



VISUAL: ANWAR SOHEL

DIGITAL SECURITY ACT

Govt stubbornness sends ominous signal



BLACK, WHITE AND GREY

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The news that the Office of the United Nations High Commissioner for Human Rights (OHCHR) has recommended repealing two sections and amending eight sections of the Digital Security Act (DSA) is not surprising. These sections and many other provisions of the draconian law were already criticised by human rights activists of Bangladesh since the law was in the making in early 2018. The two sections the OHCHR recommended to be repealed are sections 21 and 28, and the ones that have been recommended to be amended are sections 8, 25, 27, 29, 31, 32, 43 and 53.

It may be recalled that when the government took the initiative to pass this law in the wake of the 2018 elections, there were extensive discussions and protests from various quarters about these provisions. On September 29, 2018, the Editors' Council issued a statement explaining its concerns over the DSA, identifying some fundamental flaws in nine sections (8, 21, 25, 28, 29, 31, 32, 43 and 53) of the act. In the last four and a half years, those who have followed the state of human rights, right to expression of the citizens, and freedom of the press in Bangladesh have repeatedly said this law as a whole and some sections in particular are unacceptable, and are inconsistent with the international conventions signed by the country.

The two sections the OHCHR has asked to repeal were widely discussed because they are opaque, include vague concepts, and are deemed to have a large scope for political use. Section 21 states, "If any person, by means of digital medium, makes or instigates to make any propaganda or campaign against the liberation war of Bangladesh, spirit of liberation war, father of the nation, national anthem or national flag, then such act of the person shall be an offence," and that he or she will be punished with imprisonment for a term not exceeding 10 years, or with a fine not exceeding Tk 1 crore, or both. A second time or repeated offence will land the offender with imprisonment for life, or with a fine of Tk 3 crore, or both.

Section 28 of the DSA says, "If any person or group willingly or knowingly publishes or broadcasts or causes to publish or broadcast anything in website or any electronic format which hurts religious sentiment or values, with an intention to hurt or provoke the religious values or sentiments, then such act of the person shall be an offence." The punishments have been set at imprisonment for a term not exceeding five years, or with a fine not exceeding Tk 10 lakh, or both. Repeat of such offence will lead to imprisonment for a term not exceeding 10 years, or with a fine not exceeding Tk 20 lakh, or both.

The scope of such a law is so wide that any person can accuse anyone of violating this law, and therefore they can be arrested, imprisoned or even be pronounced guilty. In research conducted since January 2020 by

the Centre for Governance Studies (CGS), we have tracked how these DSA sections have been used. In my research on the use of the DSA since it came into effect, the four sections we found to have been most widely used were sections 25, 29, 31 and 35. Three of our published reports (April 2021, April 2022, and January 2023) highlighted different aspects of it.

Under this project, we have been able to collect complete data of 1,295 cases filed between October 2018 and March 2023. In these cases, 3,644 people were accused and 1,378 of them were arrested. While many of the detainees are out on

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bail, many are under trial. Writer Mushtaq Ahmed died in jail while in custody. Mushtaq was languishing in jail for more than 10 months and courts had repeatedly denied his bail applications. We don't know how many are facing the same situation as the government is unwilling to share the information.

The information we have gathered shows that 18 cases have been filed under Section 21, in which 242 people have been accused and 19 have been detained. The information we could gather about the professional background of the accused was of 112 people, of whom politicians were the largest victims (81), followed by lawyers (11). Forty-four cases have been filed under Section 28. A total of 118 have been accused and 25 have been arrested. We were able to gather professional identities of 34 people, which showed that most of the accused are journalists and teachers, with six cases each; two and three people were arrested, respectively. Politicians follow them to be accused and detained. An analysis of the statistics shows that 21.19 percent of the accused were arrested.

