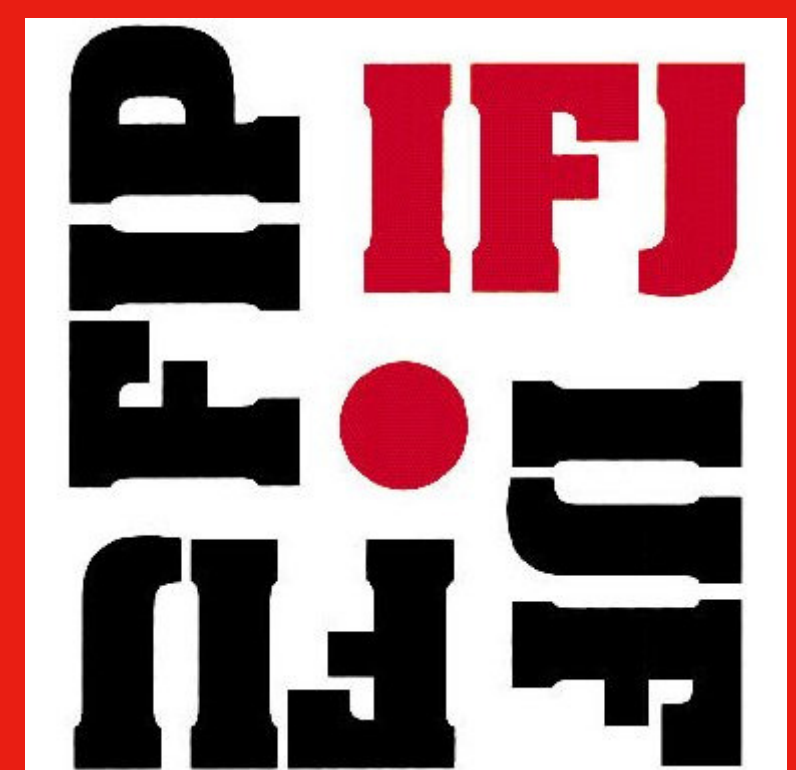


# CLAMPDOWNS AND COURAGE: BANGLADESH



**SOUTH ASIA PRESS FREEDOM  
REPORT 2017-18**





# BANGLADESH



## LONG ARM OF THE LAW

Journalists and the media of Bangladesh are facing diverse challenges and pressures that include muzzling by legal means, loss of business, physical assault, threats, arrests and abduction. The growth in the number of media outlets in the country is somewhat matched by their independence, in that newspapers are seen to publish news involving corruption in influential quarters while television channels also broadcast news and live talk-shows criticising the powerful. However, there exists a palpable veil of silence.

Said Mahfuz Anam, editor, Daily Star, “I think twice before writing anything. I need to consider its political and social implications, and wonder who may interpret my writing in what way, and whether one would fall into a legal trap. A negative environment for press freedom exists. We are under pressure from various sides and influential persons are using draconian laws against journalists.”

Says Taufiq Imroze Khalidi, editor, Bdnews24.com, “In Bangladesh, freedom depends on ownership as well as editorial leadership. Theoretically we are free, but whether or not we can exercise that freedom is the question. In most cases, owners, most of whom are rogue businessmen or businessmen with questionable records, create problems when it comes to stories that go against powerful people in the political establishment. At times, weak editorial leaders fail to stand up to various pressures. Our experience is that you can exercise freedom and publish any story that meets professional standards. The problem is that if you have skeletons in your cupboard, you cannot do your journalism, or exercise your freedom.

Politicians in Bangladesh have ensured that media ownership, barring a few instances, remains with the people loyal to them. The nexus between owners and the political establishment is the reason behind media organisations ignoring bloggers’ rights and journalists’ rights in general. No one wants to be seen in opposition when the government is appeasing right-wing radicals.

## FAR FROM REALITY

According to available statistics, Bangladesh has a vibrant media industry registering a total of 3025 newspapers including 1078 dailies and 1947 weeklies, fortnightlies and monthlies across the country. Of these newspapers at least 434, including the leading national dailies, enjoy incentives from the government in the form of advertisements and tax waivers or low tax facilities.

Electronic media outlets are also seeing a spurt in growth, there are 45 government-approved private television channels of which 34 are on air. Moreover, innumerable web portals are circulating news and critical views from every corner of the country, thanks to interest in investing time, effort and money in becoming owners of media with or without any hope of financial returns. At least 2,018 online newspapers from across the country have applied for registration with the government, Information Minister Hasanul Haq Inu told the country’s parliament on January 11, 2018.

