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Bangladesh: End Crackdown Against Journalists and Critics - Protecting Freedom of Expression

P. M. Serajul Islam*

Abstract: In recent years, Bangladesh has seen a worrying rise in the repression of journalists and journalist critics thereby jeopardizing freedom of expression as an important human right. This article discusses the recent crackdown on freedom of speech, with a focus on its implications for democracy, human rights, and international relations. This repression has been exacerbated by the government's way of applying draconian laws like The Digital Security Act (DSA) 2018, resulting in severe censorship and self-censorship as well as systematic harassment of media personnel or activists. Such moves have been widely condemned in the international community including some global Human Rights Organisations and soured Bangladesh's relationship with many strategic partners across continents. This article suggests that the crackdown is eroding democratic standards and breaking international human rights rules. Urging reforms on freedom of expression That calls for reform to protect freedom of expression and, importantly the repeal or amendment of some restrictive laws; strengthening democratic institutions as well impose more pressure from international over Dhaka. The article ends by stating the necessity of a free and vibrant press along with increasing civil society engagement if democracy and human rights are to be protected in Bangladesh.

Keywords: Freedom of expression, Media crackdown, Press freedom, Censorship, Human rights.

1. Introduction

1.1 Contextual Background

Since its independence in 1971, Bangladesh has experienced a tumultuous political journey, characterized by periods of democratic governance interspersed with military rule. Throughout this history, the media and civil society have played a crucial role in shaping public discourse, holding the government accountable, and advocating for the rights of citizens. However, the political landscape in Bangladesh has increasingly become hostile to dissent, particularly in the last decade. The current government, led by the Awami League since 2009, has been accused of undermining democratic processes and institutions. This trend has manifested in various forms, including the manipulation of electoral processes, the weakening of the judiciary, and the restriction of civil liberties. Among these, the curtailment of freedom of expression has emerged as a critical issue, raising concerns both domestically and internationally.

* PhD Fellow, Department of Law, Islamic University, Kushtia.

1.2 Significance of the Issue

Freedom of expression is a cornerstone of democracy and a fundamental human right enshrined in various international treaties, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a signatory. It enables citizens to participate in public affairs, fosters transparency and accountability, and serves as a check on government power. When freedom of expression is curtailed, the very fabric of democracy is threatened. In Bangladesh, the increasing crackdown on journalists, activists, and critics poses a significant threat to these democratic principles. The government's actions not only stifle dissent but also create a climate of fear, leading to self-censorship and the erosion of public discourse. This crackdown has broader implications for human rights, as it undermines the ability of individuals and organizations to advocate for social justice, equality, and the rule of law.

2. Historical Context of Freedom of Expression in Bangladesh

2.1 Early Post-Independence Era

Following its independence from Pakistan in 1971, Bangladesh embarked on a journey to establish a democratic and secular state. The country's founding leader, Sheikh Mujibur Rahman, envisioned a society where freedom of expression would be upheld as a fundamental right. The 1972 Constitution of Bangladesh enshrined this right in Article 39, guaranteeing freedom of thought, conscience, speech, and the press.

However, the early years of independence were marked by political instability, economic challenges, and internal strife. The assassination of Sheikh Mujibur Rahman in 1975 and the subsequent military coups significantly altered the political landscape. During the military regimes of the late 1970s and 1980s, press freedom was severely restricted. The government controlled the media, and censorship was widely practiced. Journalists who dared to criticize the regime faced harassment, imprisonment, and even death.

Despite these challenges, the press played a vital role in advocating for democracy and human rights. The 1980s saw the rise of a vibrant civil society, including independent newspapers, which pushed for political reforms and the restoration of democracy. This period laid the groundwork for the eventual transition to democratic governance in the early 1990s.

2.2 Military Regimes

The military rule that dominated Bangladesh during the late 1970s and 1980s had a profound impact on freedom of expression. General Ziaur Rahman, who took power in 1977, initially sought to establish a more inclusive political system. However, his regime maintained tight control over the media. The Press and Publication Ordinance of 1973 was used to censor publications and silence dissent. State-owned media outlets, including Bangladesh Television (BTV) and Bangladesh Betar (Radio Bangladesh), were used as propaganda tools to promote the government's agenda.

