

## Anti Terrorism Rules, 2013

## **Part-I**

### **Preliminary**

In exercise of the power conferred by section 43 of The Anti Terrorism Act, 2009 (Act No. XVI of 2009) the Government of Bangladesh hereby makes the following Rules to fulfill the purposes of the Act.

**1. Short title, extent and commencement.**– (1) These rules may be called the Anti Terrorism Rules, 2013.

(2) It extends to the whole of Bangladesh, and it applies also to persons on ships and aircraft registered in Bangladesh, wherever they may be.

(3) It shall be deemed to have come into force from the date of issuance of the Statutory Regulatory Order (SRO).

**2. Definitions.**– For the purpose of these rules,–

- (a) **False positive** means a situation whereby a suspension or freeze action is taken on the basis of available information and upon further inquiry and receipt of additional clarifying information, such suspension or freeze action is determined not to be the correct course of action;
- (b) ‘the National Committee’ means the ‘National Committee on the Implementation of the United Nations Security Council Resolution on Combating Terrorism and Financing of Terrorism’ formed by the government vide SRO No398-Law/2012 dated November 29, 2012;
- (c) ‘the UNSCR Committee’ means the respective sanction committee of the United Nations Security Council;
- (d) ‘the Act’ means the Anti Terrorism Act, 2009 (Act No. XVI of 2009).

## **Part-II**

### **Freezing of account or suspension of transaction by BFIU**

**3.** In exercising the power of suspension of transaction and freezing of an account of a reporting agency pursuant to section 15 sub-section 1(b) of the Act BFIU shall follow the following procedure:

- (a) Suspension or freeze order shall contain as much detail as possible about the account or transaction and customer;
- (b) BFIU may suspend debit, credit or both transaction or a transaction of an account;
- (c) Every suspension or freeze order shall be for 30 (thirty) days only and BFIU may issue additional 6(six) orders on same ground on same account or transaction as it is deem fit for;
- (d) BFIU may issue different suspension or freeze order for different ground on same account or transaction. Any gap between two suspension or freeze order of BFIU shall not be an impediment for the applicability of the order.

- (e) Reporting agency shall consult with BFIU before any transaction in the account that was under suspension or freeze order to confirm about the expiration of suspension or freeze order or further instruction from BFIU;
- (f) Suspension order shall mean that no debit will be allowed except maintenance fee and excise duty deducted from that account, if it is not mentioned otherwise. Credit may be allowed with proper due diligence if it is not mentioned otherwise in the suspension order;
- (g) Freeze order mean no debit or credit shall be allowed in account under freeze order without prior written instruction from BFIU; Reporting agency shall inform the balance and linked accounts of the account under freeze order immediately to the BFIU after getting the freeze order;
- (h) In case of false positive, BFIU shall have the authority to withdraw the suspension or freeze order if the order was issued on its motion after reviewing the application and supporting documents submitted by the aggrieved person or entity;
- (i) BFIU shall consult with requesting agency before withdrawal of a suspension or freeze order based on a false positive, if the order was issued on request of other government agency;
- (j) First suspension or freeze order and withdrawal of suspension or freeze order shall be approved by the Head of BFIU, if the order is taken in its own motion;
- (k) In the absence of Head of BFIU, suspension or freeze order shall be approved by Deputy Head of BFIU, provided that the case shall have to be presented before the Head of BFIU immediately on his/her availability in the office.

**4. De freezing:** (1) Upon request by any person or entity BFIU may allow to defreeze or withdrawal of the funds and other financial assets or economic resources of individual or entity with the same or similar name as listed or suspected individual or entity (i.e. a false positive or mistaken identity), provided that the BFIU determines that the individual or entity is not the actual listed or suspected individual or entity.

(2) Burden of proof as “false positive” shall be the responsibility of the person or entity concerned that they are not directly or indirectly involved in any criminal offence raised.

(3) To protect the right of bona fide third party or to confirm the identity related to “false positive or mistaken identity”, BFIU shall have the authority to ask for information or documents from the person or entity concerned.

(4) To protect the right of bona fide third party or to confirm the identity related to “false positive or mistaken identity”, Criminal Investigation Department (CID) of Bangladesh Police or other law enforcement agency shall provide information or documents upon request of the BFIU.

## **5. Penalties imposed by BFIU**

- (1) Penalties imposed by the BFIU under section 15 sub section (8) of the Act shall be realizable from the organization or from the person or employee involved with non-compliance or from both according to the instruction given by BFIU
  - (2) Before imposing fine or penalties under section 15 sub section (8) of the Act BFIU shall issue a direction to the reporting agency or the person involved in the non-compliance to explain its or his or her position.
  - (3) Fine realized under section 15 sub section (8) of the Act shall be deposited to the account of BFIU in Bangladesh Bank. This fund may be used for the purpose of combating financing of terrorism or prevention of money laundering and related offences.
  - (4) Aggrieved employee of reporting agency or the entity may apply against the order of the BFIU for reconsideration only for one time. For reviewing the application, BFIU shall take reasonable measures to ascertain the genuineness of the statement. BFIU may inform the decision taken on review application in writing, to the applicant.
  - (5) While suspending the registration or license by BFIU with an intention to stop operation of the said agency or any of its branch, service center, booth or agent within Bangladesh, BFIU shall give a 15 (fifteen) days prior notice mentioning the reason for stopping operation of the agency;
  - (6) While requesting concerned registering or licensing authority for the suspension of registration or license of the agency, BFIU shall provide a summary report on non-compliance and the legal basis of the request.
  - (7) Registering or licensing authority shall take appropriate measure as per request of BFIU and inform the BFIU about the action taken, within 30 (thirty) days of receiving the request from BFIU;
- (1) In absence of proper authority or legal base for suspension or cancellation of registration or license, the respective registration or licensing authority may exercise the power of Bangladesh Bank on this regard, as requested by BFIU.*

