Congressman McDermott's support for Mohiuddin

MASHUQUR RAHMAN

ON May 31, the US 9th Circuit Court of Appeals issued the mandate that ended convicted killer AKM Mohiuddin Ahmed's asylum appeals and made him deportable from the United States. However, the long saga has moved from the courts to the political arena after a congressman introduced a private bill to issue Mohiuddin a green card.

The rationale presented in the bill needs discussion both in the United States and Bangladesh; and it is time to explore whether the United States government should be actively sheltering a convicted murderer.

The Department of Homeland Security (DHS) was set to deport Mohiuddin to Bangladesh on or around June 2. However, Mohiuddin's lawyers managed to get a temporary stay of deportation from a lower court judge until Tuesday, June 5. A US District Court judge has scheduled a hearing for Tuesday June 5 to consider a stay of deportation.

The hearing will not reconsider the asylum case since the lower court does not have jurisdiction and cannot overrule the Court of Appeals decision. Mohiuddin's lawyers have, instead, asked the District Court to consider whether Mohiuddin could be deported while there was a private bill on his behalf pending in the US Congress.

On May 3, while the 9th Circuit Court of Appeals was still considering Mohiuddin's last petition, a Democratic congressman from Washington State, Jim McDermott, introduced a private bill in the US House Judiciary Committee on his behalf. A private bill is a rare legislative procedure in the United States used to pass a law that benefits only one person rather than a class of individuals.

Private bills are sometimes used in immigration cases by members of Congress to grant relief to individuals who, because of an unusual set of circumstances, may be facing deportation from the country. For example, they are sometimes used to give relief to family members who would otherwise be separated if one member were to be deported, causing severe hardship to the rest.

Private bills rarely become laws. To become a law, the bill must first be passed by the US House Judiciary Committee, then by the US House of Representatives, then by the US Senate, and finally must be signed into law by the president of the United States.

The private bill introduced by congressman McDermott, known as H.R. 2181, aims to help Mohiuddin in a number of ways. First, it aims to stay the deportation order against him indefinitely. Second, it aims to release him from custody and bars the DHS from deporting him to Bangladesh, or to any country that has an extradition treaty with Bangladesh.

Third, it aims to grant a green card to Mohiuddin, which would allow him to get preferential treatment before all other green card applicants from Bangladesh. It also aims to grant him the card by reducing the number of green cards available to other Bangladeshis by one. Finally, it states that Mohiuddin will be allowed to seek asylum in any foreign country of his choosing.

Congressman McDermott's bill also makes some extraordinary "findings." The bill claims that Mohiuddin is an "innocent Bangladeshi citizen." It also claims that the Bangladesh court "erroneously convicted Mr. Ahmed of murder and sentenced him to death." It further claims that the trial and conviction are "sufficiently suspect as to warrant the immediate intervention" by the US government to prevent his deportation.

However, the claims in the bill directly contradict the ruling of the 9th Circuit Court of Appeals. In its decision denying Mohiuddin's petition the court wrote: "Ahmed failed to prove by a preponderance of the evidence that his *in absentia* murder trial and conviction in Bangladesh was fundamentally unfair and, thus, deprived him of due process of law. Therefore, the IJ properly relied on the conviction." Mohiuddin failed to convince the US court that his trial was unfair.

The court did not find that Mohiuddin was "erroneously convicted," or that the trial was "sufficiently suspect." It felt that it was proper to rely on the conviction in the Bangladeshi court.

Therefore, the congressman's claim that Mohiuddin is an "innocent Bangladeshi citizen" is not supported by the facts, and is also not something that Mohiuddin was able to convince any court of.

Furthermore, the US State Department has stated that Mohiuddin"s trial -- a high profile trial observed by the world community and human rights organizations -- followed due process.

The bill also claims that Mohiuddin was merely manning a roadblock on August 15, 1975, and that he "had no knowledge of, nor did he support, the violent coup that erupted that night."

Again, this claim in the bill directly contradicts the 9th Circuit's ruling. In the ruling the court wrote: "Ahmed is ineligible for asylum and withholding of removal for two reasons:
- Because he engaged in terrorist activity,
- Because he assisted or otherwise participated in the persecution of others on account of their political opinion. Even his own account of his actions established that he assisted or otherwise participated in the persecution of persons on account of their political opinion."