The use of the sections for

which the OHCHR has called for amendments (8, 25, 27, 29, 31, 32) are quite concerning. Section 25 is a case in point. Our research shows that 212 cases have been filed, 688 have been accused and 141 have been detained. There is a similar trend in the application of Section 29; under this section, 211 cases have been filed and 677 people have been accused. Section 29 states, "If any person publishes or transmits any defamatory information as described in section 499 of the Penal Code (Act XIV of 1860) on a website or in any other electronic format, he shall be punished with imprisonment for a term not exceeding 3 (three) years, or with a fine not exceeding Taka 5 (five) lac, or both." Penal Code 500 through 501 have dealt with defamation and have the provision of punishment of up to two years of imprisonment.

But it has been found that after DSA's introduction in 2018, cases are being filed under this law instead of the Penal Code. This is in large measure due to the police's prompt action if a case is filed under the DSA. This is particularly true when a case is filed by the government or an activist of the ruling party. Besides, since most of the sections of the DSA are non-bailable, the persons arrested under the law remain in jail as pre-trial detainees for a long period – almost for an indefinite period. In our study, we have also found that the period of imprisonment becomes long and uncertain due to the police not filing the investigation report within the maximum stipulated period of 75 days. As such, various provisions of the DSA have become a tool for harassing rivals, particularly political opponents.

The OHCHR sent its recommendations in June last year, but there is no sign that the government is taking them into account. Moreover, the number of cases under this law has been increasing lately. Recently, there was an uproar at home and abroad after a case was filed against *Prothom Alo* Editor Matiur Rahman and journalist Samsuzzaman Shams under this act. Although the significance and importance of these two cases are enormous, in some measures they are not an exception.

The government and the leaders and activists of the ruling party are filing cases against their opponents almost every day somewhere in the country, and the accused are being detained without delay. These are signs that this trend will increase before the elections. Law Minister Anisul Huq told reporters last week that the law cannot be repealed in any way. Harsher words came from Information Minister Hasan Mahmud, who said in unequivocal terms that there was "no possibility of repealing the Digital Security Act," although the UN High Commissioner for Human Rights Volker Turk on March 31 called for an immediate suspension of the law.

Despite the data showing a clear pattern of the DSA being used as a tool to instil fear in society, protests of civil society members against the wanton use of the law, demand by human rights organisations to repeal the law altogether, and the OHCHR recommendations to suspend it, the government is doubling down. This only indicates that the law is likely to be used far more widely by the government and its supporters ahead of the elections. This is an ominous signal.

PROJECT SYNDICATE

The Post-Human Desert



Dr Slavoj Žižek, professor of philosophy at the European Graduate School, is international director of the Birkbeck Institute for the Humanities at the University of London and the author of *Heaven in Disorder*.

SLAVOJ ŽIŽEK

The Future of Life Institute's open letter demanding a six-month precautionary pause on artificial intelligence development has already been signed by thousands of high-profile figures, including Elon Musk. The signatories worry that AI labs are "locked in an out-of-control race" to develop and deploy increasingly powerful systems that no one – including their creators – can understand, predict or control.

What explains this outburst of panic among a certain cohort of elites? Control and regulation are obviously at the centre of the story, but whose? During the proposed half-year pause when humanity can take stock of the risks, who will stand for humanity? Since AI labs in China, India, and Russia will continue their work (perhaps in secret), a global public debate on the issue is inconceivable.

Still, we should consider what is at stake here. In his 2015 book *Homo*

agents (algorithmic market trading is merely the first step in this direction). The choice left to us will be between a new form of communism and uncontrollable chaos.

The new chatbots will offer many lonely (or not so lonely) people endless evenings of friendly dialogue about movies, books, cooking or politics. To reuse an old metaphor of mine, what people will get is the AI version of decaffeinated coffee or sugar-free soda: a friendly neighbour with no skeletons in its closet, an Other that will simply accommodate itself to your own needs. There is a structure of fetishist disavowal here: "I know very well that I am not talking to a real person, but it feels as though I am – and without any of the accompanying risks!"

