ISLAMIST EXTREMISM IN BANGLADESH

A pretext for autocratization

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Introduction

Bangladesh is a land of contrast; this rather small country in terms of landmass with an incredibly large population, which makes it one of the most densely populated countries in the world, is home to many exceptions and expedencies, especially when it comes to politics. Yet, there is one experience that stands out in recent years, and that is the continuous increase of authoritarianism in the country. Riaz (2019) has labelled Bangladesh as a “Hybrid regime” – an authoritarian state that looks and acts like a democratic one while a study by the Bertelsmann Foundation (Croissant 2020) classified Bangladesh as relapsing into an autocratic state. In 2020 Freedom House (2020) gave Bangladesh a score of 39 out of 100 in its Freedom of the World Index and labelled the country as “Partly free” while Human Rights Watch in its World Report 2021 (Human Rights Watch 2021) stated that the Bangladeshi government had “doubled down on authoritarian crackdown on free speech, arresting critics, and censoring media”.

Two of the most prominent laws used by the authorities in the past two decades to prop up increasing authoritarianism – the Information and Communication Technology (ICT) Act 2006 and the Digital Security Act (DSA) 2018 – were labelled as tools to counter violent extremism by the government. Bangladesh is a Muslim-majority country, and like many other countries around the world, jihadi ideology-based violent extremism spread among a small portion of the population over the past two decades. The ICT Act 2006, originally created to combat cybercrime, was amended in 2013 to address terrorism in the digital space. It was replaced by the DSA 2018, which was supposed to counter radicalization and the spread of jihad on the internet. The Prime Minister of Bangladesh, Sheikh Hasina, said that the DSA was enacted in order to provide the people with digital security to live in the “Digital Bangladesh” that her government built. She said, “It’s our duty to prevent the youth from taking a wrong path or getting involved in militancy and terrorism; we must make sure that they do not do anything harmful to the country and the people.” And she added, “This is why digital security is absolutely necessary” (bdnews24.com 2021).

However, in December 2019 Shariat Bayati, a Baul folk singer, was arrested and a case was filed under the same DSA 2018 (Abrar 2020). His values, ideologies and worldview could not be any further from that of a jihadist. How is it that a law, which is enacted to counter violent extremism, is also being used to suppress long-standing local cultural practices and performances?

Amnesty International claimed in 2020 (*The Daily Star* 2020) that since the law was passed, the DSA 2018 has been “wielded as a weapon to silence critics and suppress dissent”.

In this chapter I discuss the origin of the DSA 2018 and the experience of violent Islamist extremism in the past decade leading to the search for a comprehensive legal remedy. The subsequent discussion focuses on the DSA 2018 and its various sections that curtail civil liberties and freedom as well as the section that covers terrorism-related offences. This is followed by the discussion on how these counter-terrorism laws were used to increase authoritarianism in the country and support the ruling regime. The discussions show that countering violent Islamist extremism has played a counter-intuitive, yet significant, role in Bangladesh’s slide towards an autocratic system over the past two decades. ‘Militancy’, as violent Islamist extremism or terrorism has been termed in the local context, has provided a pretence for the incumbent regime to curtail the civil liberties and human rights of the population, weaken democratic institutions, but strengthen the capabilities of the state security apparatus. The chapter shows that the Bangladeshi government enacted the Digital Security Law 2018 claiming that it was a counter-terrorism tool, but in reality it was used to ensure the survival of the regime by prosecuting their opponents, and thus increasing the authoritarian control over the country.

It is worth noting that the DSA 2018 is not the only law that the government has in order to prosecute violent extremist organizations and their members. The Anti Terrorism Act 2009, the more generic Bangladesh Penal Code 1860, various Rules enacted over the years, and even Executive Orders by the President have had the effect of controlling or curtailing civil and political rights of the citizens if they commit such offences. But among them the DSA 2018 stands out in its scope, reach and the potential of abuse or arbitrary use. This chapter focuses on the DSA 2018 in order to analyze how a counter terrorism law for the digital spaces has become the widely abused mechanism for stifling intellectual pursuits in the country.

The democratic backsliding in Bangladesh

The political experience of Bangladesh as an independent nation is full of bold strides of democracy, frequent interventions by unelected forces, innovations to find a unique local governance method and rabid corruption fuelling massive economic disparity. In the 50 years of its history, the country has seen 11 national elections (Al Jazeera 2018), as well as ten military takeovers or attempts (Ali 2010 and *The Daily Star* 2012).