## **6. Access to Bank Information:**

- (1) In absence of order from a competent court or special tribunal the investigating officer of a concerned law enforcement agency shall have no right to access into the related document or file of any bank or financial institution for the purpose of investigation relating to financing of terrorist activities, without prior approval from the BFIU.
- (2) While approving any investigation agency to access to the bank's or financial institution's information, BFIU may inform the matter to the concerned bank or financial institution.
- (3) The investigating officer of a concerned law enforcement agency shall inform the BFIU about the matter of access to the related document or file of any bank or financial institution having an order from a competent court or special tribunal for the purpose of investigation relating to financing of terrorist activities. The action is taken to ensure better coordination.
- (4) The investigating officer of a concerned law enforcement agency shall inform the BFIU about the matter of access to the related document or file of any reporting agencies other than bank or financial institution for the purpose of investigation relating to financing of terrorist activities to ensure better coordination.

## **Part-III**

### **Proscription and Enlistment**

#### **7. Domestic Proscription and Enlistment**

(1) Proscription of entity and enlistment of person in domestic circumstances and review proscription or enlistment order shall be done by a committee headed by secretary of the Ministry of Home Affairs (MoHA), and head of political and legal wing of MoHA shall be the member of that committee.

(2) Regarding proscription and enlistment the committee will decide based on reasonable ground or reasonable basis that the proposed person or entity meets the criterion set out in section 17 of the Act.

(3) The committee shall take all reasonable efforts as soon as possible after the designation (i.e. proscription of entity or enlistment of person) has taken effect, to inform designated individual and entities directly of:

- (a) The designation and its implications, in order to prevent any unintentional breaches on the part of themselves or related third parties.
- (b) The review procedure and information on the de-listing process, including a contact point within the government to address any questions regarding the process.
- (c) Publicly-releasable information concerning the reasons for designation.
- (d) Procedures to allow approved access to funds or other assets for basic and extraordinary expenses as soon as possible.

(4) After publication of schedule-2 and schedule-3, the committee shall forward the schedule to Bangladesh Police and BFIU for taking appropriate actions as per the provision of section 20 of the Act.

(5) The proscribed entity shall submit its income and expenditure 'as much detail as possible' to the committee. If the proscribed entity does not submit its income and expenditure, the committee shall assign the job to CID of Bangladesh Police.

(6) If the committee find reasonable ground to believe or reasonable basis after analyzing the income and expenditure statement that the stated income or expenditure is related with any offence under the act, the committee shall assign CID of Bangladesh Police for legal proceedings.

#### **8. Requesting other country to take reasonable measures:**

(1) In case of proscription or enlistment done under UNSCR, 1373 and the committee find reasonable ground to believe or reasonable basis that proscribed entity or enlisted person has any function or involvement in foreign country, the committee shall request the competent authority of the foreign country, following proper procedure, for taking action required under UNSCR 1373.

(2) While requesting another country to give effect to the actions initiated under the freezing mechanisms that have been implemented pursuant to UNSCR 1373 (2001), the committee must provide as much detail as possible on the proposed name, in particular, sufficient identifying information to allow for the accurate and positive identification of persons or entities; and specific information supporting a determination that the person or entity meets the relevant criteria for designation.

## **9. Review of proscription or enlistment order:**

- (1) The person or entity, aggrieved by the proscription or enlistment order, may apply, in writing, for review of the order with full details of rational and supporting documents before the committee.
- (2) After receiving a review application the committee pursuant to rule 7 sub-rule (1) shall take necessary measure to ascertain the authenticity of the application within 30(thirty) days and inform the decision taken to the applicant.
- (3) The aggrieved person or entity may appeal before the High Court Division for review of the order within 30 days of the dismissal of the review application by the committee mentioning the decision of the committee with details.

## **10. Proposing a name to the 1267 Committee of the UN Security Council:**

- (1) In addition to the above function the National Committee may propose to the 1267 Committee of the UN Security Council, for designation as appropriate, of a person or entity that meets the specific criteria for designation as set forth in Security Council Resolution 1989 of 2011 and related resolutions, if the committee decide to do so and believes that it has sufficient evidence to support the designation criteria;
- (2) While proposing a name to the 1267 Committee for inclusion, pursuant to resolution 1267 of 1999 and its successor resolutions, the national committee shall:
  - (a) follow the procedures and standard forms for listing, as adopted by the 1267 Committee of the UN Security Council;
  - (b) provide as much relevant information as possible on the name, in particular, sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by Interpol to issue a Special Notice;
  - (c) provide a statement of case, which contains as much detail as possible on the basis for the listing, including: specific information supporting a determination that the person or entity meets the relevant criteria for designation; the nature of the information; supporting information or documents that can be provided; and details of any connection between the proposed designee and any currently designated person or entity; and
  - (d) specify whether their status as a designating state may be made known.

