

Bangladesh

	2015	2016		
Internet Freedom Status	Partly Free	Partly Free	Population:	161 million
Obstacles to Access (0-25)	12	14	Internet Penetration 2015 (ITU):	14 percent
Limits on Content (0-35)	12	14	Social Media/ICT Apps Blocked:	Yes
Violations of User Rights (0-40)	27	28	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	51	56	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2016 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2015 – May 2016

- Religious extremists claimed responsibility for the April 2016 murder of Xulhaz Mannan, the founder of a magazine that promoted LGBTI issues both online and off; as well as the October 2015 murder of Faisal Arefin Dipan, a publisher of books authored by slain blogger Dr. Abhijit Roy; and the murder of blogger Niladri Chattopadhyay Niloy in August 2015 (see **Intimidation and Violence**).
- Journalist Probir Sikdar was arrested under the ICT Act for publishing a comment about a government minister on his Facebook page (see **Prosecutions and Detentions for Online Activities**).
- In November 2015, the government ordered service providers to temporarily block Facebook, Facebook Messenger, WhatsApp, and Viber; the same day, internet service was inaccessible nationwide for more than an hour (see **Restrictions on Connectivity and Limits on Content**).

Introduction

Internet freedom declined after the highest number of fatal attacks by religious extremists targeting online activists in Bangladesh on record in 2015.

During the coverage period of this report, blogger Niladri Chattopadhyay Niloy, and publisher Faisal Arefin Dipon, who was closely associated with another blogger, were fatally attacked. In the earlier part of the year, Abhijit Roy, Washiqur Rahman, and Ananta Bijoy Das were killed in separate incidents, each in reprisal for views they had expressed online. Attacks continued in 2016: Xulhaz Mannan, who founded Roopbaan, a magazine which used social media to advocate for the LGBTI community, was killed in April.

Attacks on secular bloggers started in 2013, when Asif Mohiuddin was attacked by extremists, and blogger Ahmed Rajib Haider was killed outside his home. They were singled out in part because of their prominence in the 2013 Shahbag Movement, broad antigovernment protests which grew out of the response to a war crimes tribunal verdict against a religious leader. Protesters said the verdict was too lenient, and religious extremists organized to punish the movement's leading figures and others they perceived as promoting secular, liberal values. In the past year, Facebook and other social media services were blocked for more than two weeks to prevent unrest after the Supreme Court upheld death penalties handed down by the same tribunal for war crimes committed in 1971.

The government of the Bangladesh Awami League party under Prime Minister Sheikh Hasina officially encourages open internet access and communication as core tools for development. Private commercial stakeholders have also helped in the proliferation of internet usage. Bangladesh further benefits from a vibrant—if often partisan—traditional media industry, though journalists face threats and legal constraints. Online news outlets were required to register with the government in 2015.

Checks on bloggers and online activity are arguably harsher due to the 2006 Information and Communication Technology (ICT) Act. The act was used for the first time in 2013 to arrest four bloggers who had been vocal on different social issues and religious extremism. In August 2013, an amendment was passed increasing the penalty to a minimum of 7 years, up to a maximum 14 years in prison.¹ Police no longer need a warrant to make arrests under the amended act, and the number of prosecutions is increasing.

On August 2015, journalist Probir Shikdar was arrested under the ICT Act on charge of defaming a minister online. He was later freed on bail. There were at least four other arrests for criticizing or making fun of the government or sharing “harmful links” on Facebook. At the end of the reporting period, the government was looking to revise some clauses of the ICT Act.

The attacks by religious extremists, along with the fear of arrest under the ICT Act, have created a climate of intimidation that fosters self-censorship among bloggers and internet users.

1 Mohosinul Karim, “Punishment increased in amended ICT act,” *Dhaka Tribune*, August 20, 2013, <http://bit.ly/1UBQH85>.

Obstacles to Access

The number of internet users in Bangladesh is steadily on the rise. More than 90 percent of users access the internet via mobile phone providers, which recently began offering faster 3G service. The government has decreased the price of bandwidth significantly over the last decade. However, users complain about the high cost of private internet service.

Availability and Ease of Access

The International Telecommunication Union reported internet penetration in Bangladesh at 14.4 percent in 2015, the lowest in South Asia.² Government estimates were closer to 39 percent.³ Mobile phone penetration was just over 80 percent, according to the Bangladesh Telecommunication Regulatory Commission.⁴ While ICT usage is increasing fast, Bangladesh is lagging behind globally. The World Economic Forum 2015 Global IT report ranked Bangladesh 109 out of 143 countries worldwide, with infrastructure and regulatory environment scoring poorly, though overall communication service was comparatively affordable, a factor that is driving growth.⁵ The government has decreased the price of bandwidth significantly over the last decade.⁶ According to the Alliance for Affordable Internet, 80 percent of the population in Bangladesh can afford a 500 MB mobile broadband plan based on income – one of the highest percentages among less developed countries.⁷ However, users complain about the high cost of private internet service in rural areas. The ability to access localized information and create content in Bengali has contributed to the popularity of local blog hosting services.⁸

Although no statistics are available, the higher concentration of economic activities and critical infrastructure in urban areas indicates there are likely to be more internet users in cities. The government's 2009 "Digital Bangladesh by 2021" program seeks to integrate internet access with development efforts in national priority areas, such as education, healthcare, and agriculture.⁹ In 2016, 4,547 Union Digital Centers had been established by the government to provide low-cost internet access and related e-services in poorer communities.¹⁰

Restrictions on Connectivity

The government occasionally restricts the use of mobile service during elections and other times of

2 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," <http://bit.ly/1cblxxY>; Muhammad Zahidul Islam, "Bangladesh has lowest internet penetration in South Asia: ITU", July 28, 2016, <http://www.thedailystar.net/business/bangladesh-has-lowest-internet-penetration-south-asia-itu-1260400>.

3 Bangladesh Telecommunication Regulatory Commission, "Internet Subscribers in Bangladesh June 2016", accessed on August 1, 2016, <http://www.btrc.gov.bd/content/internet-subscribers-bangladesh-june-2016>.

