
Freedom of Thought and Social Networking in Bangladesh: Case analysis on Facebook

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Abstract

Freedom of thought, conscience and expression are the primary elements to uphold liberty and human free spirit against any tyrannical ruling. The Bangladesh Constitution safeguards this as a fundamental rights in Part III, Article 39 with reasonable restrictions. This study is an attempt to take a look at the role of social network site; Facebook in light to the constitutional safeguards on exercising freedom of thought in Bangladesh. Now a day's, Facebook has opened a new era of networking. People find it as an unavoidable tool of sharing words, thought and feelings. Studies revealed that almost 92% of the Bangladesh people, especially youths are keen in using Facebook and their aims are to share words, thoughts with others. Though, Facebook has a tremendous role in connectivity with others but at the same time, Facebook is found as a media of disseminating false news, abetting unsocial activities, terrorism and even anti-state activities. This article offers an understanding on freedom of thought and expression in Bangladesh inter alia is to evaluate in legal rights perspective. This qualitative research work analyzes on the presence and reality of the phenomenon in Bangladesh by analyzing secondary data, national and international provisions relating to freedom of thought and expression, conscience, press, and fundamental human rights.

Keywords: Freedom of Thought, Social Networking, Legal Framework, Challenges, Comparative Discussions.

Introduction

Facebook is a tool of great innovation; it offers an opportunity to interact with an extraordinarily expressive universe with the known and unknown people. For a creative mind, it works as an introduction into a 'business' like as thinking on how to "market" one by himself. Social networking

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sites enhance communication widely to stay connected all together. Scholars found that modern connectivity, communication and free thoughts and expression of human feeling are quite impossible without this kind of tool in this digital world. The common connotations and uses of words and phrases such as ‘freedom of thought’, ‘freedom of expression’, ‘freedom of speech’, ‘right to communication’, ‘communication right’, ‘right to information’ and ‘access to information’ are intertwined and always synonymous. In this article, the phrase ‘freedom of thought and freedom of expression’ will include all the words and phrases mentioned above.

Social networking can be defined as those categories of network which work as a tool of creating connectivity, sharing and creating global community. The Cambridge dictionary defined it as “the use of websites and other internet services to communicate with other people and make friends”.² At the same the English Oxford Living Dictionaries mentioned “The use of dedicated websites and applications to interact with other users or to find people with similar interests to one's own”.³ So it may be called as the networking which is based on electronic connection of different websites and aims to create more and more friendship among the people who have find some common set of values.

Background of the study

Article 18 of the Universal Declaration of Human Rights of 1948, (UDHR)⁴ provides that everyone has the right to freedom of thought, conscience, and religion. The same provision is found in Article 18 of the International Covenant on Civil and Political Rights of 1966 ‘everyone shall have the right to freedom of thought, conscience, and religion’. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

² R. Kraut, M. Patterson, V. Lundmark, et al, 1998. Internet paradox: A social technology that reduces social involvement and psychological well-being?. *American psychologist*, 53(9), p.1017.

³ ‘Social Networking, Definition Of Social Networking In English By Oxford Dictionaries’ (*Oxford Dictionaries / English*, 2018) <https://en.oxforddictionaries.com/definition/social_networking> accessed 17 March 2018.

⁴ M.A. Glendon., 1997. Knowing the Universal Declaration of Human Rights. *Notre Dame L. Rev.*, 73, p.1153.

Today freedom of speech, and the freedom of expression, is also recognized in international and regional human rights law. The right is enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR),⁵ Article 10 of the European Convention on Human Rights (ECHR),⁶ Article 13 of the American Convention on Human Rights (ACHR),⁷ and Article 9 of the African Charter on Human and Peoples' Rights (ACHPR).⁸ Based on John Milton's arguments, freedom of speech is understood as a multi-faceted right. International, regional and national standards also recognize that freedom of speech, as the freedom of expression, includes any medium, be it oral, written or in print, through the internet or through art forms. This means that the protection of freedom of speech as a right includes not only the content but also the means of expression. Now let me discuss the nature of those bloggers who have recently been killed in Bangladesh. They said that they were seculars; but what is the nature of 'secularism' to us? Secularists should not be against any individual who has religious faith. "Secularism" is a term which was invented by a British writer named Holyoake. From his point of view, secularism is a concept that will promote a social order separate from religion but it has to be without actively dismissing or criticizing religious belief.

