Chapter 10

Freedom of Expression in Bangladesh in the Context of Bloggers’ Killings

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The right to freedom of expression is recognized by the Universal Declaration of Human Rights (UDHR) and has an apparent value in most democratic countries. Freedom of expression is also a key to achieving democracy. Mass media and other media – be they social, traditional, mainstream or new – are considered the main ways to practice this freedom. Nowadays social media and the Internet blogging platforms are popular all over the world. Anyone can connect anywhere and instantly access information as frequently as they desire.

Although freedom of expression is recognized by the Constitution of Bangladesh (Government of Bangladesh 1972), its actual presence has never been firmly established, and the country has been ruled by military regimes several times (Riaz 2012). It was only after 1991 that Bangladesh started electing its government.

In recent years, however, the country has witnessed several killing incidents, including the murder of five bloggers/publishers for expressing and sharing their standpoints about religious dogmas. From the very beginning of the Shahbag Movement in 2013, the killing of bloggers has been a big concern for Bangladesh.

On 15 February 2013, a blogger named Rajib Haider was killed by a militant group that reflects Islam and religious views. Then, Bangladeshi-born, American citizen Avijit Roy, and the bloggers Washikur Rahman, Ananta Bijoy Das and Niladri Chatterjee, were killed in 2015. They were accused of writing blogs against Islam, religious sentiments and dogmatism.

The aim of this chapter is to discuss the picture of freedom of expression in the context of bloggers’ killings in Bangladesh. Consequently, we ask: First, how was the killing of bloggers framed in Bangladeshi newspapers, and how does the coverage relate to freedom of expression? Secondly, what is the situation of freedom of expression for the bloggers, and do legal, social and religious factors in Bangladesh exert any influence?
The context of the killings
The killing of five bloggers between 2013 and 2015 was regarded by critics and activists alike to be highly connected to the Shahbag Movement. In 2013, the Blogger and Online Activists Network organized the Shahbag Movement in order to demand proper trials of war criminals from the Liberation War of Bangladesh. More than one million people gathered on the afternoon of Friday 5 February 2013 at Shahbag Square and shouted for the proper judgment of the 1971 war criminals (BBC 2013a). This spontaneous mobilization of people realized latent feelings over the verdicts of the War Crimes Tribunal. The International Crimes (Tribunals) Act (Act No. XIX 1973) was enacted by the Parliament of Bangladesh to provide for the detention, prosecution and punishment of persons responsible for committing genocide, crimes against humanity, war crimes and other crimes under international law.

The Shahbag Movement was initially non-political, but slowly became a big political issue and the movement began to oppose the religious-based political parties and their alliances (Riaz 2012). The judgment of the International War Crimes Tribunal (IWCT) did not fulfill the expectations of the people, especially the younger generation, and they came out on the street on 5 February 2013, demanding the execution of Quader Mollah. The IWCT gave a verdict of life imprisonment to Abdul Quader Mollah, a leader of Jamaat-i-Islam of Bangladesh (JIB). The establishment of the IWCT was an electoral commitment of the Bangladesh Awami League (BAL).

After a few weeks of Shahbag demonstrations, a counter-movement organization was formed by an Islamist fundamentalist group called Hefajot-i-Islam. Hefazot-i-Islam was morally tied up with JIB. In early May 2013, Hefazot led large demonstrations, and whereas some of them were peaceful, others resulted in the deaths of police officers. Hefazot demanded the death penalty – on the grounds that they were atheists – for 84 bloggers. They also submitted a list of those bloggers to the Prime Minister of Bangladesh for punishment. They threatened to kill the 84 bloggers to protect Islam, and the killing spree began with the murder of blogger Ahmed Rajib Haider on 15 February 2013.

