

Bangladesh

In Bangladesh, Scholars at Risk (SAR) reported scholars terminated for public expression critical of government figures and the use of violence by police and civilians to restrict and retaliate against student expression.

Bangladesh is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Bangladesh is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”¹ Bangladesh’s constitution provides for freedom of thought and expression (Article 39), freedom of association (Article 38), and freedom of assembly (Article 37), albeit with some important caveats.* Bangladesh’s constitution does not provide explicit protections for academic freedom.

During this reporting period, attacks on scholars and students in Bangladesh targeted expression critical of current and former government officials, political figures, and higher education institutions. Universities took disciplinary action against scholars for their public views about political figures. Police and civilians used

violent force against students peacefully protesting issues ranging from universities’ handling of the COVID-19 pandemic to a state visit of Bangladesh by India’s prime minister. The incidents from this period underscore risks scholars and students in the local higher education community face for peaceful dissent.

In two incidents from this reporting period, higher education institutions terminated scholars for public expression critical of political figures.

University of Dhaka (DU) professor **Morshed Hasan Khan** was fired for a newspaper article he wrote in March 2018 about the Bangladesh Liberation War of 1971 and the role of the country’s first president, Ziaur Rahman.² DU suspended Khan for the article shortly after its publication, saying that Khan “distort[ed] the liberation war history” and “disrespect[ed] the father of the nation.” After ordering Khan suspended, DU established a committee to investigate the allegations. In February 2020, DU informed Khan of the creation of a tribunal that would consider the allegations and asked him to respond to the allegations within seven days. Khan reportedly responded to the allegations. On September 9, 2020, DU dismissed Khan for “moral turpitude” or “inefficiency.” Amnesty International reported procedural flaws in DU’s disciplinary proceedings, including that Khan was denied a representative during proceedings and that the allegations noted in their decision (“moral turpitude” or “inefficiency”) do not relate to the original allegations brought against him. Khan challenged the dismissal with a writ petition

* Article 39(2) stipulates that “freedom of thought and conscience, and of speech” is “subject to any reasonable restrictions imposed by law in the interests of [...] decency or morality.” Similarly, Article 38, stipulates that citizens’ “right to form associations or unions [is] subject to any reasonable restrictions imposed by morality or public order.” See Constitution of Bangladesh (2014), available at https://www.constituteproject.org/constitution/Bangladesh_2014.pdf.

to Bangladesh's High Court, which subsequently ordered the university to explain the legal basis for the decision to fire him.³ In addition to the university disciplinary action, Khan has faced criminal charges of sedition for the March 2018 article.⁴

In September 2020, **AKM Wahiduzzaman**, an assistant professor of geography at the **National University of Bangladesh**, was dismissed for alleged Facebook posts published in 2013 about the country's prime minister, Sheikh Hasina, and her family.⁵ A leader of a local group supportive of the ruling party filed a complaint about the alleged posts, which, according to Human Rights Watch (HRW), questioned the capabilities of the prime minister and her children, criticized the organization of an upcoming election, and suggested that relatives of the prime minister collaborated with the Pakistani military during the Liberation War of 1971.⁶ Wahiduzzaman, a critic of the government, told HRW that he did not author the posts and that they were published under a "fake account." Shortly thereafter, Wahiduzzaman was arrested and held in custody for a month and suspended from his position. In March 2014, he was charged under Bangladesh's Information and Communication Technology Act, for "publishing fake, obscene or defaming information in electronic form." In May 2016, Wahiduzzaman fled the country fearing further persecution. In a statement announcing the dismissal in September 2020, the university cited allegations of "negligence of duty," "misconduct," "absconding," and "fraud." According to a report from Amnesty International, Wahiduzzaman claimed that he was denied an opportunity to defend himself. Amnesty's report also noted that the dismissal violated the university's "service rules," which require "a stay on any penalty of the university if the issue is pending trial at the court."

The use of force, violent clashes, and arrests of student protesters threatened student expression in Bangladesh.

On November 8, 2020, police clashed with students of medicine during a protest at the **University of Dhaka (DU)**.⁷ The students had blocked an intersection as part of protests demanding tuition fee reductions and the suspension of in-person exams in light of the ongoing COVID-19 pandemic. Police chased after students in an apparent attempt to disperse them,

prompting clashes between both sides. Also at DU, on March 25, 2021, alleged members of the Bangladesh Chhatra League (BCL), the student wing of the ruling political party, attacked students protesting the visit of India's prime minister, Narendra Modi.⁸ Prime Minister Modi's visit, set to mark Bangladesh's 50 years of independence, sparked countrywide protests. Many protesters accused him of stoking communal violence against Muslims in India. Students at DU staged a protest on campus on March 25, the day before Prime Minister Modi was scheduled to arrive in the country. Alleged BCL members reportedly used bricks and sticks to attack the student protesters, who were marching on campus and planning to burn an effigy of Modi. The attack led to clashes and running battles between the alleged BCL members and protesters. At least 14 people, including students and several journalists covering the protest, were injured during the protest.