In the context of bloggers activities in Bangladesh, what we have found is that bloggers mostly use words of hatred against religions. They are keen in criticizing, insulting and also trying to justify that the religions are not correct. I am not sure from where the bloggers have got the right to insult others' religions. I think no civilized nation has adopted the law of 'right to insult' others and any religion. In the name of free thought, knowledge-based argument, and scholarly contributions freethinkers are not free to insult others' beliefs. As a secularist, you can have your right to 'freedom of expression' but that has to be with due respect of others' beliefs. You must not forget your duties and responsibilities relating to freedom of expression.

The statement mentioned above, however, it does not justify the acts of those who have killed the bloggers. Those brutal murderers were completely in the wrong and against the laws of Bangladesh. People should not forget that we have an active judiciary whose duty is to ensure

⁵ R. W. Hoag., 2011. International Covenant on Civil and Political Rights. In *Encyclopaedia of Global Justice* (pp. 544-545). Springer Netherlands.

⁶ C. Grabenwarter., 2014, February. European Convention on Human Rights. In *European Convention on Human Rights*. Nomos Verlagsgesellschaft mbH & Co. KG.

⁷ P. Sieghart., *The international law of human rights*. Oxford University Press.

⁸ R. N. Kiwanuka., 1988. The meaning of "people" in the African Charter on Human and Peoples' Rights. *American Journal of International Law*, 82(1), pp. 80-101.

justice. The government should carefully look into the matter and bring them to justice to protect the future bloggers. On the other hand, the government should also re-examine the 'freedom of expression' with regard to the right to religious matters. We may need some censorship to protect the bloggers as well as the religious believers.

Freedom of thought

Nikolas Rose sets out the key characteristics of this approach to political power and analyses the government of conduct.⁹ He analyses the role of expertise, the politics of numbers, technologies of economic management and the political uses of space. He illuminates the relation of this approach to contemporary theories of 'risk society' and 'the sociology of governance'. He argues that freedom is not the opposite of government but one of its key inventions and most significant resources. He also seeks some rapprochement between analyses of government and the concerns of critical sociology, cultural studies and Marxism, to establish a basis for the critique of power and its exercise. The book will be of interest to students and scholars in political theory, sociology, social policy and cultural studies. In the case of Advocate *Md. Salauddin Dolon v. Government of Bangladesh and others*¹⁰, it was held that the University Declaration of Human Rights, in Article 1 states that "all human beings are born free and equal in dignity and rights". Article 2 provides that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Article 3 provides that "everyone has the right to life, liberty and security of person." In line with the said above provisions, powers of Freedom, first published in 1999, offers a compelling approach to the analysis of political power which extends Foucault's hypotheses on governmentality in challenging ways.¹¹ Another study finds that the first restrictive approach of freedom of speech was religious in nature, and the first justificatory arguments for freedom of speech were reactions to such religious restrictions.¹²

⁹ N. Rose., and P. Miller., 1992. Political power beyond the state: Problematics of government. *British journal of sociology*, pp.173-205.

¹⁰ Writ Petition No. 4495 of 2009, High Court Division of the Supreme Court of Bangladesh. <http://www.blast.org.bd/content/judgement/Judgment%20-%20Writ%20Petition%204495%20of%202009.pdf>, Accessed on 14/03/2018.

¹¹ N. Rose., 1999. Powers of freedom: Reframing political thought. Cambridge University Press.

¹² T. Hassan., A Historical Analysis of the Development of Free Speech Justifications (December 1, 2015). *The Journal Jurisprudence*, Vol. 28 (2015), 487-506. Available at SSRN: <https://ssrn.com/abstract=2734752>.

