

Bangladesh

	2013	2014		
Internet Freedom Status	Partly Free	Partly Free	Population:	156.6 million
Obstacles to Access (0-25)	13	12	Internet Penetration 2013:	6.5 percent
Limits on Content (0-35)	12	12	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	24	25	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	49	49	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- The government amended the controversial ICT Act to allow warrantless arrests and maximum 14-year jail sentences for violations on social, political, and religious issues online (see **Violations of User Rights**).
- In June 2013, a court condemned an absconding university lecturer to two years in prison under the penal code for threatening the prime minister—and an additional five years under the ICT Act for doing so on Facebook (see **Violations of User Rights**).
- In September, a court formally indicted four bloggers for harming religious sentiment under the ICT Act (see **Violations of User Rights**).
- Police arrested an additional eight journalists, Facebook users, and civil society activists who criticized the government under the ICT Act (see **Violations of User Rights**).

Introduction

Digital campaigning increased in Bangladesh prior to a national parliamentary election on January 5, 2014. 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. Its 2009 “Digital Bangladesh by 2021” program seeks to integrate internet access with development efforts in national priority areas, such as education, healthcare and agriculture.¹ Private commercial stakeholders have also helped in the proliferation of net usage. Bangladesh further benefits from a vibrant—though often partisan—traditional media industry, though journalists face threats and legal constraints.

Checks on bloggers and online activity are arguably harsher due to the 2006 Information and Communication Technology (ICT) Act. In June 2013, a court in the capital, Dhaka, sentenced a former university lecturer to two years in jail in absentia for threatening to kill the prime minister and an additional five years under the ICT Act for making the threat on Facebook; he is currently in hiding.

The act was used for the first time in April 2013 to arrest four bloggers who had been vocal on different social issues and mostly wrote against religious extremism. They were formally indicted in September for alleged anti-Islamic comments. By then, however, the penalties they faced had increased to a maximum 14 years in prison under an amendment passed in August 2013 without regard for civil society criticism.² Police no longer need a warrant to make arrests under the amended act, and used it to detain at least eight bloggers, Facebook users, journalists, and civil society activists for criticizing the government or the prime minister during the coverage period of this report.

The crackdown came in the wake of demonstrations which some observers compared to the 2011 protests in Egypt’s Tahrir Square.³ These began in early 2013 when a domestic war crimes tribunal sentenced Abdul Quader Mollah, leader of the country’s largest political Islamic party Jamaat-e-Islami, to life imprisonment for crimes committed during the country’s 1971 war of independence with Pakistan.⁴ Tens of thousands of protesters gathered for several weeks around the Shahbag intersection in Dhaka, where they were joined by different social, cultural and political forces. The Shahbag Movement, as it became known, was facilitated by blogs and social networks,⁵ which Mollah’s supporters characterized as a conspiracy by “atheist bloggers.”⁶ After a pro-Jamaat-e-

1 “Digital Bangladesh Strategy Paper, 2010,” Access to Information Program, Prime Minister’s Office, The People’s Republic of Bangladesh, <http://www.a2i.pmo.gov.bd/tempdoc/spdbb.pdf>.

2 Mohosinul Karim, “Punishment Increased in Amended ICT Act,” *Dhaka Tribune*, August 20, 2013, <http://www.dhakatribune.com/technology/2013/aug/19/draft-ict-act-gets-cabinet-nod>.

3 Saurabh Shukla, “Shahbag Square Cheers for Change: Dhaka’s Young Protesters Demand Ban on Extremism and Death for War Criminals,” *Daily Mail*, February 28, 2013, <http://www.dailymail.co.uk/indiahome/indianews/article-2286185/Shahbag-Square-cheers-change-Dhakas-young-protesters-demand-ban-extremism-death-war-criminals.html#ixzz2WmUsWWiP>.

4 Tamima Anam, “Shahbag Protesters Versus the Butcher of Mirpur,” *Guardian*, February 13, 2013, <http://www.guardian.co.uk/world/2013/feb/13/shahbag-protest-bangladesh-quader-mollah>.

5 The movement’s demands were diverse, including the death sentence for the war crimes conviction, and banning the Bangladesh Jamaat-e-Islami party from politics. See, “Shahbag Grand Rally Demands Hanging to War Criminals, Banning Jamaat (Updated),” *The Independent* (Dhaka), February 8, 2013, http://www.theindependentbd.com/index.php?option=com_content&view=article&id=154739:protesters-set-to-stage-grand-rally-for-quader-hanging-at-shahbag&catid=187:online-edition&Itemid=223.

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

Islami blog identified blogger Ahmed Rajib Haider as a Shahbag ringleader, armed assailants attacked and killed him outside his home in February 2013.

While no internet users were murdered in the past year, two teenagers were beaten by a mob in Chittagong for allegedly blasphemous comments on Facebook. Police intervened to rescue the teenagers, but arrested them under the ICT Act. Separately, multiple groups continued a disturbing practice of manipulating Facebook pages to suggest minority communities were insulting Islam, first used to incite violence against Buddhists in 2012.⁷ In November 2013, a Hindu in Pabna district was accused of maintaining an offensive Facebook page which was photocopied and distributed to incite a mob to destroy Hindu-owned residences, businesses and temples.⁸

Censorship did not increase in the past year, but the arrests created a climate of intimidation that fostered self-censorship and mistrust. When controversial online data about personal wealth amassed by politicians up for re-election became inaccessible, many accused the Bangladesh Election Commission of purposely throttling their own webpage at the government's behest. The Commission attributed the disruption to technical error.