## **11. Proposing a name to the 1988 Committee of the UN Security Council:**

The National Committee may propose a name to the 1988 Committee of the UN Security Council, for designation as appropriate, of a person or entity that meets the specific criteria for designation, as set forth in Security Council resolution 1988 of 2011 and related resolutions, if the committee decides to do so and believes that it has sufficient evidence to support the designation criteria.

**Part-IV**  
**Implementation of the provisions UN Security Council Resolutions**

**Implementation of the provisions of section 20A sub-section (a), (b), (c), (d), (e), (f), (g), (h) and (i) of the Act shall be done in the following manner:**

**12. Appointment of Focal Points for implementing the UN Security Council Resolutions.**

In exercising the power of section 20A sub-section (k) of the Act the Government shall appoint the following focal points for implementing the UN Security Council Resolutions, namely-

- (a) The Focal Point from the Ministry of Foreign Affairs, hereinafter referred to as 'MOFA' shall be the Director General (UN), Ministry of Foreign Affairs;
- (b) The Focal Point from the Ministry of Home Affairs, hereinafter referred to as 'MOHA' shall be the Head of Political Wing or Joint Secretary (Political), Ministry of Home Affairs;
- (c) The Focal Point from the Ministry of Civil Aviation and Tourism shall be the Deputy Secretary, Ministry of Civil Aviation and Tourism;
- (d) ***The Focal Point from the Ministry of Shipping shall be the Deputy Secretary (Shipping), Ministry of Shipping;***
- (e) The Focal Point from the Ministry of Commerce shall be the Director (WTO Cell), Ministry of Commerce;
- (f) The Focal Point from the NGO Affairs Bureau shall be the Director General, NGO Affairs Bureau, Prime Minister's Office;
- (g) The Focal Point from the Bank and Financial Institution Division, Ministry of Finance shall be the Deputy Secretary (Regulations and Policy), Bank and Financial Institution Division, Ministry of Finance;
- (h) The Focal Point from the National Board of Revenue (NBR) shall be the First Secretary , Customs Policy and Budget, National Board of Revenue;
- (i) The Focal Point from the Legislative and Parliamentary Affairs Division shall be the Deputy Secretary (Printing and publication); and
- (j) The Focal Point from the Bangladesh Financial Intelligence Unit, hereinafter referred to as 'BFIU' shall be the Operational Head and General Manager of BFIU Bangladesh Bank.

**13. Appointment of 'primary contact point':**

(1) All the ministries, divisions and organizations, identified as focal points above shall appoint a 'primary contact point' in the implementing or law enforcement authority under their jurisdictions within 30 days of the issuance of the rule and inform with details to the focal point to MOFA for better coordination.

(2) The identified ministry, division and organization shall have the authority to change the primary contact point with consultation of the respective implementing or law enforcement authority.

(3) Focal points shall have the responsibility to maintain the list and update communication means of all primary contact point under their jurisdictions.

**14. Communication of the Rules-**All the Ministries, Divisions and organizations listed above shall communicate the provision of this rule to all 'Primary Contact Points' of all implementing and law enforcement agencies under their jurisdictions such as, but not limited to Port Authority, Customs Houses, Bangladesh Police, CID, SB, RAB, Border Guard of Bangladesh, Coast Guard, Department of Passport and Immigration, DGFI, NSI and reporting agencies.

**15. Communication of the list of individuals and entities.-**Communication mechanism of the list of individuals or entities is as follows-

(1) The focal point of MOFA shall update the list of individuals and entities as and when the Sanction Lists are amended by the concerned UNSCR Committees. On any revision, MOFA shall communicate the updated list to all Focal Points;

(2) The focal point of MoHA shall update the list of individuals and schedule of entities as and when the MoHA amended list or the schedule under the Act. On any revision, MOHA shall communicate the updated list to all Focal Points and

(3) After receiving the list of individuals and entities listed by the respective UNSCR Committee from MOFA, or the list of individual entities under the Act MoHA, all the Ministries, Divisions and organizations listed in rule 13 shall communicate the list to all 'Primary Contact Points' of all implementing and law enforcement agencies under their jurisdictions for necessary actions.

(4) All 'focal points' shall have the responsibility to consult with the website of UN sanction committee for updated list.

