

URGENT ACTION

EDITOR FACES DETENTION AFTER DISAPPEARANCE

Fifty-three days after he was subject to a suspected enforced disappearance, Bangladeshi photographer and newspaper editor Shafiqul Islam Kajol has been produced by the authorities and sent to indefinite pre-trial detention. He could face up to 7 years in prison if convicted on charges he is accused of under the highly repressive Digital Security Act for his Facebook posts. Detained solely for exercising his right to freedom of expression, Shafiqul Islam Kajol is a prisoner of conscience and must be released immediately and unconditionally.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Asaduzzaman Khan, MP
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Ministry of Home Affairs
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Honourable Minister Khan,

I am relieved to learn that Bangladeshi photographer and newspaper editor **Shafiqul Islam Kajol** is alive, after being disappeared for 53 days. I am, however, concerned that instead of ensuring his wellbeing and letting him return to his family, authorities are holding him in indefinite pre-trial detention.

It now appears that he faces at least three cases under the repressive 2018 Digital Security Act (DSA), for allegedly publishing “false, offensive, illegally obtained and defamatory” content on Facebook that “could deteriorate law and order”. The DSA violates the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a state party.

The police have also registered a fourth case against Shafiqul Islam Kajol under the Bangladesh Passport Order, 1973 accusing him of “trespassing” into his own country on 3 May 2020, the day Benapole police confirmed having him in custody. The Jashore magistrate court granted him bail in the “trespassing” case, but police refused to let him go and filed another case against him later that evening under section 54 of the Code of Criminal Procedure, 1898 to keep him in detention until he is prosecuted under the DSA.

At a time when countries across the world, including Bangladesh, are taking steps to release prisoners to mitigate the spread of COVID-19, it is disheartening to know that Shafiqul Islam Kajol is being kept in jail.

The circumstances surrounding his disappearance, the filing of multiple cases against him solely for exercising his right to freedom of expression, and the reluctance to release him immediately raise serious concerns about his human rights.

I therefore call on you and the Bangladesh government to:

- 1. Immediately and unconditionally release Shafiqul Islam Kajol and close investigation against him and all those held solely for exercising their right to freedom of expression;**
- 2. Decriminalize defamation, and treat it as a matter of civil litigation;**
- 3. Promptly amend the Digital Security Act in compliance with international human rights law including ICCPR, to which Bangladesh is a state party and ratify the International Convention for the Protection of All Persons from Enforced Disappearance**

Yours sincerely,

ADDITIONAL INFORMATION

Shafiqul Islam Kajol, 50, a Bangladeshi photographer and editor of a daily Dainik Pokkhokal, faces risk of an indefinite pre-trial detention, after possibly being a victim of enforced disappearance since 10 March 2020.

53 days after his disappearance, on 3 May 2020, the Bangladesh police said he was found near the border 100 yards inside Bangladesh. They filed a case against him under the Bangladesh Passport Order, 1973 for “trespassing” into his own country from neighbouring India without passport.

A magistrate court in Jashore granted him bail after he refused to plead guilty in the case, but soon after the police filed another case under section 54 of the Bangladesh Code of Criminal Procedure, 1898, which empowers the police to detain a person without an arrest warrant, if the person is accused in a cognizable offence under the law of the land.

A day prior to his disappearance, a lawmaker from Bangladesh’s ruling Awami League party filed a case against him and 31 others under the draconian Digital Security Act (DSA) under sections 25, 26, 29 and 31 for publishing “false, offensive, illegally obtained and defamatory” content on Facebook that “could deteriorate law and order”. Another member of the ruling party filed a second case against him under sections 25, 26 and 29 of the Act, three hours after he was last seen leaving his office at 6:51PM on 10 March 2020. It now appears that a third case under the Act was filed against him the next day. If convicted in the charges he is accused of, he could face up to 7 years in prison.

In a video released by Amnesty International on 21 March 2020, CCTV footage shows at least three unidentified men approaching the journalist’s motorbike parked outside his office and appearing to tamper with it, moments before he is seen driving away with it.

His disappearance and the multiple cases filed against him follows a flurry of critical posts he made on Facebook about involvement of members of the ruling Awami League party in a sex trafficking ring being operated out of a five-star hotel in Dhaka.

In November 2018, Amnesty International released a report titled “Muzzling Dissent Online”, which outlined sections within the DSA which are inconsistent with international human rights law and standards, including the International Covenant on Civil and Political Rights, to which Bangladesh is a state party and called on the Bangladesh government to promptly amend the law.

Under international human rights law, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties. In particular, the UN Human Rights Committee has called on states to consider the decriminalization of defamation, and instead treat it as a matter of civil litigation.

At least 14 offences under the DSA, including sections 26 and 31 that have been used against Shafiqul Islam Kajol, are non-bailable. The UN Human Rights Committee observed that harassment including arrest, trial, detention and imprisonment for reasons of an opinion a person may hold, constitutes a violation of article 19 of ICCPR.

The UN High Commissioner for Human Rights has called on Bangladesh to “urgently revise the Digital Security Act, to ensure that it is in line with international human rights law and that it provides for checks and balances against arbitrary arrest, detention, and other undue restrictions of the rights of individuals to the legitimate exercise of their freedom of expression and opinion”.

More than 1,000 cases have been filed under the DSA in Bangladesh since it was put into implementation in October 2018.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 June 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Shafiqul Islam Kajol (he/him/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa13/2065/2020/en/>

ADDITIONAL TARGETS

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