4 Bangladesh Telecommunication Regulatory Commission, "Mobile Phone Subscribers in Bangladesh June 2016", accessed on August 1, 2016, <http://www.btrc.gov.bd/content/mobile-phone-subscribers-bangladesh-june-2016>.

5 "The Global Information Technology Report 2015", World Economic Forum, accessed in August 1, 2016, <http://reports.weforum.org/global-information-technology-report-2015/economies/#economy=BGD>.

6 Muhammad Zahidul Islam, "BTCL cuts the price of bandwidth by 42%", *Dhaka Tribune*, April 4, 2014, <http://bit.ly/PySyKZ>.

7 <http://a4ai.org/wp-content/uploads/2016/04/A4AI-2015-16-Affordability-Report.pdf>

8 ThinkTechHawaii, "Somewherein: The First Social Media Company in Bangladesh with Syeda Gulshan Ferdous Jana," *YouTube* video, 45:53, August 28, 2014, <https://youtu.be/iVXsFDYLcQU>.

9 "Strategic Priorities of Digital Bangladesh," Access to Information Program, October 2010, <http://bit.ly/1g9Zqvs>.

10 "Union Digital Center", Access to Information (a2i) Programme, accessed in August 1, 2016, <http://www.a2i.pmo.gov.bd/content/union-digital-center>.

possible unrest. No directives to shut down the internet were confirmed during the coverage period, though access was interrupted at the end of 2015, when the government blocked Facebook and other popular social media services, supposedly to ensure state security (see Blocking and Filtering). At the same time as the order was given, internet service was shut down for more than an hour due to what news reports described as a “misunderstanding,”¹¹ adversely affecting communication and commercial activities, especially in the aviation industry.¹²

Bangladesh’s physical internet infrastructure was historically vulnerable, relying on the undersea cable SEA-ME-WE-4, which connects Southeast Asia, the Middle East, and Western Europe.¹³ Since late 2012, however, Bangladesh is also connected via an international terrestrial cable managed by private companies, reducing the risk of being completely cut off.¹⁴

ICT Market

Approximately 96 percent of users access the internet via mobile phone providers, which only recently began offering faster 3G service. The remainder subscribe to fixed lines, either through a traditional internet service provider (ISP), the fixed telephone network (around three percent), or via one of the three wireless WiMax operators (one percent).¹⁵ In 2015, 119 ISPs were operating nationwide, with no clear market leaders.¹⁶

Mobile connections are provided by six operators.¹⁷ Grameen Phone, owned by Telenor, had the biggest market share with 43 percent of the total customer base, followed by Banglalink with 24 percent, and Robi with 21 percent. The remaining three, Airtel, Citycell, and the state-owned Teletalk, had a total customer base of 11 percent in June 2016.

Regulatory Bodies

The Bangladesh Telecommunication Regulatory Commission (BTRC), established under the Bangladesh Telecommunications Act of 2001, is the official regulatory body overseeing telecommunication and related ICT issues. The current administration amended the act in 2010, passing telecommunications regulation to the Ministry of Post and Telecommunications and making the BTRC an auxiliary organization.¹⁸ This move created administrative delays in a number of basic processes like

11 “Internet restored after an hour’s block”, The Daily Star, November 18, 2015, <http://www.thedailystar.net/country/internet-blocked-across-country-temporarily-174304>.

12 “Internet access restored in Bangladesh after brief shutdown”, BDnews24, November 18, 2015, <http://bdnews24.com/bangladesh/2015/11/18/internet-access-restored-in-bangladesh-after-brief-shutdown>.

13 Faheem Hussain, “ICT Sector Performance Review for Bangladesh,” *LIRNEasia*, 2011, <http://bit.ly/1VNUh2>.

14 “Bangladesh Connected with Terrestrial Cable,” *BDNews24*, December 8, 2012, <http://bit.ly/1ga1Gmk>.

15 Faheem Hussain, “License Renewal of Mobile Phone Services: What a Country Should Not Do (A Case Study of Bangladesh),” (paper, Telecommunication Policy Research Conference, George Mason University, VA, USA, September 21-23, 2012), <http://bit.ly/1FyaNEc>.

Abdullah Mamun, “New Player in WiMAX,” *The Daily Star*, July 15, 2013, <http://archive.thedailystar.net/beta2/news/new-player-in-wimax/> Bangladesh Telecommunication Regulatory Commission, “Internet Subscribers in Bangladesh February, 2014,” accessed on April, 2014, <http://www.btrc.gov.bd/content/internet-subscribers-bangladesh-february-2014>

16 Bangladesh Telecommunication Regulatory Commission, “List of Internet Service Provider (ISP),” accessed on August 1, 2016, [http://www.btrc.gov.bd/sites/default/files/operater_list/Internet_Service_Provider\(ISP\)_%E2%80%93_Nationwide.pdf](http://www.btrc.gov.bd/sites/default/files/operater_list/Internet_Service_Provider(ISP)_%E2%80%93_Nationwide.pdf)

17 Bangladesh Telecommunication Regulatory Commission, “Mobile Phone Subscribers in Bangladesh in June 2016,” accessed on August 1, 2016, <http://www.btrc.gov.bd/content/mobile-phone-subscribers-bangladesh-june-2016>

18 S.M. Shahidul Islam and Abdullah-Al Monzur Hussain, “Bangladesh Telecommunication (Amended) Act, 2010,” *Manual of Cyber Law in Bangladesh*, (Dhaka: Central Law Book House, 2011), 241-264.

the announcement of new tariffs or license renewals.¹⁹ In 2014, the Ministry of ICT merged with the Ministry of Post and Telecommunications, with the goal of streamlining many ongoing projects and related industries.²⁰ In addition, the prime minister's office has an Access to Information (ATI) program supported by the United Nations Development Program, which has considerable influence over top-level ICT-related decision making.²¹

Limits on Content

The BTRC blocked Facebook and several other social media service and communication applications for more than three weeks on November 2015, citing reasons of state security. There were no reports of state manipulation of online content. Online news portals were instructed to complete mandatory registration.

