



Joint Statement by FIDH and Odhikar

Bangladesh: New Amendment to Anti-Terrorism Act gags Freedom of Expression

Paris-Dhaka, 15 June 2013. The International Federation for Human Rights (FIDH) and its member organization in Bangladesh, Odhikar, are deeply concerned by the adoption on 11 June by the Parliament, the Jatiya Sangsad, of the Anti-Terrorism (Amendment) Bill 2013 which widens the scope of sanctions provided in the Anti-Terrorism Act of 2009 (ATA) by approving that the Courts to accept videos, still photographs and audio clips used in Facebook, twitter, Skype and other social media for trial of cases. Earlier in 2012 through another amendment the death penalty was introduced as the maximum penalty for financing ‘terrorist’ activities.

The Bangladesh Parliament on 11 June 2013 passed the Anti-Terrorism (Amendment) Bill 2013 which would allow the Courts to accept videos, still photographs and audio clips used in Facebook, twitter, Skype, and other social media for trial cases. Under this amendment the police officer concerned will immediately inform the District Magistrates about the occurrence of a crime that come under the purview of this Act and files cases against the persons or entity or foreign national.

In the earlier Amendment to this Act in 2012 death penalty was introduced as the maximum penalty for terrorist activities. It also provided scope to prohibit the use of Bangladeshi land for the conduct of any terrorist activities inside the country or against other countries, all types of illegal arms and explosives, and the creation of ‘panic’ among the people through any terrorist activities. This Amendment Bill as well as the earlier one were passed with virtually no consultation with the civil society organisations and despite strong opposition from the opposition members in the Parliament.

In a joint report in October 2010, entitled [Bangladesh: Criminal justice through the prism of capital punishment and the fight against terrorism](#), FIDH and Odhikar raised their long-standing serious concerns that the vague definitions of ‘terrorists activities’ under the ATA open the legislation to potential abuse and are incompatible with the principle of legality requiring that criminal liability and punishment be limited to clear and precise provisions. This principle is enshrined in Article 15 of the International Covenant on Civil and Political Rights (ICCPR), which Bangladesh has ratified.

By retaining vague and broadly applicable definition of ‘terrorist activities’ and reducing ‘terrorism’ to merely a question of crime punishable by death, the Amendment Bill makes the Anti-Terrorism Act even more vulnerable to the worst kind of abuses, said FIDH and Odhikar. The monitoring work of FIDH and Odhikar over the years has indicated a large potential for abuse and violations of due process in the criminal justice system in Bangladesh. The widening of the scope of crimes punishable by death thus carries the tremendous risk of irreversible miscarriage of justice. The Act of 2009 has already been abused by the government to repress political opponents, journalist and other dissenting voices.

“When the Anti-Terrorism Ordinance was first promulgated by the military-backed Caretaker Government, we raised concerns regarding its potential for abuse, which proved to be true as we have witnessed a trend of persistent criminalisation of popular dissents and the tendency to reduce complex social, economic, political and cultural grievances into a purely criminal matter,” said Adilur Rahman Khan, Secretary of Odhikar. “The Amended Bill as it stands now will be more repressive and by its very nature most likely will turn into a nightmare of abuse and violence jeopardizing social and political stability, instead of strengthening human security.”

“Experiences in several countries, shows that the criminalization of opinions expressed online through social media or blogs, is not only a violation of freedom of expression and the right to privacy; it also represents a new pattern of persecution of any voice of dissent, as well as human rights defenders”, said Karim Lahidji, FIDH president. More generally, the definition of ‘terrorism’ contained in this new amendment of the Anti-Terrorism Act goes much beyond internationally-accepted standards, which opens the door to an arbitrary application of the act”, Mr. Lahidji added.

<http://www.fidh.org/bangladesh-new-amendment-to-anti-terrorism-act-gags-freedom-of-expression-13457>