

US Supreme Court rejects war powers challenge to Bush

AP, Washington

A divided US Supreme Court yesterday rejected an appeal from Jose Padilla, held as an enemy combatant without traditional legal rights for more than three years, sidestepping a challenge to Bush administration wartime detention powers.

Padilla was moved in January to Miami to face criminal charges, and the government argued that the appeal over his indefinite detention was now pointless.

Three justices said the court should have agreed to take up the case anyway: Justices David H. Souter, Ruth Bader Ginsburg and Stephen Breyer.

And three other court members, including Chief Justice John Roberts, said that they would be watching to ensure Padilla receives the protections "guaranteed to all federal criminal defendants."

An appeals court panel had all but called for the high court to deal with the case, saying it was troubled by the Bush administration's change in legal strategy—it brought criminal charges only after it looked like the Supreme Court was going to step in.

Justices first considered in 2004 whether Padilla's constitutional rights were violated when he was detained as an "enemy combatant" without charges and access to a lawyer, traditional legal rights. Justices dodged a decision on technical grounds. In a dissent Justice John Paul Stevens said then that "at stake in this case is nothing less than the essence of a free society."

Justices are reviewing a second case arising from the government pursuit of terrorists, an appeal by a foreign terrorist suspect facing a military commission on war crimes charges at Guantanamo Bay, Cuba. Arguments were last week.

Padilla's case was different. It asked the court to clarify how far the government can go when its hunt for terrorists leads to Americans in this country.

Based on the vote breakdown, it appears the court would have agreed to hear the appeal had Padilla not been charged.

"In light of the previous changes in his custody status and the fact that nearly four years have passed since he first was detained, Padilla, it must be acknowledged, has a continuing concern that his status might be altered again," Justice

Anthony M. Kennedy wrote for himself, Stevens and Roberts. "That concern, however, can be addressed if the necessity arises."

Padilla, a former Chicago gang member and a convert to Islam, was arrested in 2002 after a trip to Pakistan. The government alleged at the time that he was part of a plot to detonate a radiological "dirty bomb" in the United States.

The Bush administration has maintained since 2002 that it had the power to detain him without charges. However, in an abrupt change in strategy, the government late last year brought criminal charges against Padilla. His appeal was pending at the Supreme Court at the time.

The charges do not match the long-standing allegations that Padilla sought to blow up apartment buildings. Instead, he was charged with being part of a North American terrorism cell that raised funds and recruited fighters to wage violent jihad outside the United States.

The strategy shift angered a panel of 4th US Circuit Court of Appeals in Richmond, Va., which had ruled last September that Padilla's constitutional rights had not been violated by his detention.

Judge J. Michael Luttig, a conservative who was named to the bench by President Bush's father, wrote in a decision late last year that the administration's actions left the impression that Padilla had been held in military custody "by mistake."

Ginsburg said Monday that although Padilla is charged in civilian court "nothing prevents the executive (branch) from returning to the road it earlier constructed and defended."

"This case, here for the second time, raises a question 'of profound importance to the nation,'" she wrote.

Padilla pleaded innocent in Florida to the criminal charges and is scheduled to be put on trial this fall. A federal judge refused to set bail for Padilla after a prosecutor said he had a history of arrests and convictions for violent crimes -- including murder as a juvenile.

Local firm

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Masud Reza in a letter to the government also sought army deployment during the underground construction.

Army deployment is required for controlling and diverting traffic, providing necessary security and handling the utility lines of Wasa, Desa, T&T and Titag gas along the proposed metro lines, he said.

"Army engineering corps will be used to maintain high quality of the work. Besides, in the country only the army has necessary equipment and full capability to provide logistics support in a mega project like the Dhaka subway," Masud said.

He said the army can set up field laboratories, provide full-time supervision during the construction work along with the local and foreign consultants and help maintain the environmental codes.

The Contech will pay due rent for using army construction equipment and other facilities under the supervision of Sena Kalyan Sangstha, he added.

The company submitted a revised proposal following a request from the government and is now waiting for a Letter of Intent for undertaking the construction work, sources said.