A banned Islamist militant group, Ansarullah Bangla Team, took responsibility for this murder. Rajib Haidar was one of the organizers of the movement and, in his writings, had demanded a ban on religious politics in Bangladesh. Haidar used to write for somewhereinblog.net, amarblog.com and nagorikblog.com (Hammadi 2015). After Rajib Haidar, the next victim was Avijit Roy, a Bangladeshi-American online activist and writer for a weblog-forum called Mukto-Mona. He had written ten books on science, beliefs and homosexuality, and coordinated international protests against government censorship and imprisonment of bloggers. Roy was hacked to death on 26 February 2015 by machete-wielding assailants at a month-long book fair, Ekushey Boimela, and the Islamic militant organization, Ansarullah Bangla Team, claimed – as did other groups – responsibility for the murder (BBC 2016).
One month after Avijit Roy’s death, on 30 March 2015, blogger Washiqur Rahman, a progressive free-thinker, was killed in Dhaka in a similar attack. Rahman had blogged under the pen-name, Kucchit Hasher Channa (Ugly Duckling). On Facebook, Rahman had authored several posts opposing the irrationality of religious belief and he belonged to a group called Atheist Bangladesh. He was active on different blogging sites including Dhormockery, a satirical website critical of all religions and blocked in Bangladesh. He was a member of Logical Forum, an online discussion platform, and he used to write on somewhereinblog.com (BBC 2015a).

The BBC website states that Ananta Das was the third blogger killed in 2015 (BBC 2015b). Blogger Ananta Bijoy Das was hacked to death on 12 May 2015 by four men wielding machetes. He was a banker and used to write blogs for the website Mukto-Mona, mainly on science.

On 7 August 2015, Niladri Chattopadhyay Niloy, known by the pen name, Niloy Neel, was killed. Ansarullah Bangla Team again claimed responsibility for the murder. Niladri Chattopadhyay Niloy was a rationalist council who had completed his Master’s degree in Philosophy only two years earlier, in 2013. He was associated with the Shahbag Movement and attended the public protest demanding justice for the murdered bloggers Ananta Bijoy Das and Avijit Roy (Daily Star 2015a). The reason for their murders, as reflected in the media, was criticism of religion. The Dhaka Tribune reported the email from the group Ansar Al Islam after Niloy Neel’s death as saying:

We al-Qaida in the Indian Subcontinent, claim responsibility for this operation as vengeance for the honor of the messenger of almighty Allah. We declare war against the enemies of Allah and his Messenger. Enemies of Allah and his Messenger … we are coming for you … If your ‘Freedom of Speech’ maintains no limits, then widen your chests for ‘Freedom of our Machetes’ (Dhaka Tribune 2015).

Regarding the nurturing of freedom of expression in the context of bloggers killings, Khan explained that,

In recent times Bangladesh has experienced a shocking wave of killing progressive writers and bloggers one after another by the extreme Islamists…. Due to that bloggers and writers are withdrawing themselves from different blogs and go on hiding for fear of life (Khan 2016:14).

Further, government also arrested some bloggers in the name of maintaining laws and order in the country.

Theoretical aspects

Discourse theory covers a different set of insights, assumptions and concepts derived from varied disciplines. Ferdinand de Saussure, Ludwig Wittgenstein and Michel Foucault were the pioneers of this line of thought (Rorty 1992). Most approaches to
discourse theory articulate that language and language use do not merely reflect and stand for social and perceptual realities but help to assemble those realities. The theory says that language or discourse can form human thoughts and assumptions. Discourse analysis states that language is merely a type of communication. Discourse analysis theory is related to social and media content inquiry and analysis (Karlberg 2005). According to Phillips and Hardy, discourse analysis does not simply comprise a set of techniques for understanding structure and the qualitative investigations of texts, but also involves a set of assumptions concerning the constructive effects of language (Phillips & Hardy 2002). Discourse theory is therefore contextual to the examination of legal documents in this chapter.

Framing is a theory to define problems which are related to mass media. It determines what a causal agent is doing with what costs and benefits, measures common cultural values, examines causes and identifies the forces that create problems. Frames highlight some bits of information about an item that is the subject of a communication, thereby elevating their salience.

Here, the word ‘salience’ needs to be defined. It means making a piece of information more noticeable, meaningful, or memorable to audiences. Whatever its specific use, the concept of framing consistently offers a way to describe the power of a communicating text. Analysis of frames clarifies an accurate way of influencing human consciousness which is exercised by the transfer of information from one location to that consciousness (Entman 1993). Framing analysis is presented here as a constructive approach to examine news discourse with the primary focus on conceptualizing news texts into empirically operational dimensions – syntactical, script, thematic, and rhetorical structures – so that evidence of the news texts may be gathered. This is considered a step towards analyzing the news discourse process as a whole (D’Angelo 2002). In this context, framing theory is used to analyze news articles on the killing of bloggers in Bangladesh.