Bangladesh’s slide from a democratic country towards an authoritarian, autocratic state has been discussed by many authors in the past few years. Riaz (2019) elaborated how Bangladesh went from “an electoral democracy to a hybrid regime” where he stated that the democratic process in the independent Bangladesh started in 1991, but within the next two decades the quality of democracy deteriorated and the governing polity became an “electoral authoritarianism”. He argued that Bangladesh quickly transformed into a “hegemonic authoritarian regime” as was demonstrated by the national elections in 2014 and 2018 and the process continued to “institutionalize the hegemonic authoritarianism via an election” (Riaz and Parvez 2021). Riaz claimed that democracy in Bangladesh ended with the manipulation and blunt rigging of the 2018 national election by the incumbent political party. He identified that the manipulation included, among other means, the establishment of control over the media, which was predominantly carried out by the then newly enacted DSA 2018. The law, which was passed only two months prior to the election, was used to arrest 63 people including online and cultural activists and journalists between 8 October 2018 and 15 January 2019.

Mostafa and Subedi (2020) noted that three socio-political mechanisms – marginalization of political oppositions, institutionalization of authoritarian policies, and co-option of religious

leaders – added to the election manipulation to increase authoritarianism in Bangladesh. As such, proponents of democracy and functioning institutions, as well as of progressive ideas and secular values, have all faced scrutiny and oppression under the DSA 2018 and other policies of the regime. Abrar (2020) blames “the rise of obscurantism, coupled with political expediency by the ruling elite” for the recurring violence against “artists, singers, art enthusiasts and cultural activists who stand for freedom, diversity and coexistence”. In an interview with CIVICUS, Ferdows argues that self-censorship and fear are common among civil society members, human rights defenders, journalists, and citizens in general in Bangladesh. She lists several key challenges that relate to various sections of the ruling authority and create obstacles to freedom of expression and assembly in the country (CIVICUS 2019). Hossain, Billah and Islam (2020) argue that faced with the strict control by the Bangladeshi Government over civil society spaces, most civil society organizations and media entities are following a “see-no-evil” policy to continue operating in the country, while those who attempt to report violations of human rights face excessive pressure from the ruling authorities.

ICT Act 2006 and violent Islamist extremism in Bangladesh

The origin of the DSA 2018 can be traced back to the Information and Communications Technology Act 2006, abbreviated as the ICT Act 2006. This law created the groundwork for basic jurisdiction regarding computers and the internet and focused mostly on implications of computer and ICT usage in business and administration while providing rules for e-commerce and cyber-crimes (Ali 2011). There was one particular article in this law that still proved to be controversial; Article 57 of the ICT Act 2006 elaborated the “Punishment for publishing fake, obscene or defaming information in electronic form”. The article describes that the use of computers or the internet deliberately to “prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization” will be an offence. The punishment for this offence was set to be imprisonment for up to ten years along with the possibility of a large monetary fine (Government of Bangladesh 2006). The Bangladesh Government amended the ICT Act 2006 in 2013 and increased the maximum punishment under Article 57 from ten years to 14 years. At the same time, the Bangladesh Police was given the authority to “file a case and arrest any person under the law” without prior permission or warrant (Adhikary 2017).

Even though the origin of DSA in the form of the ICT Act 2006 was in order to provide a legal structure and solutions to issues such as e-commerce and cyber-crimes, the necessity to include another category of offences soon emerged. With the proliferation of smartphones, increased access to the internet and relatively affordable internet data packages provided by multiple, competitive mobile phone operators, larger portions of the population started to be active online (Hasan 2020). The opening up of this digital space allowed various fringe groups who did not have access to the public space in real life to become vocal. Among them were Islamists and jihadists who used the opportunity to radicalize and recruit Bangladeshis.

Bangladesh’s experience with violent extremism based on jihadism was a part of the global jihadi movement. In the post 9/11 world, the jihadi ideology started to spread further increasing the number of sympathizers in Bangladesh and leading to several jihadist attacks in the early 2000’s. These included attacks on government officials such as the police or judges as well as public spaces such as cinemas, theatres or cultural events. Probably the most prominent of the attacks was the assassination attempt on current Prime Minister Sheikh Hasina in 2004, even though she had faced attempts before (International Crisis Group 2018). Still yet, radicalization, network growth and operational aspects of the jihadist groups remained traditional and

used rudimentary communications methods without much online presence. With the spread of mobile phones in the country and the development of digital technologies, Bangladesh and Bangladeshi jihadists started to open up to the digital space. Hizbut Tahrir was one of the earliest Islamist groups in Bangladesh that organized its movement using both online and physical worlds. Heavily connected to their branch in the UK, the Bangladeshi chapter started using social media sites such as Facebook and maintained an active website for the Bangladeshi audience. But the main activities of this group remained in the physical world, especially around mosques and at different education institutions (Khan 2015).

Hizbut Tahrir was soon followed by the more violence-prone Ansarullah Bangla Team, who were spreading the ideology of Al Qaeda and global jihad in the Bangla language using the internet. Mufti Jashimuddin Rahmani was the spiritual leader of this terrorist group and was perhaps the first prolific ideologue to use information technology to spread one of the largest compilations of violent extremist materials in the Bangla language. His sermons during Friday prayers were laden with jihadi ideological and operational discussions and calls for action. These sermons would be uploaded on the internet within hours and spread around the world to his large number of online followers on various platforms. He is the first jihadist leader to successfully utilize the digital space for the Bangla-speaking audience. Along with preaching about jihad, his followers used the internet to actively recruit others and to raise funds (Haque 2016).

