

Introduction

The Anti-Terrorism Act, 2009 was enacted by the Government of Bangladesh to provide a legal framework to prevent, suppress, and prosecute terrorism-related offences. The Act empowers law enforcement authorities with legal tools to detect, disrupt, and dismantle terrorist operations, financing, and networks that threaten national and global security. The Act has been amended several times to expand definitions and enhance enforcement capabilities in line with international standards.

Definition of Terrorism and Related Terms

The Act defines terrorism broadly in Section 6. It states that a person commits a terrorist act if they unlawfully engage in acts with the intention to threaten the unity, integrity, security, or sovereignty of Bangladesh, or to strike terror among the people or any section thereof. These acts may include bombings, use of firearms, or destruction of property. The definition also includes acts that are likely to cause death or serious injury, damage public property, or disrupt essential services. The law further clarifies that the motive behind such acts — whether religious, political, or ideological — is not required to prove terrorism.

Terrorist Organizations and Individuals (Section 18 and 18A)

The Act empowers the government to declare any organization or individual as a terrorist entity under Section 18. The government may investigate and ban organizations if they are found to be involved in preparing, funding, or executing terrorist activities. Section 18A allows the publication of a list of banned terrorist organizations and individuals. The inclusion in this list brings several legal consequences, such as asset freezing, travel bans, and seizure of communication tools. Failure to comply with these sanctions can result in imprisonment.

Offences and Penalties under Section 7

Section 7 outlines the punishments for committing terrorist acts. If a terrorist act results in the death of a person, the perpetrator shall be punished with the death penalty or life imprisonment, and may also be subject to fines. If the act does not cause death but endangers lives or causes significant damage, the punishment can be rigorous imprisonment ranging from three years to twenty years. The court may also order the forfeiture of the offender's property.

Financing of Terrorism (Sections 16, 17, 17A, 17B)

One of the most critical elements of the Act is the prohibition on financing terrorism. Section 16 criminalizes the provision or collection of funds with the knowledge or intention that they will be used, in full or part, for committing terrorist acts. Section 17 penalizes persons who knowingly assist or facilitate the financing of such activities. Section 17A empowers the government to freeze bank accounts, financial instruments, or any property used or suspected to be used in terrorist financing. Section 17B authorizes reporting agencies such as banks and financial institutions to report suspicious transactions to the Bangladesh Financial Intelligence Unit (BFIU).

Use of Explosives and Weapons (Section 9)

Section 9 criminalizes the use of explosives, toxic chemicals, biological weapons, and firearms

to commit acts of terrorism. The use or attempted use of such weapons is considered a grave offence and can lead to capital punishment or life imprisonment. Possession of such weapons with the intent to use them for terrorism is also a punishable offence under the Act. The severity of punishment depends on the damage caused and the intent behind possession.

Special Provisions for Trial and Investigation

The Act allows for the formation of Special Anti-Terrorism Tribunals to ensure speedy trials. These tribunals can try individuals and organizations listed under the terrorist schedule. The law permits in-camera proceedings for sensitive cases, and statements made by witnesses can be recorded through video conferencing if necessary. Law enforcement agencies are authorized under Section 21 to intercept communication, monitor digital data, and conduct search operations without a standard warrant in emergency situations. However, such actions require post-facto approval and must be reported to a judicial authority.

Confession and Admissibility of Statements (Section 24)

Section 24 provides that any confessional statement made before a magistrate is admissible as evidence. The magistrate must ensure that the accused is not under duress and understands the consequences of the confession. Additionally, the statement should be recorded in compliance with procedural safeguards. Any violation of this section can render the confession invalid in court.

Provisions Regarding Bail (Section 28)

Under Section 28, the court is directed to consider the gravity of the offence, the risk to public safety, and the possibility of witness tampering while deciding on bail applications. For terrorist offences involving death or explosives, bail is generally discouraged unless extraordinary circumstances are presented. The law prioritizes national security over the routine granting of bail in such cases.

Cross-Border Cooperation and UN Sanctions (Section 30)

The Anti-Terrorism Act aligns with international treaties and United Nations Security Council Resolutions. Section 30 allows for cooperation with foreign governments and international organizations in tracking and prosecuting terrorism suspects. The government can take measures to enforce UN-mandated sanctions, including asset freezes and travel bans. This provision strengthens Bangladesh's commitment to international counter-terrorism obligations.

Protection of Witnesses and Judges (Section 31)

To ensure the safety of those involved in terrorism trials, the Act provides protection measures for judges, prosecutors, investigators, and witnesses. Identities may be kept confidential, and relocation or security measures may be provided as needed. These protections are essential in preventing intimidation and ensuring the integrity of the legal process.

Punishment for Abetment, Attempt, and Conspiracy (Section 8)

Section 8 addresses abetment, attempt, and conspiracy to commit terrorist acts. Even if the main terrorist act is not completed, individuals who plan, assist, or encourage such acts are punishable under this section. The sentence may vary based on the gravity of the planned attack but may

extend to life imprisonment or rigorous imprisonment for not less than ten years. This clause ensures that preparatory stages of terrorism are also treated seriously.

Use of Digital Platforms and Cyber Surveillance (Section 21A)

Recognizing the role of digital platforms in modern terrorism, Section 21A authorizes monitoring of internet communications, mobile phones, and social media for intelligence gathering. Service providers are required to cooperate with law enforcement agencies in providing metadata, logs, and communication records of suspects. Non-cooperation can lead to legal sanctions or license cancellation.

Juvenile Offenders and Rehabilitation

Although the Act applies strictly to all offenders, special provisions exist for dealing with juveniles who may be involved in terrorist acts. The court may choose to send such individuals to juvenile correctional facilities instead of regular prisons and focus on rehabilitation. However, if the act committed is of an extremely grave nature, standard sentencing provisions may apply irrespective of age.

Appeal and Review Process (Section 32)

Any person convicted under this Act has the right to appeal to the High Court Division of the Supreme Court. Appeals must be filed within a stipulated period, usually thirty days from the date of judgment. The review process ensures judicial oversight and allows correction of errors in evidence evaluation or procedure. In certain high-profile cases, the appellate division may also intervene to ensure that justice is served.

Conclusion

The Anti-Terrorism Act, 2009 stands as a comprehensive legal tool for Bangladesh in addressing the threat of terrorism. Through its provisions for surveillance, financial regulation, special trials, and severe penalties, the Act aims to dismantle terrorist networks while preserving national security and public order. While enforcement challenges persist, the Act provides a robust framework for legal action and international cooperation in counter-terrorism efforts.