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Statement: Two years since coming into force, Bangladesh's Digital Security Act continues to target human rights defenders and suppress free speech

Front Line Defenders is deeply concerned about the increasing repression of freedom of expression and the growing number of arrests of human right defenders, including journalists, in Bangladesh, under the Digital Security Act (DSA) 2018. Since becoming law, over five hundred people have been charged under its provisions. However, in the context of the COVID-19 lockdown, arrests under the Act have markedly increased, and show a worrying trend of suppression and targeting those who legitimately defend human rights online in the country.

The Digital Security Act was passed in 2018 despite intense criticism and condemnation from human rights defenders, students, civil society organisations and the international community for its overly broad and vague provisions, which lack legal certainty and precision. The Act criminalises many forms of freedom of expression, particularly those legitimately practised by human rights defenders, imposing heavy fines and prison sentences for legitimate forms of dissent. It gives the government absolute power to initiate investigations into anyone whose activities are considered a 'threat' by giving law enforcement agencies power to arrest without warrant, simply on suspicion that a crime has been committed through the use of social media. In addition, the Act allows the Government to order the removal and blocking of any information or data on the internet it deems necessary, thereby providing broad scope to silence those critical of its policies or who share information on human rights violations in the country. It allows for invasive forms of surveillance by permitting authorities to ask service providers and other intermediaries for data without requiring a court-obtained warrant. The Act has been a setback to the creation of a safe and enabling environment for human rights defenders to exercise freedom of expression in the country.

Several human rights defenders have been charged under the Act. Most recently, Didar Bhuiyan was [arrested](#) on 5 May 2020, after he shared a report on social media criticising the Government's response to the pandemic. The defender is a core member of the 'Humanitarian assistance monitoring committee', a collective that was set up by Rastrochinta (a platform that hosts discussion on political reform, rule of law and constitutional rights, among others) to monitor the Government's humanitarian activities in response to COVID-19. Ten others, including a cartoonist, a writer, a number of journalists and a lecturer, were named and charged alongside him in the same case. Since then, on 1 October 2020, Didar Bhuiyan was released from prison two weeks after being granted bail by a High Court bench of the Bangladesh Supreme Court. Front Line Defenders' recent report ['Crushing Student Protests'](#), documents several further incidents of the DSA and the Information and Communication Technology (ICT) Act being used to silence and harass legitimate speech.

Some of the problematic provisions under the DSA include Section 21, which penalises persons with a hefty 30 million taka fine (approx. 300,000EUR) and/or life imprisonment, if they are found guilty of using digital media to run a propaganda campaign, or assist in running propaganda campaigns against the Liberation War of Bangladesh, cognition of the Liberation War¹, the Father of the Nation, National Anthem or National Flag. Human rights defenders and journalists are often booked under Section 25 of the DSA, which relates to the publication and/or distribution of 'attacking, false or intimidating information or data'. The vague language of the clause allows for its

¹ Section 2 (U) of the DSA explains "Cognition of Liberation War" as "those great ideals which inspired the brave public to dedicate themselves to the national liberation struggle and the brave martyrs to lay down their lives for the cause of liberation, the ideals of nationalism, socialism, democracy and secularism."
The U.N Human Rights Committee in its General Comment 34 clearly states that laws that penalise expressions of opinions about historical facts are incompatible with Article 19 of the ICCPR.
<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

arbitrary application against critical and dissenting voices. Furthermore, 14 of the 20 provisions of punishment under the Act are non-bailable. Section 27 fines a person 50 million taka (approx. 500,000EUR) and/or imposes a sentence of life imprisonment if they are found guilty of cyber terrorism², a broadly defined, ambiguous term described as the 'intention to... instil terror among the public'; Section 43 allows for police officials to enter and search any property, seize digital devices, gather data, information or other related objects, and arrest any person present on the property without a warrant, merely on suspicion that an offence under the Act has been, or will be, committed. In addition, the Act provides immunity to those who conduct surveillance on the Government's behalf, by stating that any person, entity or service provider, who gives or publishes information for the interest of investigation, cannot be investigated under civil or criminal law.

According to local human rights defenders, since 2018, 204 cases have been filed against 517 persons under the DSA and ICT Acts (506 under DSA and 11 under ICT), of which 204 people were arrested. The majority of these cases have been opened in 2020, when up until September, 134 cases had been filed against 293 persons, inof which 139 were arrested. Just one month into the lockdown, over twenty journalists were jailed under the DSA, many for social media posts criticising the Government's response to the pandemic. According to the 2020 world press freedom [ranking](#), Bangladesh [ranked](#) 151 out of 180 countries.

At a time when Governments should be reducing the prison population to protect against the spread of COVID-19, the authorities in Bangladesh have been arresting people for their legitimate defence and exercise of human rights. The UN High Commissioner earlier this year [urged](#) governments to work towards reducing the number of detainees in prisons. Rather than addressing the issues being raised by the defenders, the Government has resorted to using the law to criminalise such forms of expression. While the pandemic has exposed failings in the Government's ability to address a public health emergency, it has also highlighted the shrinking space for freedom of opinion and expression and the legitimate defence of human rights in the country, including the right to health.

Two years since its passing, Front Line Defenders expresses increasing concern over the use of the Digital Security Act to silence dissenting voices, particularly since the onset of the pandemic. Front Line Defenders condemns the Bangladeshi Government's growing intolerance towards human rights defenders and all those critical of its actions. It is extremely concerned about the draconian Digital Security Act and the hostile environment it has created in the country for human rights defenders. It urges the Bangladeshi authorities to release all those arbitrarily arrested and detained, as well as to conduct a full, independent review of the Act, and bring it in line with the International Convention on Civil and Political Rights, to which Bangladesh is a party. It further calls on the Government to ensure that its laws are sufficiently precise so as not to arbitrarily target human rights defenders or their work, ensuring that they are permitted to carry out their peaceful and legitimate activities in defence of the rights of others, including through the exercise of the right to freedom of expression.

² Cyber terrorism is defined as ' the intention to breach the national security or to endanger the sovereignty of the Nation and to instil terror within the public or a part of them, create obstruction in the authorized access to any computer, computer network or internet network or illegally access the said computer, computer network or internet network or cause the act of obstruction of access or illegal entry through someone'.