রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

শনিবার, অক্টোবর ২৬, ২০১৩

Government of the People's Republic of Bangladesh

Ministry of Law, Justice and Parliamentary Affairs

Legislative and Parliamentary Affairs Division

NOTIFICATION

Dated, 13 October 2013

S. R. O. No. 324-Law/2013—In exercise of the powers conferred by section 44 of the Anti-terrorism Act, 2009, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act, and it shall be effective from the date on which the Act comes into force under sub-section (3) of section 1 of the Act :

Anti-terrorism Act, 2009

Act No. 16 of 2009

[24 February, 2009 / 12 Falgun, 1415]

An Act to make provisions for the prevention of certain terrorist activities, effective punishment thereof and the matters ancillary thereto

Whereas it is expedient and necessary to make provisions for the prevention of certain terrorist activities, effective punishment thereof and the matters ancillary thereto;

মূল্য ঃ টাকা ৩০.০০

Therefore, it is hereby enacted as follows :—

First Chapter
Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Anti-terrorism Act, 2009.

[1][(2) It extends to the whole of Bangladesh, and applies also to persons on ships and aircrafts registered in Bangladesh, whereever they may be.]

(3) It shall be deemed to have come into force on 11 June, 2008.

2. **Definitions**.—In this Act, unless there is anything repugnant in the subject or context,—

(1) "**offence**" means an offence punishable under this Act;

[2][(2) **"arms"** means arms mentioned in section 4 of the Arms Act, 1878 (Act No. XI of 1878), and shall also include all types of atomic, chemical and biological weapons;]

(3) **"court"** means the court of a Sessions Judge or, as the case may be, the court of an Additional Sessions Judge;

[3][(3A) "**Convention**" means the United Nations conventions, treaties and protocols duly ratified by the Government of Bangladesh included in Schedule 1 of this Act, and the United Nations conventions, treaties and protocols that may, by notification in official Gazette, be included from time to time in Schedule 1 by the Government of Bangladesh;]

(4) **"imprisonment"** means imprisonment of any description mentioned in section 53 of the Penal Code;

(5) **"Code of Criminal Procedure"** or "**Code**" means the Code of Criminal Procedure, 1898 (Act No. V of 1898);

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[1] Substituted by section 2 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Substituted by section 2 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[3] Substituted by section 3 (a) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(6) **"Schedule"** means the Schedule to this Act;

(7) **"Penal Code"** means the Penal Code, 1860 (Act No. XLV of 1860);

(8) **"inflammable substance"** means any substance which normally has a high propensity to cause or to intensify or to spread fire, such as – octane, petrol, diesel, compressed natural gas (CNG), gun powder, and shall also include any other inflammable substances;

(9) **"Bangladesh Bank"** means the Bangladesh Bank established under the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972);

[1][(10) **"bank"** means a bank company defined in section 5(o) of the Bank Companies Act, 1991 (Act No. 14 of 1991), and shall also include any institution established as a bank under any other Act or Ordinance;]

(11) **"Judge"** means a Sessions Judge, Additional Sessions Judge or, as the case may be, a Judge of the Anti-terrorism Special Tribunal;

[2][(11A) **"foreigner"** means a 'foreigner' as defined in section 2(a) of the Foreigners Act, 1946 (Act No. XXXI of 1946);]

(12) **"Special Tribunal"** means any Anti-terrorism Special Tribunal constituted under section 28;

(13) **"explosive substance"** means—

(a) gun powder, nitro-glycerin, dynamite, gun-cotton, blasting powder, fulminate mercury or any other metal, coloured fire and any other substances used or manufactured to create an explosive or firework effect whether or not similar to the substances mentioned above; and

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[1] Substituted by section 2 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[2] Substituted by section 3 (b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(b) any material used to make explosives and any machine, equipment, machinery or thing including any part of similar machine, equipment or machinery used to create an explosion with the help of any explosive material, or with the intention of conversion or providing assistance to create an explosion, and shall also include fuse, rocket, percussion caps, detonator, cartridge and any other ammunition;

[1][(14) **"property"** means, whether in or outside the country,—

(i) any type of funds or assets, corporeal or incorporeal, moveable or immoveable, tangible or intangible, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets or funds and any interest, dividends or other income on or value accruing from or generated by such funds or assets;

(ii) cash, any other type of financial assets or economic resources, whether movable or immovable, tangible or intangible, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets;

[2][(14A) **"terrorist person"** means any natural person who commits an offence under section 6(1), 10, 11, 12 or 13;

(14B) **"terrorist entity"** means any entity mentioned in Schedule 2 or any entity that commits an offence under section 6(1), 10, 11, 12 or 13;

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[1] Substituted by section 3 (c) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Substituted by section 3 (d) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(14C) **"terrorist property"** means any property that —

(i) has been or is being used, or is intended to be used, in the commission of a terrorist activity under this Act, or in a corresponding offence under a law of a foreign State;

(ii) is the subject of a terrorist activity;

(iii) is proceeds of terrorism i.e. the property is derived from or obtained, directly or indirectly, through the commission of such a terrorist activity;

(iv) has been collected, by any means, directly or indirectly, with the intention that the property should be used for the purpose of a terrorist activity or for supporting a terrorist or a terrorist entity, group or organization;

(v) is owned or controlled directly or indirectly by a terrorist, terrorist entity, group or organization and the property of persons and entities acting on behalf of, or at the direction of a terrorist, terrorist entity, group or organization, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities, groups or organizations.

(14D) **"Cooperative Society"** means any institution authorized or registered under the Cooperative Societies Act, 2001 (Act No. XLVII of 2001);]

(15) **"Evidence Act"** means the Evidence Act, 1872 (Act No. I of 1872);

[1][(16) **"suspicious transaction"** means such transaction —

(i) which is different from usual transactions;

[2][(ii) which invokes presumption that —

(a) it is the proceeds of an offence under this Act,

(b) it relates to financing of terrorist activities or a terrorist person or entity;]

(iii) which is any other transactions or an attempt for transactions delineated in the instructions issued by the Bangladesh Bank from time to time for the purposes of this Act;

[1] Clauses (16) to (30) were inserted by section 2 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[2] Substituted by section 3 (e) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(17) **"entity"** means any organization consisting of one or more persons, including any legal entity, statutory body, commercial or non-commercial enterprise, group, partnership business, cooperative society;

(18) **"financial institution"** means a financial institution defined in section 2(b) of the Financial Institution Act, 1993 (Act No. XXVII of 1993);

(19) **"insurer"** means an insurer defined in section 2(25) of the Insurance Act, 2010 (Act No. XIII of 2010);

(20) **"reporting agency"** means –

(a) bank;

(b) financial institution;

(c) insurer;

(d) money changer;

(e) any company or institution which remits or transfers money or money value;

(f) any other institution carrying out its business with the approval of the Bangladesh Bank;

(g) (i) stock dealer and stock broker;

(ii) portfolio manager and merchant banker;

(iii) security custodian;