Obstacles to Access

The International Telecommunication Union reported internet penetration in Bangladesh at 6.5 percent in 2013.⁹ Government estimates were closer to 20 percent.¹⁰

Approximately 96 percent of users access the internet via mobile phone, 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 3 percent), or via one of the three wireless WiMax operators (1 percent).¹¹ In 2014, 61 ISPs were operating nationwide as members of the official industry body, the ISP Association of Bangladesh.¹²

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. By 2011, the government established 4,501 centers around Bangladesh providing cost-effective internet access and related e-services in poorer communities.¹³

7 "A Devil's Design," *Daily Star*, October 14, 2012, <http://archive.thedailystar.net/newDesign/news-details.php?nid=253751>.

8 Ahmed Humayun Kabir Topu, "Hindus Attacked in Pabna," *Daily Star*, November 3, 2013, <http://archive.thedailystar.net/beta2/news/hindus-attacked-in-pabna/>.

9 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

10 Association of Mobile Telecom Operators of Bangladesh, "Telecom and ICT: Key Enablers for Economic Development," presentation, March 25, 2013, www.amtob.org.bd.

11 Faheem Hussain, "License Renewal of Mobile Phone Services: What a Country Should Not Do (A Case Study of Bangladesh)," Telecommunication Policy Research Conference, George Mason University, VA, USA, September 21-23, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2032127; Abdullah Mamun, "New Player in WiMAX," *Daily Star*, July 15, 2013, <http://archive.thedailystar.net/beta2/news/new-player-in-wimax/>; Bangladesh Telecommunication Regulatory Commission, accessed April, 2014, <http://www.btrc.gov.bd/content/internet-subscribers-bangladesh-february-2014>

12 Internet Service Providers' Association Bangladesh, accessed March, 2014. <http://ispab.org/members/>

13 Faheem Hussain, "ICT Sector Performance Review for Bangladesh," *LIRNEasia*, 2011. Abstract available: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2013707.

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Mobile penetration was at 67 percent in 2013, with connections provided by six operators.¹⁴ Grameen Phone, owned by Telenor, is the market leader with 42 percent of the total customer base, followed by Orascom's Banglalink with 25 percent, and Robi, under the Axiata company, with 23 percent. The remaining three, Airtel, Citycell, and the state-owned Teletalk have a total customer base of 10 percent. As of 2014, all except Citycell offered 3G services.¹⁵

While ICT usage is increasing fast, Bangladesh is lagging behind globally. The World Economic Forum's 2013 global IT report ranked Bangladesh 114 out of 144 countries worldwide, with infrastructure and regulatory environment scoring poorly, though overall communication service was comparatively affordable, a factor that is driving growth.¹⁶ In addition, the ability to access localized information and create content in Bengali has contributed to the popularity of local blog hosting services.¹⁷

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, for its backbone.¹⁸ 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 from the information superhighway.¹⁹

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 in Bangladesh. However, 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.²⁰ This move created administrative delays in a number of basic processes like the announcement of new tariffs or license renewals.²¹ Recently, the Ministry of ICT merged with the Ministry of Post and Telecommunications, with the goal of streamlining many ongoing projects and related industries.²² In addition, the Prime Minister's office has an Access to Information (A2I) program supported by the United Nations Development Program, which has considerable influence over top-level ICT-related decision making.²³

14 International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2013," Bangladesh Telecommunication Regulatory Commission, accessed January, 2014, <http://www.btrc.gov.bd/>.

15 "Bangladesh Holds Auction to Open 3G Services," Reuters, September 9, 2013, <http://www.reuters.com/article/2013/09/08/bangladesh-3g-auction-idUSL3N0H405W20130908>.

16 Beñat Bilbao-Osorio, Soumitra Dutta, and Bruno Lanvin, "The Global Information Technology Report 2013," World Economic Forum, <http://reports.weforum.org/global-information-technology-report-2013/>.

17 Interview with Syeda Gulshan Ferdous Jana, founder of *Somewhereinblog*, 2013.

18 Hussain, "ICT Sector Performance Review for Bangladesh."

19 "Bangladesh Connected with Terrestrial Cable," *BDNews24*, December 8, 2012, <http://biz-bd.bdnews24.com/details.php?id=237802&cid=4>.

20 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.

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

22 "Telecoms, ICT ministries merge," *Telegeography*, February 11, 2014. <http://www.telegeography.com/products/commsupdate/articles/2014/02/11/telecoms-ict-ministries-merge/>

23 "Access to Information Programme," UNDP in Bangladesh, accessed June 2013, http://www.undp.org.bd/projects/proj_detail.php?pid=31.

