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Zeitungslektüre.

Symbolfoto: Bernhard Hertlein

Interim government should protect freedom of expression and opinion

Bangladesh

We, the undersigned human rights organizations Amnesty International, Article 19, Forum-Asia, Civicus, Fortify Rights, Frontline Defenders, Human Rights Watch, Pen America and CPJ, note with alarm the number of arrests and incidents of harassment and violence against individuals and human rights defenders exercising their right to freedom of expression in Bangladesh in the last month. Bangladesh has a history of widespread violations of the right to freedom of expression. In order to build a rights respecting future, it is essential to break from that past. While the recent attacks are not all by state actors, the government has an obligation to guarantee the right to freedom of expression in Bangladesh, which includes but is not limited to protecting

people from attacks by non-state actors for exercising their right to freedom of expression.

The month of February saw a spate of violent attacks on journalists. On 3 February, a journalist was attacked with hammers and knives in Shariatpur, after he reported on claims of medical negligence at a private clinic. Three other journalists were reportedly injured in the incident. Six people accused of the attack were produced in court on February 24. Also on February 3, another four journalists were attacked in Laximpur by masked men wielding bamboo sticks and firing guns. On 5 February, three journalists were attacked on the premises of the Supreme Court, reportedly by members of the Bangladesh Nationalist Party (BNP). The journalists were covering the acquittal of all 46 people found guilty in 2019 in a case related to a 1994 attack on a train carrying then Prime Minister Sheikh Hasina. On 9 February, five journalists were baton charged, kicked and punched by police officers while covering a protest in Dhaka. On 25 February, a journalist was reported to have been assaulted by a BNP member in Thakurgaon, after publishing an article claiming the politician was carrying out extortion.

The right to freedom of expression is enshrined in Article 39 of Bangladesh's constitution and in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh has acceded. Additionally, Article 9 of the ICCPR protects the right to liberty and security of persons. Bangladesh should take immediate steps to prevent and investigate patterns of harassment and violence against journalists and others, including by private actors, and to hold perpetrators of attacks accountable. It is not only journalists that have faced attacks, but authors and poets and human rights defenders too. On 10 February, a group of individuals attacked a book stall at the Amar Ekushey Book Fair, following claims that the stall was selling books authored by Taslima Nasreen, who was previously accused of publishing writing which insulted Islam. She fled Bangladesh in 1994 after receiving death threats. While Chief Advisor Muhammad Yunus ordered an investigation into the attack, there is no indication that perpetrators have been held accountable. This incident took place against the backdrop of increased restrictions on freedom of expression on grounds of protecting religion or religious sentiments. For example, on 13 February, Sohel Galib, a poet, was arrested and charged under the Code of Criminal Procedure for 'hurting religious sentiment'. It was alleged that a poem written by Galib made derogatory remarks about Islam. On March 3, Dhaka Cyber Tribunal ordered the Criminal Investigation Department to investigate a case brought by a private citizen against Rakhai Raha, a human rights defender and member of the Textbook Revision Committee, for allegedly hurting religious sentiment in a Facebook post where he wrote a satirical poem questioning freedom of expression related to the arrest of Sohel Galib. According to Article 19(3) of the ICCPR any restriction on freedom of expression must be provided by law, pursue one or more of the specified legitimate aims (such as protecting the rights or reputations of others), and be necessary and proportionate to that aim. The arrest of individuals on charges of hurting religious sentiment is not permissible. In fact, the UN Human Rights Committee (in General Comment 34) has specified that Article 19's protection of free speech embraces even expression that may be regarded as deeply offensive. It further elaborates that prohibiting displays of lack of respect for a religion or preventing or punishing criticism of religious leaders or commentary on religious doctrine and tenets of faith would be in violation of Article 19. Similarly, the Rabat Plan of Action expressly states that the right to freedom of religion or belief does not include a right for that religion or belief to be free from criticism or ridicule. Bangladesh's legal framework on Cyber Security also enables impermissible restrictions on freedom of