The company, which got assurances from donor agencies of long-term soft loan for setting up the 52-kilometre metro rail, proposed constructing the subway at a cost of Tk 5,200 crore without any financial involvement of the government.

The company proposed to set up six major routes in Dhaka in three years and handover the system to the government after 20 years of operation. The company also committed to keep the fares in the subway lower than those in surface transport system.

Meanwhile, the government is actively considering formation of an independent metro railway authority for supervising the work of the underground rail system in private sector.

Thaksin claims

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uncontested seats.

ECONOMIC IMPACT Nationwide tallies trickled out at a snail's pace throughout the day, but results for Bangkok delivered an early blow to the Thaksin, a telecoms billionaire, showing TRT had lost to the abstentions vote by 50.1 percent to 45.9.

A year ago, it won 32 constituencies in the capital.

The political crisis has taken its toll on the economy, paralysing business decision-making and sapping the stock market, Southeast Asia's worst performer of the year.

Bangkok's bourse did rise slightly as foreign investors saw a chance to buy cheaply, but the baht inched lower as the lack of a clear resolution emerged and Thaksin hinted his acceptance might snap if street protesters failed to accept the results.

"It's time to bring law and order," he told reporters after voting with his children, whose tax-free \$1.9 billion sale of the telecoms empire he founded galvanized the street campaign in January.

There was no immediate response to Thaksin's promise of an eminent persons group from the opposition parties or from the leaders of a street campaign which has wearied many Bangkok residents with its constant protests.

Analysts say a post-election break before street protests are due to resume on Friday could provide a cooling-off period for talks between Thaksin and his opponents, an ad hoc coalition called the People's Alliance for Democracy.

Some voters in Bangkok disagreed. "Most people don't trust elections any more," said businessman Ponganan Limpirajkul, 32. "I think there will be more protests. More people will come out to join the protests and they could become more emotional."

Bangladesh

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failed to utilize the advantage as the footballers, perhaps over-confident after Guam's massive 11-0 defeat in the opener, were trying to go for individual glory.

The hosts piled on tremendous pressure from the start but Guam defended doggedly with an eight-pack backline as a green tide swelled near their bar.

The Bangladeshi attack drew early blood when overlapping fullback Siraji cut a low cross to Abul in the eighth minute. But the midfielder's angular drive was parried by Guam custodian Brett Maluwelmeng's legwork and a lurking Emily shot the rebound into the sideneeting.

Siraji then let fly a right-footer in the 13th minute but the ball whistled past Maluwelmeng's upright before Emily and Alfaz blew chances over the post inside from the box. In the first-half injury time, Abul committed an unpardonable mistake when the midfielder kicked the ball into the defensive wall of Maluwelmeng from just two yards.

The coach's briefing must have worked during half-time as Bangladesh came out with a certain plan of holding the ball and it paid dividend four minutes later. Emily exchanged a nice pass with Alfaz on the edge of the penalty area and dribbled past two defenders before placing an angular shot into the far post.

Rajani headed a corner onto the crossbar in the 64th minute while Maluwelmeng's brilliant saves on efforts by Monwar and substitute Topu kept Bangladesh at bay.

The pressure told seven minutes from time when Abul tapped the ball in from a goalmouth melee. Two minutes later, he was at the right place during a corner to drill the ball into the back of the net through a forest of legs after Rajani's header on a Parvez Babu corner was saved from the goaline.

Home ministry

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and their trade licenses, tax identification numbers and business identification numbers are also false.

"The offices of two of the companies Messrs MM Enterprise and Green Heaven Enterprise could not be found during the course of investigation," said the report. "Most of the companies are owned by employees of the BD Foods Limited," the report added.

The narcotics department sources said, after unearthing income tax certificates from Motijheel Value Added Tax Office and trade licenses from Dhaka City Corporation, the investigators confirmed that one Shamsul Arefin is the owner of Jamil International and Messrs Emdad Trading.