Limits on Content

The BTRC unblocked YouTube at the start of the coverage period after blocking it in 2012 in relation to the Innocence of Muslims video clip. Campaigners across the political spectrum embraced digital tools in advance of the January election, but news reports accused the Bangladesh Election Commission of slowing or throttling access to online data about assets belonging to Awami League politicians. There were no reports of state manipulation of online content, but a Facebook page containing a religious insult led to violent attacks on a Hindu community in Pabna district at the end of 2013.²⁴ A 2013 amendment to the ICT Act discussed in Violations of User Rights also increased self-censorship online.²⁵

The BTRC censors content relating to religious issues or offending state leaders primarily by issuing informal orders to domestic service providers, who are legally bound through their license and operations agreements to cooperate. Service providers describe official censorship as ad hoc in nature, without proper follow up mechanisms in place to ensure compliance.²⁶ In addition, internet news providers do not have the government recognition granted to traditional, licensed press organizations, leaving them in a regulatory limbo. International companies are also subject to requests. In the second half of 2013, Facebook restricted access to three different pieces of content, “reported under local laws prohibiting criticism of the state.”²⁷

International social media and communication apps are regular victims of government censorship in Bangladesh. Facebook was blocked for periods ranging from a few hours to a few days at a time in 2012, though the process by which these decisions are made and implemented is not known. Government officials justify such actions as necessary to “contain negative campaigns” on social networks.²⁸ Google services, particularly its search engine and YouTube, also enjoy a high volume of user traffic. Despite its popularity, the BTRC blocked access to YouTube from September 2012 to early June 2013 after an offensive video clip, “The Innocence of Muslims,” incited violent anti-American protests in Bangladesh, among other predominantly Muslim nations.²⁹ Some critics said the length of the ban in Bangladesh indicates the disputed video was a pretext for officials to gain control over the video-sharing platform, which they have blocked in the past for politically sensitive content.³⁰ However, in practice some ISPs informally unblocked the platform after just a few weeks. Other internet users continued to retrieve it using proxy servers or virtual private networks (VPNs) which allow internet users greater anonymity and access to blocked websites. So far, the BTRC has not sought to block these tools. According to the “Government Requests Report” of Facebook, at

24 “Ramu Attack a Santhia Rerun,” *BD News 24*, November 8, 2013, <http://bdnews24.com/bangladesh/2013/11/08/ramu-attack-a-santhia-rerun>.

25 Interviews with four industry experts in Bangladesh who requested anonymity, 2013.

26 Interviews with seven experts in Bangladesh who requested anonymity, 2013.

27 Facebook, Bangladesh Content Restrictions (July-December, 2013), <https://govtrequests.facebook.com/country/Bangladesh/2013-H2/>.

28 Ariful Faisal, “Facebook Opens After a Short Period Block,” *Priyo*, February 28, 2012, <http://news.priyo.com/2013/02/28/facebook-opens-after-short-period-block-67915.html>.

29 Abdullah Mamun, “YouTube Blocked in Bangladesh,” *Daily Star*, September 18, 2012, <http://archive.thedailystar.net/newDesign/news-details.php?nid=250214>; Arun Devnath and Haris Anwar, “Pakistan, Bangladesh Block YouTube; Saudis May Follow,” *Bloomberg News*, September 20, 2013, <http://www.bloomberg.com/news/2012-09-18/pakistan-bangladesh-block-youtube-to-restrict-anti-islam-film.html>; Muhammad Zahidul Islam, “YouTube Ban Lifted After 260 Days,” *Dhaka Tribune*, June 5, 2013, <http://www.dhakatribune.com/bangladesh/2013/jun/05/youtube-ban-be-lifted>.

30 Zafar Sobhan, “YouTube is Still Banned in Bangla,” *Sunday Guardian*, October 27, 2012, <http://www.sunday-guardian.com/analysis/youtube-is-still-banned-in-bangla>. Authorities have instigated politically-motivated, though temporary blocks on YouTube in the past. See, BBC News, “Bangladesh Imposes YouTube Block,” March 9, 2009, <http://news.bbc.co.uk/2/hi/7932659.stm>.

the second half of 2013, the social media site restricted access to three pieces of content reported by the Bangladeshi government under local laws, which prohibits criticism of the state.³¹

In December 2013, local news reports accused the Election Commission, an independent constitutional body of commissioners appointed by the president, of deliberately disrupting traffic to a contested section of its website. Since 2008, the commission has been required to publicize personal information about all candidates for parliamentary office, including personal assets. Anticorruption activists called for an investigation after newly-posted figures revealed many ruling party politicians had increased their wealth by more than 500 percent during their five years in power, and several news reports said an Awami League delegation asked the commission to withdraw the information.³² The following week, people reported that efforts to access the candidates' affidavits were met with error messages; the rest of the site was unaffected. The Election Commission characterized the disruption as a technical error caused by overwhelming public interest, and the information was soon accessible again.³³

Domestic websites, including the most popular news sites, *Prothom Alo*, *BDNews24*, and *Banglanews24*, are yet to face any targeted blocking. However, in March 2013, the government formed an official committee to identify bloggers who had allegedly demeaned the spirit of Islam.³⁴ The committee participated in discussions with clerics to produce a list of bloggers and Facebook users they alleged had published anti-Islamic blasphemy.³⁵ Though there were more than 80 names on the list, the BTRC subsequently directed domestic blog hosting platforms to close the accounts of just four bloggers it identified as "antireligious elements." All four were prominently involved in the Shahbag movement, which had come into conflict with ultrareligious groups as well as the administration, which they accused of poor governance. They were subsequently arrested (see Violations of User Rights). The owners of the host platforms reported that officials never used court orders to support the action.³⁶ At present, only Asif Mohiuddin's account remains closed.³⁷

Officially, the legal system ensures the right to appeal against most government decisions, but the lack of a warrant, as well as the risk of losing a license or legal permission to operate, makes mounting such an appeal challenging, and so far none have been documented in response to censorship directives. Such opaque content regulation has resulted in self-censorship by social media users, bloggers, and online news media. In particular, the Shahbag movement made discussion of religious issues more sensitive.

