

10. Who suppresses free speech in Bangladesh?

A typology of actors

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The aspiration of Bengalis for freedom and democracy arose from the birth of Bangladesh, in a bloody war of independence in 1971 against Pakistan. Bangladesh made its mark on history on December 16, 1971, standing for the first time on the world map as an independent nation state. What followed since 1971 is the history of its struggle to establish democracy and freedom, where attaining freedom of speech and establishing rights remains – like the griffin or the unicorn – an unverified chimera. A report from 2014 observes that Bangladesh “remains stubbornly beset by democratic deficiencies” (Riaz, 2014: 120).¹ The situation has worsened since then.

This chapter offers a typology of actors suppressing freedom of expression/speech in Bangladesh. I argue that in Bangladesh alongside the government, a section of journalists, academics, businessmen, political parties, secular and Islamist activists all act against the spirit of freedom of speech. It should be noted that, while this essay aims to depict a pattern or typology in identifying actors playing a role in limiting free speech in Bangladesh, many of these actors also play a role in upholding free speech in the country. However, the focus of this chapter is limited in demonstrating how these actors play a vital role in limiting free speech. I argue that the reason behind engagement of these actors in suppressing free speech is the result of clientelist political settlement in Bangladesh.

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Free speech and Bangladesh

Article 19 of the Universal Declaration of Human Rights underpins free speech in following manner: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

From this declaration it is not difficult to conclude that free speech is a human right and it is therefore of “particular value in a democratic society” (Warburton, 2009: 3). Bangladesh’s constitution underpins importance of various freedoms (including free speech). For example, in its preamble, it states that, “it shall be a fundamental aim of the state to realise through the democratic process a socialist society, free from exploitation a society in which the rule of law, fundamental human rights and freedom equality and justice, political, economic and social, will be secured for all citizens”; the article 39 (1) underpins that “freedom of thought and conciseness is guaranteed”, 31 1(A) and (B) underpins that the right of every citizen to freedom of speech and expression; and freedom of the press, are guaranteed. The constitution further guarantees freedom of religion and political association-two key components also related to freedom of speech through article 41.1 (A) which states, “every citizen has the right to profess, practise or propagate any religion”. However, the reality is different as mentioned at the outset of this essay.

The history of Bangladesh thrives on political oppression and gagging free speech. In order to understand this peculiar political context it is important to understand Bangladesh’s clientelist political structure. In the following section I initiate a discussion on Bangladesh’s clientelist political climate before offering a justification for limiting free speech may seem to be a lucrative proposition to some influential social actors. Before that, I must stress that here I have followed Warburton (2009), who defines free speech “in a broad way to cover just not spoken words but a wide range of expression, including the written word, plays, films, videos, photographs, cartoons, paintings and so on” (Warburton, 2009: 4–5).

Clientelist politics, Bangladesh and its socio-economic condition

Stokes (2011) defines clientelist politics as “the proffering of material goods in return for electoral support, where the criterion of distribution that the patron uses is simple: Did you (will you) support me?” This definition is useful in a context where elections are regular, free and fair. Thus, the significance of support from voters matters. The Bangladeshi context however is slightly different. Here elections have only become regular, free and fair since 1991, up to 2008. The 1972 election was also fair, but thereafter, all elections until 1991, under military rulers Ershad and Zia, were neither free nor fair (Baxter, 1991). The 2008 election when the current Awami League (AL) had won, was contested fairly and freely, but then the 2014 election was uncontested as the opposition parties – the Bangladesh Nationalist Party (BNP) and its Islamist ally the Bangladesh Jamaat Islam (BJI) – boycotted the election. The national election in 2018 seems to be heading towards attaining further, post-election criticism where the AL government denied repeated requests/appeals for installing a non-partisan electoral government to oversee a free and fair election. Within this context, the clientelist approach of and to politics in Bangladesh is slightly distinct than what is mentioned earlier. In my view, the following definition of patron-client relationship is more appropriate to Bangladesh:

The patron-client relationship – an exchange relationship between roles – may be defined as a special case of dyadic (two-person) ties involving a largely instrumental friendship in which an individual of higher socioeconomic status (patron) uses his own influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal services, to the patron. (Scott, 1972: 92)

In the Bangladesh context, I refer to clientelism as an individual’s or an organisation’s formal and informal campaigning and protecting its interests in favour of one party or government so as hopefully to receive some sort of material benefits in return. Since free and fair elections are uncertain here, the role of clients who want to ensure their interests are served, is to work to establish the hegemony of one party (the

patrons) over important segments of the society; for this they expect to receive material benefits. These material benefits could involve getting contractual post in public offices in important positions, posts such as membership in, or chairmanship of, constitutional commissions, contractual posting as Press Minister or High Commissioner in Bangladeshi embassies abroad, inclusion as a member of government bodies visiting abroad on official delegations, ownership of flats or plots of useful land with cheap price to build houses in the capital city where property prices are currently skyrocketing,² or being sponsored for foreign and domestic trips, awarded undue promotion in public offices, or license to run new media businesses, and so forth.

I have observed that whenever a regime changes, members of the patron and client groups change, but the patron-client structure remains more or less the same. Sarker (2008) observes that due to the fact that patron-client procedures are entrenched in Bangladesh, good governance fails to be transferred from the ideal to actual governmental practice. I extend this argument further to underline that due to the clientelist politics in Bangladesh, the human rights situation in the country, including free speech, remains in shamble against the backdrop of uneven economic growth. When this existing network of clients, who hail from not so well-to-do economic backgrounds (compared to the wealth of their patrons) work together to establish party hegemony, for their patrons, in the public spheres of Bangladeshi society, the space for freedom of speech shrinks.

Bangladesh is a small country when someone considers its geographic size; in fact it is smaller than California, yet its population of 170 million is more than the combined population of Iran and Saudi Arabia. Recently politicians and some neo-liberal economists were boasting about Bangladesh's growth story (Basu, 2018). However, according to the World Bank (WB), one in four Bangladeshis live in poverty and 12.9 per cent of the Bangladeshi population live in extreme poverty (The World Bank, 2017). One should note that the WB defines poverty line at US\$1.90 per person per day. If one starts look beneath this set of economic models and graphs, one realises that the real scenario is more dire as "income inequality in the country has worsened" in recent years, with the rich becoming richer and the poor remaining as poor as ever (Kibria, 2018). Within this socio-economic scenario, many politicians

of Bangladesh are also businesspersons. These businessmen politicians belong to the elite classes whereas academics, journalists, activists (both secular and Islamist) and so forth generally (there are exceptions) are lower down the social scale, belonging to the middle class or lower middle class. It is therefore not hard to understand that in a country suffering from an extremely unequal distribution of wealth and power, the members of middle class, who historically contribute in shaping a national imagination, are a class whose members end up suppressing free speech and reinforcing political inequality in Bangladesh to in conjunction with their patrons. The result is a struggling Bangladesh with a widespread record of human rights violations, including suppression of free speech. This is what one finds when one looks critically at this carefully constructed image of an “amazing Bangladesh growth story”. Next, I present a typology of actors suppressing free speech in Bangladesh. This typology is neither complete, nor exhaustive, but it shows a pattern and is therefore, in my view, a significant contribution.³

Government

The government of Bangladesh has a long history of suppressing freedom of speech through multiple mediums. The three branches of the government the legislative, the executive and the judiciary seem to work in tandem to control and set a limit to the free speech.

Repressive laws

Bangladesh has a history of framing repressive laws to curb free speech even though the constitution of the country offers a full guarantee to the freedom of speech. According to Ahmad (2009) some of the provisions of various Acts related to media freedom violate the Universal Declaration of Human Rights and arguably also violate the Constitution of Bangladesh (Ahmad, 2009). In an estimate by Ahmad (2009: 53), from 1972–2003, the country has framed or endorsed thirteen press laws and regulations.⁴ Many of these were used to suppress free speech.