The situation worsened under General Hussain Muhammad Ershad, who came to power in a coup in 1982. Ershad's regime was characterized by widespread censorship, the suppression of political opposition, and the use of state security forces to intimidate journalists and activists.

The government's control over the media was nearly absolute, with newspapers and broadcasting outlets facing constant scrutiny and the threat of closure.

Despite these repressive measures, the late 1980s saw a resurgence of pro-democracy movements. Civil society organizations, student groups, and political parties mobilized against the Ershad regime, demanding the restoration of democratic governance. The press played a crucial role in these movements, providing a platform for dissent and exposing government corruption and human rights abuses.

2.3 Return to Democracy

The fall of the Ershad regime in 1990 marked a turning point in Bangladesh's political history. The subsequent democratic transition brought with it renewed hopes for press freedom and civil liberties. The 1990s and early 2000s were characterized by a relatively free press, with numerous private newspapers, television channels, and radio stations emerging. These media outlets played a vital role in holding successive governments accountable and fostering a culture of public debate.

However, the democratic transition was not without its challenges. Political instability, characterized by frequent changes in government, widespread corruption, and the use of violence in politics, continued to plague the country. The media, while enjoying greater freedom than during the military regimes, still faced significant threats. Journalists were often caught in the crossfire of political rivalries, facing harassment, threats, and violence from both state and non-state actors.

Despite these challenges, the press in Bangladesh remained resilient. The growth of digital media in the 2000s further expanded the space for free expression, allowing citizens to access information and engage in public discourse through online platforms and social media.

2.4 Key Legislative Frameworks

The legal framework governing media and freedom of expression in Bangladesh has evolved over time. While the Constitution guarantees these rights, various laws have been enacted that either support or restrict them.

The **Press and Publications Act of 1973** was one of the earliest laws to regulate the media. It provided the government with broad powers to control publications, including the authority to ban or suspend newspapers and revoke the licenses of publishers. This law was often used to suppress dissent during the military regimes.

The **Special Powers Act of 1974** is another significant piece of legislation that has been used to curtail freedom of expression. The Act allows for preventive detention and the imposition of restrictions on individuals deemed to be a threat to the security or public order of the state. Over the years, this law has been used to detain journalists, activists, and political opponents without trial.

In recent years, the **Digital Security Act (DSA) 2018** has emerged as the most controversial and repressive law governing freedom of expression in Bangladesh. The DSA has been widely

criticized for its vague and broad provisions, which allow for the prosecution of individuals for online activities that are deemed to be against the state's interests. The law has been used extensively to target journalists, bloggers, and social media users who criticize the government or expose corruption.

Other relevant laws include the Telecommunication Act of 2001, the Information and Communication Technology (ICT) Act of 2006, and the Broadcasting Policy 2014, all of which have provisions that can be used to restrict media freedom and online expression.

3. The Current Crackdown

3.1 Overview of the Current Situation

In recent years, Bangladesh has witnessed a marked increase in the suppression of freedom of expression, particularly targeting journalists, activists, and critics of the government. This crackdown has taken various forms, including arrests, harassment, physical attacks, enforced disappearances, and even extrajudicial killings. The government has also intensified its control over the media, using both legal and extralegal measures to silence dissent.

One of the most significant developments in this regard has been the enactment and enforcement of the Digital Security Act (DSA) 2018. This law has become the primary tool for the government to clamp down on free speech, particularly in the digital space. The DSA's vague and broad provisions have been used to target individuals for a wide range of activities, including social media posts, online journalism, and digital activism.

The impact of this crackdown has been profound. Journalists and media outlets face constant threats of legal action, leading to widespread self-censorship. Independent and critical voices are increasingly marginalized, and the space for public discourse is shrinking. The situation has drawn widespread condemnation from human rights organizations, both within Bangladesh and internationally.

3.2 Digital Security Act (DSA) 2018

The Digital Security Act (DSA) 2018 represents a significant escalation in the government's efforts to control online expression and suppress dissent. The law was ostensibly introduced to combat cybercrime and protect national security, but its provisions have been widely criticized for being overly broad and open to abuse.