Blocking and Filtering

Content relating to religious issues or offending state leaders is subject to censorship in Bangladesh. Domestic websites, including the most popular news sites, *ProthomAlo*, *BDNews24*, and *Banglades24*, were not subject to targeted blocking during the coverage period of this report. Immediately after, however, in August 2016, news reports said the BTRC had ordered the blocking of 35 news websites for the first time.²² Officials gave no reason for the blocking, though many of the sites were affiliated with the political opposition.

International social media and communication apps, however, are regular victims of government censorship. On November 18, 2015, the BTRC ordered service providers to block Facebook, Facebook Messenger, WhatsApp, and Viber, supposedly in order to ensure state security. The shutdown was ordered an hour after the country's Supreme Court upheld the death penalties handed down to 1971 war criminals Salauddin Quader Chowdhury and Ali Ahsan Mohammad Mojaheed by a tribunal in 2013.²³ The government ordered Facebook to be unblocked after 22 days. On December 13, the BTRC emailed an order to ISPs to block Twitter, Skype, and Imo.²⁴ A day later, the order was rescinded for reasons that remain unclear. All other services were also unblocked by mid-December.²⁵ In early 2015, several social network applications were also blocked or severely disrupted for four days. Mobile service providers were ordered to block Viber, WhatsApp, LINE, Tango, and mypeople,²⁶ supposedly on grounds that terrorists were using the platforms, which are also used by opposition

19 Faheem Hussain, "Telecom Regulatory Environment in Digital Bangladesh: Exploring the Disconnects between Public Policies/Regulations and Real World Sector Performance," (presentation, Sixth Communication Policy Research South Conference by LIRNEasia and Chulalongkorn University, Bangkok, 2011).

20 "Telecoms, ICT ministries merge," *Telegeography*, February 11, 2014, <http://bit.ly/1K8lBK6>.

21 UNDP Bangladesh, "Access to Information (II)," accessed on August 8, 2015, <http://bit.ly/1ixvvPu>

22 "BTRC orders blocking of 35 news sites," *The Daily Star*, August 4, 2016, <http://www.thedailystar.net/backpage/btrc-orders-blocking-35-news-sites-1264981>.

23 "Social networking sites closed for security reasons, says Minister Tarana Halim," *BDNews24*, November 18, 2015, <http://bdnews24.com/bangladesh/2015/11/18/social-networking-sites-closed-for-security-reasons-says-minister-tarana-halim>.

24 Ishtiaq Husain, "Twitter, Skype, Imo blocked in Bangladesh," December 13, 2015, <http://www.dhakatribune.com/bangladesh/2015/dec/13/government-blocks-twitter-skype-and-imo>.

25 Agence France-Presse, "Bangladesh Lifts Ban on All Social Media," via *Express Tribune*, December 14, 2015, <http://tribune.com.pk/story/1010061/bangladesh-lifts-ban-on-all-social-media/>.

26 Muhammad Zahidul Islam, "Viber, Tango blocked in Bangladesh," *Dhaka Tribune*, January 19, 2015, <http://bit.ly/1OzY3z>; "WhatsApp, mypeople, line also blocked," *TheDaily Star*, January 19, 2015, <http://bit.ly/1KEythE>.

activists and other internet users. In 2012 and 2013, netizens in Bangladesh also experienced blocks on YouTube and Facebook.

The BTRC censors content primarily by issuing informal orders to domestic 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,²⁷ though orders appear to be becoming more formal. On January 19, 2015, mobile operators reported receiving official, written directives from the BTRC to block access to specific social media applications until January 21, when the services became accessible again.²⁸ No appeals have been documented in response to censorship directives.

Content Removal

During the 22-day period when Facebook was blocked, news reports said government officials met with representatives from the company and requested them to set up an office in Bangladesh, subject to local content restrictions and government requests for user data perceived to be threatening security in Bangladesh. Facebook representatives did not comment after the meeting.²⁹ Between July and December 2015, Facebook reported restricting four pieces of allegedly blasphemous content based on government requests; no content was restricted during the same period the previous year.³⁰

Media, Diversity, and Content Manipulation

Bangladesh enjoys a vibrant offline and online media industry, though self-censorship on specific topics is increasing among particular communities. Blocking of social media platforms and communications apps also threatened the diversity of online content (see Blocking and Filtering), though many people used VPNs to bypass blocking.³¹

In 2015, Bangladeshi online news outlets and the online versions of daily newspapers were directed to go through mandatory registration by December 15. The country's print media has been subject to registration requirements like this since the pre-independence period. Through an official Press Information Department handout,³² the government justified registration as a tool to stop the abuse of media to destabilize society.³³ No penalties were reported for noncompliance. There were no other documented economic constraints imposed by the government or other institutions specifically targeting online media outlets, nor documented instances of commentators with undeclared sponsorship manipulating political debate online.

27 UNDP Bangladesh, "Access to Information (II)," accessed June 2013, <http://bit.ly/1ixvPu>
Interviews with seven experts who requested anonymity, 2013, Bangladesh.

28 "Viber, WhatsApp unblocked in Bangladesh", *BDNews24*, January 22, 2015, <http://bit.ly/1FyaAkv>.

29 Muhammad Zahidul Islam, "Bangladesh asks Facebook to filter content", December 7, 2015, <http://www.thedailystar.net/frontpage/facebook-asked-filter-content-183622>.

30 Facebook, "Bangladesh, July 2015-December 2015," *Government Requests Report*, <https://govtrequests.facebook.com/country/Bangladesh/2015-H2/>.

31 "Internet users defy Facebook ban in Bangladesh", *Deutsche Welle*, November 20, 2015, <http://www.dw.com/en/internet-users-defy-facebook-ban-in-bangladesh/a-18863635>

32 Press Information Department (PID), accessed in July 25, 2016, <http://www.pressinform.portal.gov.bd/>

33 "Registration mandatory for online newspapers", *Dhaka Tribune*, November 9, 2015, <http://archive.dhakatribune.com//bangladesh/2015/nov/09/registration-online-newspapers-made-mandatory>.