The legislative stand of Freedom of Thought

In the Universal Declaration of Human Rights (UDHR), which is legally binding on member states of the International Covenant on Civil and Political Rights, freedom of thought is listed under Article 18: The Human Rights Committee states that this, “distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally.” Similarly, Article 19 of the UDHR guarantees that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference. Article 20 (2) of the International Covenant on Civil and Political Rights (ICCPR), states that ‘any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law’. This Article clearly says that people are not completely free to express their views on religious matters and a certain degree of international consensus that the right of freedom of religion must, in order to be meaningfully protected, entail a right to be free from insults and offence directed at one's religious practices, beliefs or teachings. Furthermore, if we see the Article 10 of the European Convention on Human Rights (ECHR) then we can clearly identify the duties and responsibilities that may be subject to restrictions prescribed by law for the protection of reputation or right of others. Furthermore, Article 17 of the ECHR talked about the prohibition of abuse of rights. It says that you cannot perform any act aimed at the destruction of any of the rights and freedoms, if you do so, you will be restricted. In Europe, right to ‘freedom of expression’ is not that much wide and each state has enough ‘margin of appreciation’ to protect the national interest. In our country, we do not have such laws which can control any activities against any religion.

National legislative stands include the Constitution of Bangladesh and the Information, technology and communication Act, 2006. At present the draft Digital Security Act, 2016 has covered key important provisions and its affect freedom of expression and press. The freedom of speech and expression and freedom of press have been guaranteed by Article 39(2)1 of the Constitution. Though freedom of press is implicit in the freedom of speech and expression but considering the importance of print media, freedom of press has been mentioned separately. But these freedoms are subject to some reasonable restrictions imposed by law in the interest of the security of the state, friendly relations with foreign states, public order, decency or morality, in relation to contempt of court, defamation or incitement to an offense. All the citizens of Bangladesh can exercise their

freedom of speech and expression by remaining within the constitutionally stated horizon. If anybody oversteps the boundary she/he will be considered to have violated the constitutional provision and will be subject to the sanction of law.¹³

Freedom of Press, an offshoot of freedom of thought, conscience, and speech, has become instrumental in establishing a democratic state where fairness, transparency and free expression constitute skeleton of that policy. Every segment of the above right is very important as freedom of thought and conscience is essential for developing human personality, knowledge, and civilization. Freedom of speech and expression including freedom of press is the very foundation of democracy. Without ensuring free expression, criticism and open discussion democracy cannot function smoothly. But this freedom, like other rights, is not unfettered as it has been given to the citizen is subject to a number of conditions including the right of the persons to remain unsoiled by the press reports. Freedom of press is important but the right to reputation is also important, as it is the most dearly valued property and attribute of a citizen. So law has to accomplish the delicate task of maintaining a balance between two very important but conflicting rights. The recent amendment to the Information and Communication Technology Act, 2006 is a good case to examine. Under section 57 of the ICT (Amended) Act, if any person deliberately publishes any material in an electronic form that causes to deteriorate law and order, prejudice the image of the state or person or causes to hurt religious belief the offender will be punished for a maximum of 14 years and a minimum of seven years' imprisonment. It also made the crime non-bailable. The amendment also empowered the police to arrest the offender without the authorization of the court.

The 15th amendment to the Constitution includes language that equates criticism of the constitution with sedition. There are laws which can help protect the right to freedom of expression and information, including media freedom in Bangladesh, such as the Community Radio Installation, Operation and Broadcast Policy, 2008, The Right to Information Act, 2009 and the establishment of an Information Commission under this Act; the National Policy on Information and Communication Technology (ICT), 2009 and The Whistle Blowers Act, 2011. The Right to Information Act, 2009 guarantees the rights to all information held by public bodies, simplifies the fees required to access to information, overrides existing secrecy legislation, and grants independence to the Information Commission tasked with overseeing and promoting the law.

¹³ S. M. Feldman., 2006. The Theory and Politics of First Amendment Protections: Does the Supreme Court Favor Free Expression Over Religious Freedom. *U. Pa. J. Const. L.*, 8, p.431.

An analysis on the Information and Communication Technology Act, 2006

The concerned section of the Information & Communication Technology Act, 2006 states, “If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it or causes to deteriorate or creates possibility of deteriorating law and order, prejudicing the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence. In providing punishment it says, whoever commits an offense under subsection (1) of this section 57 he shall be punishable with imprisonment for a term which may extend to ten years and with fine which may extend to Taka one core.