The companies had also been using false tax identification and business identification numbers. The UK customs and excise (C&E) department requested Bangladesh to carry out an investigation in May last year.

A report was published in The Daily Star on July 12, 2005 after the Customs Intelligence and Investigation Department (CIID) of Bangladesh started to probe the incident.

The UK C&E department in a letter sent through the British deputy high commissioner in Mumbai on May 20 asked the Directorate of Customs Intelligence and Investigation (DCII) of Bangladesh to probe the drug trafficking ring.

According to the letter signed by Simon Sutcliffe, an official of the British mission, Green Heaven Enterprise of 64, BK Dash Road, Sutrapore, Emdad Trading of 195/1, Fakirapool and Jamil International of 190, Fakirapool, Dhaka sent the drugs by three

manifested shipments of floor tiles, beauty products and foodstuff. The shipments reached Britain on February 14, March 3, and April 17 last year.

Customs Intelligence and Investigation Department, the National Board of Revenue, Department of Narcotics Control, and Bangladesh Bank also took initiatives to take legal actions against the suspected firm for its alleged involvement in exporting 75.5kg contraband heroin in three consignments to the United Kingdom.

Iran

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On Friday, Iran announced it had successfully test-fired a new missile capable of avoiding radar detection and striking a number of targets simultaneously.

The new weapons were tested during a week-long military exercises in the Gulf.

Iran already has medium-range Shahab-3 missiles with a range of 2,000km, putting arch-enemy Israel and US bases in the Middle East within reach.

Thousands of Iranian troops are conducting war games in the Gulf to prepare the country's armed forces for warding off "threats" amid increasing tensions with the West over Tehran's nuclear programme.

The manoeuvres are to involve the Revolutionary Guards Corps navy and air force, Iran's regular army and navy, the volunteer Basij militia, and the Iranian police.

They are set to run from March 31 to April 6 in the Persian Gulf and Sea of Oman.

4 US soldiers killed in Iraq

AP, Baghdad

Four American troops were killed by hostile fire in the volatile Anbar province, the military said yesterday, the largest number of American deaths in a single attack in more than a month.

The three Marines and one sailor died Sunday, raising to nine the number of US troops who died this weekend. At least 2,337 American service members have been killed since the Iraq war started in March 2003, according to an Associated Press count.

The US military statement did not provide more details about the deaths of the US troops in Anbar. It was the largest number of Americans killed in an attack since Feb 22, when four soldiers were killed by a roadside bomb near Hawjia, 150 miles north of Baghdad.

The US military also said two American pilots were killed Saturday when their Apache helicopter crashed during combat operations southwest of Baghdad, adding that the aircraft was probably shot down.

Two soldiers also were killed by a roadside bomb late Saturday in central Baghdad and another died of non-hostile related injuries suffered the same day near the northern city of Kirkuk, according to the US command.

Judicial probe

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Shanta on Road No 27 in Dhanmondi during a protest programme by the 14-party opposition alliance on March 12.

On March 14, Shanta filed a case with the Court of Chief Metropolitan Magistrate (CMM), Dhaka against two deputy commissioners of police, a constable and 14 other unnamed policemen and policewomen. The inspector general of police is investigating the case.

Shanta filed a case under Women and Children Repression Prevention Act with the First Special Tribunal for Prevention of Women and Children Repression, Dhaka on March 19 where she also accused the same policemen of attempting to violate her. The court ordered a judicial probe into her allegation the same day.

The witnesses did not give any statement about sexual harassment of Shanta, the report said.

Police charged batons to control an unlawful assembly that day and taking her for a picket, put excessive force on her that should not have been done, it said.

A prior permission of the government is needed to take the allegations against the accused into cognisance, said the magistrate.

The Fourth Special Tribunal for Prevention of Women and Children Repression, Dhaka will hear to decide whether the charges can be taken into cognisance.

500 trucks

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Barapukuria power plant, Hilli landport, Biral landport, and other organisations also did not operate their trucks or oil tankers.

