

URGENT ACTION

SINGER ARRESTED FOR 'HURTING RELIGIOUS SENTIMENT'

Bangladeshi folk singer Shariat Boyati has been arrested under the draconian Digital Security Act for stating that music is not forbidden in the Qur'an. He faces up to five years' imprisonment on vague charges of hurting religious sentiment. Arrested for solely exercising his right to freedom of expression, Shariat Boyati must be immediately and unconditionally released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Asaduzzaman Khan, MP

Minister

Ministry of Home Affairs

Bangladesh Secretariat

Dhaka-1000, Bangladesh

Email: minister@mha.gov.bd;

asaduzzamankhan.mp@gmail.com

Honourable Minister Khan,

We are concerned by the unjust detention of a Bangladeshi folk singer **Shariat Boyati** who was arrested on 11 January 2020 for sharing his opinions at an event. Stating his belief that music is not forbidden in the Qur'an, Shariat Boyati criticised some hardline Islamic scholars for fabricating and misrepresenting religious norms..

Accused under section 28(2) of the draconian Digital Security Act, which criminalizes the publication or broadcast of "any information that hurts religious values or sentiments", Shariat Boyati faces up to five years' imprisonment and/or a fine of up to 10 million takas.

The UN High Commissioner for Human Rights has called on Bangladesh to "urgently revise the Digital Security Act, to ensure that it is in line with international human rights law and that it provides for checks and balances against arbitrary arrest, detention, and other undue restrictions of the rights of individuals to the legitimate exercise of their freedom of expression and opinion".

As the UN Special Rapporteur on freedom of religion or belief told the UN Human Rights Council, "subjective feelings of offensiveness...should never guide legislative actions, court decisions or other State activities".

Defending music is not a crime. Shariat Boyati must not be punished for exercising his right to freedom of expression as enshrined in the International Covenant on Civil and Political Rights.

We urge the Bangladesh government to:

- 1. Immediately and unconditionally release Shariat Boyati and drop all charges against him and all those implicated solely for peacefully exercising their right to freedom of expression;**
- 2. Promptly amend the Digital Security Act such that it complies with international human rights law, including the ICCPR, to which Bangladesh is a state party.**

Yours sincerely,

ADDITIONAL INFORMATION

Shariat Boyati is a singer of the popular Baul folk music community in Bangladesh. The singer used expletives and personal interpretation of Islam to criticise a section of hardline Islamic scholars for fabricating and misrepresenting the philosophy of the religion at a Muslim community gathering in Dhaka, Bangladesh, on 24 December 2019. Police arrested him on 11 January 2020, on charges of “hurting religious sentiments” under section 28(2) of the draconian Digital Security Act (DSA), nearly two weeks after his remarks were uploaded on YouTube.

Shariat Boyati’s lawyer Abdullah Al Noman told Amnesty International that his remarks against a section of Islamic scholars should not be construed as an attack against the entire Muslim community.

Freedom of expression protects all forms of opinion including of religious nature and the right to change an opinion whenever and for whatever reason a person so freely chooses. The right to freedom of expression extends to the right even to be deeply offensive as stated by the UN Human Rights Committee in General Comment 34. The Committee has also stressed that “prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the International Covenant on Civil and Political Rights (ICCPR).”

The DSA is feared by journalists and critics in Bangladesh for muzzling dissent on digital platforms with extremely harsh forms of punishment including life imprisonment. The UN High Commissioner for Human Rights has called on Bangladesh to “urgently revise the Digital Security Act, to ensure that it is in line with international human rights law and that it provides for checks and balances against arbitrary arrest, detention, and other undue restrictions of the rights of individuals to the legitimate exercise of their freedom of expression and opinion”.

In November 2018, Amnesty International released a report outlining sections within the DSA which are inconsistent with international human rights law, including the ICCPR, to which Bangladesh is a state party and called on the Bangladesh government to promptly amend the law.

At least 14 offences under the DSA, including the charges against Shariat Boyati, are non-bailable. The Human Rights Committee observed that harassment including arrest, trial, detention and imprisonment for reasons of opinion a person may hold, constitutes a violation of article 19 of ICCPR. The High Court in Dhaka on 12 February 2020, asked the Bangladesh government to explain within two weeks why Shariat Boyati should not be granted bail.

Nearly 400 cases were filed against different individuals in the first 11 months after the DSA came into effect in October 2018. According to media reports, more than 200 cases have been dismissed for lacking sufficient evidence into the allegations.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 March 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Shariat Boyati (he/him)