The intent of the administration in amending the law can be questioned on several grounds. Firstly, it was decreed as an ordinance only days before the parliament was due to meet denying the august body to deliberate on the amendment that had a major bearing on the enjoyment of fundamental rights of the citizens. Secondly, little effort was made to engage the public on the issue before proceeding with the act. Thirdly, no explanation offered by the government as to why the punishments were being augmented without clarifying the vagueness that exists in the original provisions of the law. An elementary knowledge of law would entail that provisions of penal laws should be clear and unambiguous. Moreover, in a situation where the criminal justice system is plagued by inordinate delays instead of putting in place measures to expedite disposal of cases, increasing the length of punishment will only undermine justice. Finally, the government has failed to assign reasons for making offenses under section 57 cognizable, giving the police the authority to arrest alleged offenders without the court's order. The decisions to give the ill-equipped and ill-trained, and increasingly partisan police force, that authority will only go against the enjoyment of rights by the people. Observers have noted that the amendment had done away with the little degree of protection (non-cognizable and non-bailable) that the original law provided. The amendment would make the accused stay in prison for the entire duration of the legal proceeding until s/he is proven innocent or guilty. The imprudent amendment has elicited an adverse response from informed sections of society.

An Implication on the Digital Security Act (draft), 2016

The draft Digital Security Act 2016 aims to address the new form of threat in the present era of digital Bangladesh. Though the concern authorities are justifying its necessity but at the same members of civil society, media men and freelancer activists, experts have expressed their concerns over the draft law, according to their understanding, this law may impinge people's freedom of expression which Bangladesh constitution guarantees as a fundamental right "the right of every citizen to freedom of speech and expression" under article 39. Experts found that draft Digital Security Act, 2016, may unreasonably deny the freedom of thought, expression and individual's spirit to speak freely in online.

Though the act is a new one but it has not defined new types of offenses. At the same a law is still absent to ensure safe online environment for people rather than punishing just because of one's exercising logical freedom in online. The draft of the law has been made in Bangla considering easy understanding of the peoples, but the definitions of the various legal and technical terms are given in Section 2 are both in Bangla and English, which may cause confusion to understand easily. The proposed digital security act not concentrates to the general people's security in addition the act is criticized widely for its vague definitions of legal terms, creation of another special agency, endangering peoples right of freedom of expression and disproportionate penalty measure for the same issues which already fallen under the ICT ACT, 2006. In addition to that section 13 of the law is very vague and sweeping¹⁴. It extends criminalization of freedom of speech, thought, and online protest in the name of widest umbrella of national security. At the same section 19 are contained provisions to define immoral activities in a not precise manner. Surprisingly the thing is covered under sections 295-298 of the Penal Code, 1860.

Section 37 of the draft Digital Security Act, and section 71 of the ICT Act, empowered a judge not to give bail if he has suspicions against the accused. This kind of suspicion is work by applying presupposition of guilt before trial which exactly a denial core principles of law and natural justice.

The ICT Act and this draft Digital Security Act provisions are clearly conflicting with Article 19 of the Universal Declaration of Human Rights

¹⁴ Digital Security Act, 2016, How does it affect freedom of expression and the right to dissent? Available at <http://www.thedailystar.net/opinion/interviews/how-does-it-affect-freedom-expression-and-the-right-dissent-1305826>, accessed on March 23, 2018.

(UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and even Article 39 of our own Constitution.

Social Networking tools

If an employer looks at an employee's Facebook wall, is that an application of computational social science? Is Facebook itself a computational social science tool? Is ad-targeting based on browsing habits or personal information from other applications a form of computational social science? We see these examples as everyday uses of social media-based computational social science. Social media systems contain particularly valuable information. This data derives its value from its detail, personal nature, and accuracy. The semipublic nature of the data means it is exposed to scrutiny within a user's network; this increases the likelihood of accuracy when compared to data from other sources. The social media data stores are owned and controlled by private companies. Applications such as Facebook, LinkedIn, and the Google+, including Google search, YouTube, Double-click and others, are driven by information sharing but monitor through internal analysis of the gathered data a form of computational social science. The data is used by four classes of users: business clients, government, other users within the social media platform, and the platform provider itself.