(iv) asset manager;

(h) (i) non-profit organization;

(ii) non-government organization;

(iii) cooperative society;

(i) real estate developer;

(j) dealer in precious metals or stones;

(k) trust and company service provider;

(l) lawyer, notary, other legal professionals and accountants;

(m) any other institution declared as such by the Bangladesh Bank from time to time with the approval of the Government;

(21) **"money changer"** means a person or organization approved by the Bangladesh Bank under section 3 of the Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947) for dealing in foreign exchange transactions;

(22) (a) **"stock dealer and stock broker"** means an institution defined respectively in rules 2(i) and 2(j) of the Securities and Exchange Commission (Stock Dealer, Stock Broker and Authorized Representative) Rules, 2000;

(b) **"portfolio manager and merchant banker"** means an institution defined respectively in rules 2(f) and 2(j) of the Securities and Exchange Commission (Merchant Banker and Portfolio Manager) Rules, 1996;

(c) **"security custodian"** means an institution defined in the rule 2(j) of the Securities and Exchange Commission (Security Custodial Services) Rules, 2003;

(d) **"asset manager"** means an institution defined in rule 2(s) of the Securities and Exchange Commission (Mutual Fund) Rules, 2001;

(23) **"non-profit organization"** means an institution licensed under section 28 of the Company Act, 1994 (Act No. XVIII of 1994);

(24) **"non-government organization"** means the institution authorized or registered under the Societies Registration Act, 1860 (Act No. XXI of 1860), Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961 (Ordinance No. XLVI of 1961), Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (Ordinance No. XLVI of 1978), Foreign Contributions (Regulation) Ordinance, 1982 (Ordinance No. XXXI of 1982) [1][***]and the Microcredit Regulatory Authority Act, 2006 (Act No. XXXII of 2006) which—

(a) receives fund (loan, grant, deposit) from local sources or provide fund to others; and/or

(b) receives any kind of foreign donation or loan or grant;

[1] Omitted by section 3 (f) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(25) **"Bangladesh Financial Intelligence Unit (BFIU)"** means the Bangladesh Financial Intelligence Unit established under section 24(1) of the Money Laundering Prevention Act, [1][2012];

(26) **"material support"** means to provide money, service or any other property or any other assistance to any person or entity by any person or entity by which terrorist activities mentioned in this Act have been committed or may be committed;

(27) **"High Court Division"** means the High Court Division of the Bangladesh Supreme Court;

(28) **"real estate developer"** means any real estate developer or their officers or staff or agents who are engaged in constructing and buying and selling of land, home or house, commercial building and flat etc. as defined in section 2(15) of the Real Estate Development and Management Act, 2010 (Act No. XLVIII of 2010);

(29) **"trust and company services provider"** means any person or business enterprise that is not defined in any other law and provides any of the following services to any third party:

(i) to act as an agent for formation of a legal entity;

(ii) to act as a director, secretary of any legal entity or to appoint someone or to act as a partner in a partnership business or to perform any other similar responsibilities;

(iii) to act as a registered agent for any legal entity;

(iv) to act as a trustee of an express trust to appoint someone;

(v) to act as a nominee shareholder or as a director on behalf of another person or to appoint someone;

(30) **"public security"** means to ensure security of the life and the property of any person or [2][group of people].]

3. **Applicability of other words and expressions.**—(1) The words and expressions used but not defined in this Act, shall have the same meaning as provided in the Code of Criminal Procedure, [3][existing laws relating to prevention of money laundering,] or as the case may be, the Penal Code.

(2) The general provisions of the Penal Code relating to the punishment of offences and liabilities shall, in so far as practicable, apply to the offences under this Act, unless they are not inconsistence with the other provisions of this Act.

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[1] Substituted by section 3 (g) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Substituted by section 3 (h) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[3] Inserted by section 3 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

4. **Act to override other laws.**—Notwithstanding anything contained in the Code of Criminal Procedure or any other law for the time being in force, the provisions of this Act shall prevail.

[1][**5. Extra-territorial application.**—(1) If any person or entity commits an offence within Bangladesh from outside of Bangladesh which, if committed inside of Bangladesh by the same person or entity, would have been punishable under this Act, the said offence shall be deemed to have been committed in Bangladesh and the provisions of this Act shall apply to the said person or entity and the offence.

(2) If any person or entity from Bangladesh commits an offence outside of Bangladesh, which if committed within Bangladesh by the said person or entity would have been punishable under this Act, the offence shall be deemed to have been committed in Bangladesh and the provisions of this Act shall apply to the said person or entity and the offence.]

[2][(3) If any person commits an offence in any foreign country and then take shelter in Bangladesh which, if committed in Bangladesh, would have been punishable under this Act, the said offence shall be deemed to have been committed in Bangladesh and the provisions of this Act shall apply to the said person if he cannot be extradited to a foreign State having jurisdiction over the said offence.]

Second Chapter
Offences and punishment

[3][**6. Terrorist activities.**—(1) If any person, entity or foreigner—

(a) for the purposes of threatening the unity, integration, public security or sovereignty of Bangladesh by creating panic among the public or a section of the public with a view to compelling the Government or any entity or any person to do any act or preventing them from doing any act,—

(i) kills, causes grievous hurt to, confines or kidnaps any person or attempts to do the same;

(ii) conspires, abets or instigates any person to kill, injure seriously, confine or kidnap any person; or

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[1] Substituted by section 4 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[2] Inserted by section 4 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[3] Substituted by section 5 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(iii) damages or tries to damage the property of any other person, entity or the Republic; or

(iv) conspires or abets or instigates to damage the property of any other person, entity or the Republic; or

(v) uses or keeps in possession any explosive substance, inflammable substance and arms for the purposes of sub-clauses (i), (ii), (iii) or (iv);

(b) with an intent to disrupt security of or to cause damage to the property of any foreign State, commits or attempts to commit or instigates or conspires or abets to commit an offence similar to the offences mentioned in sub-clauses (i), (ii), (iii), (iv) or (v)of clause (a);

(c) with a view to compelling any international organization to do any act or preventing it from doing any act, commits or attempts to commit or instigates or conspires or abets to commit an offence similar to the offences mentioned in sub-clauses (i), (ii), (iii), (iv) or (v) of clause (a);

(d) knowingly uses or possesses any terrorist property;

(e) abets, instigates, conspires to do or commits or attempts to commit an offence described in the United Nations conventions included in the Schedule 1 of this Act;

(f) commits any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act;

the person, entity or foreigner shall be deemed to have committed the offence of "terrorist activities";

(2) If any person or foreigner,—

(a) commits an offence under sub-clause (i) of clause (a) of sub-section (1), the person shall be punished with death or imprisonment for life and in addition to that a fine may also be imposed;

(b) commits an offence under sub-clause (ii) of clause (a) of sub-section (1), the person shall, if the offence is punishable with death, be punished with imprisonment for life or rigorous imprisonment for a term not exceeding 14 (fourteen) years but not less than 4(four) years, and with fine;

(c) commits an offence under sub-clause (iii) of clause (a) of sub-section (1), the person shall be punished with imprisonment for life or rigorous imprisonment for a term not exceeding 14 (fourteen) years but not less than 4(four) years, and with fine;

(d) commits an offence under sub-clause (iv) of clause (a) of sub-section (1), the person shall be punished with rigorous imprisonment for a term not exceeding 14 (fourteen) years but not less than 4(four) years, and with fine;

(e) commits an offence under sub-clause (v) of clause (a) of sub-section (1), the person shall be punished with imprisonment for life or rigorous imprisonment for a term not exceeding 14 (fourteen) years but not less than 4(four) years, and with fine.