Freedom of expression is a universally recognized notion of human rights. This value refers to the right to disclose one’s opinion or thought in public without being controlled or censored. According to Article 19 of Universal Declaration of Human Rights, ‘Freedom of expression is the right of every individual to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers’ (UDHR 1948). It signifies that freedom of expression is applicable worldwide, and that human beings shall have the right to freedom of speech or expression and that nothing can create barriers to this.

But we cannot practice this concept in our regular lives when restrictions and liabilities make people afraid of harassment and force people not to express everything. In the 2016 World Press Freedom Index, Bangladesh has the rank of 144 (it stood at 146 in 2015).
Research methodology

Following the requirement of the study, we have translated the Bengali headlines, documents and laws, as well as the Bengali quotes from the interviewees, into English. Three methods were used for data collection in this study: content analysis of newspapers, legal document analysis and in-depth interviewing of selected professionals. Content analysis was done to find out the nature of newspaper coverage – especially the interconnection between freedom of expression and religion on the issues of bloggers’ killings – in order to arrive at objective, systematic and quantitative description of the communication content.

A purposive sampling method was followed, monitoring seven mainstream newspapers published in Bangladesh on the killing of the bloggers. The newspapers were: the Prothom Alo, the Janakantha, the Daily Star, the New Age, the Ittefaq, the Naya-Diganta and the Manabjamin. Each newspaper was observed for seven days after the deaths of Ahmed Razib Haiders and Avijit Roy.

As Razib Haider was murdered on 15 February 2013, we scrutinized the content of newspapers from 16 February to 22 February 2013; and to examine the coverage of Avijit Roy’s killing, we looked into the newspaper content from 27 February to 5 March 2015, as he was murdered on 26 February 2015.

The framing analysis also used newspaper coverage. In addition, the situation was reviewed in the light of an analysis of available legal documents. This was done to investigate the ICT Act and its effect on freedom of expression in the blogosphere. The interviews were conducted with a semi-structured interview guide. The central question asked was what the interviewees were thinking about and how they evaluated the social, legal and religious situation regarding the killing of bloggers? This was an attempt to construct an overview of the present situation concerning freedom of expression with the help of the interviewees’ opinions. In total, nine interviewees, selected purposively, were interviewed to discern the situation. Four of the interviewees were bloggers, three were legal experts, one was an academic and one worked as a journalist.

Document analysis helped the study to find the implicit ideological assumptions in the samples (Alam 2009). Section 57 of the ICT Act-2006 was analyzed by close reading. One of the objectives of the study was to investigate whether the freedom of blogs was hampered by the legal situation.

There are more than two dozen laws relating to freedom of expression in Bangladesh but the ICT Law (2006) is the only one that specifically applies to writing in digital media. So, to this study the ICT Law of 2006 was the one that was most relevant. The law analysis helped to identify the legal barriers, and the interviews with the bloggers, lawyers, academics and the journalist helped to highlight the social and religious obstacles to the enjoyment of freedom of expression in the blogosphere.
Freedom of expression as depicted in the newspapers

The newspapers supported the freedom of expression of the bloggers. They portrayed the killings as crimes and demanded that the killers should be brought to justice. The Daily Star and the Prothom Alo have the highest circulation among English and Bengali newspapers, and both these newspapers framed the killings as condemnable crimes.

A news story by the Daily Star – headlined ‘A shocking crime’ – stated that the killing of bloggers for free thinking or free speech was a brutal crime, and a number of headlines in the newspaper took a clear stance on the issue. Some of the examples are: ‘Blogger brutally killed’; ‘A fearless soul’; ‘Rajib was targeted for blog’; ‘Death for Rajib’s killers demanded’; ‘Brave blogger, goodbye’, and ‘The brutal killing of Avijit Roy’.

The Prothom Alo also described these killings as brutal and horrific crimes, and did not show a slant to any particular political party. ‘Immortal Rajib Haidar’; ‘Rajib was killed for his writings’; ‘Trying to finish the different school of thought’, and ‘Hit on free mind’ were among its headlines.