Online media practitioners and social media commentators reported a climate of self-censorship on political and religious topics during the coverage period of this report, which saw fatal attacks on bloggers and several criminal charges in relation to digital activity (see and Prosecutions and Detentions for Online Activities). Dozens of bloggers have fled the country, and associates of other victims have closed their blogs or sought refuge with diplomatic missions (see Intimidation and Violence).³⁴

Digital Activism

The Shahbag movement, which was initiated by Gonojagoron Mancha (a group primarily comprised of the Bangladesh Online Activists' Network), is the country's most significant example of online activism to date. The protests began in response to a February 2013 war crimes tribunal verdict involving the leader of the country's largest political Islamic party Jamaat-e-Islami—critics said the verdict was lenient—but quickly grew to encompass broader political and economic issues.³⁵ In its early stages, the movement spread through blogging, Facebook, and mobile telephony.³⁶ Twitter, which was not widely used in Bangladesh, gained popularity as a tool to broadcast information about Shahbag.³⁷

During the coverage period of this study, no comparable instances of online activism with national impact took place in Bangladesh, though internet users continued to use digital tools and social networks to raise funds for social causes.³⁸ The blocking of popular platforms and messaging services undermined these activities (see Blocking and Filtering). In addition, the government warned users of tools like WhatsApp and Viber of possible censorship or arrest. Officials said they were concerned about the use of the tools to advance criminal activities and terrorism.³⁹

Violations of User Rights

The year 2015 saw the most casualties for online activists in Bangladesh on record. During the coverage period of this report, blogger Niladri Chattopadhyay Niloy, and publisher Faisal Arefin Dipon were fatally attacked by religious extremists, along with an LGBTI activist. In August, 2015, a public university teacher was found guilty of sedition and sentenced in absentia to three years of rigorous imprisonment, which includes hard labor. He had made a derogatory comment about the prime minister on Facebook in 2011. Other arrests under the ICT Act within the coverage period of this report included that of journalist Probir Sikdar.

Legal Environment

Article 39 (1, 2) of Chapter 2 in the Constitution of the People's Republic of Bangladesh recognizes

34 Geeta Anand and Julfikar Ali Manik, "Bangladesh Says It Now Knows Who's Killing the Bloggers," June 8, 2016, http://www.nytimes.com/2016/06/09/world/asia/bangladesh-killings-bloggers.html?_r=0.

35 Mohammad ShahidUllah, "Shahbag People's Movement: New Generation Challenging the Unjust Structure," *Voice of the Oppressed*, February 18, 2013, <http://www.voiceoftheoppressed.in/tag/bangladesh-online-activist-network/>.

36 Tamanna Khan, "Shahbag beyond Boundaries," *The Daily Star*, March 29, 2013, <http://bit.ly/1OdiSoR>.

37 Faheem Hussain, Zyma Islam, and Mashiat Mostafa, "Proliferation of Twitter for Political Microblogging in a Developing Country: An Exploratory Study of #Shahbag," Research funded by the Asian University for Women Faculty Research Fund, 2013.

38 "Concert for Kombol," *Dhaka Tribune*, December 12, 2014, <http://www.dhakatribune.com/entertainment/2014/dec/12/concert-kombol>.

39 "WhatsApp, Viber to be blocked, when needed: PM", *The Daily Star*, November 11, 2015, <http://www.thedailystar.net/country/whatsapp-viber-be-blocked-pm-170767>.

freedom of thought, conscience, and speech as a fundamental right.⁴⁰ Online expression has been traditionally considered to fall within the scope of this provision. The judicial system of Bangladesh is independent from the executive and the legislative branches of government, but critics say it can be partisan. Police and regulators generally bypass the courts to implement censorship and surveillance without oversight.⁴¹

The Information and Communication Technology Act of 2006 is the primary legal reference for addressing issues related to internet usage. Though it defines and ostensibly protects freedom of expression online,⁴² it introduced punishments for citizens who violate others' rights to communicate electronically: Section 56 of the act defined hacking as a crime punishable by up to three years in prison, a fine of BDT 10,000,000 (US\$125,000), or both. However, under Section 57, different types of violations involving social, political, and religious content distributed electronically are punishable by a minimum of seven years of imprisonment and fines up to BDT 10,000,000 (US\$125,000).⁴³ On August 19, 2013, the ICT act was amended, increasing the maximum prison term from 10 to 14 years.⁴⁴ Sections 68 and 82 respectively contain provisions for a Cyber Tribunal and Cyber Appellate Tribunal to expedite judicial work related to any cybercrime. In 2016, there was one Cyber Tribunal in Dhaka, headed by a low-ranking member of the judiciary. The Appellate Tribunal, which can dissolve the Cyber Tribunal's verdicts, had yet to be formed.⁴⁵

Before the 2013 amendment came into effect, police had to seek permission before making ICT-related arrests.⁴⁶ Now no warrant is required, and offences under the act are non-bailable, meaning suspects must apply for bail at a court.⁴⁷ The harsher provisions in the ICT Act may reflect the government's insecurity regarding internet activism and security.

More legal revisions were underway during the coverage period of this report, when the government was actively formulating the Digital Security Act 2015 to address cybercrime. This law will replace Sections 54-57 of the ICT Act when passed, according to Law Minister Anisul Huq.⁴⁸

While introducing harsher penalties for freedom of expression online, however, the government has simultaneously made some progress in catching the killers and masterminds responsible for the assassinations of bloggers. The biggest success was the fast-tracked trial and verdict delivered in the

40 S.M. Shahidul Islam and Abdullah-Al Monzur Hussain, "Right to Information Act, 2009," *Manual of Cyber Law in Bangladesh*, (Dhaka, Central Law Book House, 2011) 1-47.

41 "The Historic Masdar Hossain Case and the Independence of Judiciary of Bangladesh: A Compilation," *WahabOhid Legal Aid*, March 12, 2013, <http://wahabohidlegalaid.blogspot.com/2013/03/the-historic-masdar-hossain-case-and.html>
M. Moneruzzaman, "Judiciary independence still on paper," *The Bangladesh Chronicle*, January 15, 2013, <http://bit.ly/1MbZnO5>.

42 S.M. Shahidul Islam and Abdullah-Al Monzur Hussain, "Information and Communication Technology Act, 2006," *Manual of Cyber Law in Bangladesh*, (Dhaka, Central Law Book House, 2011) 90-91.

43 Bangladesh National Parliament, Act No. 39, Information and Communication Technology Act, 2006, <http://bit.ly/1Nqa8wC>.