At this time, Bangladesh was in the middle of the International Crimes Tribunal proceedings, a judicial process established to prosecute the perpetrators who had committed war crimes, crimes against humanity and genocide during Bangladesh's War of Independence in 1971 (Samad 2016). Many of the accused were involved in Islamic politics, and several leaders of Bangladesh Jamat-e-Islami, a mainstream political party in the opposition, were among them. Following a verdict of a Jamat leader by the Tribunal, members of the general public started a popular movement in Shahbagh Square in the capital, giving it the moniker Shahbagh Movement. This was initially led by an online group of bloggers and freethinkers. Soon, this turned out to be a major popular uprising with people joining around the country. Islamists labelled these bloggers as "atheists and blasphemers" and started a counter-protest led by Hefazat-e-Islam, another Islamic movement (Sarker 2017). This ongoing political development gave Rahmani the perfect opportunity to increase his impact and make his followers carry out jihadist actions.

With the active promotion of jihadist violence in Bangladesh by Rahmani using the digital space, violent extremist attacks quickly increased in the country. Ansarullah Bangla Team, and their affiliate Ansar-al-Islam, killed a number of bloggers, rights activists, free thinkers, and progressive writers within a span of two years. They continued to maintain a heavy presence online and used the digital space to be constantly in touch with their supporters and sympathizers (International Crisis Group 2018). The experiences of 2013 with regards to both the growth of militancy in the country and the rise of mainstream political movements using digital means led to the amendment of the ICT Act in 2013 making it stronger in order to control this space. Riaz (2021) said that this amended law was used "against 'secularist' bloggers on the one hand while clamping down on Islamist websites on the other".

Bangladeshi jihadists started to show their support to the Islamic State (IS) soon after it was established in 2014. The sharing of various news from the IS and the subsequent discussions about this terrorist organization primarily took place online for the Bangladeshi supporters, and soon this resulted into radicalization and recruitment efforts (Roul 2015). IS also published articles concerning Bangladesh and produced other jihadist content in the Bangla language and shared it online for their Bangladeshi audience (Haque 2020). While initially the activities of IS in Bangladesh did not garner much notice, IS supporters staged perhaps one of the biggest

terrorist attacks in the country at Holey Artisan Café in Dhaka on 1 July 2016. Twenty-two people, including 17 foreign nationals, were killed in that attack carried out by five Bangladeshi young men. The attackers were heavily armed, well-trained and were incredibly brutal in their tactics. They were only stopped when a combined force of military commandos stormed into the building. The shock from this attack reverberated around the country and abroad (*The Daily Star* 2016). From early on it was clear how the digital space enabled and amplified this attack and glorified jihadism. The IS had not only made threats about attacks; they provided live updates as well as published videos and statements claiming the attack – all using the digital space (Deutsche Welle 2016).

With this attack it was clear that Bangladeshi terrorists had become increasingly sophisticated with their use of the online spaces for their radicalization, recruitment, and operational activities. As the intensity of violence from terrorism increased, which was evidently connected with the online space, securing that space became a matter of utmost importance. In the physical world, the Bangladeshi security forces relied upon legal measures such as the Anti-Terrorism Act 2009 and also some extra-judicial methods, as have been detailed by various rights organizations (International Crisis Group 2018). But these measures were not possible to emulate in the digital space, and the need for a far reaching and controlling mechanism was apparent. Even though the Anti-Terrorism Act 2009 was further amended in 2013 for courts to accept evidence in the form of communication over social media or the internet, it did not ban such activities legally speaking (*The Daily Star* 2019). As such, a law that would curb the online space for radicalization and recruitment of these terrorists, as well as curb the conduit to violent actions, was desirable for the authorities for whom it was common to be heavy handed in dealing with terrorism. At the first glance, the DSA 2018 had the possibility to provide this kind of measure. As it happened, two developments in Bangladesh – the rise of Islamist extremism and the expansion of digital spaces – that happened simultaneously, were expected to be managed by one mechanism – the DSA 2018.

The Digital Security Act 2018

The Digital Security Act, 2018 is described as “An Act to make provisions for ensuring digital security and identification, prevention, suppression and trial of offences committed through [a] digital device ...” (Government of Bangladesh 2019b). This Act, with nine chapters and 58 sections, covers various topics related to the digital life of the Bangladeshi populace. The National Parliament passed this Act on 19 September 2018 through a voice vote, with a minuscule 11 Members of Parliament opposing it in writing. The bill was placed before the Parliament on 9 April with several discussions and approvals by various Parliamentary Committees taking place before the final vote. Immediately after the passing of the Act, journalists, media houses and rights activists raised concerns that “the act goes against the main spirit of the Constitution and will restrict free-thinking, freedom of speech and freedom of expression” (Hasan 2018).