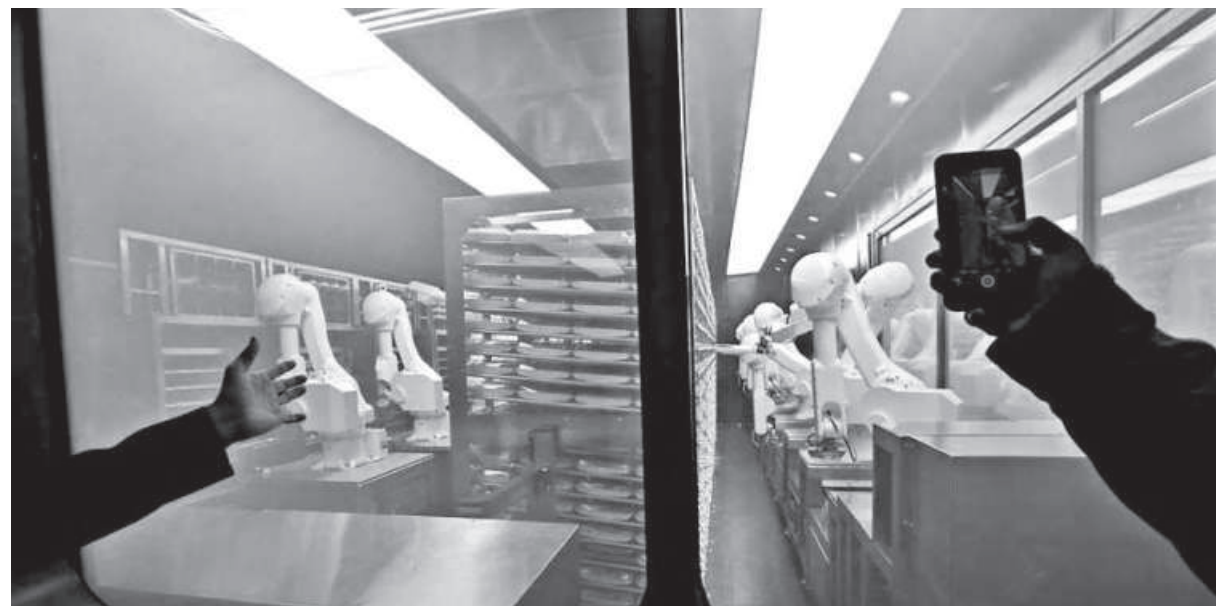
In any case, a close examination of the AI letter shows it to be yet another attempt at prohibiting the impossible. This is an old paradox: it is impossible for us, as humans, to

of contingent, unplanned emergent properties might "black box" AI models acquire for themselves? No one knows, and therein lies the thrill – or, indeed, the banality – of the entire enterprise.

Hence, earlier this century, French philosopher-engineer Jean Pierre Dupuy discerned in the new robotics, genetics, nanotechnology, artificial life, and AI a strange inversion of the traditional anthropocentric arrogance that technology enables:

"How are we to explain that science became such a 'risky' activity that, according to some top scientists, it poses today the principal threat to the survival of humanity? Some philosophers reply to this question by saying that Descartes' dream – 'to become master and possessor of nature' – has turned wrong, and that we should urgently return to the 'mastery of mastery.' They have understood nothing. They don't see that the technology profiling itself at our horizon through 'convergence' of all disciplines aims precisely at nonmastery. The engineer of tomorrow will not be a sorcerer's apprentice because of his negligence or ignorance, but by choice."

Humanity is creating its own god or devil. While the outcome cannot be predicted, one thing is certain. If something resembling "post-



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FILE PHOTO: REUTERS

Deus, the historian Yuval Noah Harari predicted that the most likely outcome of AI would be a radical division – much stronger than the class divide – within human society. Soon enough, biotechnology and computer algorithms will join their powers in producing "bodies, brains, and minds," resulting in a widening gap "between those who know how to engineer bodies and brains and those who do not." In such a world, "those who ride the train of progress will acquire divine abilities of creation and destruction, while those left behind will face extinction."