But does Bangladesh really have a robust media industry? It is apparent that those with the financial heft can easily become editors of national dailies, even without becoming journalists. An owner of a registered daily newspaper need not appoint a single journalist or publish the paper regularly. It need be published only when an advertisement is arranged – by threat or bribe – through the government agencies. The practice of pocketing a percentage by publishing special advertisements in unknown dailies is rampant, even among reputed companies and agencies.



## FAR FROM REALITY

Finance Minister Abul Mal Abdul Muhith on August 8, 2017 trashed the government’s report on the existence of so many newspapers in Bangladesh terming those “rubbish”. The Minister said that he doubted whether there were even 15 newspapers, at best 20. “Some 500 newspapers! All bogus. You want me to fix a pay scale for them? No, not at all! I will fix pay scales for these 15 or 20 newspapers,” he told journalists.

Information Minister Hasanul Huq Inu, on January 14, 2016, told the parliament that the owners themselves had become editors of 1005 daily newspapers out of the country’s 1078 dailies. That means 93 percent dailies in Bangladesh have owners cum editors. Only 7 percent dailies have professional editors.

## WEAK FROM WITHIN

The practice of becoming an owner of a media house without any accountability to pay the journalists or other employees is a threat to press freedom in Bangladesh, say activists. “Corrupt practices are weakening the media, leaving professionals vulnerable. Other forms of corruption are arising out of these practices. In reality, press freedom in Bangladesh is only freedom for owners to do as they please. External pressures hamper press freedom less than the inherent weakness in the media industry,” said Omar Faruque, Secretary General of Bangladesh Federal Union of Journalists.

“We can withstand outside pressures provided we have economic freedom. Our journalists are helpless, as they have no job security,” said Syed Istiaq Reza, Chief Editor of GTV. The phenomenon of television channels mushrooming in a short span of time, is a mark of the decaying industry. Investors are coming forward in this sector without assessing business viability, as they have other motives behind becoming media owners, say experts.

The government, on January 29, 2018 formed the ninth Wage Board for revising the national salary structure for journalists and workers employed in the newspapers and news agencies. But, most of the journalists do not get salaries and remuneration as stipulated by the successive eight wage boards. Electronic and online media have no service rule or national wage structure which has made the sector more vulnerable and unaccountable.

Electronic media are not in a strong position in Bangladesh, given the fears of media outlets being shut down at any time. There are pressures from the government, opposition parties and also other powerful groups. The ownership pattern of the electronic media is the main problem, since the government issues licenses on political considerations. The professional editor as an institution is not robust, and editors fear taking independent decisions.



*A Rohingya refugee holding a child is interviewed by media as he arrives at the Archbishop’s residence during a visit by Pope Francis in Dhaka on December 1, 2017. Pope Francis arrived in Bangladesh from Myanmar on November 30 for the second stage of a visit that was overshadowed by the plight of hundreds of thousands of Rohingya refugees. Credit: Max Rossi/AFP*



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## ENFORCED DISAPPEARANCES

Agitating journalists of Bangladesh breathed a sigh of relief when missing journalist Utpal Das was found on December 20, 2017, more than two months after his abduction on October 10. The cheers of the journalists, who observed continuous protest programs demanding the rescue of Utpal Das, however, hides the shadow of fear, because the mystery behind his disappearance remains. It is not clear whether the abduction was work related, and the perpetrators are also yet to be identified.

Razu Ahmed, former general secretary of the Dhaka Reporters Unity, who spearheaded the journalists' campaign to rescue Utpal, said, "The fear will persist unless police identifies the perpetrators responsible for the abduction."

*The cheers of the journalists, who observed continuous protest programs demanding the rescue of Utpal Das, however, hides the shadow of fear, because the mystery behind his disappearance remains*

Utpal Das, reporter with online news outlet Purboposhcimbd, is one of about a dozen people in Bangladesh who vanished under mysterious circumstances in 2017, but he is one of the few victims of suspected abductions who resurfaced. Das narrated: "I was standing outside the Star Kabab (A restaurant in Dhanmondi residential area in Dhaka) and talking to a friend on my mobile phone. Before I knew it, four to five people came out of a microbus and dragged me inside and blindfolded me. The microbus drove around for about four hours. Then they confined me at a tin-shed room in a jungle. I used to sleep on the floor. I was given food through a narrow space under the door. They did not interrogate or torture me. They just slapped me. I could not see any of the masked men other than their eyes."