44 A Legal Aid and Human Rights Organizations (ASK), "ICT (Amendment) Act, 2013: Right to Information and Freedom of Expression under Threat," October 9, 2013, <http://www.askbd.org/ask/2013/10/09/ict-amendment-act-2013-information-freedom-expression-threat/>

45 A Legal Aid and Human Rights Organizations (ASK), "ICT (Amendment) Act, 2013: Right to Information and Freedom of Expression under Threat," October 9, 2013, <http://www.askbd.org/ask/2013/10/09/ict-amendment-act-2013-information-freedom-expression-threat/>

46 Ellery Roberts Biddle, "Bangladesh's ICT Act Stoops to New Lows," *Global Voices Advocacy*, September 18, 2013, <http://bit.ly/1O1Lxy9>.

47 "Changes To ICT Law Act against freedom of speech: Rizvi," *The Bangladesh Chronicle*, September 10, 2013, <http://bit.ly/1K8oz1l>.

"Changes to Info Technology Law: Ominous draft cleared by govt," *Priyo News*, August 20, 2013, <http://bit.ly/1LXLZdm>.

48 "Bangladesh making Digital Security Act to tackle cyber crimes," *BDNews24*, January 10, 2016, <http://bdnews24.com/bangladesh/2016/01/10/bangladesh-making-digital-security-act-to-tackle-cyber-crimes>.

case of Ahmed Rajib Haider, a secular blogger who was murdered in 2013 (see Intimidation and Violence). On December 30, 2015, eight members of the extremist group Ansarullah Bangla Team were found guilty of carrying out or assisting in the murder. Two were sentenced to death, one in absentia, and another was sentenced to life imprisonment. Five other members of the same group received jail terms ranging from three years to ten years⁴⁹

Prosecutions and Detentions for Online Activities

Arrests and prosecutions under the ICT Act have been documented since 2013, when the law was first widely applied. The most talked about arrest within the coverage period of this report concerned journalist Probir Sikdar. On August 16, 2015, Probir Sikdar was arrested and later sued for libel under the ICT Act for publishing a comment about a government minister on his Facebook page. In that comment, he said that the minister, a businessman, and a convicted war criminal were responsible for putting his life in danger.⁵⁰ He had previously reported on the three men and their alleged activities during the 1971 war in a 2001 news report. Following protests from local and international civil rights organizations, he was released on bail on August 19.⁵¹ In mid-2016, the charges remained pending.

A disproportionate sentence was also reported during the coverage period, though the defendant did not report to the court to serve the time. On August 12, 2015, a court in Dhaka sentenced public university teacher Ruhul Amin Khandker in absentia to three years of rigorous imprisonment, which includes hard labor, and a fine of BDT 10,000 (US\$ 125) for sedition. The charge was filed in relation to a comment about the prime minister made on Facebook in 2011.⁵²

Other cases were reported during the coverage period:

- On August 18, 2015, ruling party politician Wasim Sajjad Likhon filed a case under the ICT Act against Islam Jahurul, who the politician said desecrated an image of Prime Minister Sheikh Hasina and disseminated it on Facebook.⁵³
- On December 3, officers of the special Rapid Action Battalion (RAB) forces in Dhaka arrested Towhid Hasan from Pirojpur, Tanvir Ahmed from Shariatpur, and Omar Faruk from Sirajganj, apparently for using Facebook while it was blocked. The three men, 21, 18, and 22 years old respectively, "propagated against the country's constructive activities" by "using blocked Facebook...to share harmful links and provoke others to use the links," news reports said, citing an RAB press release.⁵⁴ It was not clear which law they were charged under, and the nature of the content they are accused of sharing was not reported. Though other officials

49 "Bangladesh court awards death to 2, life term to 1 for blogger's murder," *International Business Times*, December 31, 2015, <http://www.ibtimes.co.in/bangladesh-court-awards-death-2-life-term-1-bloggers-murder-661570>.

50 "Journalist Probir Sikdar sued for libel under ICT Act for writing against Minister Khandker Mosharraf Hossain," *BDNews24*, August 17, 2015, <http://bdnews24.com/bangladesh/2015/08/17/journalist-probir-sikdar-sued-for-libel-under-ict-act-for-writing-against-minister-khandker-mosharraf-hossain>.

51 "Journalist Probir Sikdar released on bail," *Daily Star*, August 19, 2015, <http://www.thedailystar.net/country/journalist-probir-sikdar-gets-bail-129166>.

52 "University teacher jailed for Facebook post on Bangladesh PM," *The Daily Star*, August 13, 2015, <http://bit.ly/1VNPkXq>.

53 "Case filed for distorted image," *BDNews24*, August 19, 2015, <http://bangla.bdnews24.com/bangladesh/article1013243>, *bdnews*.

54 "3 held for using Facebook in alternate ways," *New Age*, December 3, 2015, <http://newagebd.net/181108/3-held-for-using-in-alternate-ways/>.

threatened the users of proxy servers with repercussions in 2015,⁵⁵ VPNs are widely used in Bangladesh.

- On December 10, RAB officers arrested satirical writer Refayet Ahmed, the administrator of the popular Facebook page *MojaLosss?* (“Are You Making Fun?”), for making “provocative Facebook posts against the government and the state.”⁵⁶ The page won popularity for using satire to talk about corruption and other social problems. A case was filed against Refayet under the ICT Act. On December 14, he was freed on bail.⁵⁷

Outstanding cases under the ICT Act against four bloggers prominent in the Shahbag Movement, Asif Mohiuddin, Rasel Parvez, Mashiur Rahman Biplob, and Subrata Ashikari Shuvo, appear to be on hold.⁵⁸ The four, whose blogs were briefly blocked in 2013, were then detained for harming religious sentiment and released on bail.