Major political parties significantly increased their online activity in the run-up to January elections, which were boycotted by the main opposition party, the Bangladesh Nationalist Party (BNP). The

31 Facebook Government Requests Report, July-December, 2013, <https://govtrequests.facebook.com/country/Bangladesh/2013-H2/>.

32 Syed Zain Al-Mahmood, "Investigation Sought into Bangladesh Politicians' Wealth," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702304483804579284472425219860>.

33 "'Glitch' in EC website," *Daily Star*, December 26, 2013, <http://www.thedailystar.net/glitch-in-ec-website-4035>.

34 Global Voices Advocacy, "Bangladesh Authorities Go After 'Anti-Muslim' Bloggers," April 1, 2013, <http://advocacy.globalvoicesonline.org/2013/04/01/bangladesh-authorities-go-after-anti-muslim-bloggers/>.

35 "Churashi Bloggerer Talika Shorastro Montronaloye," [Home Ministry has the List of Eighty-four Bloggers], *NatunBarta*, March 31, 2013, <http://www.natunbarta.com/si-tech/2013/03/31/18939/>.

36 Global Voices Advocacy, "Bangladesh Authorities Go After 'Anti-Muslim' Bloggers."

37 Email interviews with Asif Mohiuddin, 2014.

incumbent Awami League had a dedicated new media team to reach out to voters.³⁸ However, no commentators with undeclared sponsorship were documented manipulating online debate in favor of one side or the other.

Unknown actors have incited religious violence based on alleged Facebook activity. On November 2, 2013, a group in the Shanthia area of northern Pabna district accused a Hindu high school student of making anti-Islamic comments on a Facebook page, spurring attacks on the minority Hindu population. The boy's family denied he was responsible for the page, which was photocopied and circulated, and the *Daily Star* newspaper said there was no evidence he was responsible for the content. Though unable to locate the boy, a mob beat his father, destroyed more than 25 local homes, and set fire to two temples before police subdued the crowd using teargas.³⁹ In September 2012, members of the local Muslim majority community in southeastern Chittagong similarly accused a Buddhist of displaying an anti-Islamic image on his Facebook profile, and launched retaliatory attacks that destroyed a dozen temples. The *Daily Star* said the Facebook profile had been tampered with.⁴⁰

Despite recent restrictions and uncertainties, the number of active bloggers in Bangladesh is growing. The BTRC has identified 48 active domestic blog hosting platforms. Leading examples, based on subscriber figures, include SomewhereinBlog, Amarblog, and Shocholayoton.⁴¹

The Shahbag movement, which was initiated by the Bangladesh Online Activists' Network, is the country's most significant example of online activism to date. The protests coalesced around the February 2013 war crimes tribunal verdict but quickly took on a political element.⁴² In its early stages, the movement spread through blogging, Facebook, and mobile telephony.⁴³ Twitter, use of which had been rare in Bangladesh, gained popularity as a tool to broadcast information about Shahbag.⁴⁴ During the coverage period of this study, no significant instances of online activism took place in Bangladesh, though groups in the capital, Dhaka, used digital tools to arrange protests against unpopular decisions made by the national cricket board and an affluent housing society management, garnering nationwide attention.⁴⁵ In both cases the authorities gave in to popular demands, proving social media a viable tool for mass scale socio-political mobilization in Bangladesh.

38 Sumon Mahbub, "Awami League's Digital Campaign," *BD News 24*, October 15, 2013, <http://bdnews24.com/politics/2013/10/15/awami-league-s-digital-campaign>.

39 Ahmed Humayun Kabir Topu, "Hindus Attacked in Pabna;" "Ramu Attack a Santhia Rerun."

40 "A Devil's Design," *Daily Star*, October 14, 2012, <http://archive.thedailystar.net/newDesign/news-details.php?nid=253751>.

41 "Blog", *Daily Manab Zamin*, April 4, 2013, http://www.mzamin.com/archive_details.php?nid=NDkyNzc=&ty=MA==&s=MTg=&c=MQ==&seco=MjAxM3w0fDR8MA.

42 Mohammad Shahid Ullah, "Shahbagh 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/>.

43 Tamanna Khan, "Shahbag Beyond Boundaries," *Daily Star*, March 29, 2013, <http://www.thedailystar.net/beta2/news/shahbag-beyond-boundaries/>.

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

45 Sulaiman Niloy, "HC Rules After 'Lungi March,'" *BDNews24*, April 16, 2013, <http://bdnews24.com/bangladesh/2013/04/16/hc-rules-after-lungi-march>; "Thousands Bangladesh Cricket Fans Take to Street to Protest 'Big 3 Plan' Placed to ICC," *Shanghai Daily*, January 26, 2014, http://www.shanghaidaily.com/article/article_xinhua.aspx?id=196310.