On November 27, alleged staff members of **Shah Mokhdum Medical College** attacked a group of students on campus.⁹ The students were reportedly on campus to witness the visit of a team of government officials who were to inspect the college, which had been closed for weeks for not meeting government standards. The closure came after roughly one year of inquiries and demands for improvements by government officials and students. Students told news outlets that they were initially denied entry, but eventually allowed onto campus. Some of the students were reportedly photographing equipment that they alleged had been rented by the college in advance of the inspection—this, they claim, had become a common practice at the college—when alleged staff members began beating them with bamboo sticks and metal rods. The assailants reportedly locked the gates during the attack. Police were called to the scene and took at least 11 students to a hospital for treatment.

On February 7, 2021, police in Dhaka attacked students with batons during a protest over higher education policies.¹⁰ Students from various universities under the name of "General Students of Polytechnic" gathered at an intersection to raise a four-point charter of demands, including a 50 percent waiver of tuition fees during COVID-19 and an increase in student enrollment at technical universities. Police reportedly beat students with batons and arrested five of them.

* "Punishment for publishing fake, obscene or defaming information in electronic form.-- (1) 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 to deteriorate law and order, prejudice 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." See Information and Communication Technology Act of 2006, Section 57, available at <https://samsn.ifj.org/wp-content/uploads/2015/07/Bangladesh-ICT-Act-2006.pdf>.

On February 17, 2021, at least 25 **Barisal University** students were attacked by a large group in retaliation for a student protest that took place one day prior.¹¹ Students had protested outside a local bus terminal in response to news that two classmates were attacked by transit workers. The students blockaded the terminal for two hours and demanded the perpetrators' arrest. Students ended their protest after police arrested one of the transit workers. That night, at roughly 1 AM, as many as 50 individuals raided a private residence hall, which rents out lodgings to Barisal University students. Students report that the assailants, who they allege were transit workers, wielded rods, sticks, and other objects. At least 13 students injured in the attack were hospitalized. The attack resulted in a series of student demonstrations demanding accountability and security for residence halls.

And on June 1, alleged BCL members attacked members of the Jatiyatabadi Chhatra Dal (JCD), the student wing of the Bangladesh Nationalist Party (BNP) on the **DU** campus.¹² JCD members were commemorating the anniversary of the death of Ziaur Rahman, the country's first president and BNP's founder. Alleged BCL members attacked the students as they prepared to hand out materials and food. At least 20 students were injured.

SAR is concerned about attacks on scholars' and students' peaceful, expressive activity in Bangladesh. Arrests, disciplinary actions, and violence intended to restrict or retaliate against such conduct undermine academic freedom and higher education's capacity to facilitate the exchange of ideas and the pursuit of truth. Scholars and students in Bangladesh must have academic freedom and the ability to share ideas without fear of retribution in order to address issues of the day and move society forward.

SAR calls on state authorities in Bangladesh to commit to protecting and promoting academic freedom and institutional autonomy, and to refrain from the use of force and coercive legal actions in connection with scholars' and students' nonviolent exercise of the rights to freedom of expression and freedom of assembly. SAR calls on higher education authorities, likewise, to protect academic freedom and to refrain from disciplinary actions that punish scholars for nonviolent expressive activity. International governments and higher education stakeholders are also called to urge their Bangladeshi counterparts to take the above actions.

ENDNOTES

1. See UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 17, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.
2. SAR AFMP, September 9, 2020, <https://www.scholarsatrisk.org/report/2020-09-09-dhaka-university/>.
3. "HC questions legality of DU teacher's termination," *The Daily Star*, June 8, 2021, <https://www.thedailystar.net/law-our-rights/law-news/news/hc-questions-legality-du-teachers-termination-2107117>.
4. See SAR Academic Freedom Monitoring Project (AFMP), April 2, 2018, <https://www.scholarsatrisk.org/report/2018-04-02-dhaka-university/>.
5. SAR AFMP, September 10, 2020, <https://www.scholarsatrisk.org/report/2020-09-10-national-university-of-bangladesh/>.
6. Human Rights Watch, "No Place for Criticism: Bangladesh Crackdown on Social Media Commentary," May 9, 2018, <https://www.hrw.org/report/2018/05/09/no-place-criticism/bangladesh-crackdown-social-media-commentary/>.
7. SAR AFMP, November 8, 2020, <https://www.scholarsatrisk.org/report/2020-11-08-university-of-dhaka/>.
8. SAR AFMP, March 25, 2021, <https://www.scholarsatrisk.org/report/2021-03-25-dhaka-university/>.
9. SAR AFMP, November 27, 2020, <https://www.scholarsatrisk.org/report/2020-11-27-shah-mokhdum-medical-college/>.
10. SAR AFMP, February 7, 2021, <https://www.scholarsatrisk.org/report/2021-02-07-various/>.
11. SAR AFMP, February 17, 2021, <https://www.scholarsatrisk.org/report/2021-02-17-barisal-university/>.
12. SAR AFMP, June 1, 2021, <https://www.scholarsatrisk.org/report/2021-06-01-dhaka-university/>.