Key provisions of the DSA include:

- **Section 21**: Criminalizes the publication or broadcast of "propaganda or campaign against the Liberation War of Bangladesh, the spirit of the Liberation War, or the Father of the Nation," with penalties of up to 14 years in prison. This provision has been used to target individuals who criticize the government or its leaders.

- **Section 25**: Criminalizes the transmission, publication, or propagation of "offensive, false or threatening data or information" that could disturb public order, with penalties of up to three years in prison. This section has been used to prosecute journalists and social media users for posts that are critical of the government.

- **Section 28**: Criminalizes the transmission of information that could hurt religious sentiments, with penalties of up to 10 years in prison. This section has been used to target bloggers and activists who advocate for secularism or criticize religious extremism.

- **Section 29**: Criminalizes defamation, with penalties of up to three years in prison. This section has been used to target journalists who publish investigative reports on corruption or abuse of power.

- **Section 31**: Criminalizes the publication of information that could create "enmity, hatred, or hostility among different classes or communities," with penalties of up to seven years in prison. This section has been used to target individuals who speak out against discrimination or advocate for minority rights.

The DSA has been widely condemned by human rights organizations, including Human Rights Watch, Amnesty International, and the United Nations, for its potential to stifle free speech and its use to target critics of the government. The law's vague language allows for arbitrary interpretation, leading to the prosecution of individuals for activities that should be protected under the right to freedom of expression.

3.3 Case Studies

Several high-profile cases illustrate the impact of the Digital Security Act and the broader crackdown on freedom of expression in Bangladesh:

1. **The Case of Shafiqul Islam Kajol**: Shafiqul Islam Kajol, a prominent photojournalist and editor, was forcibly disappeared in March 2020, shortly after being charged under the DSA for a Facebook post that allegedly defamed a ruling party lawmaker. Kajol was missing for 53 days before being found near the Indian border and was subsequently arrested. He spent over seven months in prison before being released on bail. His case highlights the use of enforced disappearance and the DSA to intimidate journalists.

2. **The Arrest of Mushtaq Ahmed**: Mushtaq Ahmed, a writer and social media activist, was arrested in May 2020 under the DSA for criticizing the government's handling of the COVID-19 pandemic on Facebook. He was denied bail multiple times and died in prison in February 2021 after being held for nine months without trial. Ahmed's death sparked widespread outrage and protests, highlighting the dangers faced by those who speak out against the government.

3. **The Case of Rozina Islam**: Rozina Islam, an investigative journalist with the daily Prothom Alo, was arrested in May 2021 on charges of "stealing government documents" related to her reporting on corruption in the health sector. Islam was held in police custody for several days and faced multiple legal charges, including under the Official Secrets Act and the Penal Code. Her arrest was widely condemned as an attempt to silence investigative journalism.

These cases represent just a few examples of the broader pattern of repression faced by journalists and critics in Bangladesh. The use of the Digital Security Act and other repressive

laws to target individuals who expose corruption, criticize government policies, or advocate for human rights has created a climate of fear and self-censorship.

3.4 Government's Justification

The Bangladeshi government has defended its actions by arguing that the Digital Security Act and other measures are necessary to protect national security, maintain public order, and prevent the spread of false information. Government officials have emphasized the importance of combating cybercrime, particularly in the context of rising digital communication and social media use. The government has also argued that the DSA is essential for protecting the country's history and values, particularly in the context of the Liberation War of 1971. Sections of the DSA that criminalize "propaganda" against the Liberation War or the Father of the Nation have been justified on the grounds of preserving national unity and preventing the spread of divisive narratives.

However, these justifications have been widely criticized as insufficient and disingenuous. Critics argue that the government is using these laws to silence dissent and protect its own interests rather than addressing genuine security concerns. The broad and vague language of the DSA allows for the arbitrary targeting of individuals who pose no real threat to national security but are seen as politically inconvenient.

Moreover, the government's actions have been criticized for violating international human rights norms, particularly those related to freedom of expression. The arbitrary detention of journalists, the use of force against protesters, and the lack of due process for those charged under the DSA have all raised serious concerns about the government's commitment to upholding the rule of law.