Perhaps the most inexplicable part of the bill is its reference to the Indemnity Act. The bill states "…when Sheikh Hasina Wajed, daughter of the assassinated prime minister, came to power, and then broke her promise to respect the Bangladeshi constitutional amendment which provided immunity to officers involved in the 1975 coup. Rather, Sheikh Hasina Wajed orchestrated the repeal of the constitutional amendment."

The congressman, in the bill, seems to be advocating immunity for the murderers of Bangabandhu Sheikh Mujibur Rahman and his family. It is difficult to understand why a US congressman would suggest that repealing of a grant of immunity to murderers of children and pregnant women should be called into question.

Congressman McDermott's bill is based on false or misleading information. It claims as facts the many arguments Mohiuddin and his supporters have been publicly making, but failed to prove them in US courts of law where facts and evidence count.

By introducing the private bill, congressman McDermott has staked his reputation on the word of a convicted murderer who has been found to engage in terrorist activity by US courts of law.

At a time when the United States is engaged in a global war on terror, a Congressional intervention on behalf of an individual deemed to have engaged in terrorist activity is an extraordinary step.

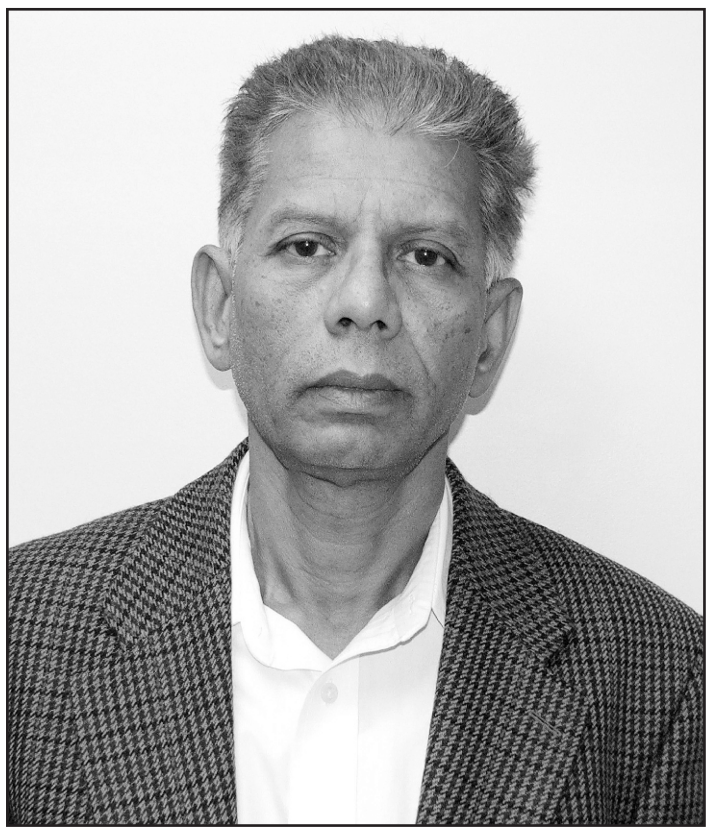
Given the political sensitivity of the bill, and its awkward position within the war on terror, it is highly unlikely that the bill will ever become law. However, for Mohiuddin to get a stay of deportation the bill does not have to become law.

If the House Immigration Subcommittee takes up the bill and requests a report from the US immigration authorities, it would result in a stay of deportation. All indications are that the Subcommittee has not taken up Mohiuddin's private bill -- if it had, a stay of deportation would have already occurred.

Without such action it will be an uphill battle for Mohiuddin's lawyers to convince the judge at Tuesday's hearing to order a stay of deportation. It is almost a certainty that the subcommittee chairwoman will be lobbied hard on behalf of Mohiuddin in the coming days.

Having lost his asylum bid in the US courts, Mohiuddin is now appealing to American politicians to continue to evade justice. American politicians, such as congressman Jim McDermott, are now confronted with a choice between the rule of law and the word of a convicted killer.

By introducing the private bill on behalf of Mohiuddin congressman McDermott may have bought Mohiuddin a few more days of evading justice. But at what cost?



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NOTES FROM HISTORY

1967 Six-Day War -- the reality and the aftermath

EDITORIAL DESK

FORTY years ago, in June 1967, a war erupted in the Middle East that was to leave politics in the region and in the wider world beyond it changed forever. The Six-Day War would humiliate Arabs in a way never seen before; and it would leave the state of Israel in possession of territory that far outstripped its original geography.