After 2003, a new set of laws including the Information and Communication Technology (ICT) Act and the draft Digital Security Act attracted widespread criticism from rights activists. According to a 2018 report by the US-based Human Rights Watch (HRW), scores of Bangladeshis have been arrested for criticizing the government, political

leaders, and others on Facebook, as well as in blogs, online newspapers, or on other social media platforms. These arrests were made under Section 57 of the ICT Law which allows law enforcers to arrest anyone without warrant. The report recounts how people were arrested for posting criticism and caricatures of the Prime Minister, her son and family members (HRW, 2018). The compelling HRW report, entitled “No Place for Criticism: Bangladesh Crackdown on Social Media Commentary” stresses that as of April 2018, the police had submitted 1,271 charge sheets to the Cyber Tribunal in Dhaka, claiming sufficient evidence to prosecute under Section 57 of the ICT Act. A number of journalists were also arrested under this act (HRW, 2018).

Against the backdrop of widespread criticism, the government had promised to repeal Section 57 of the ICT Act and it is now in the process of framing a new act entitled the Digital Security Act. Under this act which is still in draft format, Section 14⁵, 25 (a),⁶ 28⁷, 29⁸ and 31⁹ are of draconian nature in relation to upholding the principles of free speech (HRW, 2018).

Security forces and intelligence agencies

The role of security apparatus in curbing free speech in Bangladesh is under-reported though not unknown. My personal conversations with prominent TV and print journalists have confirmed that security personnel from various organizations intimidate journalists, bloggers, and those companies which place advertisements in media with an aim to curb free speech in multiple ways. These methods include curbing revenue to print media by imposing an unofficial ban on advertisement from multinational corporations, intimidation by telephone to journalists for allowing “problematic discussions” on TV talk shows or showing political events in news and facilitating enforced disappearances after the kidnapping of dissents. One prominent TV journalists told me that he was receiving repeated phone calls from one of the elite security agencies, being urged not to air the last press conference of the opposition leader Khaleda Zia before she landed in prison on charges of corruption in 2018. Furthermore, journalists are profiled on the basis of the contents of their published reports and social media commentaries. Many of them are summoned to appear at the intelligence office; here, a few were actually subjected to torture

and allegedly some suffered an enforced disappearance. Two cases in this regard are noteworthy to mention. Journalist Tasneem Khalil who now lives in Sweden in exile and Utpal Das, a journalist working for a national daily stress the gravity of the problem surrounding interference by the security apparatus in relation to free speech in Bangladesh. Khalil used to work for *The Daily Star* – Bangladesh’s largest English newspaper and for CNN. Khalil was subject to torture by intelligence officers for writing about abuse of human rights by security personnel in 2007 (HRW, 2008). Journalist Utpal Das was allegedly kidnapped for writing issues deemed as sensitive to national security. He fell victim to an enforced disappearance which lasted for over 70 days in 2017. At that point he was allowed to return home (US State Department, 2018). There are other methods of putting pressure on free speech. A news report published in Al Jazeera in 2015 alleges that Bangladeshi spies blocked adverts to two of the Bangladesh’s leading newspapers, the *Daily Star* and the *Daily Prothom Alo* from multinational phone corporations including the Norwegian Telenor’s local concern *Grameen Phone* – a company deemed as among the biggest advertisement revenue generators for Bangladeshi media (Bergman, 2015). According to Bergman (2015), both newspapers published reports of army men killing five indigenous people in the Chittagong Hill Tracts (CHT) (Bergman, 2015). The military establishment is said to have criticised these media reports for not referring to the five persons killed as “terrorists” and hence their deaths should have been covered as “punishment”.

Finally, as Bangladesh has seen a boom in its internet use, the government through its regulatory arm, BTRC, had widened its crackdown on free speech and investigative journalism. It has closed online access to secular blogs such as *Ishtishan*, *Muktomona*. It has stopped allowing access to Islamist blogs including *Sonar Bangla*, while it has blocked access to the news sites including the Indian website *The Wire* and recently the website of *The Daily Star* and an online news portal *bdnews24.com* (*The Daily Star*, 2018a; *The Daily Star*, 2018b; *The Quint*, 2017). Though these blockings of access to *The Daily Star* and *BDNews24.com* were temporary, in all three cases these shutdowns came into effect after reports were published about rights violations or criminal links to the security apparatus.