Violations of User Rights

In June 2013 Bangladesh saw its first sentence under the 2006 ICT Act, which prescribed harsh sentences for ill-defined categories of online expression, when a university lecturer was condemned in absentia to seven years' imprisonment for threatening the prime minister on Facebook. In August, the authorities amended the act, making seven years the minimum possible jail term, while the maximum increased from 10 to 14 years. Police no longer need a warrant to make arrests under the act, and detained at least eight more internet users, human rights activists, and journalists for criticizing the government or offending Prime Minister Sheikh Hasina during the coverage period of this report. In September four bloggers who were the first people detained for violating the ICT Act in April 2013 were formally indicted for making allegedly anti-Islamic comments online.

Article 39 (1, 2) of Chapter 2 in the Constitution of the People's Republic of Bangladesh recognizes freedom of thought, conscience, and speech as a fundamental right.⁴⁶ 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.⁴⁷

The Information and Communication Technology Act of 2006 is the primary legal reference for addressing issues related to internet usage, and defining as well as protecting freedom of expression online.⁴⁸ 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 (\$125,000), or both. However, under Section 57, different types of violations on social, political, and religious issues made electronically are punishable by a minimum of 7 and a maximum of 10 years imprisonment and fines up to BDT 10,000,000 (\$125,000).⁴⁹

Sections 68 and 82 respectively contain provisions for a Cyber Tribunal and Cyber Appellate Tribunal to expedite judicial work related to any cybercrime. The tribunal, to be established in consultation with Bangladesh's Supreme Court, will be led by a government-appointed judge. The Appellate Tribunal can dissolve the Cyber Tribunal's verdicts.⁵⁰

In August 19, 2013, the ICT act was amended and subsequently approved by the cabinet. Far from strengthening the law to protect political speech on the internet, the amendment made prison terms considerably harsher, increasing the maximum prison term to 14 years.⁵¹ Before the amendment

46 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.

47 "The Historic Masdar Hossain Case and the Independence of Judiciary of Bangladesh: A Compilation," *Wahab Ohid 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://www.bangladeshchronicle.net/index.php/2013/01/judiciary-independence-still-on-paper/>.

48 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.

49 Information and Communication Technology Act, 2006.

50 Information and Communication Technology Act 2006, amended in 2013.

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

came into effect, police had to seek permission before making ICT-related arrests.⁵² Now no warrant is required, and offences under the act are non-bailable, meaning suspects must apply for bail at a court.⁵³ The harsher provisions in the ICT Act may reflect the government's insecurity regarding internet activism and security.

The amendment followed the first arrests ever made under the existing ICT act. In April 2013, as regulators were shutting down their websites, police detained bloggers Rasel Parvez, Mashiur Rahman Biplob, and Subrata Ashikari Shuvo. Two days later they also detained Asif Mohiuddin, author of a renowned blog on sensitive sociopolitical issues that won a user-nominated award from German broadcaster Deutsche Welle in 2012.⁵⁴ All four bloggers were charged with harming religious sentiment under Section 57(2) of the ICT Act 2006, and conservative political forces branded them as anti-Islamic atheists, though activists defended them.⁵⁵ The first three bloggers were released on bail, but Asif Mohiuddin's application was denied until he appealed on medical grounds in June.⁵⁶ A judge declined to extend bail beyond one month; he was re-arrested and released again on bail later in the year. In September, all four were formally indicted.⁵⁷ On February 16, 2014, the High Court of Bangladesh put the cases on hold for three months and asked the government to explain why those cases should not be scrapped.⁵⁸ On March 2014, the High Court issued a stay order on Asif's case until May 2014, which was later extended for a further period of six months.⁵⁹

Also in April 2013, police arrested Mahmudur Rahman, acting editor and majority owner of the pro-opposition newspaper *Amar Desh*, on charges that included defaming religion under ICT Act sections 56 and 57.⁶⁰ The case was the latest in dozens of investigations involving Rahman that his supporters characterize as politically motivated. In 2012, he was charged with sedition in relation to his paper's publication of private Skype communications involving a war crimes tribunal judge that

52 Ellery Roberts Biddle, "Bangladesh's ICT Act Stoops to New Lows," Global Voices Advocacy, September 18, 2013, <http://advocacy.globalvoicesonline.org/2013/09/18/bangladeshs-ict-act-stoops-to-new-lows/>.

53 "Changes To ICT Law: ICT Act Against Freedom of Speech: Rizvi," *Bangladesh Chronicle*, September 10, 2013, <http://www.bangladeshchronicle.net/index.php/2013/09/changes-to-ict-law-ict-act-against-freedom-of-speech-rizvi/>; Hasan Jahid Tusher and Abdullah Mamun, "Changes to Info Technology Law: Ominous Draft Cleared by Govt," *Daily Star*, August 20, 2013, <http://archive.thedailystar.net/beta2/news/ominous-draft-cleared-by-govt/>.

54 Emran Hossain, "Bangladesh Arrests 'Atheist Bloggers,' Cracking Down on Critics," *Huffington Post*, April 3, 2013, http://www.huffingtonpost.com/2013/04/03/bangladesh-bloggers_n_3009137.html; Arafatul Islam, "Bangladesh Gags Award-winning Blogger," *Deutsche Welle*, March 25, 2013, <http://dw.de/p/183px>.