(3) If any person or foreigner commits an offence under clause (b), (c), (d), (e) or (f) of sub-section (1), the person shall be punished with imprisonment for life or rigorous imprisonment for a term not exceeding 14 (fourteen) years but not less than 4(four) years, and with fine.

(4) If any entity commits the offence of terrorist activities,—

(a) steps may be taken against the entity in accordance with section 18 and in addition to that a fine equivalent to thrice the value of the property involved with the offence or of taka 50 (fifty) lac, whichever is greater, may be imposed; and

(b) the head of that entity, whether he is designated as Chairman, Managing Director, Chief Executive or by whatever name called, shall be punished with rigorous imprisonment for a term not exceeding 20 (twenty) years but not less than 4 (four) years and, in addition to that, a fine equivalent to twice the value of the property involved with the offence or of taka 20 (twenty) lac, whichever is greater, may be imposed unless he is able to prove that the said offence was committed without his knowledge or he had tried his best to prevent the commission of the said offence.]

[1][**7. Offence of terrorist financing.**—(1) If any person or entity willfully provides, receives, collects or makes arrangements for money, service or any other property, whether from legitimate or illegitimate source, by any means, directly or indirectly, with the intention that, it would, in full or in part, be used-

(a) to carry out terrorist activity;

(b) by a terrorist person or entity for any purpose, or is in the knowledge that it may be used by a terrorist person or entity;

the said person or entity shall be deemed to have committed the offence of terrorist financing.

(2) Conviction for terrorist financing shall not depend on any requirement that the fund, service or any other property mentioned in sub-section (1) was actually used to carry out or direct or attempt to carry out a terrorist act or be linked to a specific terrorist act.

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[1] Substituted by section 6 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(3) If any person is convicted of any of the offences mentioned in sub-section (1), the person shall be punished with rigorous imprisonment for a term not exceeding 20 (twenty) years but not less than 4 (four) years, and in addition to that, a fine equivalent to twice the value of the property involved with the offence or taka 10(ten) lac, whichever is greater, may be imposed.

(4) If any entity is convicted of any of the offences mentioned in the sub-section (1) —

(a) steps may be taken against the entity in accordance with section 18 and in addition to that a fine equivalent to thrice the value of the property involved with the offence or of taka 50 (fifty) lac, whichever is greater, may be imposed; and

(b) the head of that entity, whether he is designated as Chairman, Managing Director, Chief Executive or by whatever name called, shall be punished with rigorous imprisonment for a term not exceeding 20 (twenty) years but not less than 4 (four) years and, in addition to that, a fine equivalent to twice the value of the property involved with the offence or of taka 20 (twenty) lac, whichever is greater, may be imposed unless he is able to prove that the said offence was committed without his knowledge or he had tried his best to prevent the commission of the said offence.]

8. Membership of a proscribed [1][entity].—If any person is or claims to be a member of a prohibited [2][entity] under section 18, he shall commit an offence and be punished with imprisonment for a term not exceeding 6 (six) months, or a fine, or with both.

9. Supporting any proscribed [3][entity].—(1) If any person requests or invites someone to support any [4][entity] proscribed under section 18 or arranges, directs or assists to organize a meeting, or makes a speech in a meeting with intent to support that [5][entity], expedite or encourage its activities, he shall commit an offence.

(2) If any person makes a speech in a meeting or disseminates any information through radio or television or any print or electronic media asking for supporting a proscribed [6][entity] or with intent to facilitating its activities, he shall commit an offence.

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[1] Substituted by section 7 (a) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[2] Substituted by section 7(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[3] Substituted by section 8(a) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[4] Substituted by section 8(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[5] Substituted by section 8(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[6] Substituted by section 8(c) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(3) If any person is convicted of any of the offences under sub-sections (1) or (2), he shall be punished with imprisonment for a term not exceeding 7 (seven) years but not less than 2 (two) years, and in addition to that a fine may be imposed.

10. Punishment for criminal conspiracy of committing an offence.—If any person does criminal conspiracy for committing an offence under this Act, [1][he shall be deemed to have committed an offence and] be punished with imprisonment for a term not exceeding two thirds of the maximum punishment prescribed for that offence, or a fine, or with both; and if the offence is punishable with death, the punishment for the offence shall be imprisonment for life or imprisonment for a term not exceeding 14 (fourteen) years, but not less than [2][4 (four)] years.

[3][**11. Punishment for attempt of committing an offence.**—If any person or entity attempts to commit an offence under this Act, the person or entity shall be deemed to have committed an offence, and the person or the head of the entity, whether he is designated as Chairman, Managing Director, Chief Executive or any other name, shall be punished with imprisonment for a term not exceeding two thirds of the maximum punishment prescribed for that offence, or a fine, or with both; and if the offence is punishable with death, the punishment for the offence shall be imprisonment for life or rigorous imprisonment for a term not exceeding 14 (fourteen) years, but not less than 4 (four) years; and in addition to that actions may be taken under section 18.]

[4][**12. Punishment for aid and abetment of an offence.**—If any person or entity, to commit any offence punishable under this Act—

(a) aids or abets; or

(b) participates as an accomplice; or

(c) organizes or directs others; or

(d) contributes;

the person or entity shall be deemed to have committed an offence, and the person or the head of the entity, whether he is designated as Chairman, Managing Director, Chief Executive or any other name, shall be punished with imprisonment for a term not exceeding two-thirds of the maximum punishment prescribed for that offence, or a fine, or with both; and if the offence is punishable with death, the punishment for the offence shall be imprisonment for

[1] Substituted by section 9 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[2] Substituted by section 9 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[3] Substituted by section 10 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).
[4] Substituted by section 11 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

life or rigorous imprisonment for a term not exceeding 14 (fourteen) years, but not less than 4 (four) years; and in addition to that actions may be taken under section 18 against the relevant entity.]

13. Punishment for instigating terrorist activities.—If any person, by his [1][***] activities or participation, prepares or distributes any document, or by transmitting any information through any print or electronic [2][or any other] media, or through any apparatus, assistance or technology or training, assists any person or [3][entity] knowing that the said document, apparatus, assistance or technology or training shall be used in committing any offence under this Act or any such person or [4][entity] shall use the same for committing similar offences, he shall be deemed to have instigated terrorist activities; and he shall be punished with imprisonment for a term not exceeding two-thirds of the maximum punishment prescribed for that offence, or a fine, or with both; and if the offence is punishable with death, the punishment for the offence shall be imprisonment for life or imprisonment for a term not exceeding 14 (fourteen) years, but not less than [5][4 (four)] years.