The New Age framed the killings as gruesome and macabre, the Janakantha described them as brutal and the Ittefaq framed the killing of the bloggers as brutal and shocking. Hence, five among the seven newspapers framed the killings as condemnable and took the side for freedom of expression.

All in all, during the examined periods 263 items were published by the newspapers – and 57 per cent appeared on the front page.

Moreover, it was found that 67 per cent of the articles were mainly about the killings, whereas the killings were mentioned in 26 per cent of them. (Seven per cent of the articles were essentially about freedom of expression, with only references to the killings; one item – categorized as ‘other’ – was a letter from a reader.)

Table 1 shows a comprehensive scenario on the issue of blogger killings as covered by the newspapers.

Table 1. Coverage on killing of bloggers by the newspapers (per cent)

<table>
<thead>
<tr>
<th></th>
<th>Daily Star</th>
<th>New Age</th>
<th>Prothom Alo</th>
<th>Ittefaq</th>
<th>Jana-kantha</th>
<th>Naya-Diganta</th>
<th>Mana-bjamin</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>On front page</td>
<td>48</td>
<td>69</td>
<td>28</td>
<td>59</td>
<td>66</td>
<td>60</td>
<td>77</td>
<td>57</td>
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<td>&gt; 600 words</td>
<td>45</td>
<td>38</td>
<td>30</td>
<td>30</td>
<td>42</td>
<td>13</td>
<td>40</td>
<td>35</td>
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<tr>
<td>Article focus:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Killing is main theme</td>
<td>57</td>
<td>65</td>
<td>65</td>
<td>73</td>
<td>62</td>
<td>77</td>
<td>73</td>
<td>67</td>
</tr>
<tr>
<td>Killing is mentioned</td>
<td>28</td>
<td>27</td>
<td>26</td>
<td>24</td>
<td>30</td>
<td>20</td>
<td>23</td>
<td>26</td>
</tr>
<tr>
<td>Op-ed on freedom</td>
<td>14</td>
<td>8</td>
<td>9</td>
<td>3</td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Sum per cent</td>
<td>99</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Number of items</td>
<td>44</td>
<td>26</td>
<td>43</td>
<td>37</td>
<td>53</td>
<td>30</td>
<td>30</td>
<td>263</td>
</tr>
</tbody>
</table>

Comments: Items are news stories and editorial comments (Op-eds).
Table 1 shows that all the newspapers selected for the study published articles related to the killings on the front page. Moreover, while a majority of the articles focused on the killings, the killings were also mentioned in articles focusing on other issues. And, adding to this, in connection with the killings, there were items published as op-eds on the question of freedom of expression.

Bangladesh has had to deal with this type of militant attacks for quite some time. It started with Professor Humayun Azad in 2004, and an editorial in the New Age said, ‘The attack on Avijit Roy … is reminiscent of the attack on Humayun Azad on the night of February 27 2004 – for the uncanny similarities in manner, cause and context …’ (New Age 2015). The killing of Rajib was commented as follows:

The gruesome killing of Ahmed Rajib Haidar … by some unnamed assailants … in the capital Dhaka yet again betrays how dearly people still have to pay for practicing their right to freedom of expression in a country that claims to be a democracy (New Age 2013).

When Avijit was killed, a commentary in the Prothom Alo ran, … the person, who was trying to uphold the right of freedom of expression by writing in his own blog site Mukto mona, has to be killed only for his writings? … does this country only belong to the fanatic groups, or also belongs to the free thinkers? (Gayen 2015).

After the arrest, imprisonment and murders of bloggers, insecurity became a great concern for free thinkers since insecurity hampers the environment of free thinking (BBC 2013b). Thus, not only were social and religious factors creating a bar for freedom of expression, but there were legal issues as well. The mainstream newspapers blamed the culture of impunity for this situation; they wanted proper judicial enforcement.

Another article published in Prothom Alo about Rajib Haider’s murder quoted a police officer as saying, ‘Rajib was killed for his writings’, and ‘Rajib wrote many things about Jamat-Shibir, Rajakar, anti-liberation and trade by the name of religion on Facebook and his blog. Seems he was killed for his ideological stand and writings’ (Prothom Alo 2013).