expression. Police in Kurigram sought the arrest of a writer and activist, Nahid Hasan after a case was filed against him by a private individual on 25 February for allegedly 'hurting religious sentiment'. The case was filed under the Cyber Security Act (CSA), a draconian piece of legislation which has previously been used against government critics, human rights defenders, journalists and bloggers, in a manner which contravenes their right to freedom of expression. The provision in the CSA relating to hurting religious sentiment has, in the past, been used to curb freedom of expression and harass human rights defenders under the guise of religion. Since coming into power, the interim government has made numerous commitments to repeal the problematic CSA. However, the attempt to do so through the Cyber Protection Ordinance 2025(CPO) also fails to comply with international human rights standards, as pointed out by both local civil society and international organizations, the draft legislation replicates the provision on 'hurting religious sentiment' found in the CSA. While we welcome the government's pledge to repeal the CSA, and while the current draft of the CSO has reportedly removed concerning provisions related to searches without warrants and criminalization of defamation, the retention of draconian provisions which have historically been used to restrict freedom of expression, coupled with a lack of meaningful, transparent consultation with civil society, is disappointing. The current reforms are insufficient to bring the CSO in line with international standards and best practices, and they indicate that the interim government is not serious about meaningful reform of this problematic legislation. Any subsequent legislation seeking to address online safety and data protection should conform with international standards and best practices and be drafted in a transparent manner with meaningful opportunities for consultation. We acknowledge the political transition that took place over six months ago following the ousting of former Prime Minister Sheikh Hasina's administration, and the significant systemic challenges that the interim government faces. A deep commitment to human rights is vital to ensure the stability of this transition process. The interim government must break from Bangladesh's history of repression and fear and to take steps to promote and protect freedom of expression, including by consistently and promptly investigating attacks on those exercising this right and holding the perpetrators to account. Journalists, dissenters, activists and ordinary people should be able to exercise their right to free speech without fear of reprisal from state and non-state actors.

We call on the Bangladeshi authorities to:

- Ensure that any draft legislation being considered for adoption undergoes a thorough and transparent consultation process and complies with international human rights law and standards
- Immediately and unconditionally drop all criminal charges against people and human rights defenders detained solely for exercising their right to freedom of expression
- End the practice of bringing criminal charges against people and human rights defenders exercising their right to freedom of expression and repeal all legal provisions that allow for restrictions on this right based on the protection of religion or religious sentiment
- Ensure that, pending the repeal or amendment of the Cyber Security Act, no one is arrested or detained under provisions that violate their right to freedom of expression

- Unequivocally condemn and promptly investigate attacks against journalists and other media workers, and ensure that perpetrators of violence against people and human rights defenders exercising their right to freedom of expression are held accountable in fair and impartial trials without recourse to the death penalty
- Protect journalists, other media workers, civil society actors and human rights defenders from harassment, intimidation, or violence from state or non-state groups and enable them to undertake their journalistic activities

Sincerely,

Amnesty International
Article 19
Asian Forum for Human Rights & Development
CIVICUS: World Alliance for Citizen Participation
Fortify Rights
Front Line Defenders
Human Rights Watch
PEN America
The Committee to Protect Journalists

Further Information/Links

<https://www.newagebd.net/post/country/257096/four-journalists-injured-in-attack-for-publishing-news>

<https://www.newagebd.net/post/country/257260/3-journalists-injured-by-bnp-activists-at-sc>

<https://www.thedailystar.net/news/bangladesh/rights/news/bjim-condemns-police-brutality-5-journos-3820331>

<https://www.newagebd.net/post/country/258895/journalist-beaten-by-bnp-leader-in-thakurgaon>

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

<https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>

<https://www.thedailystar.net/news/bangladesh/crime-justice/news/columnist-nahid-sued-hurting-religious-sentiments-3832461>

<https://www.tbsnews.net/bangladesh/100-distinguished-citizens-call-scrapping-cyber-security-ordinance-24-1047416>

<https://globalnetworkinitiative.org/gni-statement-on-recent-digital-regulations-in-bangladesh/>