14. [6][Punishment for harbouring an offender].—(1) If any person harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment, he shall, –

(a) if the offence is punishable with death, be punished with an imprisonment for a term not exceeding 5 (five) years, and in addition to that a fine may also be imposed; or

(b) if the offence is punishable with imprisonment for life or with imprisonment for any other term, be punished with imprisonment for a term not exceeding 3 (three) years, and in addition to that a fine may also be imposed.

(2) The provisions of sub-section (1) shall not extend to any case in which the offence of harbour or concealment is committed by the husband, wife, son, daughter, father or mother of the offender.

[7][(3) Where the offence of harbour or concealment is committed by any entity, the provisions of sub-section (1) shall apply to the person who is in the charge of the entity as the Chairman, Managing Director, Chief Executive or in any other designation unless he is able to prove that the said offence was committed without his knowledge or he had tried his best to prevent the commission of such offence.]

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[1] The words "on his own will" were omitted by section 7 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[2] Inserted by section 7 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[3] Substituted by section 12 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[4] Substituted by section 12 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[5] Substituted by section 12 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[6] Substituted by section 13(a) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[7] Inserted by section 13(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

Third Chapter

Powers of Bangladesh Bank

[1][15. **Powers of Bangladesh Bank.**—(1) Bangladesh Bank may take necessary steps to prevent and identify any transaction carried out by any reporting agency with intent to commit an offence under this Act and for this purpose it shall have the following powers and authority, namely :—

(a) to call for a report relating to any suspicious transaction from any reporting agency, analyze or review the same and to collect additional information relating thereto for the purpose of analyzing or reviewing the same and maintain record or database of them and, as the case may be, provide with the said information or report to the police or other concerned law enforcement agencies for taking necessary actions;

(b) if there is reasonable ground to suspect that a transaction is connected to terrorist activities, to issue a written order to the respective reporting agency to suspend or freeze transactions of that relevant account for a period not exceeding 30 (thirty) days and, if it appears necessary to reveal correct information relating to transactions of the said account, such suspension or freezing order may be extended for an additional term not exceeding 6 (six) months by 30 (thirty) days at a time;

(c) to monitor and supervise the activities of the reporting agencies;

(d) to give directions to the reporting agencies to take preventive steps to prevent financing of terrorist activities and proliferation of weapons of mass destructions (WMD);

(e) to monitor the compliance of the reporting agencies and to carry out on-site inspection of the reporting agencies for carrying out any purpose of this Act; and

(f) to provide training to the officers and employees of the reporting agencies for the purpose of identification of suspicious transactions and prevention of financing of terrorist activities.

(2) Bangladesh Bank, on identification of a reporting agency or any of its customers as being involved in a suspicious transaction connected to financing of terrorist activities, shall inform the same to the police or the appropriate law enforcement agency and provide all necessary cooperation to facilitate their inquiries and investigations into the matter.

[1]Substituted by section 14 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(3) If the offence is committed in another country or the trial of an offence is pending in another country, Bangladesh Bank shall take steps to seize the accounts of any person or entity upon request of the foreign state or pursuant to any international, regional or bilateral agreement, United Nations conventions ratified by the Government of Bangladesh or respective resolutions adopted by the United Nations Security Council.

(4) The fund seized under sub-section (3) shall be subject to disposal by the concerned court or pursuant to the concerned agreements, conventions or resolutions adopted by the United Nations Security Council.

(5) The power and responsibilities of Bangladesh Bank under the provisions of this Act shall be exercised by Bangladesh Financial Intelligence Unit (BFIU), and if Bangladesh Financial Intelligence Unit requests to provide with any information under this Act, all the governmental, semi-governmental or autonomous bodies, or any other relevant institutions or organizations shall, on such request or, as the case may be, spontaneously provide it with such information.

(6) Bangladesh Financial Intelligence Unit shall, on request or, as the cases may be, spontaneously provide the financial intelligence units of other countries or any other similar foreign counterparts with any information relating to terrorist activities or financing of terrorist activities.

(7) For the interest of investigation relating to financing of terrorist activities, the law enforcement agencies shall have the right to access any document or file of any bank under the following conditions, namely :—

(a) according to an order passed by a competent court or special tribunal; or

(b) with the approval of the Bangladesh Bank.

(8) If any reporting agency fails to comply with the directions issued by Bangladesh Bank under this section or knowingly provides any wrong or false information or statement, the said reporting agency shall be liable to pay a fine, determined and directed by Bangladesh Bank, not exceeding taka 25 (twenty five) lac, and Bangladesh Bank may suspend the registration or license with intent to stop operation of the said agency or any of its branches, service centers, booths or agents within Bangladesh or, as the case may be, shall inform the registering or licensing authority about the subject matter to take appropriate action against the agency.

(9) If any reporting agency fails to pay or does not pay any fine imposed by Bangladesh Bank according to sub-section (8), Bangladesh Bank may recover the amount from the reporting agency by debiting its accounts maintained in any other bank or financial institution or in Bangladesh Bank and in case of any unrealized or unpaid amount, Bangladesh Bank may, if necessary, apply before the concerned court for recovery.]

[1][**16. Duties of reporting agency.**—(1) Every reporting agency shall take necessary measures, with appropriate caution and responsibility, to prevent and identify financial transactions through it which is connected to any offence under this Act and if any suspicious transaction is identified, the agency shall spontaneously report it to Bangladesh Bank without any delay.

(2) The Board of Directors, or in the absence of the Board of Directors, the Chief Executive, by whatever name called, of each reporting organization shall approve and issue directions regarding the duties of its officers, and shall ascertain whether the directions issued by Bangladesh Bank under section 15, which are applicable to the reporting agency, have been complied with or not.

[2][(3) If any reporting agency fails to comply with the provision under sub-section (1), the said reporting agency shall be liable to pay a fine, determined and directed by Bangladesh Bank, not exceeding taka 25 (twenty five) lac and Bangladesh Bank may suspend the registration or license with intent to stop operation of the said agency or any of its branches, service centers, booths or agents within Bangladesh or, as the case may be, shall inform the registering or licensing authority about the subject matter to take appropriate action against the agency.

(4) If the Board of Directors, or in the absence of the Board of Directors, the Chief Executive Officer, by whatever name called, of any reporting organization fails to comply with the provision of sub-section (2), the Chairman of the Board of Directors, or the Chief Executive Officer, as the case may be, shall be liable to pay a fine, determined and directed by Bangladesh Bank, not exceeding taka 25 (twenty five) lac, and Bangladesh Bank may remove the said person from his office or, as the case may be, shall inform the competent authority about the subject matter to take appropriate action against the person.

