

## 12 individuals have been slapped with a cyber-crime lawsuit

Before the inception of a fast-track tribunal in 2013, you would be hard pressed to find a person indicted because of committing a cyber-crime. Hardly a surprise as cyber-crime laws in Bangladesh were perhaps not as prevalent or widespread even today as it is on, let's say much more digitally advanced nations. It is after all a fairly new avenue, and it was not until April 9, 2018, Bangladesh listed its new Digital Security Bill in parliament, which was then sent to a parliamentary standing committee for review. The proposed law was in part intended to replace section 57 of the Information and Communication Technology Act (ICT Act) 2006.

Now when the occasion does arrive, especially if it is a high profile one it tends to catch the nation's attention, as was the case with Monirul Islam, a rubber plantation worker in Srimongol, southern Bangladesh, who was arrested on April 2017, over allegations of defaming the Bangladesh's Prime Minister and "harming the image of Bangladesh".

So, when news filters through that not one but a total of 12 individuals and organizations (listed below, starting with the primary defendant) have been slapped with a cyber-crime lawsuit, filed in accordance with the now freshly inducted Digital Security Act, it forces you to take notice.

Our court correspondent who is already fairly busy these days, hurried over to the Magistrate's court in Rajbari, where the lawsuit was filed by one Mr Akbar Ali, against the staff and contributors of an online based news Publication called 'PortalBangladesh.com'. Our correspondent was able to find out that defamatory article bearing abusive messages and comments against Prime Minister Sheikh Hasina and her family were published by this news outlet. The lawsuit specifically names those involved in writing the article and of course those who published it subsequently, including the co-editor of PortalBangladesh.com. Nevertheless, the lawsuit was filed on 12 March and the names of those accused along with 'PortalBangladesh.com' are, Md. Rashed Alam, MD Anisuzzaman, Azir Uddin, Shah Mohammad Shahinur Rab, MD Hasnain, Mohammad Abu Zobayer Rabbani, MD Sabbir Hossain, Chinmoy Debnath, Nizamuddin Dodon, Moshiul Hossain Khan, Kamrul Islam, MD Tofail Hossain.

Now since the changes have been wrung, anyone found guilty under the new anti-cybercrime laws face serious repercussions including up to 14 years in jail, and a sizeable fine. Our correspondent is yet to determine any ulterior reasons behind the plaintiff's decision to launch a lawsuit of this stature against such a large group. It is unclear whether it was politically motivated as well. The case files meanwhile cite that the plaintiff is merely a devout patriot and an Awami League (current Bangladeshi regime) loyalist.

The defendants meanwhile (most of them as our correspondent found out) were currently plying their trade outside Bangladesh. Due to that very information it has been difficult to garner any information on them.

However we did manage to speak to the investigating office for this lawsuit one Mr Swapan Kumar Majumder, Officer-in-charge of the Rajbari Police station, who are overseeing the general investigations to be conducted regarding this lawsuit. He stated, "Any allegation brought against the honourable Prime Minister, be it small of a large magnitude, is treated with extreme importance here, and a with a level of caution as well. It is easy to just jump to conclusions here without first liaising with the accused individuals here and establishing whether or not the allegations brought have any truth to them." When asked if that has been possible so far he offered, "No because in this unique case, a large portion of the defendants happen to be out of the country and we have only managed to establish that for a few of them. We are yet to trace the whereabouts of all of them. But you shall be informed in due course, so

please no more questions.”

We contacted the Home Ministry for comments on this lawsuit and were rudely declined access to either a spokesperson or representative of the government, by the very irate official who received our call. Any attempts to contact ‘PortalBangladesh.com’ who are at the centre of this lawsuit have been unsuccessful as well.

We will bring you more news about this lawsuit so stay tuned.