Academics and journalists

The toxic nature of teachers' politics of Bangladesh's public universities is well known. So is the politics of journalists. The implication of these politics for the state of freedom of speech and academic freedom in Bangladesh is negative. For example, without party affiliation and party endorsement it has become very difficult to get a job in public universities purely on the basis of competence and merit. When a party loses power to its rival in national elections, activist academics belonging to defeated parties are likely to face discrimination in their promotion and other job related benefits. Besides, physical scuffles between teachers is not unusual. Tithi (2017), in this regard observed that "it seems as if these teachers are playing the role of party thugs – often engaging in scuffles with students and even with their fellow colleagues over petty issues" (Tithi, 2017). In recent times, the Dhaka University (DU) administration managed by AL-inspired academics suspended a professor in the Marketing Department for writing an op-ed in a national daily following a demand of punishment of that marketing teacher raised by the AL dominated Dhaka University.

According to the DU administration, that newspaper article carries "derogatory comments on the Liberation War and Bangabandhu Sheikh Mujibur Rahman". In a separate case, the same DU administration has fired an ex registrar – who was also a DU faculty member, on the basis of an allegation of "distorting history" in an article "on the residential halls of the university in its 95th anniversary souvenir published on July 1, 2016" (BDNEWS 24.com, 2018b). In that article Zia (the founder of BNP- archrival of AL) was described as "first president, a former military chief and valiant freedom fighter" (ibid). Any reasonable and informed person would agree that such harsh punishments of sacking someone for offering different point of views through articles is not reflective of an academic environment which supports academic freedom. In addition to these, many academics are coopted in various important government positions while Government bodies award and administer scholarships such as the Commonwealth scholarships for higher studies. As a result, some academics with their limited income (given the unequal income and earnings at university where wealth tends to be partisan) find that their critical expression of views can jeopardize academic freedom if they find they must pull their punches

and not criticize wrongdoing, in order to maintain their own person financial wellbeing.

Journalists on the other hand are sharply divided along party lines. There are many associations of journalists but the trend of Bangladesh in the global press freedom is not impressive as the country remains at the lower tier of the press freedom index.¹⁰ Asked why this is the case, one veteran journalist with over 20 years of working experience at a leading national daily told to me “these associations are formed mainly to attain small interests such as one’s own a plot or flat at cheap price, some financial reward, receiving a posting as a press minister in foreign missions, and so forth”.

This personal observation by an experienced journalist is backed by the empirical findings of Elahi (2013) who based on a survey of 333 Dhaka-based journalists, in-depth interviews, and focus group discussions, found that journalists’ ethical standards are poor and that many indulge in corrupt practices. Elahi also found that “some journalists and certain sectors of the media imposed self-censorship because of journalists’ and editors’ personal political bias or the media owner’s political position” (Elahi, 2013: 197). The US based freedom house echoes Elahi’s observation in its 2016 reports where it stresses “because salaries are often low, some journalists are open to bribes or other incentives to slant their coverage or suppress embarrassing or sensitive information” (Freedom House, 2016).

Secularists and Islamists

It was observed that both secular and Islamist activists undermined the value of co-existence. It is worth mentioning here the case of the Shahbagh Movement – a sit-in program organised by a group of bloggers at a busy intersection named Shahbagh in the capital city and later supported by progressive social forces, leftists and the ruling AL for some period in 2013. The Shahbagh movement demanded the death penalty for a few Islamist leaders who were facing trial for committing war crimes in a court set up by the AL (Bouissou, 2013). Many commentators prematurely termed this movement (backed by the AL-led government for a while) as a secular-progressive and liberal movement (Ganguly, 2013). However, one of their six-point demands that media and blogs sympathetic to Islamists be shut down (Bdnews24,

2013). Similarly, inspired by Shahbagh, alongside with some bloggers, a section of progressive cultural activists also demanded a complete closure of media sympathetic to Islamists. These included members of the producers' association of Bangladesh, of the directors' guild and a forum of artists who act in drama and motion pictures. Such demand does not fit with a liberal worldview that thrives on respecting different point of views.