(5) If any reporting agency fails to pay or does not pay any fine imposed by Bangladesh Bank under sub-section (3), or if the Chairman of the Board of Directors, or the Chief Executive Officer, by whatever name called, fails to pay or does not pay any fine imposed by Bangladesh Bank under sub-section (4), Bangladesh Bank may recover the amount from the reporting agency or from the account of the concerned person by debiting any account maintained by him in any bank or financial institution or in Bangladesh Bank, and in case of any unrealized or unpaid amount, Bangladesh Bank may, if necessary, apply before the concerned court for recovery.]]

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[1] Substituted by section 9 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[2] Substituted by section 15 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

Fourth Chapter

[1][Proscription and Enlistment and Implementation of United Nations Security Council Resolution]

[2][17. **Person or entity involved in terrorist activities**.—For the purposes of this Act, any person or entity shall be deemed to have been involved in terrorist activities, if he or it —

(a) commits terrorist activities or takes part in such activities;

(b) takes preparation for terrorist activities;

(c) assists in or encourages committing terrorist activities;

(d) supports and abets any organization involved in terrorist activities;

(e) meets the following listing criteria for enlistment and proscription set out in the Resolutions No. 1373 of the United Nations Security Council (UNSCR 1373), namely :—

(i) any person or entity that commits or attempts to commit terrorist acts, or participates in or facilitates the commission of terrorist acts;

(ii) any entity owned or controlled, directly or indirectly, by any enlisted or proscribed person or entity;

(iii) any person or entity acting on behalf of, or at the direction of, any enlisted or proscribed person or entity;

(f) harbours any terrorist person; or

(g) is involved in terrorist activities in any other ways.]

[3][18. **Proscription and enlistment**.—(1) For the purposes of this Act, the Government, on reasonable grounds that a person or an entity is involved in terrorist activities, may, by notification in the official Gazette, enlist the person in the Schedule or proscribe and enlist the entity in the Schedule.

(2) The Government may, by notification in the official Gazette, include in or exclude any person or entity from the Schedule or amend the Schedule in any other manner.]

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[1] Substituted by section 16 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Substituted by section 17 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[3] Substituted by section 18 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

19. **Review.**—(1) Any [1][person or entity] aggrieved by the notification issued by the Government under section 18 may, mentioning reasons thereof, make a written application to the Government for review within 30 (thirty) days from the date of issuance of such notification, and the Government, after hearing the applicant, shall, [2][in accordance with rules made under this Act], dispose of the application within 90 (ninety) days of receipt.

(2) If the application for review under sub-section (1) is rejected, the aggrieved [3][person or entity] may, within 30 (thirty) days of such refusal, prefer an appeal before the High Court Division.

(3) The Government shall, by notification in the official Gazette, constitute a Review Committee consisting of three members for disposal of the review applications filed under sub-section (1).

[4][**20. Actions against any enlisted person or proscribed entity.**—(1) If any person is enlisted or any entity is proscribed under section 18, the Government, in addition to the other steps mentioned in this Act, shall, where applicable,—

(a) close the offices of the entity, if any;

(b) freeze his or its bank and other accounts, if any, and seize or impound all of his or its properties;

(c) restrict the departure of the members of the proscribed entity from the country;

(d) confiscate all types of pamphlets, posters, banners or other printed, electronic, digital or other materials; and

(e) proscribe the publication, printing or circulation of press statements, press conferences or speeches delivered in public by the proscribed entity, or in favour or support of it.

(2) The proscribed organization shall submit the accounts of its income and expenditure and shall disclose the sources of all its income to the competent authority nominated by the Government in its behalf.

(3) If it appears that the property of the listed person or proscribed entity have been earned by illegal means or used in committing offence under this Act, the said property shall be confiscated in favour of the State by the court.]

[1] Substituted by section 19 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Inserted by section 11 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[3] Substituted by section 19 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[4] Substituted by section 20 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[1][20A. **Actions to implement United Nations Security Council Resolutions**.—(1) For the purposes of implementing United Nations Security Council Resolution No. 1267 and its successor resolutions and United Nations Security Council Resolution No. 1373 and United Nations Security Council resolutions related to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing, the Government of Bangladesh shall, in addition to the power mentioned in other sections of this Act or in any other law for the time being in force, have power of taking measures—

(a) to freeze, seize or attach, without delay and without issuing any prior notice, the property, funds or other financial assets or economic resources held by, including funds derived or generated from property owned or controlled directly or indirectly by the listed person or entity or by any undertaking owned or controlled by the listed person or entity, or on behalf of a natural person or an entity, if the name of the person or entity is included in the lists, maintained by the committee established under Resolution No. 1267 of the United Nations Security Council;

(b) to freeze, seize or attach, without delay and without issuing any prior notice, the funds or other financial assets or economic resources of the person who commits, or attempts to commit terrorist acts or participates in or facilitates the commission of terrorist acts; or of entities owned or controlled directly or indirectly by such person; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such person and associated persons and entities listed by the United Nations Security Council or proscribed or listed under Resolution No. 1373 of the United Nations Security Council;

(c) to prohibit any willful provision or collection, directly or indirectly, of funds by any person or entity, whether in or outside Bangladesh, with the intention to use such funds or having the knowledge that they shall be used to carry out any terrorist act;

(d) to prohibit any person or entity from making any funds, financial assets or economic resources of financial or other related services available, directly or indirectly, for the benefit of the persons or entities listed by the United Nations Security Council or proscribed or listed under Resolution No. 1373 or of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

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[1] Substituted by section 21 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

(e) to prevent the entry into or the transit through Bangladesh of the persons listed by the United Nations Security Council through effective border control and immigration measures;

(f) to prevent any direct or indirect supply, sale and transfer, in or outside Bangladesh, of arms and ammunition and other related items, materials, equipment, goods and technologies to the persons or entities listed by the United Nations Security Council;

(g) to deny permission for any aircraft to take off or land in their territory if it is owned, leased or operated by or on behalf of the persons or entities listed by the United Nations Security Council;

(h) to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, including through inspection of cargo to and from the persons or entities listed by the United Nations Security Council;

(i) to prohibit and prevent any activity mentioned in the said Resolutions and related with the persons and entities listed by the United Nations Security Council;

(j) to issue directions, from time to time, to the reporting agencies by Bangladesh Financial Intelligence Unit for proper implementation of this section;

(k) to determine, by issuing order or notification, the appropriate authority to take required actions as per the power stated in clauses (a) to (i).

(2) If any person or entity violates a freezing or attachment order issued under this section, the person or the concerned person of the entity shall be punished with imprisonment for a term not exceeding 04(four) years or with a fine equivalent to twice the value of the property subject to freeze or attachment, or with both.

(3) If any person or entity does any act or fails to do an act in contravention of clauses (c) and (d) of sub-section (1), the said person or entity shall be deemed to have committed an offence of financing of terrorist activities and shall be punished according to the provisions of sub-section (3), (4)(a) or, as the case may be, (4)(b) of section 7.