**16. Regarding funds, financial assets or economic resources or related services held in or through Reporting agencies.-**

As regards funds, financial assets or economic resources or related services of the individuals and entities held in or through the reporting agencies, the process will be as follows-

(1) The reporting agencies shall maintain and update the listed individuals and entities in electronic form and regularly run a check at the website of United Nations (<http://www.un.org/sc/committees/index.shtml>) for updated list. Reporting agency shall run regular check on the given parameters, including transactional review, to verify whether individuals or entities listed by the respective UNSCR Committee are holding any funds, financial assets or economic resources or related services or having any form of relationship with them;

(2) Reporting agency shall run a check on the given parameters, including transactional review, to verify whether individuals or entities listed or scheduled under ATA, individuals or entities owned or controlled directly or indirectly by such persons or entities, as well as persons and entities acting on behalf of, or at the direction of, individuals or entities listed or scheduled under ATA are holding any funds, financial assets or economic resources or related services or having any form of relationship with them; ;

(3) In case of a match as set out in paragraph (2), the reporting agency shall immediately stop payment or transaction of funds, financial assets or economic resources and report to the BFIU within the next working day with full particulars of the listed and/or the suspected individuals or entities or related or connected individual identities. as well as the funds, financial assets or economic resources or related services held by such customer on their books to the BFIU;

(4)

(5) BFIU will analyze the report and, if necessary, call for additional information/documents or inspect the Reporting agency and forwarded the case, if it is deemed appropriate, to the law enforcement agencies including CID of Bangladesh Police for further action and also keep the Focal Point of MOFA informed about suspected individuals or entities and the actions taken;

(6) If BFIU is fully convinced after proper analysis that the details of the reported customer do not match with the details of individuals or entities listed by the concerned UNSCR Committee or in the schedule of the Act, BFIU shall immediately issue an order to withdraw the stop-payment;

(7) In case, the match of any of the customers with the particulars of listed individuals or entities is beyond doubt, BFIU shall forward the details to CID of Bangladesh Police and MOFA and also instruct the reporting agency to maintain the stop payment until further instruction is given; in this event the provisions of section 15 of the Act shall not be applicable.

(8) On receipt of the particulars or documents referred to in paragraph 17 (5) above, CID of Bangladesh Police shall cause a verification so as to ensure that the individuals or entities identified by the reporting agency and forwarded by the BFIU are the listed individuals or entities and the funds, financial assets or economic resources or related services, reported by reporting agency are held by the listed individuals or entities. This verification shall be completed within a period not exceeding five working days from the date of the receipt of such information;

If CID finds that the individuals or entities that are identified by the reporting agencies and forwarded by the BFIU are the listed individuals or entities, it shall identify or trace out any property owned by or are held for the benefit of the listed individuals or entities, and immediately takes measures to freeze or attach the property. CID shall inform the result of the verification to BFIU and/or the particulars of the frozen property to MOHA;

(9) In case, the results of the verification indicate that the properties are owned by or held for the benefit of the listed individuals or entities, an order to freeze these properties shall be issued by BFIU within one working day after receiving of such verification from CID and conveyed to the concerned reporting agency under intimation to CID of Bangladesh Police. The BFIU shall also forward a copy thereof to the Focal Point of MOFA, so that any individual or entity may be prohibited from making any funds, financial assets or economic resources or related services available for the benefit of the listed individuals or entities or any other person engaged in or suspected to be engaged in terrorism; and

(10) The order shall take place without prior notice to the listed individuals or entities.

#### **17. Regarding financial assets or economic resources held outside reporting agencies-**

(1) The Focal Point of MOHA shall forward the lists of suspected or listed individuals or entities to the Contact Point of all law enforcement agencies with the request to identify and trace out their existence in Bangladesh and any property held by them.

(2) In case, it is found that any listed individual or entity are is holding financial assets or economic resources of the nature of immovable property under its jurisdictions, the Contact Point shall communicate the complete particulars of such individuals

or entities along with complete details of the financial assets or economic resources of the nature of immovable property to the Focal Point of MOHA, within the next working day.

(3) The Contact Point of the respective law enforcement agency may cause such verification to be conducted to ensure that the particulars sent by the Registrar performing the work of registering immovable properties are indeed those of the listed individuals or entities. This verification shall be completed within a maximum of five working days and should be conveyed within the next working day of the verification, and if it matches with the particulars of the listed individuals or entities the law enforcement authorities shall immediately attach the property according to law and inform the particulars to the Focal Point of MOHA.

(4) In case, the results of the verification indicate that the particulars match with those of the listed individuals or entities, the Focal Point of MOHA shall issue an attachment order within next working day to the concerned Registrar performing the work of registering immovable properties and convey the particulars to BFIU to check any transaction conducted.

(5) The order shall take place without prior notice to the listed individuals or entities.

(6) Further,

(a) Reporting agency shall monitor the transactions/ accounts of the listed individual or entity so as to prohibit any individuals or entities from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities engaged in or suspected to be engaged in terrorism. The reporting agency shall bring such matters to the notice of the BFIU

(b) The contact point of law enforcement agency shall take reasonable measures to prohibit any individual or entities from making any funds, financial assets or economic resources or related services available for the benefit of the individual or entities engaged in or suspected to be engaged in terrorism. The contact point shall bring such matters to the notice of the focal point of MOHA.

(c) Focal point of MOFA shall take responsible measure consulting with the national committee to report it to the UN sanction committee.

### **18. Implementation of requests received from foreign countries under U.N Security Council Resolution 1373 of 2001.**

(1) To give effect to the requests of foreign countries under the U.N. Security Council Resolution 1373, MOFA shall examine the requests made by the foreign countries and forward it, with their comments to the Focal Point of the concerned Ministries, Division and organization for necessary actions.