Similar thoughts were put forth in the Daily Star, where it was obvious that freedom of expression had strong support. In the article ‘Horrific Hacking of Avijit Roy’, it was argued that,

This is not only an attack on an individual, but an attack on freedom of thought and our national ethos of a secular, liberal Bangladesh … we strongly believe that ideas should be countered by ideas, not ruthless acts of violence (Daily Star 2015b).

A signed editorial, written by the Daily Star’s editor, stated: ‘All murders are bad and highly condemnable. But murdering for differences in thoughts, values and ideas is by far the worst’ (Anam 2015).
Similarly, the New Age hated the culture of intolerance. An editorial headlined ‘Killers of Rajib should immediately be brought to justice’ framed the killing as gruesome and macabre, and named Jamaat-e-Islami and Chhatra Shibir and the anti-liberation forces as the likely killers. The editorial also blamed the government for not ensuring the security of the people of the country:

Whoever might be behind the macabre killing, it is, in the first place, a manifestation of the failure of the incumbent government to ensure safety and security to protesters at Shahbagh in general and organizers of the protests in particular (New Age 2013).

Two of the Bengali dailies, the Ittefaq and the Janakantha, showed hatred for the militants, whereas the other two other, the Manabjamin and the Naya-Diganta, were critical but also tactical – they did not write about freedom of expression and, furthermore, they sensationalized the killings.

A troublesome legal environment

Although Article 39 of the Constitution of Bangladesh recognizes that freedom of expression is a basic right of citizens, the legal situation for virtual media, as well as the blogosphere, is not favourable to bloggers. With the emergence of new technology, the ICT Act-2006 was passed on 8 October 2006, and a section of the law – Section 57 – conflicts with the very principles of freedom of expression.

Section 57 is focused on the publication of fake, obscene or defaming information in electronic form, and a stormy debate ensued on the passing of Section 57.

The law may be used to detain people who criticize the government for indefinite periods and, as Biddle states, ‘the law appears to have been written, and now fine-tuned, to satisfy the political needs of government actors who wish to retain broad power over critical voices in society’ (Biddle 2013). In the Daily Star, Sultana Kamal, a human rights advocate, was quoted saying: ‘Section 57 is so vague that law enforcers can interpret it if they want to arrest anyone’ (Daily Star 2015c).

Indeed, the offences listed in Section 57 are sometimes ambiguous and vague. For example, while there is a prohibition against obscenity, the word ‘obscene’ is not defined. What kind of material will be counted as obscene? And obscene to whom?

Another part of the law that says a person may not ‘prejudice the image of the state or person or […] hurt religious belief or instigate against any person or organization’.

Clearly, also this is open for misuse and misinterpretation. For example, what is the meaning of ‘the image of state’? And if a blog writes about an extra-judicial killing, can it be considered a crime? How will the courts decide if the image ‘of a person’ has been prejudiced? If bloggers accuse anyone of corruption in social media, will that entail the ‘prejudice of a person’? Moreover, the penalty of the offence under section 57 (2) of the ICT Act is imprisonment of a minimum of seven years which may be extended to 14 years and the accompanying fine may be extended to BDT 10 million.\(^7\)
As discourse analysis theory says, language and terms are not merely a means of communication, they have an inherent meaning which conveys a concept (D'Angelo 2002; Entman 1993). Similarly, the legal discourses mentioned above are not mere words – they help to create a situation which obstructs the freedom of expression of the bloggers.

Interviewees’ reflections and responses

The overall situation forced many of the interviewed bloggers to change their writing, and in some cases they stopped blogging altogether. In personal interviews, one subject (Interviewee 1) said that they had had to edit some of their previous posts since the situation did not allow any free writing, and another (Interviewee 2) admitted to self-censoring their work.

A third pointed out that the killing of bloggers had become a routine matter, and since the law and the government could not ensure their protection they were now afraid to write freely. This person also had to anonymize their blog account name in order to ensure their protection (Interviewee 4).

One said, ‘a tendency to leave the country to somewhere else increased among the bloggers, because they did not find the country safe to reside in anymore’ (Interviewee 9). In a similar vein, another (Interviewee 6) stated that bloggers could speak more boldly if they wrote from overseas, because the social and legal situation in Bangladesh was not safe for them.