(4) If any person or entity does any act or fails to do an act in contravention of clauses (e) to (h) of sub-section (1), the person or entity shall be deemed to have committed an offence of terrorist activity and shall be punished according to the provisions of sub-section (2), (3)(a) or, as the case may be, (3)(b) of section 6.

(5) If any reporting agency fails to comply with the directions issued by Bangladesh Financial Intelligence Unit under this section, or fails to take immediate freezing action required under this section, the said reporting agency shall be liable to pay a fine, determined and directed by Bangladesh Financial Intelligence Unit, not exceeding taka 25 (twenty five) lac but not less than 05 (five) lac or twice the value of the suspected fund, whichever is greater, and Bangladesh Bank may also suspend the registration or license with intent to stop operation of the said agency or any of its branches, service centers, booths or agents within Bangladesh or, as the case may be, shall inform the registering or licensing authority about the subject matter to take appropriate action against the agency.

(6) If any charge of negligence in implementing the provisions of this section is proved against any public servant, an administrative actions shall follow in accordance with his respective service rules.

Fifth Chapter

Investigation of Offences

21. Special provisions with regard to examination of witnesses by police.—(1) If any police officer, while investigating any case under this Act, finds it necessary to examine any person acquainted with the facts and circumstances of the case and, if the police officer knows or has reasons to believe the said person to be capable of giving a description of the facts in writing, the police officer may, with consent of the person, take a written description of the facts from that person.

(2) The said person shall make his statement or description of the facts in writing under his hand and shall sign the same.

[1][(3) Notwithstanding anything contained in the Evidence Act, any discussion and conversation through Face book, Skype, Twitter or any other internet site by the terrorist person or entity, or still picture or video involving their offence are produced by the police or law enforcement agency to any court for the purpose of investigation, the information produced by the police or law enforcement agency shall be admissible as evidence to a court.]

22. **Special provision with regard to recording of statement of a witness by a Magistrate.**—If any Metropolitan Magistrate, [2][Judicial Magistrate], or any Magistrate of the Second Class specially empowered in this behalf, has knowledge or reasonable grounds to believe that the person acquainted with the facts and circumstances of the case is capable of presenting his statement in writing, he may direct that person to give his statement by writing under his hand.

[1] Inserted by section 22 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Substituted by section 13 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[1][23. **Special provision regarding recording of confession of an accused person.**—At the time of recording a confessional statement of an accused person by any Metropolitan Magistrate, Chief Judicial Magistrate or Judicial Magistrate or any Magistrate specially empowered in this behalf, if the said person is capable and willing to present a written statement regarding the facts, the person shall be given permission to record his confessional statement by writing under his hand.

23A. Special provision with regard to seizure or attachment of terrorist property during investigation.—(1) If an officer investigating an offence committed under this Act, has reason to believe that any property in relation to which an investigation is being conducted, is proceeds of terrorism, he shall, in writing, make a petition to the District Magistrate in which district such property is situated for prior approval to seize the property, and the District Magistrate, after verifying the petition of investigating officer, if satisfied, may allow to seize such property and, where it is not practicable to seize such property, shall, by issuing an order of attachment, direct that such property shall not be transferred or otherwise dealt with except with prior permission of the officer issuing such order.

(2) If the terrorist property have been mingled with the property acquired from legitimate sources, such property, up to the value of the mingled terrorist property, or where the value of the terrorist property cannot be determined, full value of the mingled property shall be liable to seizure or attachment by the investigation officer following the procedure delineated in this section.

(3) The investigation officer shall duly inform the Government within 48 (forty eight) hours about seizure or attachment of such property and the Government shall either confirm or revoke the order of seizure or attachment so issued within a period of 60 (sixty) working days from the date of such attachment or seizure order have been issued:

Provided that an opportunity of making a representation by person whose property is being seized or attached shall be given.

(4) The time limit of the attachment or seizure under sub-section (3) shall continue until the investigation report submitted to the court.]

24. **Time-limit for investigation.**—(1) Any police officer shall complete the investigation of any case under this Act within [2][60 (sixty) days] of the date on which information was received or recorded under section 154 of the Code of Criminal Procedure.

(2) If any police officer fails to complete investigation within the time-limit mentioned in sub-section (1), he may extend the time for investigation for a period not exceeding [3][30 (thirty) days], by recording the reasons in writing in the case diary.

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[1] Substituted by section 23 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[2] Substituted by section 15(a) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[3] Substituted by section 15(b) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

(3) If the said police officer fails to complete the investigation within the time-limit mentioned in sub-section (2), the said investigation officer may, with the written authorization of the Superintendent of Police of the relevant district or, as the case may be, the relevant Deputy Police Commissioner of the Metropolitan area, may extend the time for a further period not exceeding 30 (thirty) days [1][:

Provided that the time-limit mentioned in sub-sections (1) to (3) shall not be applicable, if the evidence is required to be collected from outside of Bangladesh for investigation purpose.]

(4) If the said police officer fails to complete the investigation within the time-limit mentioned in sub-section (3), he shall, without any delay, inform the matter with reasons, to the Superintendent of Police of the relevant district or, as the case may be, the relevant Deputy Police Commissioner of the Metropolitan area, and if the reasons given are not satisfactory, the said investigation officer shall be [2][accused of negligence in performing the duties assigned to him].

25. **Extension of time-limit with regard to investigation of certain cases.**—(1) If any police officer fails to complete investigations within the extended time-limit specified in sub-section (3) of [3][section 24] due to the identity of the offender mentioned in the first information report (FIR) not being discovered and the inability to identify the said offender, it shall not be deemed to be a bar to submit any police report or a new police report or an additional police report at any time following the extended time-limit mentioned in [4][section 24].

(2) If any police officer fails to complete investigation within the extended time-limit for providing offence related evidence or any report under sub-section (3) of [5][section 24] due to the inability of collecting a medical, forensic, fingerprint, chemical or other expert witness, over which the police officer has no control and without which no effective report of the case may be possible to prepare, it shall not be deemed to be a bar to submit the police report at any time following the said extended time-limit.

26. **Remand.**—(1) Where any person is arrested and detained for the purposes of investigation, the investigation officer may make an application to the competent Magistrate for remand of the accused in police custody.

(2) On consideration of the application made under sub-section (1), the Magistrate may remand the accused in police custody and the duration of such remand shall not exceed an aggregate or consecutive period of 10 (ten) days :

Provided that if the investigation officer is able to satisfactorily prove before the Magistrate that additional evidence may be gathered if the accused is remanded for an extended period, the Magistrate may extend the period of further remand for a term not exceeding 5 (five) days.

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[1] Inserted by section 15(c) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[2] Substituted by section 15(d) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[3] Substituted by section 16 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[4] ibid.
[5] ibid.

Sixth Chapter

Trial by the Sessions Judge

27. Provision relating to trial of offence by a Sessions Judge or Additional Sessions Judge.—(1) Notwithstanding anything contained in the Code of Criminal Procedure or any other law for the time being in force, until a Special Tribunal is constituted in this behalf, the offences under this Act shall be triable by a Sessions Judge or, where the case has been transferred to the Additional Sessions Judge by the Sessions Judge, by an Additional Sessions Judge.