55 "Bloggers' to be Charged under ICT Act," *BDNews24*, April 4, 2013, <http://bdnews24.com/bangladesh/2013/04/02/bloggers-to-be-charged-under-ict-act>. See also, Rezwan, "Bloggers in Bangladesh Face Threats Online and Off," *Slate, Future Tense* (blog), April 4, 2013, http://www.slate.com/blogs/future_tense/2013/04/04/ahmed_rajib_haider_asif_mohiuddin_farhana_ahmed_bloggers_in_bangladesh_face.html.

56 "Bloggers Shuvo, Parvez Released," *Daily Star*, May 12, 2013, <http://www.thedailystar.net/beta2/news/bloggers-shuvo-parvez-get-bail/>; Md Sanaul Islam Tipu, "Blogger Moshiur Granted Bail," *Dhaka Tribune*, June 2, 2013; <http://www.dhakatribune.com/bangladesh/2013/jun/02/blogger-moshiur-granted-bail>; "Blogger Asif Mohiuddin Gets Bail," *BDNews24*, June 27, 2013, <http://www.bdnews24.com/bangladesh/2013/06/27/blogger-asif-mohiuddin-gets-bail>.

57 "4 Bloggers Indicted," *Daily Star*, September 8, 2013, <http://archive.thedailystar.net/beta2/news/4-bloggers-indicted-for-anti-islam-comments/>.

58 "Four bloggers' cases on hold", *BDNews24*, February 16, 2014, <http://bdnews24.com/bangladesh/2014/02/16/four-bloggers-cases-on-hold>.

59 Email interview with Asif Mohiuddin's legal counsel, July 2014.

60 "Mahmudur Rahman Arrested Under ICT Act: MK Alamgir," *The Independent* (Dhaka), April 11, 2013, http://theindependentbd.com/index.php?option=com_content&view=article&id=164276:mahmudur-rahman-arrested-under-ict-act-mk-alamgir&catid=187:online-edition&Itemid=223.

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cast doubt on the integrity of the tribunal's judgments;⁶¹ the judge issued a court order against the United Kingdom-based *Economist* magazine in the same case, though much of the material was leaked online in Bangladesh.⁶² As of May 2014 he was jailed pending trial.⁶³

The year 2013 also saw the first sentence under the ICT Act. In June, a Dhaka court sentenced Hafizur Rahman Rana, a former Bangladesh University of Engineering and Technology lecturer who is now in hiding, to seven years in jail for threatening to kill Prime Minister Sheikh Hasina in an April 2012 Facebook post, based on a criminal complaint lodged by an Awami League political activist. The post compared Sheikh Hasina to a hyena. "I will shoot you [Hasina] in the head and in the stomach" as a warning to other hyenas, it said, according to news reports citing the prosecution.⁶⁴ The court sentenced him in absentia to five years under Section 57 of the ICT Act and two years under the penal code for criminal intimidation. ICT law expert Tanjib-ul Alam told the national *New Age* daily that the sentence seemed harsh for a Facebook post and "may be perceived by general people as a sign of the government's intolerance."⁶⁵

At least eight more arrests were made in relation to online activity during the coverage period of this report.

In August 2013, police arrested Adilur Rahman Khan, secretary of the human rights organization Odhikar, and charged him under ICT Act Section 57 and Section 505 of the penal code.⁶⁶ His bail petitions were rejected three times before he was released on October 11. Nasiruddin Elan, Odhikar's director, was also named in the charge sheet, which accused Odhikar of "distorting images by using Photoshop and publishing a fabricated report, which enraged public sentiment" while documenting a government crackdown on protests in May.⁶⁷ Elan surrendered to an arrest warrant in November and was later released on bail. In January they were charged under Section 57 of the ICT Act;⁶⁸ the trial is ongoing.⁶⁹

In October 2013, the same political activist that complained against Hafizur Rahman Rana filed a defamation case against a National University geography lecturer A.K.M. Wahiduzzaman for

61 T.J., "Press Freedom in Bangladesh: "In the Best Interest of the Media,"" *Banyan* (blog), *The Economist*, May 25, 2013, <http://www.economist.com/blogs/banyan/2013/05/press-freedom-bangladesh>.

62 *Economist*, "The Trial of the Birth of a Nation," December 15, 2012, <http://www.economist.com/news/briefing/21568349-week-chairman-bangladeshs-international-crimes-tribunal-resigned-we-explain>.

63 Md Sanaul Islam Tipu, "Mahmudur Sent to Jail after Remand", *Dhaka Tribune*, December 9, 2013, <http://www.dhakatribune.com/law-amp-rights/2013/dec/09/mahmudur-sent-jail-after-remand>.

64 "Bangladeshi Jailed for Facebook Death Threat on PM," Agence France-Press, *Jakarta Globe*, June 27, 2013, <http://www.thejakartaglobe.com/international/bangladeshi-jailed-for-facebook-death-threat-on-pm/>

65 "Former BUET Teacher Gets 7yrs in Jail," *New Age*, June 28, 2013, http://www.newagebd.com/detail.php?date=2013-06-28&nid=54778#_Uu0EeezV5I.

66 "Adilur'er Mamlar Karjokrom Sthogito", [Case against Adilur is on hold], *Daily Prothom Alo*, January 21, 2014, <http://tinyurl.com/pwb4h3g>; "Adilur Rahman Khan: Human Rights Watch Condemns Bangladesh Activist Arrest," BBC, August 12, 2013, <http://www.bbc.co.uk/news/world-asia-23662908>.