(2) The Focal Point of MOHA shall cause the request to be examined, within five working days, so as to satisfy itself that on the basis of applicable legal principles, the requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee is a terrorist, one who finances terrorism or a terrorist organization, and upon his/her satisfaction, shall forward the request to the BFIU and the Contact Points of the relevant law enforcement agencies. The provisions of this Rules applicable for the listed individuals and entities, shall also be

applied for the proposed designee.

(3) Upon receipt of the request from the Focal Point of MOHA, the Contact Points shall follow the procedures as enumerated under rule 16 (2) to 17(10) and rule 17

(4) The freezing orders shall take place without prior notice to the listed individuals or entities involved.

(5) If any match found, focal point of MOFA shall inform the matter and detail action taken to the requested party.

**29. Procedure for Defreezing of funds, financial assets or economic resources or related services of individuals or entities inadvertently affected by the freezing mechanism upon verification that the person or entity is not a listed individual or entity.**

(1) Any individual or entity, if they have evidence to prove that the freezing of funds, financial assets or economic resources or related services, owned or held by them has been inadvertently frozen, they shall move an application giving the requisite evidence, in writing, to the reporting agency or to the Contact Point of the law enforcement agencies.

(2) The reporting agencies shall inform and forward a copy of that application together with full details of the frozen funds, financial assets or economic resources or related services to the BFIU.

(3) Upon receive of the application the contact point of the law enforcement agency shall forward a copy of that application together with full details of frozen funds, financial assets or economic resources or related along with the details comments of the law enforcement agency to the focal point of MOHA.

(4) BFIU shall forward the copy of the application together with full details of the fund, financial assets or economic resources or related resources to the Focal Point of MOHA.

(5) The Focal Point of MOHA shall cause such verification as may be required on the basis of the evidence furnished by the individual or entity and if he/she is satisfied, he/she shall pass an order, within 15 working days, for unfreezing the funds, financial assets or economic resources or related services, owned/held by such applicant, under intimation to the concerned Reporting agency or the Contact Points. However, if it is not possible for any reason to pass an Order unfreezing the assets within 15 working days, the Focal Point of MOHA shall inform the applicant about the same.

(6) If the Focal Point of MOHA is not convinced with the supporting documents/information, he/she will forward it to the National Committee on the Implementation of the UNSCR Combating Terrorism and Financing of Terrorism. If the National Committee is unable to decide about the application and the applicant wishes to continue his/her effort, the National Committee shall extend necessary support to settle the application through the respective UNSCR Committees.

**20. Regarding prevention of entry into or transit through Bangladesh.**

(1) As regards prevention of entry into or transit through Bangladesh of the listed individuals, the Focal Point of MOHA, shall forward the lists to the Department of Immigration and Passport, Immigration Police and security agencies with a request to prevent them entry into or transit through Bangladesh. The order shall take place without prior notice to the listed individuals or entities.

(2) The immigration authorities shall take appropriate boarder control measures to ensure strict compliance of the instruction of this rule and also communicate the details of entry or transit through Bangladesh of the listed individuals as prevented by them to the Focal Point of MOHA within the next working day.

(3) The Focal Point of MOFA shall forward the list to its Mission abroad. The Bangladesh Mission abroad shall not issue any kind of visa to the listed individuals to prevent their entry into Bangladesh.

**21. Procedure for communication of compliance of action taken under this rules.** The Focal Point of MOHA and BFIU shall furnish the details of funds, financial assets or economic resources or related services of listed individuals or entities frozen by an order, and details of the individuals whose entry into Bangladesh or transit through Bangladesh was prevented, respectively, to the Focal Point of MOFA for onward communication to the United Nations.

**22. Regarding supply sale or transfer of arms and ammunition:**

(1) 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 individuals or entities listed by the respective Committee of UN Security Council (UNSCR Committee), respective customs authority shall take reasonable appropriate measures to identify, trace out or confiscate the items. Contact point of the respective customs house shall inform the matter with full details to the focal point of National Board of Revenue (NBR).

(2) Focal point of NBR shall forward with full details of the focal point of MOHA and BFIU for further scrutiny at their end.

(3) If any match found focal point of MOHA or/and BFIU shall inform the focal point of MOFA

*23. Regarding prevention of illicit trafficking in nuclear chemical or biological weapons, their means of delivery and related materials, including through inspection of cargo to and from the individuals or entities listed by the respective Committee of UN Security Council: .....*

*24. 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 individuals or entities listed by the respective Committee of UN Security Council, contact of civil aviation authority must check the list of UNSCR, committee and shall take reasonably appropriate measure to comply with. ....*

**25 Exemptions.**-(1) Necessary funds and other financial assets or economic resources for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources determined by the National Committee, after notification by the National Committee to the UNSCR Committee of the intention to authorize, where appropriate, access to such funds, assets or resources and in the

absence of a negative decision by the UNSCR Committee within 48 hours in case of the individuals and entities under the UNSCR 1988 sanctions list and the UNSCR 1267 sanctions list and five days in case of the individuals and entities listed by the Security Council Committee established pursuant to resolution 1718;

(2) Access may be allowed to the frozen funds, financial assets or economic resources for necessary extraordinary expenses, provided that such determination has been notified by the National Committee to the UNSCR Committee and has been approved by the UNSCR Committee;

(3) The National Committee can receive requests from listed individuals and entities for exemptions to the measures outlined in paragraph 8 (1) and the National Committee shall transmit such requests to the UNSCR Committee for a decision and further notify such individuals or entities of the UNSCR Committee's decision.