Surveillance, Privacy, and Anonymity

According to Article 43 of the country’s constitution, Bangladesh recognizes its citizens’ right to privacy and correspondence.⁵⁹ However, there is no specific privacy or data protection law in Bangladesh, leaving internet and mobile phone users vulnerable to privacy violations, predominantly through the voluntarily sharing of information via mobile phones and the internet.⁶⁰

Although the government does not require individuals to register to blog or use the internet, registration became mandatory for online news portals during the coverage period (see Media, Diversity, and Content Manipulation). Since the end of 2015, citizens are also required to provide biometric details, in addition to national identity cards and related personal information, to obtain a mobile connection.⁶¹ Citizen rights groups raised concerns about the security of the process and possible usage of biometric data by third parties.⁶²

The government can request telecommunications providers retain the data of any user for an unspecified period under the Bangladesh Telecommunication Regulatory Act 2001.⁶³ The Act was amended in 2010 and allows government mechanisms to intercept electronic voice or data communications from any individual or institution to ensure the security of the state without a court order;

55 “Proxy servers to access Facebook will soon be unavailable: State Minister Tarana,” *BDNews24*, November 29, 2015, <http://bdnews24.com/bangladesh/2015/11/29/proxy-servers-to-access-facebook-will-soon-be-unavailable-state-minister-tarana>.

56 “Hours after lifting ban on Facebook, Bangladesh arrests satirist for anti-govt posts,” *First Post*, December 11, 2015, <http://www.firstpost.com/world/hours-after-lifting-ban-on-facebook-bangladesh-arrests-satirist-for-anti-govt-posts-2542090.html>.

57 “‘Moja Losss’ admin freed on bail,” *New Age*, December 14, 2015, <http://newagebd.net/184424/moja-losss-admin-freed-on-bail/>.

58 “I have to help the people of Bangladesh,” *DW*, April 22, 2014, <http://bit.ly/1Kaf2vd>. Email interview with Asif Mohiuddin’s legal counsel.

59 Constitution of the People’s Republic of Bangladesh, March 26, 1971, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367

60 Faheem Hussain and Mohammad SahidUllah, “Mobile Communication and Internet in Bangladesh: Is Privacy at Risk for Youth Population?,” *Media Watch*, Centre for Communication Studies, 2013.

61 “Bangladesh launches registration of mobile phone SIMs with biometric details,” *BDNews24*, December 16, 2015, <http://bdnews24.com/bangladesh/2015/12/16/bangladesh-launches-registration-of-mobile-phone-sims-with-biometric-details>.

62 Md. Joynul Abedin, “Biometric SIM Registration and Public Anxiety,” *Daily Sun*, March 10, 2016, <http://www.daily-sun.com/printversion/details/119870/Biometric-SIM-Registration-and-Public-Anxiety->

63 Telecommunications Industry Dialogue, “Bangladesh,” <https://www.telecomindustrydialogue.org/resources/bangladesh/>.

the act also requires domestic service providers to cooperate, though without clear provisions detailing procedures or penalties for noncompliance.⁶⁴

During the coverage period, local news reports said the home ministry had submitted a proposal to purchase approximately US\$ 25 million worth of equipment from foreign companies to upgrade its mobile telephony, internet, and related surveillance networks. The proposal asked the cabinet committee on economic affairs to relax procurement regulations to facilitate the purchase, which would enable the National Telecommunication Monitoring Center (NTMC) to conduct “lawful interception” to assist local law enforcement agencies. The center has operated under the home ministry since February 2014, the news reports said. Foreign companies listed in the proposal include U.S. firms Verint Systems and SS8, German firms Trovicor and UTIMACO, the Italian firm RCS, the Chinese firm Inovatio, and the Swiss firm New Saft.⁶⁵ The companies advertise equipment capable of analyzing data traffic, calls, emails, and audiovisual materials online.

In 2014, the UK-based nonprofit Privacy International reported that Bangladesh’s Rapid Action Battalion, a special forces unit implicated in human rights abuses, was seeking to purchase mobile surveillance technology from a company based in Switzerland. The technology would allow police to “indiscriminately gather data from thousands of mobile phones in a specific area and at public events such as political demonstrations,” according to Privacy International.⁶⁶ The same year, leaked documents about a Bangladesh law enforcement agency’s 2012 purchase of FinFisher software distributed by Gamma International to monitor digital traffic was published on Wikileaks.⁶⁷

According to Facebook, the Bangladesh government made three requests to the social network service provider for information on three Facebook users between January and June 2015, but Facebook did not comply.⁶⁸

Intimidation and Violence

Blogger Niladri Chattopadhyay Niloy and Xulhaz Mannan, the founder of a magazine on LGBTI issues with a well-established online following, were murdered between June 2015 and May 2016. Faisal Arefin Dipon, a publisher who worked with another murdered blogger, was also killed.

This continued a violent trend. Between February 2013 and June 2016, at least 39 people were murdered in Bangladesh by religious extremists targeting high profile proponents of secular viewpoints.⁶⁹ “Atheist bloggers” were particularly singled out as key instigators behind the 2013 Shahbag Movement (see Digital Activism) which catalyzed the campaign of killings.⁷⁰ Armed assailants hospitalized blogger Asif Mohiuddin with serious stab wounds in January 2013;⁷¹ now overseas, he believes he

64 Abu Saeed Khan, “Bangladesh Telecommunication (Amended) Act, 2010,” (presentation, Third South Asian Meeting on the Internet and Freedom of Expression, Dhaka, Bangladesh, 14-15 January 2013).

65 Rejaul Karim Byron, “Bangladesh to purchase modern surveillance equipment,” August 3, 2015, <http://www.thedailystar.net/frontpage/govt-buy-new-surveillance-tools-120967>.

66 EdinOmanovic and Kenneth Page, “Who is Selling Surveillance Equipment to a Notorious Bangladeshi Security Agency,” Privacy International, April 29, 2013, <https://www.privacyinternational.org/?q=node/427>

67 RezaulHauqe, “WikiLeaks reveals Bangladesh’s spyware purchase,” *BDNews24*, November, 2, 2014, <http://bit.ly/1NqbIhO>.

68 <https://govtrequests.facebook.com/country/Bangladesh/2015-H1/#>.

69 http://www.nytimes.com/2016/06/09/world/asia/bangladesh-killings-bloggers.html?_r=0.

70 Al Jazeera, “Bangladesh Opposition Protests turn Deadly,” February 22, 2013, <http://www.aljazeera.com/news/asia/2013/02/2013222103554838445.html>.

