

URGENT ACTION

MAN FACES 7 YEARS IN PRISON FOR FACEBOOK POST

Emdadul Haque Milon was arrested for a Facebook post expressing his concern about the decision to extend a State invitation to Indian Prime Minister Narendra Modi to visit Bangladesh. Accused under the draconian Digital Security Act, he could face up to 7 years' imprisonment on vague charges of "deteriorating law and order". Detained solely for exercising his right to freedom of expression, Emdadul Haque Milon is a prisoner of conscience and must be immediately and unconditionally released.

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

Mr. Asaduzzaman Khan, MP

Minister

Ministry of Home Affairs

Bangladesh Secretariat

Dhaka-1000, Bangladesh

Fax: +88-02-9347290

Email: minister@mha.gov.bd;

asaduzzamankhan.mp@gmail.com

Honourable Minister Khan,

I am deeply concerned to learn of the detention of **Emdadul Haque Milon**, who was arrested on 3 March 2020 for merely sharing his views on Facebook.

Emdadul Haque Milon used his Facebook account to express his concern about the Bangladesh government's invitation to Indian Prime Minister Narendra Modi for a State visit in March 2020. Police allege that he also shared a post with a satirical image of Bangladeshi minister Obaidul Quader.

For simply expressing his views online, Emdadul Haque Milon has been accused of defamation, being offensive and deteriorating law and order under the draconian Digital Security Act (DSA). He can be held indefinitely in pre-trial detention and, if convicted, he could face up to seven years in jail.

Emdadul Haque Milon's case is a glaring example of how the DSA is being arbitrarily used by State agencies and the police to intimidate and muzzle people's dissent and criticism on social media.

As you are aware, the UN Human Rights Committee has observed that "all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition." (CCPR/C/GC/34)

Expressing dissent is a right, not a crime. Emdadul Haque Milon is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression.

I therefore call on you, to urge the Bangladesh government to:

- 1. Immediately and unconditionally release Emdadul Haque Milon and drop all charges against him, and all those implicated 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 the ICCPR, to which Bangladesh is a state party.**

Yours sincerely,

ADDITIONAL INFORMATION

Emdadul Haque Milon, 34, has been targeted under the draconian Digital Security Act, a law that criminalizes some legitimate forms of expression under vague and overly-broad provisions with punishments that can go up to life imprisonment. The Bangladeshi government introduced the law to address crimes such as data theft, financial crimes and fraud committed online. Since its adoption, the law has been used arbitrarily to arrest, intimidate and harass people for sharing dissent and exercising their right to freedom of expression.

Emdadul Haque Milon posted on his Facebook account on 27 February 2020 that “Inviting Modi, an oppressor of Muslims at the birth centenary of Mujib is an insult to the Bengali nation’s pride, Bangabandhu, and people of Bangladesh will not welcome that.”

The police used this Facebook post and alleged that he also shared a post with a satirical image of Bangladeshi minister Obaidul Quader to express his dissatisfaction of the electronic voting system.

Police arrested him on 3 March 2020 and accused him of publishing “offensive” and “defamatory” content and “deteriorating law and order” respectively under sections 25(2), 29(1) and 31(2) of the Act. He faces an indefinite detention and if convicted, he could face up to seven years in jail and/or a fine of up to 500,000 takas.

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.

The UN High Commissioner for Human Rights has called on Bangladesh to “urgently revise the Digital Security Act (DSA), 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”.

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.

At least 14 offences under the DSA, including one of the charges brought against Emdadul Haque, are non-bailable. The 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.

Nearly 400 cases were filed against different individuals in the first 11 months after the DSA came into effect in October 2018. According to media reports, more than 200 cases have been dismissed for lacking sufficient evidence.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 21 April 2019

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

NAME AND PREFERRED PRONOUN: Emdadul Haque (he/him)