**26. False positives.-** Upon request by any of the listed individuals and entities, the national committee can allow the funds and other financial assets or economic resources of individuals or entities with the same or similar name as listed individuals or entities (i.e. a false positive or mistaken identity) to be unfrozen, provided that the National Committee is satisfied that the individual or entity is not the actual listed individuals or entities.

**27. Delisting procedures.-** The individuals and entities listed under UNSCR 1267 and UNSCR 1988 sanctions regimes can challenge their listing by submitting delisting petitions to the Office of the Ombudsperson. The URL of the Office of the Ombudsperson is <http://www.un.org/en/sc/ombudsperson/accessinfo.shtml>.

**28. Notification of listing and delisting.-** If the National Committee receives any notification about an individual or entity's listing in or delisting from the UNSCR 1267 Sanctions List and 1988 Sanctions List, the National committee will notify listed individuals and entities of their designation/listing with the narrative summary of reasons for listing, a description of the effects of designation, procedures for considering delisting requests, and the provisions regarding available exemptions.

**29. Gateways for exchanging information.-** The Government, under arrangements entered into by the government of Bangladesh with the Office of the Ombudsperson or any other country or other such arrangements, shall share all relevant information including operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.

## **Part-V**

### **Freeze, seize, attachment or confiscation of proceeds of terrorism**

#### **30. Freeze, seize or attachment of proceeds of terrorism by District Magistrate:**

(1) While applying to district magistrate under section 23A of the Act, the investigating officers shall mention as much detail as possible about the property, person involved along with reasonable basis for suspect; chance to be used in terrorist activity or other crime or the chance of disappearance of the property.

(2) After getting all the details from the investigating officers, District Magistrate examine the application, ascertaining the reasonable ground or reasonable basis to

support or believe that the proposed property may be used for terrorist activities or used otherwise by a terrorist and there is a chance to disappear, shall give a freeze, seize or where applicable attachment order on the property, without prior notice.

(3) In this order District Magistrate shall also mention the time frame or expiry date of the order.

(4) District Magistrate have the authority to give freeze, seize or attachment order up to the value of mingled terrorist property or where the value of the terrorist property cannot be determined, on the full value of the mingled property, if the terrorist property have been mingled with legitimate property.

(5) If the District Magistrate can ascertain the property is the terrorist property but cannot be located or has been dissipated for being used otherwise, the District Magistrate may pass an order of seizure or attachment of such property of an equivalent value of property.

(6) The aggrieved person or entity by the freeze, seize or attachment order of District Magistrate may apply for review of the order anytime during the period mentioned in the order, presenting all information and documents to the secretary of the Ministry of Home Affairs.

**32. Appointment of a manager or caretaker for taking care of the frozen, attached or confiscated property.**— If any property is frozen, attached or confiscated under this Act, the court may, upon an application of the investigation agency or any person authorized by it, appoint any law enforcement agency as a manager or caretaker of the property to take control, manage, look after or, in any other manner, deal with the total property or any part thereof under such terms and conditions as the court may deem fit.

**33. Procedure for disposal of confiscated property.**— (1) If any property is confiscated under this Act, the Government may, subject to the permission of the court, sell or, in any other way, dispose of such property other than the property which is required to be destroyed under any other law, by means of an open auction or by any other commercially profitable and lawful means.

(2) The proceeds of the sale or disposal of the property in any other legal manner under sub-section (1) shall be deposited into the treasury of the State.

(3) The confiscated property or the proceeds of the sale of the confiscated property may be utilized for the purposes of combating terrorism or terrorist financing.

## **Part-VI**

### **Investigation and Others**

#### **34. Investigation of Offences –**

(1) Notwithstanding anything contained in the Code of Criminal Procedure, the investigation under this Act –

- (a) If the accused person is caught by police or handed over to police by other persons at the time of committing the offence, investigation must be completed within the next 15 (fifteen) days from the day of being caught ; or

- (b) If the accused person is not caught at the time of committing the offence; the investigation must be completed within the next 60 (sixty) days from the date of getting his committing of offence related primary information, or as in the case, the order of investigation from the related officer or the officer to whom power is being given by the related officer, or the magistrate, or the tribunal.

(2) If the investigation cannot be completed within the time stated in sub-rule-(1) for any rational reason, investigating officer must complete the investigation within the next 30 (thirty) days by mentioning the reason of delay and will notify his controlling officer or as in the case, the magistrate, or the tribunal who has given the order of investigation by mentioning the reason of delay in writing.