4. Impact on Democracy and Human Rights

4.1 Erosion of Democratic Principles

The ongoing crackdown on freedom of expression in Bangladesh is having a profound impact on the country's democratic institutions. By targeting journalists, activists, and critics, the government is undermining the checks and balances that are essential for a functioning democracy. The press, often referred to as the fourth estate, plays a crucial role in holding the government accountable, exposing corruption, and informing the public about important issues. When the press is silenced, the government operates with impunity, leading to the erosion of democratic governance.

The crackdown has also weakened the independence of the judiciary, which is a key pillar of democracy. The judiciary in Bangladesh has increasingly come under pressure from the executive branch, with judges facing threats and intimidation when they issue rulings that are unfavorable to the government. This has led to a situation where the courts are often reluctant to challenge government actions, particularly those related to the suppression of free speech.

The erosion of democratic principles is further compounded by the government's manipulation of electoral processes. Elections in Bangladesh have been marred by allegations of vote rigging, voter intimidation, and the exclusion of opposition candidates. In this context, the crackdown on

freedom of expression serves to further entrench the ruling party's power by silencing opposition voices and limiting the public's access to information.

4.2 Chilling Effect on Free Speech

The government's actions have created a chilling effect on free speech in Bangladesh. Journalists, bloggers, and social media users are increasingly afraid to express their views, particularly when those views are critical of the government. The threat of arrest, harassment, and violence has led to widespread self-censorship, with many individuals choosing to remain silent rather than risk persecution.

This chilling effect extends beyond the media to other areas of public life. Civil society organizations, academics, and artists are also facing increasing pressure to conform to government-approved narratives. Those who challenge the status quo or advocate for controversial issues, such as minority rights or environmental protection, are often targeted by the government and its supporters.

The suppression of free speech has also had a negative impact on public discourse. In a healthy democracy, diverse voices and perspectives are essential for informed debate and decision-making. However, in Bangladesh, the narrowing of the space for free expression has led to a homogenization of public discourse, where only government-approved narratives are allowed to prevail. This has stifled innovation, creativity, and critical thinking, and has contributed to a decline in the quality of public debate.

4.3 Human Rights Violations

The crackdown on freedom of expression in Bangladesh has led to widespread human rights violations. These include arbitrary arrests, enforced disappearances, extrajudicial killings, and the denial of due process rights. The government's use of repressive laws, such as the Digital Security Act, to target individuals for their online activities is a clear violation of the right to freedom of expression, as protected by international human rights law.

The United Nations, in its Universal Declaration of Human Rights (UDHR), affirms that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (Article 19). Similarly, the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, guarantees the right to freedom of expression (Article 19).

The arbitrary detention and prosecution of individuals under the DSA and other repressive laws are in direct contravention of these international norms. Moreover, the use of force against protesters, the harassment of journalists, and the lack of accountability for human rights abuses further exacerbate the situation. These actions not only violate the rights of individuals but also undermine the rule of law and the principles of justice and fairness.

4.4 Impact on Civil Society

The crackdown on freedom of expression has also had a detrimental impact on civil society in Bangladesh. Non-governmental organizations (NGOs), human rights defenders, and advocacy

groups are facing increasing restrictions on their activities. The government has introduced new regulations and laws that impose stringent requirements on NGOs, particularly those that receive foreign funding. These regulations have been used to target organizations that are critical of the government or that work on sensitive issues, such as human rights, labor rights, and environmental protection.

In addition to legal and regulatory measures, civil society organizations and activists are also facing harassment, intimidation, and violence. Those who speak out against government policies or advocate for the rights of marginalized communities are often subjected to smear campaigns, threats, and physical attacks. This has created a climate of fear that has significantly hampered the ability of civil society to operate freely and independently.

The weakening of civil society has serious implications for the protection of human rights and the promotion of social justice in Bangladesh. Civil society organizations play a crucial role in advocating for the rights of vulnerable groups, holding the government accountable, and providing essential services to communities. The suppression of these organizations not only undermines the rights of individuals but also weakens the overall fabric of society.