Several sections of the DSA raised concerns from early on. Among them sections 21, 25, 28, 31, 32 and 43 were highlighted to go against the freedom of speech and independent journalism by journalists and media rights activists (Nazeer 2020). Sampadak Parishad, a platform of the country’s newspaper editors, denounced eight sections – 8, 21, 25, 28, 29, 31, 32 and 43 – as posing serious threat to freedom of expression and media operation (Hasan 2018).

The following are short excerpts from the DSA 2018 of these sections (Government of Bangladesh 2019b). Section 8 gives the power to the Bangladesh Telecommunications and Regulatory Commission to remove or block any data-information that creates a threat to digital security. Section 21 outlines punishments for making any kind of “propaganda or campaign

against liberation war, spirit of liberation war, father of the nation, national anthem or national flag”. Section 25 punishes the transmission or publication of propaganda with “an intention to affect the image or reputation of the country”. Section 28 punishes the “publication, broadcast, etc. of information in website or in any electronic format that hurts the religious values or sentiment”. Section 29 penalizes the publication, transmission, etc. of defamatory information. Section 31 penalizes offences that deteriorate law and order, and explains that anything “that creates enmity, hatred or hostility among different classes or communities of the society, or destroys communal harmony ... shall be an offence”. Section 32 punishes the breach of secrecy of the Government under the Official Secrets Act, 1923 using digital means. Section 43 states that if any police officer has reasons to believe that an offence under this Act is likely to be committed, then the officer can conduct search, seizure and arrest without a warrant. Section 53 of the Act states that offences under section 21, 28, 31, 32 and a few others as well as a subsection of section 29 will be non-bailable offences. The Act also has extra-territoriality to cover offences committed outside of Bangladesh as described in section 4, which states that “if a person commits any offences under this Act beyond Bangladesh which would be punishable under this Act if committed in Bangladesh, the provisions of this Act shall be applicable in such manner as if he had committed such offence in Bangladesh”. The punishments for many of these offences are very strict and harsh, as described in the Act.

In comparison to this long list of sections regarding various offences for expressing opinions, only section 27 of the DSA discusses the offences and punishment for committing cyber terrorism (Government of Bangladesh 2019b). There is no other section describing offences related to violent extremism, radicalization, or recruitment. There are several sections about cyber-crime, forgery, identity theft or violation, hacking or damages to information infrastructure, but they are not connected to violent extremism in the Act per se. When placing this Act before Parliament, the Telecom and ICT Minister argued that ensuring the country’s security from digital crime and ensuring the security of people’s lives and property were the main objectives of this law (The Daily Star 2018). Sajeeb Wazed Joy, the Prime Minister’s son and her ICT Advisor, said in a statement that the DSA had been enacted to “stop spreading of falsehood and militant activities through social media to protect minority communities” (Prothom Alo 2018). The importance of the DSA 2018 in combating terrorism is evident in the Anti-Terrorism Unit Rules 2019 of Bangladesh Police where section 8 states that the unit will be able to investigate offences under the Anti-Terrorism Act 2009 and other listed Acts including the ICT Act 2006, amendments to it, and the DSA 2018 (Government of Bangladesh 2019a). Sayeed Ahamed termed online propaganda by global terrorist groups as cyber-crime and argued that traditional laws were not suitable for digital spaces, and as such these crimes provided the context for the DSA 2018 (Jamal, Mahtab, and Sajen 2016). Parvez (2019) commented that the DSA 2018 follows other laws to govern digital spaces which Bangladeshi violent extremists have been using for “psychological warfare, publicity, propaganda, data mining, recruitment, mobilization, networking, information sharing, planning, coordinating and training”.

This discrepancy between the offences for which this was claimed to be enacted and the ones for which it was being implemented, also becomes evident when looking through the arrests made and cases filed under the DSA 2018. Zaman (2020) noted that between October 2018 and November 2020 there have been more than 1,000 cases filed under the DSA 2018 against “ordinary citizens, activists, academics and journalists for ‘criticizing’ the government policies or its political leadership”. Between January and June 2020, a total of 208 people were booked under the DSA in 113 cases, and 114 persons were immediately taken under arrest. She argued that, “an astonishingly high number of enforced disappearances, crackdowns on any critics, jailing of political opponents and the routine treating of democracy advocates and citizens under

the Digital Security Act show the abysmal state of civil and political rights in the country”. The Centre for Governance Studies in Bangladesh found that between February 2020 and February 2021, 873 individuals under 402 cases were accused under the DSA 2018, out of which only 22 people received bail and three were released. Among the accused, 13% are journalists, another 13% are politicians, 5% are students and 2% are teachers (Jagonews24.com 2021).

