

ANTI-TERRORISM ACT

# New amendment can be used to assault free speech



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In an extraordinary turning point in Bangladesh's political history, the interim government has ordered a "temporary suspension" of the Awami League (AL), the country's oldest political party. The interim government amended the Anti-Terrorism Act, 2009 to authorise the temporary suspension of all activities of any entity, and this amendment provided the legal basis for AL's suspension. The move followed a resurgence of student-led protests after an attack on Hasnat Abdullah (a leader of the July uprising), which was blamed on AL supporters. Demands for tougher action against the AL intensified as political parties, student organisations, and pressure groups joined demonstrations calling for a ban on the party. The government claims the amendment was necessary to ensure accountability for the atrocities committed during those protests and to ensure national security. Yet, the implications of this sweeping expansion of state power are chilling for free speech and the right to protest for at least two deeply troubling reasons.

First, the state now has the power to "temporarily suspend" any entity that it believes is involved in terrorist activities in addition to its earlier power to "prohibit" an organisation under Section 18. The sweeping powers it had against a prohibited organisation (under Section 20) is now automatically extended to temporary suspended entities as well. These powers include shutting down their offices, blocking and freezing bank accounts and other assets, prohibiting members from leaving the country, confiscating their belongings, and prohibiting any public displays of support for the entities.

Therefore, the state can now paralyse a party or organisation immediately through the softer sounding process of "temporary suspension," without needing to "prohibit" it.

However, how temporary is a temporary suspension? We do not know because the amendment does not set any defined time limits, which means it can remain indefinite in practice, even if it is rhetorically called "temporary."

Second, and perhaps most chillingly, the amendment drastically expands the state's powers to prohibit actions in support of the prohibited/suspended entity under Section 20(e), which now stipulates, "The publication or printing of any press statement, or any kind of promotion through mass media, online, social media platforms, or any other means, or organising or participating in any procession, meeting, gathering, or press conference in favour of, on behalf of, or in support of the said entity shall be prohibited."

This prohibition must be read with Section 9 of the act, which criminalises those who support a prohibited entity with up to seven years of imprisonment and fine. Essentially, if anything anyone says or does can be interpreted as being in support of even a temporarily suspended entity, then it appears they may be punished with up to seven years of imprisonment.

Now, of course, anyone supporting an organisation credibly suspected of promoting terrorism should be stopped. However, the worry is that the wording in both the original Anti-Terrorism Act and the amendments just made to it are so broad and vague that there is nothing in the law to prevent repressive provisions such as 20(e) from potentially covering the conduct of not only all members of a temporarily suspended entity itself, but also journalists, activists, and ordinary citizens whose dissent (even on social media) might be interpreted as being "in support" of the entity.

The Anti-Terrorism Act, 2009 was one of the first draconian laws introduced by the AL government to test the boundaries of state power after taking office. It granted sweeping punitive powers under the banner of counterterrorism and set the template for later repressive laws justified in the name of fighting propaganda (Digital Security Act, 2018), drugs (Narcotics Act, 2018), and other perceived threats.

While we may have every faith that a government we trust will only use such powers against those who pose a real terrorist threat, the point is that the law is broad enough for the reverse to be true as well. And draconian laws have a tendency to outlast both trustworthy and untrustworthy governments. So, I trust clear legal limits more than I trust any government with unchecked powers. The real question is not what one hopes a repressive law will be used for, but what it has the inbuilt potential to be used for.

Aside from the threats to free speech and right to protest outlined above, the decision to temporarily suspend the AL under the Anti-Terrorism Act sets an extremely dangerous precedent for other reasons as well. When a party, like the AL, has perpetrated widespread human rights violations, the correct course of action is electoral rejection and individual legal accountability for their unlawful acts, not pre-emptive and blanket suspension under the pretext of national security, a justification that can and has too often served as a blunt instrument for erasing political opposition.

The claim that AL should be banned because, as a governing party, it ordered killings and human rights violations,

and many within the party carried them out, nevertheless constitutes collective punishment despite having intuitive appeal. Collective sanctions directly violate the foundational principle of individual criminal responsibility under both international human rights law and international criminal law, which protect against guilt by association and demand that punishment be based solely on proven individual culpability

vital role in Bangladesh's democratic history, but respecting their courage does not mean endorsing blanket party bans that risk undermining the very legacy of the revolution for which so many students gave their blood, and that could dangerously destabilise the democratic order they fought to build. The irony is inescapable: the very fundamental human rights to freedom of expression and assembly which student activists were

less restrictive means have been demonstrably insufficient.