The rumblings of the 1967 war first began to be felt in the earlier part of the year, when a series of clashes occurred between Syrian and Israeli forces on the border between their two countries. By May, those rumblings had turned into portents of a serious crisis in the making. On May 15, Egyptian President Gamal Abdel Nasser declared a state of alert in his country and sent troops into the Sinai.

The next day, he appeared to take tougher action when he asked the commander of the United Nations Emergency Force (Unef) to withdraw a limited number of his troops so that Cairo could occupy certain positions between Sinai and Israel.

Later in the day, the Secretary General of the United Nations, U Thant, made it clear that Nasser's demand was not being accepted. Two days later, on May 18, incensed by the UN's response, Egypt's president called for a total withdrawal of Unef troops. The move signaled a clear deterioration of the crisis.

In a demonstration of toughness, President Nasser dispatched his troops to Sharm el Sheikh, which was easily occupied on May 21. Buoyed by his own action, Nasser closed the Gulf of Aqaba on May 22. The move was clearly aimed at preventing Israeli shipping from passing through the area.

The decision was swiftly condemned by US President Lyndon Johnson. A number of other western leaders adopted a similar position. Meanwhile, Israeli Foreign Minister Abba Eban, on a whirlwind tour of western capitals to acquaint governments with his country's growing concerns about its security, met French President Charles de Gaulle in Paris on May 25.

The French leader advised Eban that Israel ought not to fire the first bullet should the crisis lead to war. It was advice that would also come from President Johnson. Within Israel, former premier David Ben Gurion and others were already putting pressure on Prime Minister Levi Eshkol on the necessity of safeguarding the country's security.

Pressure was also brought to bear on the prime minister to induct General Moshe Dayan, a former war hero, into the cabinet as minister for defence. Dayan was appointed to the job, a clear sign that Israel was serious about self-protection.

In Cairo, President Nasser contributed to a further rise in the mercury level when he told a meeting of the Arab Trades Union Congress on May 26 that all Arabs were determined to destroy Israel. His remarks prompted worries even from his Soviet allies, who then tried to have him exercise restraint.

On May 30, King Hussein of Jordan initialled a defence deal with Nasser on joint strategy in a possible war. The move gave rise to new concerns in global capitals, to a point where American administration officials arranged to have Egypt's Vice President Zakaria Mohieddin come to Washington for talks.

On June 2, US Secretary of State Dean Rusk informed the Israeli government of such moves. On the same day, General Dayan argued that Israel had to strike its enemies without delay. On June 4, he called for a pre-emptive strike on Egypt and its allies.

Early in the morning on June 5, the government of Israel went into action. Israeli jet fighters flew into Egypt, catching Egyptian security unawares. The entire Egyptian air force was destroyed on the ground before anyone knew what was happening. In effect, Egypt lost the struggle on the first day of the war.

By June 8, Israel was in control of a huge area from the Gaza Strip to the Suez Canal to Sharm el Sheikh. A day earlier, on June 7, Jordan stood humiliated through seeing the Arab sector of Jerusalem, Jericho, Nablus and the West Bank of the Jordan river pass under Israeli control. By June 10, effectively the final day of the war, Israel was in control of the Golan Heights. The Syrian regime was left badly bleeding.

During the entirety of the Six-Day War, Israel lost a mere thousand men. In contrast, the Arabs saw more than 18,000 of their soldiers lose their lives. In the immediate aftermath of the war, President Nasser offered to quit his job, a gesture that was rejected by crowds marching in his support through the streets of Cairo.

Over the next few weeks and months, Egypt, Jordan and Syria went through deep agonizing over their colossal defeat at Israel's hands. In Cairo, a clear move appeared to be on to find a scapegoat behind the humiliation. It was Field Marshal Abdel Hakim Amer, Nasser's defence minister and nominal head of the armed forces, who paid the price.

The Egyptian authorities accused Amer of launching an abortive coup against Nasser days after the war. His plans coming unstuck, said Cairo, Amer committed suicide. To this day, reports persist of Amer actually being forced to take his own life.

More than one engine

RUCHIR SHARMA

SOMETIMES the most telling event is the one that did not happen. The lack of any global contagion from the US economy's weak growth path over the past year has confounded analysts conditioned to consider the United States as the sole engine of the world economy.