On 26 February 2021, Mushtaq Ahmed died inside a prison while being denied bail for over nine months. He was a businessman and a writer who was arrested under the DSA 2018. Bangladeshi jurist Shahdeen Malik said that Mushtaq was a victim of the oppression by the Bangladeshi Government, and that this was a murder of freedom of expression itself. Bangladeshi authorities heavily cracked down on the civil society members protesting this death as well (*The Daily Star* 2021b). Ahmed Kabir Kishore, a cartoonist who was imprisoned around the same time with Mushtaq, was finally released on 4 March 2021, and described the horrific torture committed upon them by unidentified security officials of the regime while under custody (Islam 2021).

Compared to all these incidents, it has been surprisingly difficult to find a case where members of violent Islamist organizations have been arrested under the DSA 2018. Searching through multiple reports of arrests of militants in Bangladesh as published online by mainstream Bangladeshi media has not produced any result so far. Often the reports mention that a case has been filed under the Anti-Terrorism Act but on many occasions the media reports do not mention the Act under which the case has been filed at all. Even in the rather obvious incident where members of a known and officially banned terrorist group conducted activities with bitcoins online in order to raise funds for purchasing weapons, the media report does not provide this detail (Khan 2019). As such it cannot be confirmed whether or not any terrorists have been prosecuted under the DSA 2018 at this time.

From countering violent extremists to suppressing regime opponents

How did the DSA 2018, which was supposed to be a legal remedy to violent extremism in Bangladesh’s digital space, end up being used for completely different purposes? The answer might not be very straightforward or easy to pinpoint. But it is clear from the discussion in the previous section that the DSA has been used regularly to suppress the freedom of expression in the country and crack down on perceived regime opponents. The DSA has aided the ruling regime to increase authoritarianism over the population on all three mechanisms as described by Mostafa and Subedi (2020) – marginalization of political oppositions, institutionalization of authoritarian policies and co-option of religious leaders that increases authoritarianism in Bangladesh.

Bangladeshi authorities have used the DSA 2018, and its predecessor the ICT Act 2006, in order to weaken and suppress the opposition political parties in the country. The ruling Awami League has consistently blamed the opposition parties, Bangladesh Nationalist Party (BNP) and Jamat-e-Islami (JI), as organizations that sympathize with, harbour and nurture militants in the country (Ramani 2016). This allowed the harassment of political opponents in the guise of anti-militancy operations. Ahmad and Kugelman (2018) argued that Bangladesh used a “counter terrorism pretext” in order to justify their crackdown on opposition members. They observed that while members of Jamat-e-Islami did not have any organizational connection with terrorists, many of their political actions included violence. This allowed Bangladeshi authorities to often term members of the political opposition as terrorists or extremists. This was evident in the language and tone used by the senior members of the ruling regime towards the leader of the opposition Khaleda Zia over several years. In March 2014, the then Information Minister of Bangladesh stated that Khaleda Zia was promoting militancy in the name of political movement

(Prothom Alo 2014). In February 2015, the then Finance Minister termed Zia as “the queen of terrorism” (Prothom Alo 2015b). In November 2015, the Information Minister stated that Zia was leading militant activities in the country with assistance from JI, and informed that the authorities were taking measures according to the law (Prothom Alo 2015a). In March 2017, the Information Minister termed Zia and her political party as the main supporters of militants in the country (Prothom Alo 2017). The fact that in 2015 approximately 125 people were killed by arson attacks during political protest and movement by the opposition parties only cements this sentiment among parts of the population (Firstpost 2018). In this context of violence and the increased rhetoric by the leaders in Government, the scope of the DSA was extended to use it against the opposition political parties.

Additionally, the Awami League promoted themselves as having an anti-militancy narrative which valued the sacrosanct “Spirit of the Liberation War” (Dhaka Tribune 2019). This, paired with the offence for tarnishing the image of the state under section 25 of the DSA, effectively led to the enforcement of the singular Awami League narrative that assisted in establishing a one-party state. Furthermore, there was no place for any doubters in this narrative. Civil society organizations that reported on the human rights violations or abuse of the judicial process fell at the crosshairs of the regime, and were labelled as disruptive to anti-militancy operations, hence committing anti-state activities which diminish the reputation of Bangladesh. Members of the media and civil society organizations were also acting as watchdog over the regime activities, as they do in most places of the world. But this meant that many uncomfortable questions, schemes of corruption, extravagances of the party officials, and abuses of power by regime officials were being raised about the current regime. In order to establish the regime narrative and provide the selected information, DSA was a convenient tool already present to suppress critics, just like it has been used to suppress regime opponents. Increasingly more of these crimes were booked under the DSA. Lacy and Mookherjee (2020) elaborated on the various ways in which journalists and rights activists self-censor themselves. As such the DSA played a part in the institutionalization of authoritarianism in Bangladesh.