Finally, the argument that legal accountability must precede political participation falsely assumes that banning an entire party is the best route to ensuring legal accountability of its members facing trial. In fact, global experience suggests the opposite: exclusion fuels grievances, delegitimises transitions, and often leads to further cycles



VISUAL: SALMAN SAKIB SHAHRYAR

before an independent tribunal. Historically, collective punishment has not been an effective tool to end cycles of violence; rather, it has institutionalised revenge politics as governance strategy, normalising authoritarian restrictions on fundamental freedoms and stripping transitional justice of legitimacy.

Any comparison to transitional justice mechanisms in post-apartheid South Africa, post-conflict Liberia, and Bosnia is misapplied. These contexts involved extraordinary circumstances: genocide, ethnic cleansing, or civil war. Bangladesh's current situation, though severe, does not equate to those legally defined thresholds of mass atrocity requiring radical party dissolution. Even in those cases, restrictions on political participation were applied narrowly and temporarily, with clear international oversight and often as part of negotiated settlements. No comparable consensus, legal determination, or process has occurred in Bangladesh to trigger that exceptional threshold. Moreover, post-conflict frameworks such as the South African TRC were specific to their contexts and never intended as universal templates for banning parties in transitional democracies struggling with authoritarian relapse.

Student movements have indeed played a

brutally punished for exercising in the July uprising—and which the AL government violently sought to suppress—are now again at risk through this indiscriminate measure. Under the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, such a restriction requires rigorous deliberation for legality, necessity, and proportionality, in order to ensure that blanket prohibitions are an absolute last resort.

Instead of imposing a blanket ban, the Bangladesh government could have ensured the security of July movement activists, plaintiffs, and witnesses through targeted and rights-respecting measures consistent with the ICCPR. These include prosecuting individual AL leaders who are legitimately accused of violations, imposing targeted restrictions on violent factions rather than the entire party, regulating specific activities posing risks, deploying impartial security forces, and promoting political dialogue to prevent violence. Each of these alternatives would address legitimate security concerns while minimising infringements on the freedoms of association, expression, and political participation. A blanket ban is the most extreme form of restriction and, under international law, permissible only when such

of instability. Transitional justice scholarship warns precisely against the temptation to use structural guilt to dissolve political opposition wholesale. The burden must always remain on proving individual responsibility, not collective organisational guilt.

Banning a major political party with an entrenched history and well-established voter base risks transforming an already wounded democracy into a vengeful exclusionary system, creating martyrs out of perpetrators and further polarising an already fractured society. True democratic renewal requires dismantling the apparatus of repression while maintaining the principle of political pluralism, without which no democratic rebirth can sustainably take root.

The use of the Anti-Terrorism Act to justify the ban on the AL exposes the perverse circularity of revenge politics in Bangladesh. The same repressive legislation that the AL once crafted to crush its political opponents under the banner of fighting terrorism is now being used against it with renewed zeal.

Yet, as philosopher and civil rights activist Audre Lorde warned, "The master's tools will never dismantle the master's house. They may allow us to temporarily beat him at his own game, but they will never enable us to bring about genuine change."

## Finding the men in pink



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RAFFAT BINTE RASHID

I follow a food vlogger, and in one of her posts, which was not food-related, she mentioned something in line with men wearing pink. It hit a chord in me, although I was not thinking about fashion because at that time my head was full of thoughts like "men in pink and women in blue."

The colours for me spoke about breaking prescribed gender roles. I was toying with the stereotypes about masculinity and femininity. Things like what a man should do and how a woman should behave, how their roles are all dictated, etc.

The stereotypes of men as the sole breadwinners and protectors, and women as only caregivers and homemakers, were not going well with my emotional resonance. There is nothing wrong with men being supportive of their female counterparts. If they respect each other's position in the social milieu of how they live, think, and act, the question of dominance does not arise.

But it is undeniable that traditional power structures keep women as subordinates, and men want it to stay that way.