That continued single-minded obsession with the US economic trajectory has led many investors to prematurely bail on the bull run -- the sharp but short-lived sell-off triggered by convulsions in the US housing market earlier this year being a case in point.

For them, it was unimaginable that global growth could power ahead when the United States has been expanding at an annual rate of just 2 percent, as has been the case for the past five quarters.

But a new world order has been in the making, defined by China's growth surge and a European economic renaissance. At just under $3 trillion, the Chinese economy in nominal terms is still less than a quarter the size of the US economy. But with a pace of expansion now more than four times that of the United States, China is incrementally adding more to global growth than the US is.

The even bigger surprise is the German-led revival of Europe's economy. Last year the euro zone grew by 2.6 percent, spurred by a 3 percent rise in Germany. An intense focus on increasing productivity has helped Germany's export sector become highly competitive, and it is now benefiting from booming demand in emerging markets. With projected growth for 2007 in the 2.5 to 3.0 percent corridor, Euroland will likely outperform the US economy for the first time in recent history.

If the US lapses into an outright recession, the impact may still be large enough to unravel the global economic story. But any scenario less drastic than the dreaded recession now looks manageable, with the euro area and China together accounting for a larger share of global GDP than the United States. Almost effortlessly, it seems, the world has escaped its risky dependence on US economic power.

The change in the growth equation is manifesting itself in the rising importance of Chinese equities in determining global financial-market sentiment. Each decade, some asset class or other captures the imagination of investors. In the 1980s it was the Japanese market, due to that country's rapid ascent.

In the 1990s it was the Nasdaq, driven by the tech boom. These days investors are riveted by the movements of the Chinese market, with the daily ebb and flow of the Shanghai exchange often setting the trend for the rest of the region.

Of course, following the near-vertical climb in Chinese share prices of late, the impulsive reaction of many financial commentators is to label that market as another "bubble" waiting to burst. While there are some incipient signs of froth, recent performance is more a result of the changing global economic order.

All major stock-market booms are rooted in a powerful growth transformation; the current Chinese share-price appreciation too, in large part, is driven by huge profit growth churned out by a booming economy.

Earnings growth for Chinese companies in the first quarter of this year was a phenomenal 80 percent, and according to consensus estimates it could exceed 30 percent for the rest of the year, justifying at least some of the 50 percent gain in the Shanghai composite index this year.

Meanwhile, in the developed universe, investors seem to be consumed by "EU-phoria." As a recent Merrill Lynch survey shows, investors are extraordinarily bullish about European stocks, with a record number of respondents sharing the view that the euro zone has the most favorable corporate outlook of all major developed-market regions. European stocks are up a strong 10 percent this year, after having tripled in value in dollar terms since the 2003 trough.

It is a sign of the changed times, and also a testament to the dynamism of the US corporate sector, that the US stock market has also reached new highs even as the underlying economy downshifts to a much slower pace. American firms have adapted to the changing economic balance by becoming much more global in nature, with their overseas operations now accounting for nearly 40 percent of sales, up from less than 30 percent in the late 1990s.

Empirical Research Partners estimates that half the US equity returns this decade have come from "China plays" such as energy, materials, machinery and construction-spending companies. That is despite the fact that these sectors on average represent only 8 percent of the US market.

A world of multiple growth engines, then, doesn't mean financial markets are less synchronized. The interlinkages in a globalized world are far too strong for any meaningful decoupling to occur. What the new world order implies is simply this -- to get a fix on global growth and financial-market behavior, it is as important to track Chinese and European economic data as the whims of the US housing market.

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The colour of money

ASIF ANWAR

THERE'S been a lot of talk lately about "black money" and "white money" as we discover new evidence regarding the wealth amassed by some of the individuals listed as Anti Corruption Commission (ACC) targets. However, the recent revelation of the "Forest King's" treasure makes some of the "Top 50" of the ACC list "small fry," even if we were to multiply their declared wealth a few times over.