By contrast, jihadists' wrath about writings authored by atheists is well known. A hit list containing names of secular and atheist writers, bloggers and publishers were circulated (Burke, 2015). Scores of bloggers on that list were killed and many others had to flee the country for their own security, and landed in Western countries including Norway (Rahman, 2015). Islamists are not homogenous in terms of their approach to opposing write-ups deemed "offensive to Islam"; some prefer criminal activities including killing and physical attack, whereas others prefer to use the law to muzzle voices. For example, in an interview with the DW, a well-known Islamist leader said, "Muslims, Allah and the Holy Prophet are the most important. If you abuse them, we feel attacked... [but we do not] support vigilantism." He demanded the execution of atheist bloggers through judicial process (DW: 2018). The nature of his demand is no different than the Shahbagh Movement which demanded the execution of war criminals. This Islamist leader represents a movement named Hefazat e Islam (HI) – primarily based out of a vast network of madrassah students and teachers. Both BNP and AL reportedly supported HI.

Businesses and political parties

Lastly, businessmen and party men actively suppress free speech in Bangladesh, advocating both innovative and creative means, including misuse of Article 57 of the ICT Act. It is not an unknown fact that in Bangladesh, businessmen influence politics and many businessmen own media houses to protect the interests of one party or another and to promote that party's agenda. According to an estimate, business persons constituted 13 per cent of the parliament in 1973 which increased to 63 per cent in 2008 (Liton, 2015). Zayedul Ahsan, a senior journalist explains ownership of media in a following manner:

Ownership of the TV channels matters hugely when it comes to investigative reporting, exposing corruption, social injustice, and violations of human rights. You have to have the moral courage and professional standard to do so. Most owners can't do this as it may anger the government. They are not in a position to challenge the ever-powerful regime because they don't want to lose their business interests. (Ahsan quoted in Azad, 2018)

There are other ways to suppress free speech. Two cases relevant to media are worth mentioning here. First is the case of an Abdus Salam who used to be the chairman of the private television channel Ekushey TV (ETV). Under his chairmanship, in 2015, ETV aired a speech of Tarique Rahman, current Chairman of BNP, the opposition party, and who is now living in exile London. The consequence is fierce, the government of the AL had employed the courts to ban airing of a speech by Tarique Rahman, while sending the television chairman Salam to prison in a strange case related to pornography (Zayeeef, 2015; Khan, 2015). Later in 2017, a sedition case was filed against Rahman whereas the government's anti-corruption agency filed a money laundering case against Salam (Tipu, 2017; *The Daily Star*, 2016). More interestingly ETV's management was taken over in 2015 by another business conglomerate led by a man called S. Alam, who is known to be close to the regime (*Daily Independent*, 2015). Inside information says the pro-government company, after taking over, had fired a few journalists who were known to be critical of the government, and hence installing a few new journalists in management positions at that TV station-journalists who are well known for their support for the AL. Without shutting the media, this was a new way to manage the media and gag free speech in Bangladesh – by bringing change into management and the media workforce in a way that would not pose any threat to the government by airing voices of dissent or critical news stories.

The second case was of a young and famous TV journalist who was made inactive, which means he was banned from appearing on TV screens as a news reporter for a year. At that point, in 2015, he decided to leave the country permanently for the United States. This is a classic case which underlines how businessmen and politicians collide in Bangladesh to suppress free speech. The journalist – whom I shall refer to as X–came under the lens of the AL regime for his live

TV reporting on the following topics: (a) vote rigging in the mayoral election in Narayanganj (for which he was threatened on Facebook by the only son of a member of parliament in Narayanganj), and (b) Policemen and party thugs were stuffing ballot in 2014 national election in five polling centers situated in the capital city.