It is tried to identify the complexity of protecting constitutional values like privacy and free speech in the age of Google and Facebook, entities that are not formally constrained by the Constitution. On the one hand, it is tried to offer an optimistic story, escaping Facebook past, and promoting free speech on YouTube and Google. In each of these cases, it is possible to imagine a rule or technology that would protect values like free speech and privacy in this changing world. An expansion of disappearing data technology and an enlightened leadership at companies like Google and Twitter also needs to protect free speech rather than suppress it. But whether these good rules or technologies will, in fact, be adopted depends crucially on what sort of rules and technologies, the public demand.

Facebook has reluctantly made it easier to delete data in the face of user demand (and legal threats from Europe), although it is still the case that the demand for privacy will be outweighed by the demand for exposure. And Google, despite its commitment to free expression, chose not to resist political demands to expand its categories of prohibited speech on YouTube. Those categories, of course, are ultimately enforced by users and therefore reflect community standards rather than resisting them. Will Government of Bangladesh take note of these international views on the

concept of freedom of speech in this new era of Facebook and Google while imposing criminal liability upon the citizens? Will citizens around the globe demand laws and technology that protect liberty rather than threaten it? The choice is ours. We now demand immediate action to ensure freedom of expression on Facebook and request to restore the site for the sake of all users in Bangladesh. We also call on the government to stop all kinds of censorship and surveillance both in offline and online media. We urge the government to ensure freedom of expression and promote the right to access to information with human rights standard and democratic values.

Freedom of Thought and Social networking in Bangladesh: Some Case Studies.

Case analysis-1

A blogger was convicted in Dhaka for his writing. A group of people who backed him in the press now faces the same charge. Why is this happening in Bangladesh? The trial court in Bangladesh has initiated contempt of court charges against twenty-three people who had signed a letter in support of British journalist and blogger David Bergman, who himself was convicted of contempt of court in December 2014.

Case analysis-2

Freedom of expression and freedom of religion are respectively articulated in article 39 and article 41 of the Constitution of Bangladesh. Both freedoms are credited as 'Fundamental Rights', delinquencies of which are enforceable at court provided that these rights will be subject to public policy, morality, public health, national security etc.

Now the debating questions pop up which are construed in diverse ways by both sides of the debate: first, have these fundamental rights of Avijit Roy been infringed? And second, is his murder plausible?

Let's pitch into the matter. Avijit Roy is a renowned writer and researcher and he is assumed as a coherent person. A writer has right to express his or her opinion but subjects to the reasonable restrictions in the constitution because as a citizen he/she is obligated to go after the dictums of the constitution. Being 'Atheist' is your right but offending other religion and religious personalities is not certainly 'Exercise of your Freedom of Expression'. Atheism means you are a 'disbeliever' and you should not hurt or attack other 'believers' of other religions. You should be placid

about your stand and you should not thrust into others people's lives and security. Movements of Atheist Bloggers in Bangladesh seem to be quite apart from this basic notion of 'Atheism'. Instead, by this way or that way their actions are resulting in breeding anarchies in a society which is a clear menace to the national integrity.

Though 'Freedom of Expression' is constitutionally catered to all citizens, before exercising it, they should ponder on their writings and preaching that whether those meet the 'reasonable restrictions' provided in the constitution or not. Regarding Avijit Roy and his writings, lots of words for and against him is being spoken. It is my request to all to check his writings whether those pass in the test of 'Constitutionality' or not. Regarding the second question, the murder of Avijit Roy is not in any way plausible. This is not the right of so-called Jihadist to take his life. This is God who has created and who will take this very 'Life'. If all sanctions (from the angle of *jihadis*) are meant to be on this earth, why God kept 'Judgment Day' then? Besides that, our 'Human' identity comes first, and then religion comes. Extremism and chaos in name of religion are entirely maddening. Nobody should be let on to do anything which goes against the essence of brotherhood and national integrity of a country.

Freedom of Expression should be utilized by citizens in *bona fide* intention without any clandestine drive and subject to reasonable restrictions. In our country, when people live on the street in winter or die out of hunger, or child beggars are seen in streets, well, are a debate on 'Religious belief' going to help them? Let's forget the factors segregating us and focus on the factors connecting us because our motherland should look forward to a sparkling future where basic needs of everybody will be sufficed.