Like some other abductees, who returned, Utpal Das also does not want to pursue a legal case. "I have a new lease of life. I am grateful to the journalist leaders, my colleagues and others. I will be grateful all my life. Possibly, I survived because of the voices in the street," Das said.

But journalist leader Razu Ahmed and others think it is important to "unmask the masked men". "The law enforcing agencies cannot remain idle, even if the victim or his family members are reluctant to file a case. It is the responsibility of the state to guarantee the safety of its citizens against those who are trying to challenge the state through spreading fear."

Bangladeshi police have said that they have been investigating all the cases, but others suspect that some of the abductions may have been so-called enforced disappearances – cases in which people vanish at the hands of local authorities. The government has denied such allegations.

## LEGAL MUZZLE

Kamrunnagar Shova, a senior reporter of the English daily Financial Express, is the most recent journalist to have been sued under Section 57 of the Information and Communication Technology (ICT) Act 2007. A case was filed against Shova and two other persons in Joydebpur thana in Gazipur over a Facebook post on March 26, 2018.



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## LEGAL MUZZLE

Since August 2017, Section 57 of ICT Act functions almost like an instrument reserved for the influential persons and the authorities, who have the ability to get approval from the police headquarters before suing anybody under the draconian law. The Inspector General of Police on August 2, 2017 issued an order directing police units across Bangladesh to take approval from the headquarters before recording any case under the said section.

Section 57 criminalises criticism or revealing any information, which may be defamatory to any person or institution or may go against any faith. At least 713 cases filed under Section 57 are currently pending with the lone cyber tribunal of the country. Of the accused, 25 are journalists who were sued either for publishing news items on their websites or on Facebook.

Meanwhile, the government made a commitment to dissolve the harsh law, but it is being replaced by a draft cyber security act, which, according to critics, is even harsher. Rights activists and journalists raised a voice against the draft Digital Security Act 2018, already approved by the cabinet on January 29 and awaiting approval by the parliament.

The European Union and 10 countries including the US also expressed concern over several sections of the proposed law saying, it would “suppress freedom of expression in multiple ways”. Foreign envoys met with Law Minister Anisul Huq at his secretariat in Dhaka on March 25, 2018 and expressed their concerns. “The new act would suppress freedom of expression in multiple ways. We are particularly alarmed about the threat of severe punishment for merely expressing a belief or opinion, and also about the imprecise terminology which could lead to misinterpretation of law; non-availability of bail for certain offences and the empowerment of the security agency to detain a citizen without warrant by court,” German Ambassador Thomas Prinz told journalists.

The draft of Digital Security Act, 2018 splits matters of Section 57 into four separate sections (21, 25, 28 and 29) with punishment ranging from three to 10 years' jail term.

Section 21 of the proposed law holds expression of any criticism or wrong information or explanation about the country’s founding father Bangabandhu Sheikh Mujibur Rahaman or the liberation war, as an offence.

The law proposes up to 14 years' jail for committing such a crime for the first time and life imprisonment for a repeat offence.

Section 25 of the proposed law stipulates maximum three years jail term for publishing or broadcasting ‘false’ or ‘distorted’ information tarnishing the image of the state or any person. The punishment will be five years jail for a second offense.

A maximum seven years jail has been stipulated for ‘hurting religious sentiment’ under Section 28 of the draft law. The punishment will be ten years in jail for committing the offence for the second time.

Shooting of photos or videos, recording something or gathering information with the uses electronic devices secretly from the offices have been dubbed as a spying offence under Section 32 of the law. Responsible persons will face maximum 14 years jail on the charge. Life imprisonment may be the fate for committing the same act for the second time.



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## LEGAL MUZZLE

In an already restrictive atmosphere, the new law can only increase constraints. Says Mahfuz Anam, “The law is totally against freedom of expression. The police are registering cases and judges are also taking the allegations into cognizance though there is an instruction to become prudent in receiving such cases against the media. Bangladesh needs a very vibrant, free media. It does not need restrictive laws like the proposed Digital Security Act.”

## UNSOLVED KILLINGS

On the morning of February 11, 2012, Sagar Sarwar, the news editor of the Maasranga TV station, and his wife Mehrun Runi, a senior correspondent at TV station ATN Bangla, were found dead inside their fourth floor apartment in the West Rajabazar neighbourhood of Dhaka. Law enforcers still have not revealed a motive or released an investigation report into the killings although six suspects have been in custody for about six years without charges filed against them in the case.