### We detest women

The blatant public displeasure for women who are unafraid to challenge societal norms, the outcry and resistance against any effort to promote women's rights, is downright unacceptable. The fiasco regarding the proposed recommendations made by the

Women's Affairs Reform Commission in Bangladesh, followed by the almost unanimous reaction or consensus of both men and women in certain strata of our society towards this resistance, has been quite a shock for me.

Agreeing with me, Srijon Shaikat, a young man studying at the Independent University, says, "Beating a woman effigy like a piñata is not a protest, it is equivalent to symbolic violence. As a 23-year-old student, I refuse to accept a narrative where women are told to stay indoors while men police public space. This is not faith; it is fear of female agency. The world is watching, and moments like this only push us further into the shadows of extremism. Bangladesh deserves better."

"It is interesting that many of these people appear to be reacting without even fully understanding or engaging with the content of the commission's recommendations. Their opposition seems rooted more in fear and misinformation than in informed critique," thinks Monjun Nahar, a gender expert and acting head of Partnership and Fund Raising at Marie Stopes Bangladesh.

A fellow journalist also has similar views: "Any society needs to have the liberty to choose and decide without coercion. Videos of demeaning women will incite people with little knowledge of the topic to harm women. This tutors and instigates men to be ruthlessly aggressive towards women. This cannot be

the teachings of moral righteousness. People will treat these incidents as free passes to look down on women and cause harm."

This expression of disgust by them made me happy to know that there are men in pink or men who support women's rights.

Nahar thinks that these groups who have made such vitriolic statements against women often interpret gender equality initiatives as a direct threat to their control over societal norms, especially those that define and

society at large," explains Sirajul Hossain, a social researcher and managing director at Cybernetic Systems Ltd.

It stems from a very critical and internalised misogyny where the mother has subconsciously adopted and applied sexist beliefs and stereotypes learned from society onto themselves, other women, and her children.

"Women who fall victims to internalised misogyny are now minimising the value of

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restrict women's roles. Their response reflects a deeper anxiety about losing authority and influence over public discourse and private life, particularly regarding women's autonomy, rights, and access to resources and decision-making power.

### Inbuilt misogyny

The beating of a woman's effigy simply displayed a perverted hatred towards women, and strangely, women too are hating on women.

Our societal culture declares progressive, smart, independent, successful, and bold women and young girls as "bad."

"Stereotyping of women as 'good girl' and 'bad girl' is planted in both our sons' and daughters' minds from a very young age, initially by their mothers and then by the

women, mistrusting women, and believing gender bias in favour of their male child. She portrays a picture of good and bad girls from her sense of prejudice and influences her son to find a good wife who would protect the family. And the men, on the other hand, have taken it as their moral responsibility to punish the bad girls," Hossain continues.

### Looking for moderate perceptions

Monjun Nahar believes that the first impact of such violence is on women and girls, who feel increasingly helpless and vulnerable. This pervasive sense of insecurity has severely restricted their mobility, especially after sunset, she adds, as they are afraid to leave their homes. The culture of fear is becoming deeply embedded, creating significant constraints on their ability to lead normal,

dignified lives.

"In such an environment, women's access to education, employment, and health services is also being compromised. Their participation in public life will shrink, and their voices will be silenced. This atmosphere not only violates basic human rights but also reinforces harmful gender norms and deepens social inequalities."

She also points out that the commission has proposed several critical aspects of women's development regarding property rights, access to healthcare, and participation in economic activities, which are essential for women's empowerment.

Nahar suggested a principled stand, confirming our commitment to non-discrimination and not capitulating to regressive pressures, especially when they contradict the values of equality and justice.

Bangladesh is a signatory to international human rights conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Dismantling any commission dedicated to women's rights would violate these obligations, says Nahar. Not to mention that it will tarnish the country's international image as a development success story with notable gains in gender equality.

I feel my city Dhaka's society at large has always been liberal, accommodating, and courteous; outright hatred is not something Dhaka people carry with them. Generally, the core of Dhaka is moderate groups of people practising their own beliefs. Moderate perceptions, I believe, are denouncing extremist violence, be it political, religious, or social.

I strongly believe that most of the residents of my city have risen above rigid patriarchal norms. I need to find Dhaka's men in pink and women in blue. I know they are out there.