(3) If the investigation cannot be completed within the time stated in sub-rule-(2), investigating officer will notify his controlling officer or as in the case, the magistrate, or the tribunal who has given the order of investigation about the non-completion of investigation within the next 24 (twenty four) hours after the time stated in sub-rule-(2) in writing.

(4) After getting notification about the non-completion of investigation within the time stated in sub-rule-(3), the controlling officer or as in the case, the magistrate, or the tribunal who has given the order of investigation, can delegate the power of investigation to another officer and if any investigation is transferred in that way, the responsible officer will-

- (a) complete the investigation within the next 7 (seven) days from the date of getting order of investigation, If the accused person is caught by police or handed over to police by other persons at the time of committing the offence; or
- (b) complete the investigation within the next 30 (thirty) days from the date of getting order of investigation in other cases.

(5) If the investigation cannot be completed within the time stated in sub-rule-(4), investigating officer will notify about the non-completion of investigation within the next 24 (twenty four) hours after the time stated in sub-rule-(4) in writing his controlling officer or as the case may be, the magistrate, or the tribunal who has given the order of investigation.

(6) In the case of non-completion of investigation within the time stated in sub-rule-(2) or (4), if the controlling officer or as the case may be, the magistrate, or the tribunal who has given the order of investigation shall take a decision after the analysis of related report including explanation; the investigating officer is responsible for the non-completion of investigation, in such a case it will be considered as inefficiency and dishonesty of that person; and this inefficiency and dishonesty can be recorded in his annual confidential report; and as appropriate, measures can be taken against him according to the service rules.

(7) After submission of investigation report, if the tribunal is pleased by analyzing the information regarding the investigation in such a way that any person considered as a defendant, who needs to be a witness for the better judgment; the tribunal can order that person to be considered as a witness in lieu of a defendant.

(8) If it is evident to the tribunal after the completion of taking witness, any investigating officer under this Act submit the report to save a person from the charge of an offence; or not collect or consider any material proof by negligence in investigation which can be usable to prove the offence; or make that person as witness in lieu of defendant not to prove the offence; or submit the report avoiding the examination of any important witness, in that case the tribunal can order the controlling authority of that officer to take appropriate lawful measures against that person by identifying the work or negligence to be considered as inefficiency, or dishonesty.

(9) The magistrate or the tribunal can order the concerned authority to recruit another investigating officer in lieu of the delegated investigating officer by getting any prayer or in the basis of any information.

### **35. Accepting cognizable, others-**

(1) A tribunal will take cognizance of every offence that is punishable under the Act.

(2) Considering the sub-rule-(3), any person who is the main or directly accused for committing any offence which is punishable under the Act will not be allowed to get bail; if

- (a) The complaining party will not get the chance of hearing on the prayer of his freedom; and
- (b) the tribunal is pleased as there is enough reason to believe that he will be convicted against the complain.

(3) If the person stated in sub-rule-(2) is woman or child or physically sick or infirm, and the tribunal is pleased with the ground that the judgment will not be hampered in case of bail of that person; the tribunal can give him bail by recording the reason of this.

(4) Except the person stated in sub-rule-(2), any other person who is accused under this Act, the tribunal may give him bail by recording the reason of this, if tribunal is pleased with the ground that the bail will be rational.

## **Part-VII**

### **Judgment Procedure and Others**

#### **36. Judgment procedure-**

- (1) The judgment under the Act shall be conducted only by the tribunal formed under the Act.
- (2) The tribunal will continue hearing in every working day until it ends.
- (3) The tribunal will complete the judgment within 180 (one hundred eight) days from the date of getting the case.
- (4) The tribunal can give bail to the defendant of the case if it cannot complete the judgment within the time stated in sub-rule-(3) and if the bail is not allowed to the defendant, the tribunal will record the reason of not giving the bail.
- (5) If the judge of any tribunal is transferred before the completion of a trial, the next judge may continue the trial from the point his earlier judge left and there is no need to take witness of the person who already give witness to the earlier judge.

But it has to be noted that if any judge think that there is a much necessity to take the witness of a person for the second time, he can call on that person and take the witness.

- (6) The tribunal can operate the trial in camera under this Act of the prayer of a person or under its own consideration.
- (7) If any child is accused to commit any crime under this act or witness of that crime, in such cases the provisions of Child Act, 2013 (24 no act of 2013) has to be followed as much as possible.
- (8) In case of ordering to keep a person in security custody, the magistrate or tribunal must receive and consider that person's opinion for the betterment and keeping his interest.

#### **37. Judgment in the absence of accused person.-**

- (1) If the tribunal has reasonable grounds to believe that
  - (a) accused person is fugitive or taking measures to avoid arrest or judgment; and
  - (b) if there is no possibility of the arrest of that person soon, the tribunal shall published the order in at least one Bangla and one English widely circulated national daily newspaper with an order to be present before the tribunal within stipulated time, no more than 30 days and if the accused person fails to be present, the tribunal can start judgment in the absence of that person.

(2) after attending before the tribunal or after presenting him before the tribunal or after getting bail from the tribunal if any accused person becomes fugitive, in that case sub rule-(1) will not be applicable and the tribunal, after recording the reasons, can complete judgment in the absence of that person.