Judges have extended the deadline 54 times for submitting an investigation report. The couple is among 24 journalists killed in Bangladesh since 1996. The mystery of at least 21 murders remains still unsolved for over two decades, as the local press demands answers and justice for their slain colleagues.

The list of others include Mohammad Kamaruzzaman, Saiful Alam Mukul, Mir Eias Hossain, Shamsur Rahman, Nahor Ali, Harunur Rashid, Shukur Hossain, Syed Faruq Ahmed, Manik Saha, Humayun Kabir, Kamal Hossain, Dipankar Chakravarty, Shahid Anwar, Sheikh Belal Uddin, Golam Mahfuz, Gautam Das, Belal Hossain Dafadar, Jamal Uddin, Talhad Ahmed Kabid, Sadrul Alam and Aftab Ahmed. Abdul Hakim Shimul, Sirajganj district correspondent for the Bangla daily Samakal, was added to the list of slain journalists in February 2017.

In March 2017, a court in Dhaka convicted six accused in the murder of photojournalist Aftab Ahmed in 2013. A Khulna Court on November 30, 2016 sentenced nine persons to life imprisonment for killing Manik Saha. Nine persons on June 23, 2013 were awarded a life term for killing Gautam Das. These three cases are now pending with the High Court as the convicts have appealed against their sentences. No other cases of killings have received judgments, showing the prevalence of impunity for killing journalists. Fortunately, no journalists have been killed in the line of duty since February 2017. This provides a slight ray of hope amidst the clouds of despair in Bangladesh.



Credit: Munir Uz Zaman/AFP



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## MEDIA VIOLATIONS: MAY 2017 - APRIL 2018

**Killings of journalists:** 0 – None recorded

**Threats against the lives of journalists:** 1 (Male: 1, Female: 0)

**Other threats to journalists:** 0 – None recorded

**Non-fatal attacks on journalists:** 6 (Male: 6, Female: 0)

**Threats against media institutions:** 0 – None recorded

**Attacks on media institutions:** 0 – None recorded

### Threats against lives of journalists

**December 23, 2017: Dhaka** Shyamal Dutta, editor of Bangla-language daily Bhorer Kagoj, faced threats of violence from religious fundamentalists who publicly called for his hanging over a news report on a book published by the state-owned Madrassah Education Board. On December 23, a demonstration in front of the Press Club in Dhaka demanded punishment for Dutta and the reporter concerned. Defamation cases have also been filed against the editor and an arrest warrant was issued. Dutta was also subject to threats and derogatory comments on social media.

### Non-fatal attacks on journalists

**November 30, 2017: Rajshahi** Four journalists – Saikat Afroz, 35, of Somoy TV, Rizvi Joy and Milon Hosssain, 25, of ATN News, and Partho Hasan of DBC News – were attacked in Pabna of Rajshahi Division. A group of 25 to 30 people carrying sticks and iron rods attacked them on instructions from Shirhan Sherif Tomal, the son of Land Minister Shamsur Rahman Sherif. The journalists were recording footage of people damaging banners and posters welcoming the PM hung by Tomal's rival groups. Tomal later surrendered to the police.

**January 25, 2018: Sylhet** Nirananda Paul, a video journalist with Jamuna TV, and Mamun Hasan, photojournalist with the Jugantor daily, were attacked in the Sylhet Court where they were covering the bail decision on a local Awami League (AL) leader Liaquat Ali in a murder case. They were recording video footage and taking photos of Ali and 29 others while the accused were being taken to jail after the court refused to regularise the interim bail, when around 50 AL cadres attacked them.

### Other notable incidents / developments

#### Arrest/Detention

**May 1, 2017: Dhaka** Ahmed Razu, the executive editor of the website natunsomoy.com, was arrested in his Dhaka office under the Section 57 of the ICT Act. His arrest following complaints to the police by private business enterprise the Walton Group, which accused him of tarnishing the company's image by deliberately publishing 'fabricated' news. The website published a number of news articles which criticised the after-sales service of the business, particularly regarding its phones and motorcycles. Razu was formerly a journalist with a Walton Group-owned newspaper.

