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26 July 2021

H.E. SHEIKH HASINA

Prime Minister
Government of the People's Republic of Bangladesh
Prime Minister's Office
Dhaka 1000, Bangladesh

SUBJECT: REPEAL THE DIGITAL SECURITY ACT AND END CRACKDOWN ON FREEDOM OF EXPRESSION ONLINE

Your Excellency,

I write this letter to bring to your attention the latest findings in a briefing by Amnesty International, which has documented violations of the right to freedom of expression online committed by the Bangladeshi authorities under the Digital Security Act.

The 21-page briefing – "[NO SPACE FOR DISSENT](#)" – documents emblematic cases of 10 individuals who have been charged or otherwise implicated under the DSA simply for putting out statements of dissent, including the Bangladeshi government's response to the Covid-19 pandemic and satirizing public officials and other powerful people for their actions. These activities do not qualify for legitimate restrictions let alone punitive measures under international human rights law and standards including the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a State party.

Those arrested or accused under the DSA include writers, journalists, photojournalists, cartoonists, musicians, entrepreneurs, politicians, high school students and even a farmer who cannot read or write. It is appalling to know that as of 11 July 2021, there are at least 433 prisoners in Bangladesh under this law, most of whom are imprisoned on vague and overbroad allegations of publishing false, offensive or defamatory information online.

Furthermore, in the cases analyzed by Amnesty International, eight out of 10 individuals have been charged with vague allegations of "advances to deteriorate law and order" simply by commenting on social media. All these individuals are facing punishment of up to 10 years in prison. In some cases, punishment under the law extends to life imprisonment on vague allegations such as campaign against "spirit of liberation war".

The Cyber Tribunal based in Dhaka has recorded 199 cases for trial between 1 January and 6 May 2021. Amnesty International has found that 134 of those cases clearly specified the sections under the DSA. Around 80% of those cases (or 107 out of 134 cases) were filed under both Sections 25 and 29 of the DSA, which criminalizes "false, offensive and defamatory information" in contravention with Bangladesh's obligations under international human rights law.

In the cases documented by Amnesty International, eight out of 10 individuals were detained for weeks and months even before their cases appeared for trial. Amnesty International has further documented allegations of torture and enforced disappearance by security agencies in some cases after individuals shared critical

opinions online. In February 2021, writer Mushtaq Ahmed died in prison after languishing there for more than 10 months without trial simply for criticizing the Bangladeshi government's response to Covid-19.

These are egregious violations of human rights. It is clear that the DSA is incompatible with international human rights law and Bangladesh's wider commitments to protect people's right to freedom of expression online and offline expressed at the Universal Periodic [Review](#) and at the UN Human Rights [Council](#).

The ICCPR stipulates that any restriction under Article 19(3) must be "sufficiently clear, accessible and predictable" and any such restriction must be strictly necessary and proportional, using the least intrusive instrument to achieve the protection of a legitimate interest. The DSA, however, is a vague and overly broad law which is being used to criminalize legitimate forms of expression.

In light of our findings above and your country's commitments to protect the right to freedom of expression, I call on your government to:

- Repeal the Digital Security Act unless it can be promptly amended in line with international human rights law and standards, including the ICCPR;
- Immediately and unconditionally release, and drop all charges against, all those accused solely for exercising their right to freedom of expression;
- Promptly, thoroughly, impartially, independently and transparently investigate the death in prison of Mushtaq Ahmed, and the allegations of torture and other ill-treatment of individuals arrested under the DSA in this context, and bring all those responsible to justice in fair trials without recourse to the death penalty;
- Decriminalize defamation and treat defamation as a matter of civil litigation;
- Submit without further delay, for the consideration of the Human Rights Committee, the second periodic report under the International Covenant on Civil and Political Rights;
- Engage constructively with the UN Special Procedures, including by:
 - issuing a standing invitation to the UN Special Procedures and inviting the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to carry out an independent assessment of the situation, ensuring unfettered access to relevant stakeholders and locations;
 - responding to the numerous communications by UN Special Procedures, in particular to the communications from the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders regarding the compatibility of the DSA with international human rights law.

I would like to inform you that this letter is available to the public. We would be happy to engage and assist your Excellency's government at promoting and protecting the right to freedom of expression.

Yours sincerely,



Yamini Mishra
Regional Director - Asia-Pacific