of Khulna filed the case against on the charge of reporting 'wrong' information regarding the election results.

Hedait was put on remand the next day and released on January 3. The District and Sessions Judge's Court granted him bail after video footage was presented before the court that substantiated the authenticity of Hedait's report. The High Court on January 21 granted anticipatory bail to Rashidul Islam, the other accused.

Abu Zafar, the Keraniganj correspondent of *Daily Jugantor* and also general secretary of Keraniganj Press Club, was the second journalist to be arrested under the law on February 19. He is one of five journalists accused in a case filed by a local ruling party leader, Md Polash, with Dohar police station. The other accused are Nawabganj correspondent Azharul Islam, Ashulia correspondent Mehedi Hasan Mithu, Dhamrai correspondent Shamim Khan and Gopalganj correspondent SM Humayun Kabir.

The Bangladesh government earlier claimed that the country's new digital law would be used as a shield to protect the innocent and a sword to target bad elements. Promises were made at different times that the law would not be used against journalists or to control the voices of the people. But the growing list of charges has proven the contrary.

*Al Jazeera's* website in Bangladesh has remained blocked since it ran a report titled 'Bangladesh top security adviser accused of abductions' on March 20, 2019. So too, the website of the *Daily Star* was blocked for more than 18 hours on June 1 following an order from the telecommunications authority in Bangladesh over the publishing of news headlined 'Murder It Was' relating to the

alleged killing of Teknaf municipal councillor Akramul Haque.

On December 10, BTRC unblocked 58 websites including some news portals after access to them was restricted on "national security" grounds ahead of the general election on December 30.

### MURDER AND IMPUNITY

Suborna Nodi, 32, the Pabna correspondent for Ananda TV and a journalist for the *Daily Jagroto Bangla* newspaper, was hacked to death at the door of her home on August 28. Nodi's murder was apparently an outcome of a family feud according to the victim's family members and investigators. A murder case was filed against Nodi's ex-husband and six others, all of whom have been arrested. The case is still under investigation.

Shahjahan Bachchu, acting editor of weekly *Amader Bikrampur*, preceded Suborna Nodi to become the victim of a horrific killing in Munshiganj district on June 11, 2018. Bachchu was better known for his free-thinking views and daily critiques against religion on Facebook, rather than for his role as an editor of a weekly. The 55-year old poet and proprietor a publishing house, Bishaka Prokashoni, was talking to villagers at a pharmacy near his village of Kakaldi when at least four motor-cycle borne youth wearing hoods arrived and exploded a bomb outside the pharmacy to create panic. The assailants dragged Bachchu outside the shop, shot him point blank in the chest and fled. He died on the spot.

At least 22 journalists have been killed in Bangladesh since 1996. But very few cases of crimes against journalists have been resolved. Among the list of unsolved cases yet to see progress is the killing of journalist couple Sagar-Runi. Meherun Runi, senior reporter of private TV channel ATN Bangla, and her husband Sagar Sarowar, news editor of Maasranga TV, were murdered on February 11, 2012.

Immediately after the murders, then-home minister Sahara Khatun said the killers would be arrested within 48 hours. Police officials also claimed to have made "significant progress" in the investigation at the time. The elite branch of the police, the Rapid Action Battalion (RAB), which has been probing the case for almost seven years after the detective branch of police failed, has also not made any progress in identifying the perpetrators. Submission of the probe report has been deferred at least 57 times.

While the pace of investigation and rate of concluded investigations have slightly improved in recent years, lengthy investigations that fail to reach the trial stage remain a critical concern.

Of the journalists killed in Bangladesh, judgements have been delivered in just two cases: in June 2013, after eight years, nine people were convicted of the November 2005 murder of journalist Goutam Das, and, in November 2016, eight people were convicted of the murder of journalist Manik Chandra Saha, killed 12 years earlier.

Although the string of murders of bloggers, publishers and other freethinkers by suspected Islamic militants in recent years appears to have reduced due to nationwide drives by law enforcement agencies, victims' families remain frustrated with the slow progress in the murder cases.

Since the Shahbagh protests in 2013 to demand the trial of



war criminals, at least ten “free thinkers” have been killed by militants across the country after being tagged as “atheists”. Shahjahan Bachchu was the latest victim in the spate of killings.

Most cases are stuck at the investigation level, with a court delivering a verdict in just one case, while another is under trial. Of the ten cases, eight were filed with different police stations in Dhaka. Investigations are yet to be completed in four of the eight pending cases. Four years after the killing of writer-blogger Avijit Roy, police submitted the charge-sheet to the court naming six people as the accused in the case, including a sacked army major Syed Ziaul Haque, who remains at large. Among the accused are members of banned militant outfit Ansar al-Islam.

The opportunity to get some answers through the legal justice system have been lost forever, with some of the accused in the blogger killings found dead after so called “cross fires” or “gun battles” with law enforcers.

## GRIM PICTURE

Freedom of the press remains imperilled as violence against journalists continues to spike in the country, according to a report of local rights group Ain O Shalish Kendro (ASK), released on January 10, 2019.

“As many as 207 journalists have been harassed from January 1 to December 31, a steep climb from 122 in 2017 and 117 in 2016,” the organization said. At least 61 journalists were assaulted by members of the ruling party or its wing organizations and 42 journalists were victims of bomb attacks.

Another 18 journalists were harassed by law enforcement agencies, with 11 others receiving threats from purported ruling party members, government officials, and anonymous callers.

Moreover, publication of 15 news reports led to lawsuits being filed. Nine journalists were assaulted by government officials.

Three journalists were killed and at least one went missing.