Furthermore, Lacy and Mookherjee (2020) describe the aim of the Bangladeshi ruling regime to control the “virtual street” with the two laws regarding digital spaces. This stems from the intention of the ruling regime to preserve their political power. Bangladeshi politics found a new avenue in the past decade in the form of digital space. While the physical political space of the country was tightly controlled by the dominant political party in power, the new digital space was wide open and ushered in a new era of political discourse on social media and blogging forums. The DSA particularly attempts to control this space through its various sections curbing protest and dissent. Lacy and Mookherjee (2020) argue that the “criminalisation of online speech highlights the vulnerability of the seemingly omniscient state”. The ruling authorities were worried by this space and from the experiences of the Arab Spring they realized the capacity of this digital space in changing the political power of a country. As such the Shahbagh movement and the Hefazat-e-Islam movement that followed it were inherently considered a threat to the continuation of the regime. Lacy and Mookherjee claim that the “draconian amendment of the ICT law in 2013” was a response to the Shahbagh protests and the subsequent Hefazat-e-Islam protests in Dhaka.

Mostafa and Subedi (2020) argue that “the authoritarian regime in Bangladesh is less likely to survive without co-opting the religious leaders”. This is because the authorities understand that Islam is a central organizing force and can provide massive support to the regime. Ramani (2016) argues that the rise of violent Islamist extremists was a response to the perceived secularization of the country by the ruling authorities. The Hefazat-e-Islam movement of 2013 was based on the premise that Islam was under threat in Bangladesh and the government was

taking anti-Islamic actions. Aware of this outcome and intent on changing this, the regime subsequently placed emphasis on nurturing the relation with Islamic groups and leaders of the country to get a share of their popular support. Thus, the DSA 2018 was used in order to appease these Islamic groups by deliberately targeting bloggers, Bauls, rights activists and so on, who often express anti-regime opinions, along with taking a liberal and often anti-religion stance. The religious leaders, in return, co-opted with the regime and bestowed the Prime Minister with their recognition and approval by terming her as “the mother” of all them (Dhaka Tribune 2018).

In 2014 Alam maintained that “internet governance, that is, restricting or controlling access to certain information, cannot become a tool for muzzling of dissent, of the rights to air one’s views ..., and the rights to inform people of the facts”. He worried that the Bangladeshi political culture was dysfunctional enough that the stipulations under one law could be extended over other groups who were not originally intended to be covered by that law. He added that, “it has happened before, and, if it does again, very likely would result in the kind of vicious political animosity that the country does not need” (Alam 2014). Unsurprisingly though, it appears that his warning has come true as we discuss the use of DSA 2018 and its predecessor the ICT Act to curb political dissent rather than to combat violent extremism, thus increasing authoritarianism in Bangladesh.

Conclusion

This chapter traces the development of legislative measures by the Bangladeshi authorities in order to govern digital spaces that grew in the first two decades of the twenty-first century. This development coincided with the growth of violent Islamist extremism or militancy in the country, which posed a security challenge to the authorities. The authorities claimed that the ICT Act 2006, then the 2013 amended version, and finally the Digital Security Act 2018 were legal remedies necessary for countering militancy, especially in the digital spaces. However, it has been evident from the discussions in this chapter that these laws were not used for their intended purposes most of the time for arresting and prosecuting terrorists.

On the contrary, it emerges that in the name of countering militancy, Bangladesh has empowered and enabled its security apparatus through enacting these strict laws. And this same apparatus, with these strengthened capacities, has systematically dismantled a political opposition, choked an independent media, suppressed a thriving civil society, and curtailed the civil and political rights of the populace in the physical and the digital spaces. While this has enabled the ruling regime to establish unquestioned, unchallenged control over state power, democracy has suffered significantly in the process along with political tolerance and pluralism. The country has further moved towards an autocratic regime, with a strict authoritarian rule but with some pretence of a democratic state.

The DSA 2018 is one of the most prominent tools in the hands of the regime authorities that enabled this autocratization. While it was claimed that this law would be used for countering violent extremism, from early on the multiple sections in the law that control and curtail various civil and political rights and liberties were pointed out by many journalists, legal experts and rights activists. The Editors’ Council stated that this law will have a “chilling effect” on press freedom in the country (Mahmud 2018). Zaman (2020) claimed that the DSA reinforced punitive measures to curb freedom of expression and assisted in creating a digital authoritarianism in Bangladesh. Faisal, concerning Article 19 (The Daily Star 2021a), argued that the “act is not made to give security to common people rather to ensure security of a particular party”. From

the discussion in this chapter, it is also visible that the DSA 2018 provided political expediency and solidified political domination for the ruling party.