### **38. The power of taking statement in any place by the magistrate.**

(1) Any Investigating police officer or any other investigating person of any crime under this act or during the arrest of a criminal at the place of crime if any police officer thinks that a statement should be written without delay by a magistrate from any person who knows well about the event or witness of the event for the sake of quick judgment of the crime, then he may request in written a first class magistrate or any other way to record the statement of that person.

(2) The magistrate, stated in sub rule (1), will record the statement of that person at the place of event or at any other appropriate place and will add that recorded statement to the investigation report and will send it directly to the investigating officer or person to submit before the tribunal.

(3) If Judgment of a person accused of a crime stated in sub rule (1) starts in a tribunal and if it is seen that a person's witness who has given statement under sub rule (2) is necessary, but he has passed away or he is unable to be witness or it is not possible to find him or to present him before the tribunal it will incur such delay, expense or disadvantages which are not desirable in that circumstances, then the tribunal can receive that statement as witness in that case. But it has to be noted that tribunal cannot punish the accused person only on the basis of that witness.

### **39. The witness of chemical examiner, blood examiner etc.-**

After submission of report by examining any matter during the investigation of any offense under this act by any doctor, chemical examiner, assistant chemical examiner, blood examiner, handwriting expert, fingerprint expert. weapons expert, or other relevant expert appointed by government and if during judgment his witness becomes necessary, but he has passed away or he is unable to be witness or it is impossible to find him out or trying to present him before the tribunal will incur such delay, expense or disadvantages which are not desirable in that circumstances, then the examination report with his signature can be treated as witness during the judgment under this act case.

But it has to be noted that tribunal cannot punish the accused person only on the basis of that report.

### **40. Presence of witness.-**

(1) To effect the summon or warrant for the trial under this Act, the summon or warrant has to be sent to the local police station of the last recorded address of the defendant and the responsibility of presenting the defendant to the tribunal is delegated to the officer in charge of the said police station.

(2) Even though the rules under sub-section-(1), one copy of the summon can be sent to the concerned witness and District Police Super, or as in the case the Police Commissioner with the acknowledgement receipt through registered mail service.

(3) If there is any negligence made by the Police Officer willfully to effect the summon or warrant under this rule, the tribunal can order the controlling authority of that Police Officer to take measures against him by identifying it as the inefficiency.

#### **41. Implementation of Criminal Laws, others –**

(1) if otherwise not stated under this Act, the rules of Criminal Laws will be applicable for the complain, investigation, trial and disposal, and the tribunal will be considered as session court, and the tribunal can exert the power of session court to trial any offence under this Act or any other same kind of offence.

(2) The person will be considered as public prosecutor who administers the case for the complainant in this tribunal.

#### **42. Anti terrorism tribunal –**

(1) There will be a tribunal in every district for trial under the offence committing under this Act. The said tribunal will be termed as Anti terrorism tribunal.

(2) The tribunal will be formed with 1 (one) judge.

(3) The Government can recruit any district and session judge, or additional district and session judge as the judge of this tribunal in addition to his/her own duty.

(4) Under sub-section-(3), district judge and session judge reflects the additional district judge and additional session judge.

#### **43. Jurisdiction/Authority of the Tribunal –**

(1) The tribunal will not accept any cognizance without the written report of the police officer not lower than the rank of Sub-Inspector, or the delegated person by any general or special order made by the Government.

(2) If any complainant remain abortive by making request of taking a complain to any Police officer or any person under sub-section-(1), and the complainant may complain to the tribunal with affidavit; the tribunal may examine the complainant-

(a) if the tribunal is satisfied with the complain, he can order the Magistrate or any other person for inquiry, and the delegated person for the inquiry will submit a report within 7 (seven) days after inquiry.

(b) if the tribunal is not satisfied with the complain, he will reject it.

(3) If the tribunal is satisfied as after receiving of report under sub-section-(2) –

- (a) If complainant/petitioner has failed by requesting any police officer or a person who has the authority under the sub rule (1) to make receiving a complain of an offense and there is some primary proof in support of that complain, then the tribunal on the basis of that report and complain can start the judgment of that offense;
- (b) If it is not established that complainant/petitioner has failed by requesting any police officer or a person who has the authority under the sub rule (1) to make receiving a complain of an offense and there is no primary proof in support of that complain, then the tribunal can decline that offense;

(4) Though under sub rule (1) and (2) there is no recommendation in the submitted report to take action against a complain of engaging in an offense, the tribunal if feels necessary to ensure justice, by stating the reason, may take cognizance of that person's offense for the judgment.

(5) The offence or part of the offence committed in the place under the jurisdiction of the tribunal, or the offender is found there of, or in case of more than one offenders, anyone is found there of; the place or under the jurisdiction of the tribunal, the report or complain can be made to the said tribunal, and this tribunal will adjudge the said offence.

(6) If any other offense is related to an offense under this act in such way that to ensure justice the judgment of both offenses should be done together or in one case, the judgment of other offense can be done together with the offense under this act or in the same tribunal by following the rules of this act.

#### **44. Appeal-**

Any party that is offended by the order, judgment or verdict made by the tribunal can make an appeal within the 60 (sixty) days from the date of order, judgment or verdict.