(2) The Sessions Judge or the Additional Sessions Judge while trying an offence under this Act shall follow the procedure mentioned in chapter 23 of the Code of Criminal Procedure applicable to trials before the Courts of Sessions.

(3) For the purposes of this chapter, the offences under this Act shall be deemed to be offences to be triable by a Court of Sessions, and the proceedings in respect of such offences may be filed before the Sessions Judge having jurisdiction in the Sessions Division in which the said offence or any part thereof has been committed.

Seventh Chapter

Trial by the Special Tribunal

28. Formation of Anti-terrorism Special Tribunal.—(1) The Government may, by notification in the official Gazette, constitute one or more Anti-terrorism Special Tribunals for speedy and effective trial of the offences committed under this Act.

(2) A Special Tribunal constituted under sub-section (1) shall consist of a Sessions Judge or an Additional Sessions Judge appointed by the Government in consultation with the Supreme Court; and a Judge so appointed shall be designated as the "Judge, Anti-terrorism Special Tribunal".

(3) A Special Tribunal constituted under this section may be assigned to the local jurisdiction over the whole of Bangladesh, or of one or more Sessions Divisions; and the said Tribunal shall only try the cases of offences under this Act, which are filed or transferred to the Tribunal.

(4) On account of assigning to a Special Tribunal the jurisdiction for the whole of Bangladesh, or any part thereof consisting of one or more Sessions Divisions by the Government, a Sessions Judge or an Additional Sessions Judge of that territorial jurisdiction shall not cease to have jurisdiction in respect of trial

of offences under this Act, and the cases of offences pending before the Court of Sessions under this Act, shall not be transferred to any Special Tribunal having territorial jurisdiction, unless the Government, by notification in the official Gazette, so directs.

(5) There shall not be any bar for a Special Tribunal, unless it otherwise decides to recall or rehear any witness whose evidence has already been recorded or to reopen the proceedings already held under sub-section (4), but may act on the evidence already recorded or produced and continue the trial from the stage the case has reached.

(6) A Special Tribunal may sit and conduct its proceedings at such times and places as the Government may, by order, specify.

29. Procedure of Special Tribunal.—(1) A Special Tribunal shall not take cognizance of any offence except on a report in writing made by a police officer not below the rank of Sub-Inspector.

(2) The Special Tribunal trying an offence under this Act shall follow the procedure laid down in chapter 23 of the Code of Criminal Procedure for trial of offences before the Court of Sessions, subject to not being inconsistent with the special provisions of this Act.

(3) A Special Tribunal, if it is not necessary in the interest of justice, and for reasons to be recorded in writing, may not adjourn any trial.

(4) Where a Special Tribunal has reasons to believe that an accused has absconded or is concealing himself so that he may not be arrested and produced before it for trial and there is no immediate prospect of arresting him, it shall, by order published in at least two Bangla Daily newspapers having wide circulation, direct such person to appear before it within such time as may be specified in the order, and if such person fails to comply with such direction, he shall be tried in his absence.

(5) Where in case after the appearance of an accused person before the Special Tribunal, or his release on bail, the accused person absconds or fails to appear before it, the procedure as laid down in sub-section (4), shall not apply and the Tribunal shall, after recording its decision, try such person in his absence.

(6) A Special Tribunal may, upon applications made to it, or of its own motion, direct a police officer to make [1][further investigation] in any case relating to an offence committed under this Act, and to report within such time as may be specified by it.

30. Application of the Code to proceedings of Special Tribunals.—(1) The provisions of the Code of Criminal Procedure, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings of

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[1] Substituted by section 17 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

Special Tribunals, and such Special Tribunals shall have all the powers of a Court of Sessions in exercising its original jurisdiction.

(2) The person conducting cases on behalf of the Government before the Special Tribunal shall be deemed to be a public prosecutor.

31. **Appeal and approval of death sentence.**—(1) An Appeal from any order, judgment or sentence passed by a Special Tribunal may be preferred to the High Court Division within 30 (thirty) days from the date of passing thereof.

(2) Where a death sentence is passed under this Act by a Special Tribunal, the proceedings shall be submitted forthwith to the High Court Division and the sentence shall not be executed unless it is approved by that Division.

32. **Provision regarding bail.**—No person accused of an offence punishable under this Act shall be enlarged on bail by a Magistrate or a Judge, unless—

(a) the public prosecutor is given the opportunity of being heard in respect of bail order; and

(b) the [1][Magistrate or Judge] is satisfied that there are reasonable grounds to believe that the accused may not be found guilty of the offence at the trial and records in writing his reasons of the grounds for being so satisfied.

33. **Time-limit for disposal of cases by Special Tribunal.** —(1) A Judge of a Special Tribunal shall conclude the trial of a case within 6 (six) months from the date on which [2][the charge is framed] in respect of the case.

(2) If the Judge fails to conclude the trial within the time-limit specified in sub-section (1), he may, for reasons to be recorded in writing, extend the time not exceeding 3 (three) months.

(3) If the Judge fails to conclude the trial within the time-limit specified in sub-section (2), he may, after informing the High Court Division and the Government in writing as to the reasons for such failure, further extend the time not exceeding 3 (three) months.

Eighth Chapter
Property derived from terrorist activities

[3][34. [4][**Possession of property obtained from terrorist activities**].— [5][(1) Any terrorist person or entity or any other person, shall not enjoy or possess any property derived from terrorist activities or money or property given by any terrorist person or terrorist entity or any other terrorist property.

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[1] Substituted by section 18 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[2] Substituted by section 19 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[3] Substituted by section 20 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).
[4] Substituted by section 24(a) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2012).
[5] Substituted by section 24(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2012).

(2) Any terrorist property which remains in the possession of any terrorist person or entity or any other person, whether or not punished under this Act, shall be liable to be confiscated in favour of the State.]

(3) The property of any person or entity involved in any offence under this Act, shall be subject to seizure by the Government upon request of any foreign State or organization and shall be liable to be disposed of under mutual legal assistance with the relevant country, or as the case may be, by the Government.

(4) The property of any person or entity shall be subject to seizure in pursuant to any international, regional or bilateral agreements ratified by the Government or any convention of the United Nations or relevant resolutions adopted by the United Nations Security Council.]

[1][**35. [2][Confiscation of assets obtained from terrorist activities and proceeds of terrorism]**.—(1) Where the Judge is satisfied that any property is seized or attached on the ground that [3][the property derives from terrorist activities or constitutes from proceeds of terrorism], the Court may pass an order to confiscate the property.

(2) If [4][any proceeds of terrorism or any property derived from terrorist activities] is confiscated under sub-section (1), the Government may take legal steps in accordance with sections (18) and (20) of this Act against the entity from which the said property shall be confiscated.

