BANGLADESH: GOVERNMENT SHOULD ENSURE THAT HUMAN RIGHTS DEFENDERS WHO ENGAGE IN UN PROCESSES DO NOT FACE ACTS OF REPRISAL

The Government of Bangladesh must ensure that human rights NGO Odhikar and its founder Adilur Rahman Khan do not face any threats or attacks as a result of engagement in activities related to the Universal Periodic Review (UPR) of Bangladesh. Khan is scheduled to return to Bangladesh following his participation in the 44th Session of the UPR at the UN and related activities in Geneva. Those working to document and expose human rights violations should be able to conduct their actions without fear of harassment, intimidation, and acts of reprisal for cooperating with UN bodies and entities.

Two months prior to the UPR, in September 2023, a specialised court set up in Bangladesh to try cyber offences sentenced Adilur Rahman Khan and ASM Nasiruddin Elan, leaders of Odhikar, to two years' imprisonment under Section 57 of the draconian Information and Communication Technology Act 2006 (ICT Act). The ICT Act was subsequently repealed in October 2018 following sustained pressure from the international community, including in Bangladesh’s 3rd cycle of the UPR held in May 2018. The case was filed after Odhikar published a fact-finding report documenting extrajudicial executions conducted by the state in response to a protest in 2013. After being charged, Khan and Elan faced a decade of relentless persecution, intimidation and harassment by the state and sentenced in September 2023, after an unfair trial. The state’s relentless crackdown on Odhikar and its leaders has had a chilling effect on civil society in Bangladesh as a whole, especially those documenting gross violation of human rights, such as extrajudicial executions.

Amnesty International is concerned for the safety and wellbeing of Adilur Rahman Khan upon his return to Bangladesh, following a concern ing incident during a UPR side event on 13 November. The side-event was co-organised by Amnesty International and several other human rights groups to discuss persecution of human rights defenders, shrinking civic space and impunity in Bangladesh. The panel discussion was disrupted, and verbal attacks were made by those who are reported to be affiliated with the ruling party, Awami League, to suggest that Adilur Rahman Khan was a ‘propaganda machine’ spreading falsehoods. Throughout the meeting they conducted multiple acts of intimidation. This was followed by articles in online news outlets that also asserted that Adilur Rahman Khan presented false and fabricated information at the side event and that he tarnished the image of Bangladesh. For instance, one of these articles is titled “Odhikar’s Adilur Rahman attacked at UN office in Geneva” and appeared in an online Bangla newspaper, where one of the ruling party affiliates who participated in causing the disruption is listed as the editor. Social media posts have also appeared on the event stating that Adilur Rahman Khan is spreading propaganda and that he must be stopped. A representative of the Permanent Mission of Bangladesh who was present at the event asserted that the speakers, which included Adilur Rahman Khan, were committing nothing but an ‘attempt to malign the government and conducting a smear campaign against the government’.

Defamation and publication of ‘false or offensive information’ to ‘annoy, insult, humiliate or malign’ are criminalised in Bangladesh under Sections 25 and 29 of the newly enacted Cyber Security Act 2023 which rehashes the repressive features of the repealed Digital Security Act 2018 (DSA). Since the enactment of DSA in 2018, the Bangladeshi authorities have persistently used it to stifle dissent and criminalise free speech. The use of defamation and other laws

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with the purpose or effect of inhibiting legitimate criticism of government or public officials violates the right to freedom of expression.

Adilur Raham Khan’s participation in the side event should not be used against him under section 25 or section 29 of the Cyber Security Act 2023 or other any other laws, such as the Special Powers Act 1974, which have occasionally also been used to stifle dissent. Doing so would be in violation of his human rights to freedom of association and freedom of expression and amount to an act of reprisal for cooperating with the UN. Accusations of falsehood made at the side event can have a chilling effect on human rights defenders working on Bangladesh who cooperate with the UN, as it could expose them to prosecution under restrictive legislation such as the Cyber Security Act 2023 but also in the context of past violent attacks against those who express dissent in Bangladesh.

We call on the government of Bangladesh to amend the Cyber Security Act 2023 and bring it in line with international human rights standards. The government must further ensure that human rights defenders, including Adilur Rahman Khan are not targeted and attacked for their legitimate work in promoting human rights.

BACKGROUND

In Bangladesh, journalists, human rights defenders and all those critical of the government have faced increasing attacks and prosecutions amid a deepening crisis for the right to freedom of expression in the country, and a growing culture of zero tolerance for dissent. While there are several laws which restrict the right to freedom of expression in Bangladesh, the ICT Act and the DSA (which are predecessors to the Cyber Security Act 2023) have been most frequently used to stifle peaceful dissent. In March 2023, prime minister Sheikh Hasina labelled Prothom Alo – the country’s largest daily newspaper - ‘an enemy of the Awami League, democracy, and the people of Bangladesh,’ in Parliament. Hours later, a group of individuals barged into Prothom Alo’s office in the capital, Dhaka, issued threats and vandalized its logo. This was in reference to an article by journalist Shamsuzzaman Shams published by the media outlet on 26 March, Independence Day, covering the cost of living in Bangladesh.

Shams was picked up from his residence by a group in civil clothes that identified as the Criminal Investigations Department. His whereabouts were unknown for at least 10 hours, after which the police stated that he was being charged and detained under DSA for publishing ‘defamatory, false and fabricated information’. He was initially denied bail and jailed. Although Shams was later released on bail on 3 April 2023, if convicted he could face up to seven years’ imprisonment. A senior news editor from Bangladesh speaking to Amnesty International described the government’s crackdown on Prothom Alo as a deliberate campaign ‘to create an atmosphere of terror ahead of the general elections.’

In June 2023, journalist Golam Rabbani was beaten to death by a group of men armed with machetes and steel bars. The attack came hours after a local court dismissed a case filed against Rabbani under the DSA by the then Sadhurpara union council chairman, who was also a member of the ruling party. Rabbani’s family alleged that he was killed in retaliation for a series of reports he authored on the chairman, which is what prompted the case under the DSA as well.

Khadijatul Kubra, a second-year university student was in arbitrary detention for over 14 months under the DSA, in connection with critical statements made for a guest speaker during a webinar she moderated when she was 17 years old. In August 2023, the police arbitrarily arrested and detained 58-year-old Anisha Siddika on charges of ‘sabotage’ against the government under the authoritarian Special Powers Act. This came three days after Anicha’s son, who lives in the US, made a Facebook post critical of the ruling party.