



A Hossain & Associates Law Offices

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Mr. Syed Ashfaquul Haque
Executive Editor
The Daily Star
64-65 Kazi Nazrul Islam Avenue
Dhaka 1215

By Hand Delivery
And by Email: editor@thedailystar.net; reporting@thedailystar.net

13 July 2023

Our ref: AHKC/Adv/202307121

Our client: Mr. Mohammad Saiful Alam, Group Chairman, S Alam Group (“**Our Client**”).

Dear Sir,

Ref: Your letter dated 6.07.23 (“**Your Letter**”)

We are instructed by Our Client named above.

We have been instructed to respond to Your Letter referred to above in which you have sought answers to several questions relating to Our Client personally and to his business ventures.

Our Client notes that in the first paragraph of Your Letter you have mentioned “*that The Daily Star is going to publish a story on your international investments shortly.*” You have informed Our Client “*that it is your right to respond to the allegations being made in our report. To this end we are sending you the correspondence to get your perspective on our findings.*”

It is plain that it is the intention of The Daily Star to publish **a story** about Our Client which will contain **allegations against him based on your findings**”. However, you utterly failed to enclose the report with the unstated allegations based on your purported findings. It appears to us that Your Letter is a hollow effort to justify making allegations against Our Client based on your purported findings. Without making full and proper disclosure of your report with the allegations you say you will make and the so-called findings, it is not possible for Our Client to make any comment on the story or the allegations or the findings you intend to publish.

Ajmalul Hossain KC, Barrister & Senior Advocate

Syed Ahrarul Hossain[§] Syed Afsar Hossain[§]
Yasmin Akter[¶]

Moulvi Md. Wahidullah^{**} Iftekhar Ahmad^{**} Younus Halder^{**} Muhammad Saifullah^{**} ABM Siddiqur Rahman Khan^{o**}

§ Barrister (England & Wales), ¶ Barrister-at-law * Advocate, + Consultant



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We, therefore, invite you in all fairness and to do justice to Our Client to forthwith disclose the story you wish to publish about his business affairs or the report and the findings you wish to publish. If it is your intention to confront Our Client with incontrovertible facts which show that the allegations you wish to make are true, it is an imperative that he should know what allegations he has to meet so that he can give his input on them. We believe that this approach would be consistent with the high standards of journalism which we believe The Daily Star wishes to adhere to.

Our Client reserves his right to take any action available in law in the event The Daily Star fails to share the story or report before publication.

Like The Daily Star, Our Client is a national asset. Our Client has established many businesses in this Republic and is one of the largest taxpayers in the country. He has established his reputation as an entrepreneur and businessman and the several companies in this jurisdiction with which he is involved employs over a hundred thousand people. Likewise, he has established his reputation in other jurisdictions. He is entitled to protect his reputation from all forms of attack.

Our Client has the fundamental constitutional right under Art. 31 of the Bangladesh Constitution *“To enjoy the protection of the law and to be treated in accordance with law, and only in accordance with law ... and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.”*

Further, the freedom of press enshrined in Art. 39(2) of the constitution is expressly made *“Subject to the reasonable restrictions imposed by law ... in relation to...defamation...”*.

Finally, under Art. 43, Our Client has *“... the right ... (b) to the privacy of his correspondence and other means of communication.”*

It follows that Our Client has fundamental rights to protection of his reputation and to privacy while the freedom of press is restricted by the laws of defamation.

We hereby put you on notice that Our Client requires The Daily Star to ensure that any publication in respect of his business or personal affairs does not contain any lies or innuendo which gives or could give a false impression about Our Client or his business affairs. To do otherwise, will affect Our Client’s fundamental rights to reputation and privacy and will defame him.

As far as the questions you have raised in Your Letter, they amount to nothing more than what is sometimes regarded as “a fishing expedition”. That type of exercise is generally impermissible for several reasons. In the context of Our Client, the questions are totally inappropriate given the absence of the report with the allegations against Our Client or your findings and also because of the following, amongst other, reasons:



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1. The information sought in Your Letter is confidential personal or business information of Our Client which is protected by law and should not be published in the public domain. Our Client is the only person who has the choice whether to bring this into the public domain but he is not obliged to do so.
2. The Daily Star is not entitled to the information sought in Your Letter in any way shape or form.
3. The Daily Star is not entitled to make any allegations against Our Client which are untrue in any material particular or contains an innuendo which affects his reputation adversely or defames him or lowers him in the eyes of right thinking people.
4. A corporate entity is separate and different from its shareholders, owners, directors or managers. Treating a corporate entity like a registered company or trust as the same as its shareholders, directors or managers is not permissible in law or acceptable in journalism.
5. Many of the information sought is contained in private correspondence or other means of communication.

We have been made aware of a previous report in The Daily Star which was contentious. We would like to place on record that Your Letter gives the impression that it is a continuation of unlawful and unreasonable attacks on Our Client.

All Our Client's rights are fully reserved.

Yours faithfully

Ajmalul Hossain KC
Senior Advocate