67 FIDH, "BANGLADESH: The Release on Bail of Odhikar Secretary Adilur Rahman Khan Must be the First Step to Respect and Protect Human Rights Defenders!" October 11, 2013, <http://www.fidh.org/en/asia/bangladesh/14117-The-release-on-bail-of-Odhikar-Secretary-Adilur-Rahman-Khan-must-be-the-first-step-to-respect-and-protect-human-rights-defenders>.

68 "Charge Framed Against Human Rights Organization Odhikar's Director, Secretary," *Bangladesh Chronicle*, January 8, 2014, <http://www.bdchronicle.com/detail/news/32/3537>.

69 "Cyber Crime Case Against Adilur, Elan Stayed," *New Age*, January 22, 2014, http://www.newagebd.com/detail.php?date=2014-01-22&nid=81139#_Ut9wTvtXIU.

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allegedly insulting Prime Minister Sheikh Hasina and her family on Facebook.⁷⁰ After a month on bail, Wahiduzzaman was jailed on November 6 and obtained a year's bail on November 24.⁷¹ On February 25, 2014, the high court issued a six-month stay order on the case. Meanwhile, the police filed another case against Wahiduzzaman under Section 57 of the ICT Act in March 2014.⁷²

On November 5, police in northern Mymensingh district arrested 28-year-old Shafiqul Islam Safiq for allegedly posting distorted pictures of Hasina and her father, Sheikh Mujibur Rahman, who is known as the founder of independent Bangladesh.⁷³ On November 10, police in Dhaka arrested Md. Nurunnabi Shujan, a political activist from Jamaat-e-Islami's student wing, for allegedly sharing and commenting on anti-Bangladesh content through Facebook.⁷⁴ It is not clear if either individual was charged.

On January 16, 2014, police raided the Dhaka offices of national Bengali-language newspaper *Daily Inqilab* over a report investigating social media rumors that the Indian military helped quell pre-election violence in southwestern Satkhira district.⁷⁵ The report was disputed by the Foreign Ministry. Rabiulla Robi, *Inqilab's* news editor, Rafiq Mohammad, deputy chief reporter, and reporter Ahmmed Atiq were arrested and cases were filed against them under the ICT Act.⁷⁶ The paper was temporarily shut down but continues to publish an online edition.⁷⁷ On February 20, all three journalists were released on bail.⁷⁸

Separately, in April 2014, the war crimes tribunal initiated contempt proceedings under the ICT Act against a British journalist based in Bangladesh, for criticizing the court in blog articles published in 2011 and 2013.⁷⁹

There is no specific privacy or data protection law in Bangladesh. However, according to Article 43 of the country's constitution, Bangladesh recognizes its citizens' right to privacy and correspondence.⁸⁰ The youth population has turned out to be the most vulnerable group against any privacy violations, predominantly through the voluntarily sharing of information via mobile phones and the internet.⁸¹

70 Md Sanaul Islam Tipu, "Arrest Warrant Against NU Teacher for Demeaning PM," *Dhaka Tribune*, October 9, 2013, <http://www.dhakatribune.com/law-amp-rights/2013/oct/09/arrest-warrant-against-nu-teacher-demeaning-pm>.

71 Nazmus Sakib, "Teacher Bailed in PM Facebook Defamation Suit," *Dhaka Tribune*, November 24, 2013, <http://www.dhakatribune.com/bangladesh/2013/nov/24/pm-defamation-3-months%E2%80%99-bail-teacher>.

72 Email interviews with AKM Wahiduzzaman, 2014.

73 "Prodhannontrir Chobi Bikriti's Obhijoke Jubok Grephtar", [Young man arrested for defiling Prime Minister's picture], *Deshar Potro*, July 6, 2014, <http://desherpatro.com/2013/page/404/>.

74 "Facebook'e Rastro-birodhi Montobbo Korai Atok", [Arrested for posting anti-state comments on Facebook], November 11, 2013, <http://www.poriborton.com/post/37605/ফেসবুকে-রাস্তার-বিরোধী-মন্তব্য-করায়-আটক>.

75 Committee to Protect Journalists, "Bangladesh Arrests Three Journalists, Raids News Outlet," news alert, January 17, 2014, <http://www.cpj.org/2014/01/bangladesh-arrests-three-journalists-raids-news-ou.php>.

76 Kailash Sarkar, "Inqilab Press Sealed, 3 Journos Arrested," *Dhaka Tribune*, January 16, 2014, <http://www.dhakatribune.com/bangladesh/2014/jan/16/case-against-inqilab-drives-arrest>.

77 Syed Tashfin Chowdhury, "Journalists Fear Crackdown in Bangladesh," *Al Jazeera*, January 27, 2014, <http://www.aljazeera.com/indepth/features/2014/01/journalists-fear-crackdown-bangladesh-201412616190974287.html>.

78 "3 Inqilab Journos Get Bail," UNBConnect, February 20, 2014, <http://unbconnect.com/journalists-bail/#&panel1-1>.

79 Bangladesh War Crimes Tribunal, "Tribunal's Written Order: 'Contempt Proceedings Commenced,'" April 25, 2014, <http://bangladeshwarcrimes.blogspot.com/2014/04/tribunals-written-order-contempt.html>.