On March 25 at a news briefing in Dinajpur Press Club, Dinajpur Truck Owners Association announced a 10-point charter of demands and gave a seven-day deadline to the authorities concerned to take effective measures against random hijacking of goods laden trucks. The deadline ended on Sunday.

At the briefing the truck owners alleged that the transport industry of greater Dinajpur is facing severe threat due to frequent hijacking of vehicles. At least 15 goods laden trucks have been hijacked in the last three years, most of which have yet to be recovered. The hijackers also killed at least four truck drivers and helpers during the period, they said.

Shaidul Islam, president of Dinajpur Truck Owners Association also warned the authorities concerned of a greater movement if their demands were not met.

Dinajpur police recovered one of the hijacked trucks along with decomposed bodies of a driver and a helper from Birganj upazila on March 26. The truck was hijacked on March 24, police sources said. The police have yet to arrest anyone in this connection.

Hamidur Rahman, officer-in-charge of Dinajpur police station said they are trying hard to recover the missing trucks.

Recover lands

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including MPs lobby in favour of the grabbers.

The minister reminded them of the prime minister's directive to bring under justice whoever is involved in land grabbing.

About 1 lakh and 57 thousand acres of land is learnt to be illegally occupied in the country. Some very influential land grabbers occupy a large area of forest ministry land in Gazipur and Mymensingh districts.

The minister also asked the DCs to prevent cutting of hills, re-emergence of polythene and unauthorised setting up of brick kilns.

DCS FOR CHARGE OF FERTILISER DISTRIBUTION

The DCs recommended that the responsibility of distributing fertiliser be given to them instead of the local MPs.

It will help to solve the problem of distribution, the DCs told Agriculture Minister MK Anwar yesterday.

Several DCs suggested engaging new dealers up to the union level for better distribution of fertiliser.

EXECUTIVE PROBE INTO POLICE 'ENCOUNTER'

State Minister for Home Lutfuzzaman Babar asked the DCs to send executive probe reports into the 'encounter' incidents as soon as possible.

He also asked the DCs to campaign for public awareness concerning the deadly bird flu.

Saarc finance

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The official on condition of anonymity said the Indian finance minister, who hails from Sivaganga in Tamil Nadu, will be busy in election campaigns and the nomination filing coincide with the Islamabad meet.

The Saarc finance ministers' meet in Islamabad on April 14-15 was due to finalise the modalities and mechanism for spending and contributing to different funds, including the South Asia Development Fund (SADF), Saarc Development Fund (SDF) and Saarc Poverty Alleviation Fund.

Fresh data of the Saarc finance ministers' meet will be announced later on.

The SDF will have different outlets, one of which will be Saarc Poverty Alleviation Fund. There is a proposal to raise \$300 million to undertake poverty alleviation and social development projects. India has already agreed to contribute \$100 million to the fund. The remaining \$200 million funds may be mobilised from within and beyond the region.

The official said the meetings of the Saarc Standing Committee on April 10-12 and the first meeting of Safta (South Asian Free Trade Area) Council of Ministers (SMC) on April 20 in Dhaka will proceed as scheduled.

The three-day meeting of Saarc Standing Committee, comprised of the foreign secretaries of member states, will explore ways and make recommendations on how to reorganise and strengthen Saarc and its secretariat further. It will also determine the terms and conditions for new membership and observer status of Saarc.

Ahead of the Saarc Standing

Committee meet, Saarc Programming Committee comprising senior officials of Saarc will meet on April 7-9 to work out the agenda for the foreign secretaries level talks.

While the first meeting of SMC in Dhaka will review and finalise the Safta implementation arrangements, the meeting will also review the progress towards the launching of trade liberalisation programme (TLP) under Safta with effect from July 1, 2006.

Commerce and trade ministers from the seven member countries -- Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka -- will attend the meeting.

Islamist group

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money for the acid victims. It had earlier called for hartal today but backed off from its position yesterday.

The group held a rally at Court Point area and brought out a procession yesterday denouncing the concert. Sylhet city unit of Khelafat Majlis, a partner of ruling BNP's coalition alliance Islami Oikya Jole, also held a meeting yesterday protesting the concert.