71 “Blogger knifed in Dhaka,” *BDNews24*, January 14, 2013, <http://bdnews24.com/bangladesh/2013/01/14/blogger-knifed-in-dhaka1>

remains on a hit list.⁷² In February, leading Shahbag activist Ahmed Rajib Haider was murdered.⁷³ Police found a series of posts targeting Rajib and other key figures in the movement on the blog *Sonar Bangladesh*, which the BTRC subsequently blocked.⁷⁴

Though Al-Qaeda networks claimed responsibility in some cases,⁷⁵ police have say local radical groups, notably Ansarullah Bangla Team, recruited and trained students and religious teachers to execute the targets, frequently using machetes.⁷⁶ Eight members of the group have been convicted for their involvement in the killing of Ahmed Rajib Haider in 2013, though two remain at large (see Legal Environment). In 2016, Deputy Inspector General Monirul Islam, who heads a counterterrorism unit established in February, told the *New York Times* that these arrests had slowed the group's activity in 2013 and 2014, but that it had reorganized and resumed its campaign with renewed intensity since then.⁷⁷

In April 2016, armed men killed Xulhaz Mannan in his apartment in Dhaka along with a friend.⁷⁸ Mannan founded *Roopbaan*, a print magazine serving the LGBTI community, in 2014. Homosexuality is a criminal offence in Bangladesh.⁷⁹ The magazine had limited distribution because of the sensitivity of the topic,⁸⁰ but formed part of a wider advocacy network that used social media to create community online and advocate for LGBTI causes, including an annual Rainbow Rally coinciding with Bengali new year celebrations, which was cancelled in 2016 as a result of permit issues and threats.⁸¹ Ansarullah Bangla Team claimed responsibility for the murders.⁸²

The year 2015 saw unprecedented physical violence against online activists and their colleagues:

- On February 25, two unknown assailants attacked the Bangladeshi-American atheist blogger Dr. Abhijit Roy and his wife Rafida Ahmed Bonya on the Dhaka University campus. Abhijit Roy managed the blog *Muto-Mona* ("Free Thinker") from America, and had returned to attend an annual book fair. Dr. Roy died and his wife was badly injured.⁸³ The Ansarullah

72 Pantha and Rezwan, "Bangladeshi Blogger Writes About Prison Experience," *Global Voices*, July 28, 2013, <http://bit.ly/1LXOeh4>. Austin Dacey, "Bangladesh's Atheist Blogger Still Wants to Talk," *Religion Dispatches*, December 12, 2013, <http://bit.ly/1UHFYE7>.

73 "Blogger Brutally Killed," *The Daily Star*, February 16, 2013, <http://archive.thedailystar.net/newDesign/news-details.php?nid=269336>

74 "12 Blogs, Facebook Pages Blocked," *BDNews24*, February 20, 2013, <http://bit.ly/1EVHMH8>.

75 "Al-Qaeda branch claims responsibility for murder of writer-blogger Avijit Roy," *The Daily Star*, May 13, 2015, <http://bit.ly/1QoOBm8>.

76 Geeta Anand and Julfikar Ali Manik, "Bangladesh Says It Now Knows Who's Killing the Bloggers," June 8, 2016, http://www.nytimes.com/2016/06/09/world/asia/bangladesh-killings-bloggers.html?_r=0.

77 Geeta Anand and Julfikar Ali Manik, "Bangladesh Says It Now Knows Who's Killing the Bloggers," June 8, 2016, http://www.nytimes.com/2016/06/09/world/asia/bangladesh-killings-bloggers.html?_r=0.

78 Saad Hammadi and Aisha Gani, "Founder of Bangladesh's first and only LGBT magazine killed," *The Guardian*, April 25, 2016, <https://www.theguardian.com/world/2016/apr/25/editor-bangladesh-first-lgbt-magazine-killed-reports-say-roopbaan>.

79 Ashif Islam Shaon, "Where does Bangladesh stand on homosexuality issue?" *Dhaka Tribune*, April 27, 2016, <http://archive.dhakatribune.com/bangladesh/2016/apr/27/where-does-bangladesh-stand-homosexuality-issue>.

80 "First local magazine for gays launched," *Daily Star*, January 20, 2014, <http://www.thedailystar.net/first-local-magazine-for-gays-launched-7611>.

81 Rezwan, "LGBT Activists Arrested at Bengali New Year March, Later Released," *Global Voices Advocacy*, April 15, 2016, <https://advox.globalvoices.org/2016/04/15/lgbt-activists-arrested-at-bengali-new-year-march-later-released/>; Agence France-Presse, "Bangladesh 'rainbow rally' cancelled over permit issues," via *Daily Mail*, April 13, 2016, <http://www.dailymail.co.uk/wires/afp/article-3538373/Bangladesh-group-hold-rainbow-rally-despite-threats.html>.

82 Elliott C. McLaughlin, Don Melvin, and Tiffany Ap, "Al Qaeda group claims responsibility for Bangladesh LGBT hacking murders," April 25, 2016, <http://www.cnn.com/2016/04/25/asia/bangladesh-u-s-embassy-worker-killed/>.

83 "Assailants Hack to Death Writer Avijit Roy, Wife Injured," *BDNews24*, February 26, 2015, <http://bit.ly/1LKISS5>.

Bangla Team claimed responsibility on Twitter.⁸⁴ On March 2, Rapid Action Battalion officials arrested Farabi Shafiur Rahman, a radical Islamist who had threatened Roy and shared his location and photographs with others.⁸⁵ On June 19, 2016, a key suspect in Abhijit Roy's murder was killed during a gun battle with police in Dhaka.⁸⁶