The DSA 2018 used the pretext of countering terrorism to achieve political gains, but in the process, it infiltrated into the lives of every citizen in the country to limit their rights. It has become so invasive and extensive that in 2020, a 15-year-old child was arrested by the Bangladesh Police under the DSA 2018 for defaming the Prime Minister and sent to a correction facility during the Covid-19 pandemic. Reporting about that incident Nazeer (2020) stated that the DSA was used to justify invasive forms of surveillance and to violate the rights of free speech of a minor. This incident exemplifies the necessity to reform the DSA 2018, but also to ensure that legal instruments that violate human rights that are enshrined by international norms and treaties are amended. Bangladesh may have been on the path of autocratization, but it is still possible to reverse the trend.

Bibliography

- Abbar, Chowdhury R. "Shrinking Space for Cultural and Artistic Freedoms – *Twin Fangs of Bigotry and Intolerance of Dissent*." *The Daily Star*, 2020.
- Adhikary, Tuhin Shubhra. "The Trap of Section 57." *The Daily Star*, 7 July 2017, 2017.
- Ahmad, Atif J. and Michael Kugelman. "The Death of Democracy in Bangladesh." *The National Interest*, 2018. Accessed 15 January 2021. <https://nationalinterest.org/feature/death-democracy-bangladesh-36147>.
- Al Jazeera. "Bangladesh Elections 2018: What You Need to Know." Al Jazeera. Accessed 15 January 2021. www.aljazeera.com/news/2018/12/29/bangladesh-elections-2018-what-you-need-to-know.
- Alam, Shahid. "Fathoming ICT (Amendment) Act, 2013." *The Daily Star*, 10 March 2014, 2014.
- Ali, S. Mahmud. *Understanding Bangladesh*. London: Hurst & Company, 2010.
- Ali, Rowshan, "Bits and Pieces of Cyber Law." *The Daily Star*, 15 June 2011.
- bdnews24.com. "Hasina Explains Why Bangladesh Needs Digital Security Act." *Bdnews24.Com*, 2021.
- CIVICUS. "Bangladesh: 'Out of Fear, People are being Silent'." CIVICUS, 2019. Accessed 15 January 2021. www.civicus.org/index.php/media-resources/news/interviews/4180-bangladesh-out-of-fear-people-are-being-silent.
- Croissant, Aurel. *The Struggle for Democracy in Asia – Regression, Resilience, Revival*. Gütersloh, Germany: Bertelsmann Stiftung, 2020.
- Deutsche Welle. "How 'IS' Terrorists used Social Media for 'Updates' on Dhaka Café Attack." Deutsche Welle, 2016. Accessed 15 January 2021. www.dw.com/en/how-is-terrorists-used-social-media-for-updates-on-dhaka-cafe-attack/a-19373763.
- Dhaka Tribune. "PM Sheikh Hasina Branded as 'Mother of Qawmi'." *Dhaka Tribune*, 4 November 2018, 2018.
- . "PM: No Sympathy for those Involved in Graft, Terrorism." *Dhaka Tribune*, 23 November 2019, 2019.
- Firstpost. "Bangladesh Court Orders Arrest of Khalida Zia for 2015 Arson Attack that Killed Eight People." *Firstpost*, 2 January 2018, 2018, sec. World.
- Freedom House. *Freedom in the World 2020: Bangladesh*. Washington: Freedom House, 2020.
- Government of Bangladesh. *Anti-Terrorism Unit Rules, 2019*, *Bangladesh Gazette*, 2019a.
- Government of Bangladesh. *Digital Security Act, 2018*, Public Law 46, *Bangladesh Gazette*, 2019b.
- Government of Bangladesh. *Information & Communication Technology Act, 2006*, Public Law 39, *Bangladesh Gazette*, 2006.
- Haque, Asheque. "Understanding the Sermons of Mufti Mohammad Jashimuddin Rahmani, the Spiritual Leader of Ansarullah Bangla Team." Master of Arts in South Asia and Global Studies, King's College, London, 2016.
- . *Violent Jihadist Ideology in South Asia: Socio-Political Implications*. Lund: Lund University, 2020.
- Hasan, Mahmudul. "Bangladesh Adds 3.3cr Internet Users in a Decade – *Finds GSMA Study*." *The Daily Star*, 9 November 2020, 2020.
- Hasan, Rashidul. "Digital Security Bill Passed." *The Daily Star*, 20 September 2018, 2018.
- Hossain, Zakir, S. M. Masum Billah, and Monjurul Islam. "Bangladesh: Civic Space and Minority Rights." In *South Asia State of Minorities Report 2020*, 29: The South Asia Collective, 2020.