5. International Response and Pressure

5.1 Global Reactions

The crackdown on freedom of expression in Bangladesh has drawn widespread condemnation from the international community. Human rights organizations, including Amnesty International, Human Rights Watch, and Reporters Without Borders, have issued numerous reports and statements criticizing the government's actions. These organizations have called for the repeal of repressive laws, the release of arbitrarily detained individuals, and the protection of journalists and human rights defenders.

The United Nations has also expressed concern about the situation in Bangladesh. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has repeatedly called on the Bangladeshi government to respect its international obligations and to ensure that individuals are not persecuted for exercising their right to free speech. The UN Human Rights Council has also raised the issue of freedom of expression in Bangladesh during its Universal Periodic Review (UPR) process, urging the government to take concrete steps to address the concerns raised by the international community.

5.2 Diplomatic Repercussions

The crackdown on freedom of expression in Bangladesh has had significant diplomatic repercussions. Western countries, including the United States, the United Kingdom, and the European Union, have expressed concern about the situation and have called on the Bangladeshi government to uphold its human rights commitments. In some cases, these concerns have led to diplomatic actions, such as the suspension of development aid or the imposition of sanctions on individuals responsible for human rights abuses.

The situation in Bangladesh has also strained its relations with international organizations, such as the Commonwealth and the Organization of Islamic Cooperation (OIC). These organizations

have expressed concern about the state of democracy and human rights in Bangladesh and have called on the government to address the issues raised by the international community.

The diplomatic pressure on Bangladesh has been further amplified by the advocacy efforts of the Bangladeshi diaspora. Expatriate communities, particularly in Western countries, have been vocal in their criticism of the government's actions and have lobbied their host governments to take a stronger stance on the issue. These efforts have helped to keep the issue of freedom of expression in Bangladesh on the international agenda and have contributed to the growing pressure on the government to address the concerns raised by the international community.

5.3 Role of the Diaspora

The Bangladeshi diaspora has played a significant role in advocating for freedom of expression and human rights in Bangladesh. Expatriate communities, particularly in countries such as the United States, the United Kingdom, and Canada, have organized protests, lobbied policymakers, and raised awareness about the situation in Bangladesh. These efforts have helped to draw international attention to the issue and have put pressure on the Bangladeshi government to address the concerns raised by the diaspora.

The diaspora has also been instrumental in supporting journalists, activists, and human rights defenders in Bangladesh. Through financial support, legal assistance, and advocacy, the diaspora has provided a lifeline to those who are targeted by the government. This support has been crucial in enabling individuals to continue their work despite the risks they face and has helped to sustain the struggle for freedom of expression in Bangladesh.

The role of the diaspora is particularly important given the restrictions on civil society and the media within Bangladesh. With limited space for dissent and activism inside the country, the diaspora has become an important voice for those who are silenced. The diaspora's efforts have also helped to build international solidarity and to amplify the voices of those who are fighting for freedom of expression in Bangladesh.

6. Recommendations and Path Forward

6.1 Reforming the Legal Framework

One of the most urgent steps that Bangladesh needs to take is to reform its legal framework to ensure the protection of freedom of expression. The Digital Security Act (DSA) 2018, in particular, needs to be repealed or significantly amended to remove the provisions that are being used to target journalists, activists, and critics. Any new legislation should be carefully drafted to ensure that it is consistent with international human rights standards and that it cannot be used to arbitrarily restrict free speech.

In addition to reforming the DSA, Bangladesh should also review other laws and regulations that impact freedom of expression, including the Official Secrets Act, the Penal Code, and regulations governing NGOs and civil society organizations. These laws should be amended to ensure that they do not infringe on the right to freedom of expression and that they are not used to target individuals for their political beliefs or activism.

Legal reforms should be accompanied by measures to strengthen the independence of the judiciary. The judiciary must be able to operate free from political interference and to provide fair and impartial judgments in cases involving freedom of expression. This will require reforms to the appointment and tenure of judges, as well as measures to protect judges from threats and intimidation.

6.2 Strengthening Institutions

In addition to legal reforms, Bangladesh needs to take steps to strengthen its democratic institutions. This includes ensuring the independence of the judiciary, the press, and civil society organizations. The government should take immediate steps to end the harassment and intimidation of journalists, activists, and human rights defenders, and to ensure that they can carry out their work without fear of retribution.