- On March 30, blogger Washiqur Rahman, known for his critical writings about Islam, was hacked to death near his home in Dhaka.⁸⁷ Bystanders detained two of the attackers, both students from Islamic seminaries, at the scene; a third fled. The police later charged four people with murder, including the alleged mastermind.⁸⁸
- On May 12, Ananta Bijoy Das, another prominent contributor to *Muto-Mona*, was killed by four masked men armed with machetes in the northeastern Bangladeshi city, Sylhet.⁸⁹ Ananta Bijoy was one of the founding members of Gonojagoron Mancha, the coalition of activists who started the Shahbag Movement.⁹⁰ News reports say he had received death threats from extremists and had tried to leave the country to attend a press freedom event in Sweden, but was denied a visa. On June 8, 2015, police arrested a suspect in connection with the murder.⁹¹
- On August 7, Niladri Chattopadhyay Niloy, a blogger and member of Gonojagoron Mancha, the main organization behind the Shahbag Movement, was killed in his home by four unidentified assailants armed with cleavers. Ansarulla Bangla Team claimed responsibility.⁹² On August 14, two suspected members of the group were arrested in connection with the murder.⁹³ On August 18, police arrested three more members of the same organization, suspected of planning and executing the murders of Abhijit Roy and Ananta Bijoy Das.⁹⁴ On November 18, three more people were arrested in connection with Niloy's murder; one had threatened Niloy on Facebook, and two who claimed responsibility for the murder online.⁹⁵
- On October 31, Faisal Arefin Dipon, a publisher of books by Abhijit Roy, was hacked to

84 "Ansar Bangla-7 Claims Avijit killing responsibility," *ProthomAlo*, February 27, 2015, <http://bit.ly/1XMijXa>.

85 Oliver Naughland and Saad Hammadi, "Atheist blogger Avijit Roy 'was not just a person ... he was a movement,'" *The Guardian*, March 7, 2015, <http://gu.com/p/46dez/stw>.

86 BBC News, "Bangladesh Avijit Roy murder: Main suspect killed by police," June 19, 2016, <http://www.bbc.com/news/world-asia-36570021>.

87 "Knife attack kills Bangladesh blogger Washiqur Rahman," BBC, March 30, 2015, <http://www.bbc.com/news/world-asia-32112433>.

88 Jason Burke, "Bangladesh police charge four men with murder of blogger," *The Guardian*, March 31, 2015, <http://gu.com/p/475tn/stw>.

89 Joseph Allchin and Victor Mallet, "Third Secular Blogger Killed on Bangladesh Street," *Financial Times*, May 12, 2015, <http://on.ft.com/1IYL2wO>.

90 "Bangladesh Blogger Ananta Bijoy Das Hacked to Death," BBC, May 12, 2015, <http://www.bbc.com/news/world-asia-32701001>.

91 "CID Arrest Sylhet Press Photographer as a Suspect Over Blogger Ananta Bijoy Das Murder," *BDNews24*, June 8, 2015, <http://bit.ly/1ga9t3z>.

92 "Bangladesh blogger Niladri hacked to death in Dhaka," *Daily Star*, August 8, 2015, <http://www.thedailystar.net/frontpage/blogger-killed-once-again-123493>.

93 BBC News, "Bangladesh blogger Niladri hacked to death in Dhaka," August 14, 2015, <http://www.bbc.com/news/world-asia-33926342>.

94 BBC News, "Bangladesh blogger killings: police arrest three people," August 18, 2015, <http://www.bbc.com/news/world-asia-33971810>.

95 Al Jazeera, "Bangladesh arrests three men over murder of blogger," November 18, 2015, <http://www.aljazeera.com/news/2015/11/bangladesh-arrests-men-murder-blogger-151118140032685.html>.

death in his office in Dhaka.⁹⁶ Ahmed Rahim Tutul, another publisher of Abhijit Roy's work, was attacked and badly injured in Dhaka on the same day, along with two secular writers, Ranadeep Basu and Tareque Rahim.⁹⁷ In early 2016, no one had claimed responsibility for these attacks and no arrests had been made, though Ansarullah Bangla Team was suspected.⁹⁸ On June 15 of 2016, the police arrested a suspected militant Sumon for the attack on Tutul. On August 23, a suspected leader of Ansarullah Bangla Team, Moinul Hasan Shamim was arrested for Dipon's murder. On September 3, Abus Sabur was arrested on suspicion of masterminding both of those accounts.⁹⁹

This disturbing series of fatal attacks on secular bloggers has increased security concerns in the on-line activist community. A handful of bloggers left the country or sought asylum abroad during the coverage period of this report.¹⁰⁰ Others have expressed their determination to continue writing.¹⁰¹

Technical Attacks

No cyberattacks on online news sites and blogs were documented in Bangladesh during the coverage period. A high profile invasion of a computer at the central bank took place, and was used to transfer millions of dollars to a bank in the Philippines, highlighted cybersecurity vulnerabilities.¹⁰² ISPs have informally organized a Cyber Emergency Response Team to deal with malicious online threats.¹⁰³

96 The Associated Press, "Secular publisher hacked to death in latest Bangladesh attacks," via *The Guardian*, October 31, 2015, <http://www.theguardian.com/world/2015/oct/31/faisal-abedin-deepan-bangladesh-secular-publisher-hacked-to-death>.

97 The Associated Press, "Publisher of secular books killed, three bloggers wounded in Bangladesh," via *Indian Express*, December 25, 2015, <http://indianexpress.com/article/world/neighbours/bangladesh-three-bloggers-attacked-one-critical/>.

98 "DB suspects Ansarullah's link to Dipan murder," *Daily Sun*, November 1, 2015, <http://www.daily-sun.com/printversion/details/87753/DB-suspects-Ansarullah%E2%80%99s-link-to-Dipan-murder>.

99 Arifur Rahman Rabbi, "Publisher Dipan murder mastermind held," *Dhaka Tribune*, September 4, 2016, <http://www.dhakatribune.com/bangladesh/2016/09/04/publisher-dipan-murder-mastermind-held/>.

100 Communication with local rights organizations reflected this information. However, rights organizations do not publicize the details of individual cases for security reasons.

101 Saeed Ahmed, "Washiqur Rahman: Another secular blogger hacked to death in Bangladesh," *CNN*, March 31, 2015, <http://cnn.it/19v17k8>.

102 Raju Gopalakrishnan and Manuel Mogato, "Bangladesh Bank official's computer was hacked to carry out \$81 million heist: diplomat," Reuters, May 19, 2016, <http://www.reuters.com/article/us-cyber-heist-philippines-idUSKCN0YA0CH>.

103 Bangladesh Cyber Emergency Response Team, accessed April 2013, <http://www.bdcert.org/v2/>