To sum it up, all of the interviewees were of the opinion that freedom of expression was at risk. The bloggers controlled themselves and altered their way of writing and sometimes had to stop writing completely.

One of the interviewees (Interviewee 1) said that they had used to write on religious intolerance, prejudice, dogmatism and politics of religion, but after a death threat they had now given it up. This interviewee regarded illiteracy as the ultimate cause of this situation because it did not allow people to think rationally and accept criticism on an issue like religion. On the other hand, the same interviewee continued, people were not always properly informed about the blog writings. Although they didn't know about the content of the blogs, they adhered to the common perception that blog writers were all atheists.

Another interviewee (Interviewee 2) expressed somewhat different views and emphasized that the bloggers should maintain more responsibility. If someone disagrees on religious issues, they should express their views in a logical and responsible way.

The interviewees were of the opinion that religious fundamentalism and people’s silence were hampering freedom of expression, as intolerance and insecurity created threats to writing freely. In view of the circumstances, many bloggers had changed their minds about writing about religion and some had given up their blog writing altogether. Some thought that by exploiting people’s sentiments about religion, the
fundamentalists were trying to create difficulties for freedom of expression, as practical communication can be misinterpreted and mislead.

Conclusion

In a democratic set-up, human rights are, along with freedom of expression, a recognized core value. But in reality, as this chapter shows, the practice of freedom of expression is not fully safe and sound in Bangladesh. The country has in the last few years witnessed several murders of journalists and bloggers, and the social, legal and religious values that prevail significantly affect the practice of freedom of expression. Thus, while the country as a whole is progressing, a section of people – the religious fundamentalists especially – has recently become more intolerant and aggressive.

The findings of the content analysis showed similarities with the interviews. Some newspapers were of the view that religion is people’s personal choice, and that bloggers can have their personal opinions about particular religious beliefs and also reveal them. On the other hand, the legal situation, in light of the analysis of ICT Act (2006), places burdens on the practicing of freedom of expression in blogs as well as on social media. This is because the section 57 of ICT Act (2006) creates the scope to criminalize online content. It is a threat for bloggers as well as Internet users. This section has been severely criticized by legal and social activists and they often mark it as a black law. To ensure freedom in online content, many experts believe this section has to be dropped from the law.

The killings and prevailing local values like conceptualizing bloggers as ‘atheist’ have had significant effects on the practice of freedom of expression. From the interviews it is clear that some bloggers feel threatened by the serial murders and, as a result, they have started rephrasing and rewriting their previous and present writings. Some have even stopped writing blogs and changed their blog names for reasons of safety. However, another school of thought is discernable. Its proponents think that bloggers should be more responsible when they write about religion and should not put forward improvident criticism.

Notes

1. Bangladesh experienced her liberation war in 1971 to achieve independence from Pakistan. The anti-liberation force collaborated with the Pakistani Army. These anti-liberation forces were brought before the International War Crimes Tribunal in 2010 as the ruling party, the Awami League, promised to bring the war criminals to proper trial in their 2008 election campaign.
2. Jamaat-e-Islam of Bangladesh is the largest Islamic political party. The party was strongly opposed to the liberation war of Bangladesh.
3. Bangladesh Awami League (BAL), the present ruling party which formed the government of Bangladesh in 2008 and also in 2014.
4. Hefajot-e-Islam is a non-political Islamic ideology based on a group organized by Madrasa (Islamic education based institution) teachers and students. It was led by Ahmad Shafi, the director of Hathazari Madrasa.

5. Ansarullah Bangla Team is a so called extremist jihadist group named Ansar Al Islam, also known as Al-Qaïda in the Indian Subcontinent (AQIS)

6. Ekushey Boimela is the national book fair of Bangladesh. It takes place in Dhaka for the whole month of February and is dedicated to the martyrs who died on 21 February 1952 for the cause of establishing Bengali as one of the state languages of the then Pakistan.


References

Prothom Alo (2013). ‘lekhahekhir karone hotya kora hoyeche Rajibke’ [Rajib is killed for his writings], 18 February 2013.