Acid Santrash Nirmul Committee, a local voluntary group that arranged the concert, however, plans to go ahead with the programme this afternoon.

The concert, earlier slated for February 28, was cancelled due to the opposition of local religious groups.

Singer Nages Kumar Biswasji and Mumtaz, and promising young artistes Beauty, Nolak, Rajib, Sonia and Rinku, among others, are scheduled to perform at today's concert.

Babar irked by slow

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conviction could be ensured.

"We're pursuing [the case] so that maximum punishment [of the accused] can be ensured and the verdicts work as deterrent to militant activities," Babar told reporters when asked about the sedition case filed against the militants.

The meeting discussed how to address the flaws in the investigation and complete the probe in the quickest possible time.

"We have sent a circular to the DCs (deputy commissioners) and SPs (superintendent of police) saying that the investigation officers will be liable for flaws in the investigation," said Babar.

The minister hoped that verdict on some major cases will come in two months.

Sources said the meeting asked the investigators to probe well into the role of the wives and women members of the militant leaders' families. "It is not logical that a militant's wife will have to face charge only because she is the wife of a militant," a police officer told The Daily Star after the meeting.

RAHMAN ON FRESH REMAND A Dhaka court yesterday granted 10-day remand for banned Jama'at ul Mujahideen Bangladesh (JMB) chief Abdur Rahman after showing him arrested in the case filed for last year's August 17 bomb blast near the Jatiya Press Club.

As Magistrate Shamsul Alam of the Chief Metropolitan Magistrate's (CMM) court asked whether he wished to appoint a lawyer or seek bail during the hearing on the remand petition, the JMB chief said he would not seek bail from an "earthly" court.

Earlier on March 23, Rahman made the same statement during hearing on a petition seeking his remand.

The Detective Branch (DB) of police accompanied by the members of Rapid Action Battalion (Rab) took Rahman to the CMM court amid tight security on expiry of his 10-day remand in the case filed for the August 17 explosion on the Supreme Court premises.

DB Inspector Shah Mohammad Moshir Rahman, also investigation officer (IO) of the case, submitted a petition for showing him arrested in the Jatiya Press Club blast case and sought a 10-day remand for interrogation.

Rahman was directly involved in the countrywide bomb blasts on August 17 last year, including the one near the Jatiya Press Club, the IO said in his forwarding report.

So he needs to be quizzed to find out vital information about the bombings and whereabouts of other JMB leaders and members, the IO added.

After the hearing, Magistrate Shamsul Alam granted the petition for showing Rahman arrested in the case and also granted the remand prayer.

Earlier, JMB military commander Ataur Rahman Sunny, operations commander of banned Harkatul Jihad Bangladesh chapter Mufti Abdul Hannan and JMB Gazipur regional commander Enayet Ullah were shown arrested in the case and placed on remand for interrogation.

SC issues contempt

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"The court had given the coalition government four years' time to carry out its directives but the government has misused the court's munificence. It has resorted to dilly-dallying and deceived the court, constitution and people, increasing gravity of the contempt charge," he said.

The six bureaucrats who have not been included in the contempt rule are former law secretaries Asaduzzaman and ATM Afzal Hossain Ahmed, former establishment secretary and incumbent Cabinet Secretary ASM Abdul Halim, Home Secretary and former establishment secretary Safar Raj Hossain, former establishment secretary Anwarul Bar Chowdhury, and former finance secretary Zakir Ahmed Khan.

The Supreme Court's directives to separate the judiciary came under the landmark judgement in the much-talked-about judiciary separation case on December 2, 1999.

Since then, successive governments had taken 22 time extensions for implementation of the court directives, but did little.

When asked whether the four [bureaucrats] will have to appear in person at the court to face the charge, Amir said the court did not say anything in this regard, though the petitioner had sought a direction to that effect.

Meanwhile, nine other bureaucrats, who already face contempt charge for distorting the SC judgement in the judiciary separation case, were at the court during the delivrance yesterday.