## MEDIA BOOM

In 1972, Bangladesh had about a dozen daily newspapers. Since then, the number of dailies rose to 1,078 while the number of newspapers (including 1,947 weeklies, fortnightlies and monthlies) stood at 3025, according to information placed in parliament on January 14, 2016.

**Above left:** Associated Press (AP) photographer A. M. Ahad leaves hospital after being beaten by ruling party cadres during a student demonstration on August 5, 2018. CREDIT: AFP

**Above:** *Amar Desh* acting editor, Mahmudur Rahman, was attacked at the Kushtia court, allegedly by Bangladesh Chhatra League activists. Mahmudur was in Kushtia to secure bail in a defamation case that accused him of making false statements about Prime Minister Sheikh Hasina, and her niece, Tulip Siddiq. CREDIT: BMSF

**Opposite:** Bangladeshi journalists hold a protest against the newly-passed digital security law in central Dhaka on September 24, 2018. Bangladesh’s parliament passed the contentious law despite protests by journalists and rights groups who say the law poses a serious threat to freedom of the press and freedom of expression. CREDIT: MUNIR UZ ZAMAN / AFP

The country has 45 private satellite television channels and three State-owned TV channels, 31 private FM radio stations and 18 community radios, several State-run radio and thousands of online news websites. In total, they employ approximately 6,000 journalists in Dhaka and 15,000 journalists in the districts and sub-districts.

The country’s government has now restrained Bangladeshi companies from placing advertisements on Indian television channels, popular in Bangladesh for drama serials and reality shows. The move comes in response to demands by Bangladeshi private television channel owners to stop the flow of advertisement out of the country.

Likewise, more than 90 percent of cinema halls in Bangladesh have closed as a result of a shrinking film industry. But the import of Indian films continues to be strongly restricted due to pressure by local producers, actors and artists.

Popular online newspaper *bdnews24.com* in a report on August 9, 2017, revealed how some newspapers which have no presence in the market are shown in government data to have circulation of lakhs of copies per day. Little-known and completely unheard-of print publications are said to sell tens of thousands of copies in Bangladesh, if the Department of Film and Publication, the agency that distributes government advertisements, were to be believed.

While there is no official data about the total volume of advertisements in Bangladesh, the country’s total advertising market is estimated at around USD 2.40 billion (BDT 20 billion) a year. Some 70 percent of that is assumed to be government advertisements.



**THE RARE SHOW OF UNITY WAS TRIGGERED BY GRAVE APPREHENSIONS ABOUT A LAW THAT HAS WIDE-RANGING POWER TO GAG THE MEDIA AND ARBITRARILY PENALIZE MEDIA WORKERS.**

The number of media-listed papers that enjoy government advertising is 434 publications. There are also innumerable irregular magazines of different organizations which are also getting a share.

It is clear that newspapers or digital news media are not a lucrative business in Bangladesh. But it is an undeniable fact that the country is plagued by corruption and irregularities. The volume of black money is much bigger than the formal economy in Bangladesh; and the media industry is not exempt.

Some owners show their media outlets as money guzzling enterprises in their balance sheets, with media enterprises acting as a shield for other profit-making businesses. Secondly, it is also easy to become a proprietor-cum-editor of a newspaper or online news outlet. Some run a media house without obeying rules. Others pay high salaries to employees, or pay less, or even decide to not pay them at all. There is no accountability.

Those that get advertisements from the government by bribing officials can show circulation figures of up to 100,000, yet only 500 copies at best without having a single employee.

Ownership wields power. It can push propaganda, influence politics, threaten the corrupt or appease the wealthy, all to get something in return.

Amid all this, there are only half a dozen newspapers in Bangladesh which are left making a profit after paying a proper salary to their employees. These are good quality newspapers, upholding journalistic ethics.

More than two dozen dailies are operating under a 'low cost, no loss' policy. Huge salary discrimination persists in radio and television channels, some of which survive on subsidies. Almost all the channels are news based, except four which prioritize entertainment and sport over news.

From March 4, 2019, government imposed a new tax on advertisements by Facebook, Google, YouTube and other global giants in response to demands by media owners in Bangladesh. However, the order is yet to be reviewed independently, as the imposition of taxes may fall upon local online publications as well.

## BUILDING PROFESSIONAL JOURNALISM

Across Bangladesh there are only about 600 professional journalists who solely or largely depend on journalism for their income. Others take on the 'journalist' identity to get facilities in society and from the State.

There are about 15,000 journalists working in the rural areas, most of whom are not paid by their employers. Barring a few, most are involved in dual professions. Many are involved in business, while others are teachers. In addition to sending news reports, local correspondents of dailies have to collect advertisements from local sources, mostly from government offices. In return, they get a percentage of revenue from the advertisements they collect. Some of them might be involved in rent-seeking to survive.

Bangladeshi journalists are fighting for the implementation of the Ninth Wage Board and demanding an increase in salary. Small victories however have boosted the morale of working journalists. Journalists and media workers of some media outlets in Dhaka, backed by the Dhaka Union of Journalists (DUJ) staged sit-in demonstrations in December 2018 and were able to get their demand for salaries, arrears and dues met.

Politicians, bureaucrats and power-wielders may be blamed for fears over all-encompassing and effective digital vigilance by the society. But fake news and false propaganda are larger problems for the media itself. It not only harms society but also questions the credibility of the industry.

The existence of thousands of non-journalistic media platforms has emerged as one of the most critical problems for Bangladesh's media. But media investment must be made accountable through favourable policies, rather than being tamed by harsh laws. Just as important to this is that good journalism in Bangladesh cannot be sustained without ensuring proper payment and conducive working conditions for professional journalists.