- Human Rights Watch. *World Report 2021: Bangladesh – Events of 2020*. New York: Human Rights Watch, 2021.
- International Crisis Group. *Countering Jihadist Militancy in Bangladesh*. Brussels: International Crisis Group, 2018.
- Islam, Zayma. “Scars of Torture all Over Him.” *The Daily Star*, 5 March 2021, 2021.
- Jagonews24.com. “1 Bocho Digital Nirapotta Aine 783 Mamla, Beshi Akranto Shangbadikra.” *Jagonews24.Com*, 27 Feb 2021, 2021.
- Jamal, Eresh Omar, Moyukh Mahtab, and Sahmsuddoza Sajen. “Digital Security Act, 2016 – how does it Affect Freedom of Expression and the Right to Dissent?” *The Daily Star*, 29 October 2016, 2016.
- Khan, Mohammad Jamil. “ABT Converting Cash to Bitcoin to Buy Arms.” *The Daily Star*, 27 September 2019, 2019.
- . “Banned Hizb Ut-Tahrir Now Prefers Direct Action.” *Dhaka Tribune*, 3 July 2015, 2015.
- Lacy, Mark and Nayanika Mookherjee. “‘Firing Cannons to Kill Mosquitoes’: Controlling ‘virtual Streets’ and the ‘image of the State’ in Bangladesh.” *Contributions to Indian Sociology* 54, no. 2 (06/01; 2021/03, 2020): 280–305.
- Mahmud, Faisal. “Bangladesh Editors Protest ‘chilling’ Digital Security Act.” Al Jazeera, 2018. Accessed 15 January 2021. www.aljazeera.com/news/2018/10/16/bangladesh-editors-protest-chilling-digital-security-act.
- Mostofa, Shafi M. D. and D. B. Subedi. “Rise of Competitive Authoritarianism in Bangladesh.” *Politics and Religion* (2020): 1–29. doi: 10.1017/S1755048320000401.
- Nazeer, Tasnim. “Bangladesh Silencing Teenage Dissent.” *The Diplomat*, 29 Jun 2020, 2020, sec. Opinion.
- Parvez, Saimum. “Bangladesh and India.” In *Counterterrorism Yearbook 2019*, edited by Kfir, Isaac and Georgia Grice, 41. Australia: Australian Strategic Policy Institute, 2019.
- Prothom Alo. “Jongi Kormokande Netritto Dichchen Khaleda Zia.” *Prothom Alo*, 3 November 2015a, sec. Politics.
- . “Jongir Shongi BNP Ebong Khaleda Zia.” *Prothom Alo*, 11 Mar 2017, 2017, sec. Politics.
- . “Joy for Immediate Passage of Digital Security Bill.” *Prothom Alo*, 16 April 2018, 2018.
- . “Khaleda Zia Jongibadke Ushke Dichchen: Toththomontri.” *Prothom Alo*, 4 March 2014, 2014, sec. Bangladesh.
- . “Khaleda Zia ‘Shontrasher Rani’.” *Prothom Alo*, 15 February 2015b, 2015, sec. Politics.
- Ramani, Samuel. “Here’s how the Bangladesh Government is Making Religious Violence More Likely.” *The Washington Post*, 21 July 2016, 2016.
- Riaz, Ali. “The Pathway of Democratic Backsliding in Bangladesh.” 28, no. 1 (01/02, 2021): 179–197.
- . *Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election*. London: Palgrave Macmillan, 2019. DOI: 10.1080/13510347.2020.1818069
- Riaz, Ali and Saimum Parvez. “Anatomy of a Rigged Election in a Hybrid Regime: The Lessons from Bangladesh.” (01/12, 2021): 1–20. Accessed 30 January 2021. <https://doi.org/10.1080/13510347.2020.1867110>.
- Roul, Animesh. “Spreading Tentacles: The Islamic State in Bangladesh.” *Terrorism Monitor* 13, no. 3 (2015).
- Samad, Abdus. “The International Crimes Tribunal in Bangladesh and International Law.” *Criminal Law Forum* 27 (29 April 2016, 2016): 257.
- Sarker, Probir Kumar. “4 Years since the Shahbagh Movement.” *Dhaka Tribune*, 5 February 2017, 2017, sec. Bangladesh.
- The Daily Star*. “Bid to Topple Government – Involvement of ‘Parties’ Under Probe.” *The Daily Star*, 2012.
- . “Digital Security Act: Rise in use of the Law Alarming – Says Amnesty.” *The Daily Star*, 2020.
- . “Digital Security Bill Placed in JS Amid Concern.” *The Daily Star*, 10 April 2018, 2018.
- . “DSA Enacted to Ensure Security for Select Few: Speakers.” *The Daily Star*, 28 February 2021, 2021a, sec. City.
- . “Reflecting on the Anti-Terrorism Act 2009.” *The Daily Star*, 3 December 2019, 2019.
- . “Terror Strikes Dhaka.” *The Daily Star*, 1 July 2016, 2016.
- . “Unacceptable – Outrage all Over After Mushtaq’s Death in Custody; Call for Scrapping DSA Gets Louder.” *The Daily Star*, 27 February 2021, 2021b.
- Zaman, Fahmida. “Digital Authoritarianism in Bangladesh: What You Need to Know.” The National Interest, 2020. Accessed 15 January 2021. <https://nationalinterest.org/blog/skeptics/digital-authoritarianism-bangladesh-what-you-need-know-172236>.