Rokanuddin Mahmud, M Enayetur Rahim, Tania Amir, Manzil Murshid, Tanjib-ul Alam, Moniruzzaman Asad, Sarah Hossain, Moyeen Firoz and Shamsul Alam Hasan assisted Dr Kamal Hossain and Amir-Ul Islam, Attorney General AJ Mohammad

DCs echoed BNP

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On power crisis, Prime Minister Khaleda Zia has repeatedly said the situation has improved a lot. Demand for power has increased over the years due to fast industrialisation and new connections across the country. For this, there is a little shortage of power at present, she claimed.

Khaleda also said prices of essentials are under control and within people's reach as their purchasing capacity has increased. Slight rise in the prices of some commodities is due to the global market situation.

She denied that there is any fertiliser crisis and blamed the opposition for creating an artificial crisis.

But in line with the grassroots leaders' views, some ruling BNP lawmakers on several occasions in parliament in February decided the price hike of essentials and power crisis.

Thousands of grassroots leaders of the BNP participated in the exchange of views in different areas of the country in February-March and in October last year, arranged by party Senior Joint Secretary General Tarique Rahman.

The government however repeatedly blasted the media for any crisis. Even when the BNP grassroots leaders blamed the government for the worsening situation in some sectors, several senior ministers lashed out at the media for this.

VOICE OF GRASSROOTS LEADERS

As many as 2,900 leaders of district, upazila and municipality units of the BNP in six divisions attended the October 15-16 meeting and Iftar party at the Prodhannomtri Bhavan in the capital last year.

"The price hike of essentials and shortage of power have badly affected people's lives in these last days of the government," said Taiyebur Rahman, president of Thakurgaon upazila BNP, participating in the discussion on October 15. "We will have to face a tough time in the next election if the situation does not improve," he continued amid clapping from fellow leaders from 36 districts of Rajshahi, Chittagong and Sylhet divisions.

General Secretary of Dinajpur district BNP Ashraf Alam said the villagers are experiencing an acute power crisis. "The government's achievements in rural electrification have been faded by the present crisis of power. The people are now blaming the government for this crisis."

Speaking at the second day's meeting, SM Gaznavi, general secretary of Borhanuddin upazila unit of the party, said the party leaders who did not get any benefits are now aggrieved and those who have been benefited in the last four years are 'acting cautiously'.

"Ministers will leave the country if the party fails to win the next election but we will have to stay home and face the adverse situation," Gaznavi said.

On the second day, BNP Standing Committee Member Chowdhury Tanvir Ahmed Siddiqui expressed similar views and criticised the ministers and party lawmakers who, he said, are keeping the field level workers at a distance.

"If the ministers and lawmakers eat up everything, what will be left for the other leaders and workers," Tanvir questioned amid clapping from the grassroots leaders.

At a party meeting in Rajshahi on February 9 last year, a local BNP leader blasted the government for price hike of diesel and fertiliser. "Prices of fertiliser and diesel are too high. Farmers blame the government for this," said Subodh Chandra Mandal, organising secretary of Bishnupur unit of the BNP in Naogaon.

"All credits for the developments made so far have been faded by the skyrocketing price of rice," said Tskrykul Islam, president of Jhilmun BNP unit in Chapainawabganj, at the meeting.

About farm subsidy, Abul Kalam Azad of Dighapara union unit in Natore told a party meeting on February 8 last year, "Farmers are not getting benefits of the government subsidy of Tk 600 crore." The meeting held at the district town was attended by 2,022 grassroots level leaders.

"Most of the electoral pledges of the party have not been implemented. We cannot reply to people's queries for this failure," Abdur Rafik, president of Kismatnagar union BNP unit in Rajshahi district, said at the February 9 meeting held at Rajshahi stadium, attended by 2,187 grassroots leaders.

Similar issues were raised at such party meetings in Chittagong, Sylhet, Comilla, Mymensingh, Khulna and other places.

Senior ministers present at the meetings however denied any crises and advised the grassroots level leaders to portray the government's development