The owner of the TV channel in question, in several reporting meetings held in that TV's newsroom, stated that due to the views of that journalist, he, as owner, was facing problems from the government. The owner is a well-known businessman who funds the AL. It should be mentioned that alongside these tactics, functionaries from the ruling party use the ICT Act to suppress free speech by journalists (Rezwan, 2017).

Silencing of critical voices

This chapter has shown a pattern of silencing used to stop the flow of free speech in Bangladesh. In that regard it has identified how the various arms of government, including legal, executive and legislative branches, formulate repressive laws, intimidate and silence critical voices. This chapter also has shown how other actors also suppress free speech, including academics, journalists, secularists, Islamists, businessmen and politicians. At the outset, I stressed that some of these private actors actively contribute in upholding free speech in the country while also undermining it. The objective here has been limited to showing how some of these actors have actually suppressed free speech. Anecdotal examples and evidence presented here have been collected from the current AL regime (2010–2018). Therefore, one could criticize that this point of view is biased. I argue however that the selection of this timeframe is useful for two reasons; first, this chapter articulates the contemporary scenario of free speech in the country and second, choosing a decade of practices of free speech suppression is not a particularly biased choice of timeframe. It establishes a pattern in a country that is not even 50 years old. The time frame featured here covers more than one-fifth of country's total existence. The premise of this pattern of suppressing free speech, which absorbs these multiple actors, is tied into clientelist politics.

Notes

1. In order to reach this conclusion Riaz (2014) measures Bangladesh with several indicators, including the Polity IV database, the index of democracy of the Economist Intelligence Unit (EIU), Transparency International's Corruption Perception Index (CPI), World Value Survey (WVS), the press freedom index of Reporters Without Borders, Freedom House survey and U.S. State Department reports (Riaz, 2014: 120–121). His time frame for measuring various aspects of liberal-democracy spans 1990 to 2013 and he explains Bangladeshi democracy's fragility 'against a background of serious governance shortcomings'.
2. According to a report by the London based *Financial Times*, a new three-bedroom apartment in the most desirable areas of Dhaka costs US\$1.5m (Allchin, 2014).
3. In this regard, it is noteworthy to cite Waltz (1979) who argues, in his influential book *Theory of International Politics* that a theory can be best explained as 'a picture, mentally formed, of a burdened realm or domain of activity' (Waltz, 1979: 6–7). In the view of Waltz, theory arranges phenomena that are seen as mutually dependent, connects otherwise disparate facts and shows how changes in some of the phenomena necessarily entail changes in others. To construct a theory, one must identify a pattern then isolate one realm of the world from all others in order to deal with it intellectually.
4. Official Secrets Act 1923 II, Printing Presses and Publications Act 1973, Special Powers Act 1974, The Newspapers (Annulment of Declaration) Ordinance 1975, The Code of Criminal Procedure 1898, The Penal Code 1860, Press Council Act 1974, Bangladesh Government Servants (Conduct) Rules 1979, Oath of Secrecy & Article 39 in Bangladesh Constitution, Emergency Powers Ordinance 1974, Law of Defamation, Advertisement Distribution Policy 1976 & 1987, Martial Law Ordinance, Orders and Regulations, September 26, 1975–1990 (Ahmad, 2009, 53).
5. Section 14 of the draft would authorize sentences of up to 14 years in prison for spreading "propaganda and campaign against the liberation war of Bangladesh or the spirit of the liberation war or Father of the Nation." (HRW: 2018).
6. Section 25(a) would permit sentences of up to three years in prison for publishing information which is "aggressive or frightening" – broad terms that are not defined in the proposed statute (HRW: 2018).
7. Section 28 would impose up to five years in prison for speech that "injures religious feelings." (HRW: 2018).
8. Section 29, like section 57 of the ICT Act, criminalizes online defamation (HRW: 2018).
9. Section 31, which would impose sentences of up to ten years in prison for posting information which "ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law and order situation" (HRW: 2018).
10. Bangladesh ranks 146th in 2018 and 2017 World Press Freedom Index whereas in 2016 it ranked 144th.

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