80 Constitution of the People's Republic of Bangladesh.

81 Faheem Hussain and Mohammad Sahid Ullah, "Mobile Communication and Internet in Bangladesh: Is Privacy at Risk for Youth Population?" *Media Watch*, Centre for Communication Studies, 2013.

People are slowly realizing the importance of protecting their online presence against any outside, unlawful intrusion.

The government allows anonymous access and web posting, and does not require website owners, bloggers, or internet users to register, though citizens must provide their national identity card and related personal information to obtain a mobile connection. However, the amended Bangladesh Telecommunication Act of 2010 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; the act also requires domestic service providers to cooperate, though without clear provisions detailing procedures or penalties for noncompliance.⁸² While the BTRC uses deep-packet inspection to monitor for unlicensed Voice over Internet Protocol (VoIP) applications using granular online data,⁸³ no abuse of this capacity for broader surveillance has been reported.

In April 2014, the UK-based nonprofit Privacy International reported 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.⁸⁴

Facebook reported it did not cooperate with government requests for information on 12 Facebook users in the first half of 2013.⁸⁵ The government made seven more requests to Facebook during the period from January to June 2014, looking for information on 17 Facebook users, and Facebook rejected those requests as well.⁸⁶

Individuals have been subject to physical violence for online activity in Bangladesh. In March 2014, a mob attacked two teenagers in the city of Chittagong for allegedly posting blasphemous content on their personal Facebook accounts. Their attackers beat the two students in the street until police intervened, but the pair were subsequently arrested under the ICT Act and denied bail. One of the students wrote a blog and had criticized Jamaat-e-Islami and its student wing, and some bloggers speculated the blasphemy accusation came in retaliation for these comments or a personal enmity.⁸⁷

Bloggers were also violently targeted in 2013. Before blogger Asif Mohiuddin was detained later in the year, armed assailants hospitalized him in January 2013 with serious stab wounds.⁸⁸ After his

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

83 Ashraf Khan, "Cyber Crime Niyontrone Paanch Koti Takar Device" [The Device Forth Five Crore to Control Cyber Crime], *Daily Manab Zamin*, April 20, 2013, http://www.mzamin.com/archive_details.php?nid=NTE0Mzg=&ty=MA=&s=MTg=&c=MQ=&seco=MjAxM3w0fDlwfDA.

84 "Who is Selling Surveillance Equipment to a Notorious Bangladeshi Security Agency," Privacy International, April 29, 2014, <https://www.privacyinternational.org/news/blog/who-is-selling-surveillance-equipment-to-a-notorious-bangladeshi-security-agency>.

85 "Bangladesh Sought Data on 12 Users: Facebook," *BD News 24*, August 28, 2013, <http://bdnews24.com/bangladesh/2013/08/28/bangladesh-sought-data-on-12-users-facebook>.

86 "Bangladesh Sought Data on 17 Facebook Users," *Dhaka Tribune*, November 5, 2014, <http://www.dhakatribune.com/bangladesh/2014/nov/05/bangladesh-sought-data-17-facebook-users>.

87 Tarek Mahmud, "Two Bloggers Sent to Jail," *Dhaka Tribune*, March 31, 2014, <http://www.dhakatribune.com/bangladesh/2014/mar/31/two-bloggers-sent-jail-chittagong>; Global Voices Advocacy, "Teenage Bloggers in Bangladesh Arrested-For Blasphemous Facebook Posts," March 31, 2014, <http://advocacy.globalvoicesonline.org/2014/04/01/teenage-bloggers-in-bangladesh-arrested-for-blasphemous-facebook-posts/>.

88 "Blogger Knifed in Dhaka," *BDNews24*, January 14, 2013, <http://bdnews24.com/bangladesh/2013/01/14/blogger-knifed-in-dhaka1>.

arrest, Mohiuddin reported verbal harassment from other prisoners and believes he remains on a hit list.⁸⁹ In February 2013, leading Shahbag activist Ahmed Rajib Haider was brutally murdered by suspected religious extremists.⁹⁰ 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.⁹¹ The first of such posts singled out Rajib for his critical stance against religious extremism. On January 28, 2014, police formally charged Mufti Jasim Uddin Rahmani, the head of a radical Muslim extremist group, and seven university students for his murder.⁹² The same group is accused of involvement with the attack on Asif Mohiuddin.

Cyberattacks on online news sites and blogs have been documented in Bangladesh, though primarily government websites were targeted during the coverage period. ISPs informally organized a Cyber Emergency Response Team to deal with malicious online threats.⁹³

89 Pantha and Rezwan, "Bangladeshi Blogger Writes About Prison Experience," *Global Voices*, July 28, 2013, <http://globalvoicesonline.org/2013/07/28/bangladeshi-blogger-writes-about-prison-experience/>; Austin Dacey, "Bangladesh's Atheist Blogger Still Wants to Talk," *Religion Dispatches*, August 27, 2013, http://www.religiondispatches.org/archive/politics/7271/bangladesh_s_atheist_blogger_still_wants_to_talk/.

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

91 "12 Blogs, Facebook Pages Blocked," *BDNews24*, February 20, 2013, <http://dev-bd.bdnews24.com/details.php?id=240964&cid=2>.

92 "Eight implicated in Rajib murder," *BDNews24*, January 28, 2014, <http://bdnews24.com/bangladesh/2014/01/28/eight-implicated-in-rajib-murder>

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