The government should also strengthen the capacity of institutions such as the Anti-Corruption Commission, the Election Commission, and the National Human Rights Commission. These institutions play a crucial role in promoting transparency, accountability, and the protection of human rights. However, they have often been undermined by political interference and a lack of resources. Strengthening these institutions will be essential for ensuring that Bangladesh's democracy remains robust and that the rule of law is upheld.

6.3 Encouraging Media Freedom

A free and vibrant press is essential for the functioning of a democracy. The government should take steps to promote media freedom by ending the censorship and harassment of journalists and media outlets. This includes repealing or amending laws that restrict press freedom, such as the Digital Security Act, and ensuring that journalists can operate without fear of arrest or violence.
The government should also promote the development of independent media outlets that are not controlled by the state or political parties. This could include providing financial support for independent media, as well as ensuring that media ownership is transparent and free from conflicts of interest. Promoting media literacy and supporting the training of journalists will also be important for ensuring that the media can play its role in informing the public and holding the government accountable.

6.4 International Support

The international community has a crucial role to play in supporting freedom of expression and human rights in Bangladesh. This includes providing diplomatic pressure, financial support, and technical assistance to promote legal and institutional reforms. The international community should also continue to monitor the situation in Bangladesh and to raise concerns about human rights abuses in international forums.

International organizations, such as the United Nations, the European Union, and the Commonwealth, should use their influence to encourage the Bangladeshi government to uphold its human rights commitments. This could include imposing sanctions on individuals responsible for human rights abuses, as well as providing support for civil society organizations and human rights defenders.

The international community should also support efforts to raise public awareness about the importance of freedom of expression. This could include funding media literacy programs, supporting the training of journalists, and promoting the work of independent media outlets.

6.5 Public Awareness and Advocacy

Raising public awareness about the importance of freedom of expression is essential for building a culture of democracy and human rights in Bangladesh. This will require concerted efforts by civil society organizations, the media, and the international community to educate the public about their rights and to advocate for legal and institutional reforms.

Public awareness campaigns should focus on the importance of free speech for democracy, the risks of censorship and repression, and the need for legal protections for journalists, activists, and critics. These campaigns should also highlight the stories of individuals who have been targeted for exercising their right to free speech, as well as the broader impact of the crackdown on society.

Advocacy efforts should also focus on engaging with policymakers and lawmakers to promote legal and institutional reforms. This could include lobbying for the repeal or amendment of repressive laws, as well as advocating for the strengthening of democratic institutions. Engaging with the international community will also be important for building support for these efforts and for putting pressure on the Bangladeshi government to take action.

7. Conclusion

7.1 Summary of Key Points

The ongoing crackdown on freedom of expression in Bangladesh represents a serious threat to the country's democracy and human rights. The government's use of repressive laws, such as the Digital Security Act, to target journalists, activists, and critics has created a climate of fear and self-censorship that is stifling public discourse and undermining democratic institutions.

The situation in Bangladesh has drawn widespread condemnation from the international community, with human rights organizations, international organizations, and foreign governments calling for an end to the repression and for the protection of freedom of expression. The Bangladeshi diaspora has also played a crucial role in advocating for change and in supporting those who are targeted by the government.

7.2 Reiteration of Thesis

This article has argued that the crackdown on freedom of expression in Bangladesh is undermining democracy and human rights and that urgent action is needed to address the situation. The government must take steps to reform its legal framework, strengthen its democratic institutions, and promote media freedom. The international community must also continue to apply pressure and to support efforts to protect freedom of expression in Bangladesh.

7.3 Call to Action

The time for action is now. The Bangladeshi government must recognize that the suppression of free speech is not only a violation of human rights but also a threat to the country's long-term stability and prosperity. By taking steps to protect freedom of expression and to uphold the rule

of law, Bangladesh can build a more inclusive and democratic society that respects the rights of all its citizens.

The international community must also continue to stand in solidarity with the people of Bangladesh and to support their struggle for freedom and democracy. By working together, we can help to create a future where everyone in Bangladesh can exercise their right to free speech without fear of persecution.

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