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### Digital Security Act 2018 In Action: 12 Men Amongst the first on the receiving end of the new digital reforms

In what is certainly one of the more eye-grabbing events this week, on Tuesday a lawsuit was filed against a dozen people at the Senior Judicial Magistrate Court No.1, Rajbari. The accused allegedly contributed towards ‘abusive and derogatory content’ against current Prime Minister Sheikh Hasina and her father, former Prime Minister Sheikh Mujibur Rahman. According to our court correspondent, said denigrating content was published in an online website called ‘Portal Bangladesh’.

Now the charges are fairly serious but at a first glance, someone who is unaware of Bangladesh current socio-political state might dismiss this lawsuit as a common occurrence. And to a certain extent, he would be right, for the courts of Bangladesh are inundated with lawsuits in general. What sets this one apart however is that this lawsuit has been filed under the freshly passed Digital Security Act 2018, under Penal Code 25/29/31/35 to be exact.

Now, this lawsuit here is uncommon in the sense that Bangladesh happens to be one of the many nations where digital laws, cybercrime (and laws against them) are not as prevalent as other more technologically developed countries. Indeed before the introduction of the now newly reformed Digital Security Act 2018, Bangladesh legal system was largely ignorant of monitoring digital activities e.g. internet traffic, social media portals visa-a-vis, where cybercrime usually tends to originate from. They largely operated under the rather meek ‘Bangladesh Information & Communication Law 2006” (As amended in 2009)’. Up until the aforementioned, Digital Security Act of course.

Fast forward into 2019 and the ‘Digital Security Act 2018’ is a topic of hot debate, with online activists, human rights activists, editors, writers, free press and media criticising the law, referring to it as the ‘Black Law’. They cite that this is yet another attempt at ‘stifling the freedom of speech’. Often critics also refer to it as a ‘bone-chilling doctrine’, despite the government maintaining that it is a law introduced for ‘those who indulge in dissent far too often and unnecessarily’. A vast majority of the people debating the law have criticised the government for introducing yet another tool in which to silence its critics. Indeed some of the words of caution, introduced within the Digital Security Act do leave room for debate and are quite concerning. For instance, there is a very specific ban mentioned in the Act which prohibits anyone from “spreading negative propaganda” about the country’s 1971 war of independence and its founding leader Sheikh Mujibur Rahman. Anyone found guilty under this new act face an assortment of legal consequences including up to 14 years of jail time.

That is the predicament awaiting the 12 people who have been accused in this lawsuit. The plaintiff here one Mr Akbar Ali was gracious enough to participate in a very brief interview with our court correspondent. He states that the accused have, “deliberately and without

remorse, gone about besmirching the name of our founding father Bongobandhu and his daughter, our current revolutionary leader Prime Minister Hasina. We need to stand up to bullies who use the free press and online media outlet to spread false rumours and propaganda against the honourable men and women who have ruled and currently rule our country.” The plaintiff also had a few choice words for the accused but we have omitted them in the interest of keeping this space clean for our readers.

Now 12 men accused are as follows, starting with the primary accused Mohammad Rashed Alam, Md Anissuzaman, Azir Uddin, Shah Mohammad Shahinur Rob, Md Hasnain, Mohammad Abu Zobair, Md Sabbir Hossain, Chinmoy Debnath, Nizam Uddin Dodon, Moshiul Hossain Khan, Kamrul Islam, Md Tofayel Hossain. There are 3 witnesses in total listed in this lawsuit, our court correspondent understands.

As our readers can probably imagine, it was difficult to get a hold of the accused at all. Our correspondent managed to track down some of them, but it appears that they are currently residing abroad.

Our correspondent next approached the Home Ministry for comments on the case, but a spokesperson rudely refused to let us speak to any present official instead citing that the Home Ministry does not comment themselves with ‘individual incidents’.

Our court correspondent was also refused entry into the local Police Station handling the primary investigations for this lawsuit. But more information will be available as this incident is slowly filtered out for the media to evaluate and report on later. Thus we urge patience from our readers for now as there is potentially more to follow.

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