Avijit Roy Case Avijit Roy: (12 September 1972 – 26 February 2015) was a Bangladeshi-American online activist, writer, blogger known for pioneering Bengali *freethinkers'* weblog-forum, *Mukto-Mona*. Roy was a prominent advocate of free expression in Bangladesh, coordinating international protests against government censorship and imprisonment of bloggers. He founded *Mukto-Mona*, an internet community for freethinkers, rationalists, skeptics, atheists, and humanists of mainly Bengali and other South Asian descent. He was hacked to death by machete-wielding assailants in Dhaka, Bangladesh, on 26 February 2015; Islamic militant organization Ansarullah Bangla Team claimed responsibility for the attack.

Case analysis: 03

Blogger Niloy Murder, his wife Asha Moni pressed charges against four unidentified persons with the Khilgaon Police Station late on Friday night, Inspector Anwar Hossain Khan told bdnews24.com.

Niloy was hacked to death in his home in Gorham on that Friday afternoon by suspected Islamist militants. Al-Qaeda's Indian offshoot AQIS's 'Bangladesh Branch' has purportedly claimed responsibility. Police say that the murder was planned. The UN, US, and the Amnesty International have condemned the killing and called upon the authorities to bring the killers to justice. Niloy is the fourth blogger to have been killed this year. All of them were involved with the Ganajagaran Mancha, a popular movement demanding maximum penalty for war crimes convicts and outlawing of religion-based politics.

Niladri Chatterjee Niloy was killed in front of his wife at his flat in East Gorhan on Friday afternoon, Khilgaon Police Station OC Mustafizur Rahman said.

The Home Minister Asaduzzaman Khan Kamal promised, when as police have failed to crack cases in regard to the killing of three other blog activists earlier this year. Niloy, 27, was an activist of the Ganajagaran Mancha, the popular movement demanding maximum penalty for war crimes convicts and outlawing of religion-based politics. Niloy, who wrote against communalism and fundamentalism, was known as Niloy Neel on social networking sites and he used to blog under this name on website 'Istishon' (Station).

He recently received numerous threats for his writings and his stand against radicalism said people close to him. Those threats made him take down all his photos from his Facebook page. In one of his posts on Facebook three months ago, he said he knew he was a target of the extremists. Niloy wanted to file a general diary (GD) but police as early as possible' instead, read the May 15 post. Khilgaon police OC Rahman told bdnews24.com that five assailants armed with machetes entered the flat in two groups after the Juma prayers.

Niloy, who worked in an NGO, had been living with his wife Asha Moni for the past two years in the flat since they got married in court without the consent of their families. OC Rahman said the attackers entered his home on the pretext that they wanted to rent a flat. "They fled right after slaughtering Niloy." DMP's Detective Branch Joint Commissioner Krishnapada Roy told reporters at the crime scene, "There were signs of

haphazard hacking on Niloy's throat and neck.” “The nature of the attack is very similar to those on other bloggers murdered earlier,” he said. Radical militants earlier killed four other pro-liberation bloggers and legendary writer Humayun Azad in the same style of attack. Upper parts of the body, particularly head and neck, were the main targets.

Niloy is the fourth blogger to have been murdered this year after Avijit Roy, Oyasiqur Rahman Babu, and Ananta Bijoy Das. He was hacked to death in the same way as the others. The ‘Bangladesh branch’ of al-Qaeda in Indian Subcontinent (AQIS) has claimed for the latest murder. An email sent out to the media said the AQIS carried out the killing and threatened more such attacks on secular blog activists. But police say they have no information about AQIS or al-Qaeda proper’s involvement. The UN, USA and Amnesty International have condemned the killing and called upon the authorities to bring the killer to justice.