The panic reflected in the AI letter stems from the fear that even those who are on the "train of progress" will be unable to steer it. Our current digital masters are scared. What they want, however, is not public debate, but rather an agreement among governments and tech corporations to keep power where it belongs.

A massive expansion of AI capabilities is a serious threat to those in power – including those who develop, own, and control AI. It points to nothing less than the end of capitalism as we know it, manifested in the prospect of a self-reproducing AI system that will need less and less input from human

participate in a post-human future, so we must prohibit its development. To orient ourselves around these technologies, we should ask Lenin's old question: freedom for whom to do what? In what sense were we free before? Were we not already controlled much more than we realised? Instead of complaining about the threat to our freedom and dignity in the future, perhaps we should first consider what freedom means now. Until we do this, we will act like hysterics who, according to the French psychoanalyst Jacques Lacan, are desperate for a master, but only one that we can dominate.

The futurist Ray Kurzweil predicts that, owing to the exponential nature of technological progress, we will soon be dealing with "spiritual" machines that will not only display all the signs of self-awareness, but also far surpass human intelligence. But one should not confuse this "post-human" stance for the paradigmatically modern preoccupation with achieving total technological domination over nature. What we are witnessing, instead, is a dialectical reversal of this process.

Today's "post-human" sciences are no longer about domination. Their credo is surprise: what kind

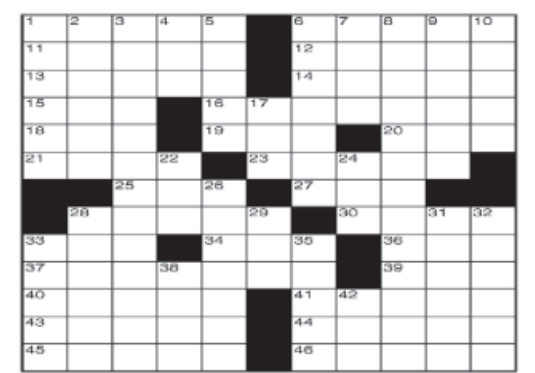
humanity" emerges as a collective fact, our worldview will lose all three of its defining, overlapping subjects: humanity, nature, and divinity. Our identity as humans can exist only against the background of impenetrable nature, but if life becomes something that can be fully manipulated by technology, it will lose its "natural" character. A fully controlled existence is one bereft of meaning, not to mention serendipity and wonder.

The same, of course, holds for any sense of the divine. The human experience of "god" has meaning only from the standpoint of human finitude and mortality. Once we become *homo deus* and create properties that seem "supernatural" from our old human standpoint, "gods" as we knew them will disappear. The question is what, if anything, will be left. Will we worship the AI that we created?

There is every reason to worry that tech-agnostic visions of a post-human world are ideological fantasies obfuscating the abyss that awaits us. Needless to say, it would take more than a six-month pause to ensure that humans do not become irrelevant, and their lives meaningless, in the not-too-distant future.

CROSSWORD BY THOMAS JOSEPH

- ACROSS**
1 Raucous bird
6 Accords
11 Find too cute
12 Maui greeting
13 Fountain treat
14 Lament
15 That lady
16 Did the walls
18 Hosp. parts
19 That lady
20 Put into words
21 Some bucks
23 Ready for battle
25 Pitch's kin
27 Brief time
28 Daughter of Lear
30 Highlands
- girl
34 Lobster trap
36 Keg need
37 "Royal Wedding" star
39 One – time
40 Way to go
41 Museum piece
43 Slip
44 Boring movie
45 Flight units
46 Periphery
- DOWN**
1 Prepared potatoes
2 Stick
3 Burlap feature
4 Torah cabinet
5 Sheds tears
6 Coddles
- 7 Baby wipe additive
8 College listing
9 Spool stuff
10 Yellow-gray
17 "That's it!"
22 Cloth scrap
24 Crooner
Torme
26 Some swords
28 Vacation spot
29 Negative link
31 Swift work
32 Word separators
33 Long-eared mammals
35 Hardly wordy
38 Resting on
42 Final part



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