(3) Property seized in accordance with sub-section (4) of section 34 of this Act shall be liable to be confiscated and disposed of by the concerned court in light of the concerned agreements, conventions or the resolutions adopted by the United Nations Security Council.

(4) If any person or entity other than the convicted person or entity has title, interest or right to the confiscated property, the property may be returned by the concerned court.]

36. **Issuance of a notice to show cause prior to confiscation of assets obtained from terrorist activities.**—(1) Before passing an order of confiscation of assets obtained from terrorist activities, [5][a show cause notice shall, in accordance with the provisions of the Code of Criminal Procedure] be served to the person who possesses or controls the said property and no order for confiscation of assets obtained from terrorist activities shall be passed without allowing the person to reply to the notice within the stipulated time of the notice, or without giving the person a reasonable opportunity of being heard.

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[1] Substituted by section 21 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[2] Substituted by section 25(a) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[3] Substituted by section 25(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[4] Substituted by section 25(b) of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

[5] Substituted by section 22 of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

(2) No order of confiscation under sub-section (1) may be passed, if the person is able to prove that he was unaware of the fact that the said assets was obtained from terrorist activities and he purchased the same with an appropriate price.

37. **Appeal.**—(1) Any person aggrieved by an order of confiscation passed under section 35, may prefer an appeal to the High Court Division within 1(one) month from the date of the receipt of such order.

(2) Where an order under section 35 is modified or annulled by the High Court Division or a case is filed in contravention of the provisions of this Act, the property of the person against whom an order of confiscation has been made under section 35 shall, if he is acquitted, be returned to him, and if it is not possible for any reason to return the confiscated property, such person shall be paid a reasonable price thereof with reasonable interest accruing from the day of attachment or seizure of the property considering the property having been sold to the Government.

Ninth Chapter

Mutual legal assistance

38. **Mutual legal assistance.**—(1) When a terrorist act is committed or abetted, attempted, conspired or financed to commit an offence in such a manner that the territory of a foreign State is involved, or the terrorist act is so committed, abetted, attempted, conspired or financed in Bangladesh from another sovereign State or from Bangladesh in another sovereign State, the Government of Bangladesh shall, upon satisfaction, provide all such necessary legal assistance [1][in accordance with any agreement] on criminal investigation, trial or extradition as may be requested by the Government of that foreign State subject to the following provisions of this section.

(2) The terms and conditions of mutual legal assistance shall be mutually agreed upon between the requesting and the requested States on the basis of reciprocity through signing of formal agreement or exchange of letters.

(3) [2][In absence of mutual understanding between countries,] no Bangladeshi citizen shall be handed over to a foreign State for trail of offence under this Act [3][:

Provided that, the extradition of any Bangladeshi citizen shall not be executed if the person is under trial in any court in Bangladesh for the same offence.]

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[1] Substituted by section 23(a) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[2] Substituted by section 23(b) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

[3] Substituted by section 23(b) of the Anti-terrorism (Amendment) Act, 2012 (Act No. 6 of 2012).

(4) For the purposes of mutual legal assistance under this section, a Bangladeshi citizen may, subject to his consent, be handed over to a foreign State to provide assistance as a witness in a relevant criminal prosecution or in the process of investigation.

(5) Bangladesh, being a requested country, may refuse to comply with a request for extradition or mutual legal assistance in a particular case, if the Government has substantial grounds to believe that the request for extradition of any offender for the purpose of prosecuting or punishing that person only on account of his race, religion, nationality, or political opinion.

Tenth Chapter
General provisions

39. **Offences to be cognizable and non-bailable.**—All offences under this Act shall be cognizable.

(2) All offences under this Act shall be non-bailable.

40. **Inevitability of prior approval regarding investigation and trial.**—[1][(1) If any offence is committed under this Act, the concerned police officer shall, immediately after notifying the District Magistrate, file a case and start investigation thereof.]

(2) No court shall take cognizance of any offence under this Act without the prior sanction of the Government.

41. **Transfer of cases to and from Special Tribunal.**—The Government may, at any stage of trial before conclusion of evidence, transfer any case or cases involving any offence under this Act from a Court of Sessions to a Special Tribunal or from a Special Tribunal to a Court of Sessions on reasonable grounds.

42. **Power to amend the Schedule.** —The Government may, by an order notified in the official Gazette, amend the Schedule of this Act.

43. **Power to make rules.**—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

44. **Original text and English text.**—The original text of this Act shall be in Bangla, and there shall be an authentic text of an authorized translation in English of this Act:

Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

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[1] Substituted by section 26 of the Anti-terrorism (Amendment) Act, 2013 (Act No. 22 of 2013).

45. **Repeal and savings**.—(1) The Anti-Terrorism Ordinance, 2008 (Ordinance No. 28 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, all acts done or actions taken under the repealed Ordinance shall be deemed to have been done or taken under this Act.

Schedule-1

[See clause (3A) of section 2]

(a) Convention for the suppression of unlawful seizure of Aircraft done at the Hague on 16th December, 1970;

(b) Convention for the suppression of unlawful acts against the safety of Civil Aviation, done at Montreal on 23rd September, 1971;

(c) Convention on the prevention and punishment of Crimes against internationally protected person, including diplomatic agents, adopted by the General Assembly of the United Nations on 14th December, 1973;

(d) International convention against the taking of hostages adopted by the General Assembly of the United Nations on 17th December, 1979;

(e) Convention on the physical protection of nuclear material, adopted at Vienna on 3rd March, 1980;

(f) Protocol for the suppression of unlawful acts of violence at airports serving International Civil Aviation, supplementary to the convention for the suppression of unlawful acts against the safety of Civil Aviation, done at Montreal on 24th February, 1988;

(g) Convention for the suppression of unlawful acts against the safety of maritime navigation, done at Rome on 10th March, 1988;

(h) Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, done at Rome on 10th March, 1988;

(i) International convention for the suppression of terrorist bombings, adopted by the General Assembly of the United Nations on 15th December, 1997.

Schedule-2
(See section 18)

1	2	3	4	5
Serial No.	Name of the entities	Address of the entities	Date of proscription	Remarks
01	Shahadat-e-Al Hikma party Bangladesh	House of Mizanur Rahman, Horogram natunpara bypass road, P.S. Rajpara, RMP, Rajshahi	09-02-2003	
02	Jagrata Muslim Janata Bangladesh (JMJB)	No specific address	23-02-2005	
03	Jamatul Mujahedin	No specific address	23-02-2005	
04	Harkatul Jehad Al Islami	No specific address	17-10-2005	
05	Hizbut Tahrir Bangladesh	H.M. Siddique Manson, 55/A, Purana Palton, Dhaka and 201/C, Palton Tower (3rd Floor), 27 Purana Palton Lane, Dhaka.	22-10-2009	

Schedule-3
(See section 18)

1	2	3	4	5
Serial No.	Name of the person	Address of the person	Date of Enlistment	Remarks

By order of the President

Mohammad Shahidul Haque

Secretary

Legislative and Parliamentary Affairs Division.

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তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত। web site: www.bgpress.gov.bd