**June 7, 2017: Dhaka** Journalist and university teacher Afsan Chowdhury was arrested on June 7 for defamation under the ICT Act for one of his Facebook posts. A retired army officer Masud Uddin Chowdhury filed the case after Chowdhury falsely identified him as the father of a rape accused. Chowdhury claimed that he removed the post as soon as he realised it was a mistake. On June 11, the High Court granted him anticipatory bail on condition that he would present himself to a judicial court within four weeks.

**June 12, 2017: Sylhet** Golam Mostafa Rafiq, editor of Habiganj Samachar daily was arrested from his office over an allegedly false report published in the newspaper. Rafiq was sent to jail by a court. The report in question stated that the ruling party MP Abdul Majid Khan would not get the party nomination for the next election.

**August 1, 2017: Khulna** The police arrested Abdul Latif Morol, a correspondent for Bangla-language Daily Probaha in the coastal town of Dumaria, about 200 km south of capital Dhaka. The police were acting on a criminal complaint lodged by Subroto Faujdar, the Dumaria correspondent with a rival newspaper Daily Spandan, and a supporter of the ruling party. The complaint alleged that Morol's Facebook post amounted to defaming Minister for Fisheries and Livestock, Narayan Chandra Chanda.



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### Arrest/Detention

**November 1, 2017: Rangpur** Anisur Rahman, journalist with Daily Sangbad in Roumari in Rangpur district in northern Bangladesh was arrested under the controversial Section 57 of the ICT Act. He was charged with taking a screenshot of a Facebook post involving the president and the prime minister and for showing it to the local people.

**November 21, 2017: Mymensingh** The police arrested two online journalists – Md Lays Mondol and Md Sabid – from Trishal in, Mymensingh district in northern Bangladesh on charges of publishing ‘false and fabricated’ news involving the Bangladesh Army and former chief justice. The news was published in the news portal Trishalnews.com on November 16.

**December 26, 2017: Dhaka** Blogger Asaduzzaman Noor (aka Asad Noor) was arrested at Hazrat Shahjalal International Airport in Dhaka as he was about to leave the country on a flight to Kathmandu, Nepal. The head of an Islamic seminary had initiated criminal action against Noor, accusing him of creating content on social media that “hurt religious feeling by mocking Prophet Mohammed” and making negative comments toward Islam. Police charged Noor on January 11, 2017 with defamation of religion under the ICT Act.

### Enforced Disappearance

**October 10, 2017: Dhaka** Utpal Das, 29-year-old senior reporter for purbopaschimbd.com went missing after leaving his office in Motijheel. His phone was immediately turned off. On October 22 his family filed a general diary at the Motijheel police station, which was followed on October 23 by purbopaschimbd.com. On October 23 his family held a press conference demanding an investigation. On December 10, Das was dropped off in Bhulota, Narayanganj in a black microbus, similar to the one which was abducted in. Following the ordeal, Das said: “I was standing outside the Star Kabab (A restaurant in Dhanmondi residential area in Dhaka) and talking to a friend on my mobile phone.

**October 10, 2017: Dhaka (CONT.)** Before I knew it, four to five people came out of a microbus and dragged me inside and blindfolded me. The microbus drove around for about four hours. Then they confined me at a tin-shed room in a jungle. I used to sleep on the floor. I was given food through a narrow space under the door. They did not interrogate me, or torture me too much. They just used to slap me. I could not see any of the masked man other than their eyes.”

### Regulations

**May 17, 2017: Dhaka** Bangladesh’s foreign ministry directed all its missions to monitor the activities of Bangladeshi journalists traveling abroad to find out whether they are involved in any ‘anti-state activities’.

**January 29, 2018: Dhaka** Bangladesh’s Council of Ministers met on January 29 and approved the draft of Digital Security Act 2018, designed to combat ‘growing cybercrimes that are affecting many public and private organisations’. The draft will be now presented to the Jatiya Sangsad – the unicameral parliament for approval, where the ruling Awami League party holds a strong majority, and it is expected to pass. The draft act seeks to repeal controversial Section 57 of the Information and Communication Technology (ICT) Act that deals with defamatory or other harmful contents online which has been used to silence critics and journalists. However, journalists and rights activists believe that the new draft is draconian and gags freedom of expression.

### Internet shutdowns

**February 11, 2018: Bangladesh** The Bangladesh Telecommunication Regulatory Commission instructed all internet service providers to shut off mobile internet and reduce broadband speeds to 25 kbps from 8:00am-10:30am on exam days for the rest of February. On February 12, 2018, the government backtracked and ordered ISPs to ensure uninterrupted internet service.