Findings

Freedom of thought is also called the freedom of conscience or individuals freedom. A person generally holds or considers a fact differently from viewpoint or thought independent of others. It is different from and not to be confused with the concept of freedom of expression. ‘Freedom of thought’ is the derivative of and thus is closely linked to other liberties: freedom of religion, freedom of speech, and freedom of expression. It is a very important concept in the Western world but nearly all democratic constitutions protect these freedoms. For instance, the U.S. Bill of Rights 1 contains the famous guarantee in the First Amendment that laws may not be made that interfere with religion “or prohibiting the free exercise thereof”. A US Supreme Court Justice (Benjamin Cardozo) reasoned in *Palko v. Connecticut* (1937) that: Such ideas are also a vital part of international human rights law.¹⁵ Like the same, countries around the globe are also grasping the uniqueness and potential severity of cybercrimes. National and international efforts are underway to include or amend cybercrime laws mentionable as the Budapest Convention on Cybercrime, EU Cyber Security Strategy 2013, and the US Cyber security act 2015 a to name a few. We need not to oppose law but the texts of the draft Digital Security Act should be materially changed. It should reflect a chain of security for the people’s free expression of thought in online rather than keeping people silent and restrain them with a fear of tyrannical laws.

¹⁵ Wermiel, S.J., 1998. Law and human dignity: The judicial soul of Justice Brennan. Wm. & Mary Bill Rts. J., 7, p.223.

Recommendations

1. Need to amend section 57 of the ICT Act so as ensure any contemplated restrictions on freedom of opinion and expression are consistent with international law and standards. Amend section 57 of the ICT Act to ensure prohibited expression is clearly defined. Amend the ICT Act to ensure that any restriction on freedom of expression and information, including any sanction provided for is necessary to a legitimate objective and proportionate to the harm caused by the expression. Take steps to ensure that provisions of the ICT Act are not used to violate the right to freedom of expression, including limiting the legitimate exercise of comment on public matters which might contain criticism of the Government;
2. The draft Digital Security Act should enact complying concretely with Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 39 of the Bangladesh Constitution. It should aims to ensure security for the people's free expression of thought rather than keeping people silent and restrain them with a fear of a draconian law;
3. Ensure the protection of freedom of expression in the context of religion for all individuals and all communities at all times, by recognizing that freedom of expression is essential to sustaining a pluralistic society and by respecting all religious belief and opinions, creating an enabling environment for the exercise of freedom of expression in the context of religion, implementing laws, and accompanying policy measures relating to freedom of expression in the context of religion in a non-discriminatory manner especially in relation to women & LGBT people;
4. Ensure that core legal instruments such as the constitutions provide for equal status to all religions and beliefs, protect freedom of expression online and offline, in accordance with international human rights norms and standards;
5. Repeal laws at the national and sub-national levels that criminalize 'defamation of religion', 'insult to religion', 'blasphemy', apostasy, as per the Rabat Plan of Action;
6. Repeal laws at the national and sub-national levels that criminalize the expression of sexuality as well as laws imposing dress codes, including in the name of religion; Revise and strengthen existing anti-

- discrimination legislation to meet universal standards towards substantive equality across all groups, communities, men and women;
7. Allow and enable religious minorities' parliamentarians to raise issues relating to freedoms of expression and religion, and the intersection of these rights, in the parliament and other forum;
 8. Condemn and prevent, without discrimination, all instances of violations of freedom of expression in the context of religion and incitement of hatred resulting in violence, including those uttered and disseminated in the name of religion;
 9. Creating more awareness to refrain from promoting or disseminating incitement of hatred, including in the name of religion, and from censoring individuals engaged in the legitimate exercise of their freedom of expression. This includes ensuring that media and telecommunication regulators, education and agencies concerned with religion abide by this principle.

Conclusion

Digitalisation, access to e-tools upraises people's addiction on social networking and extends space to exercise freedom of thought, conscience and free sharing in online. At the same, this rapid expansion of cyber space and uprising e-connectivity are liable to cause choke on free thinking and writing in cyber sphere. Despite the risk, still the cyber space remains vibrant to the young people for expressing their minds on various national and international issues. Study found that section 57 of the ICT Act is a serious threat to free thinkers and continuous protests are going on against this tyrannical provision. In addition to that the government has planned to launch the Digital Security Act which will further tighten the strap on free thinking work as armour to repress human free will spirit. At the same the realities is too harsh, we lost several bloggers and cyber activists, who have been brutally murdered. Many more left the country in fear of further assaults. Authorities are alleged for using ICT provision as a tool to muffle the voice of journalist, freelancer, and online activists. The ICT Act, particularly Section 57, and the proposed Digital Security Act are inconsistent with the fundamental human rights.

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