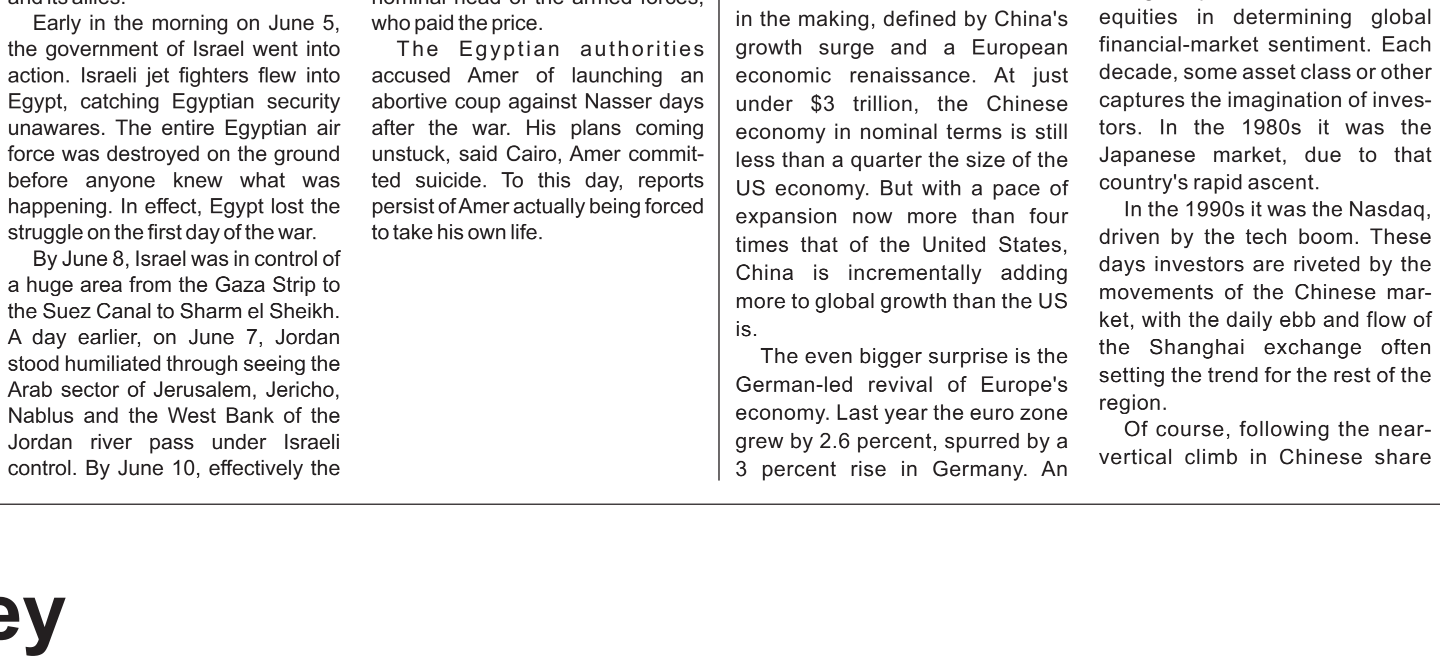
On the other hand, the net-worth of some of the individuals from the first batch of "Top 50" and the latest batch (individuals closely related to the ex-PM), should suffice as a valid reason to edit the famous yearly Forbes list.

It would take most of the newspaper that you are reading now if I were to attempt to list the cash and non-cash assets of an ex-MP from the "Top 50" (hint: "media mogul"). Others are not far behind.

A close examination of the net-worth of these individuals reveals a very important point. Assets in the form of cash and fixed deposits in banks (located within Bangladesh) actually account for less than 5% of total net-worth. So, where is the "black money?" In the case of the "Forest King," it is in the following places or forms found so far:
- Cash and foreign currency inside mattress and rice drums.
- Plots and flats all over town.
- Gold bars and jewellry.
- Timber mill.

If we add a few more items we will get a better picture of the "black money" that has been found in the possession of the individuals listed so far.
- Foreign bank accounts and credit cards
- Residential and commercial real estate in US, UK, Dubai, Malaysia, or wherever.
- Investment in listed and non-listed companies in Bangladesh and abroad.
- Huge ranches or resorts outside Dhaka, and even abroad.
- Expensive vehicles, furniture, and electronic goods.

This list is the simplest of all, as I will not be surprised if we were to discover in the future that some of them even owned private jets and yachts. It is quite clear that "black money" is not black in colour, and most of it is actually not money as we know it.



I have been fond of fresh and exotic fruits and vegetables since my student days in the United States. In my quest to find a "supplier" in Dhaka, I came across a street-side seller of fruits and vegetables in the heart of the diplomatic zone. He has been serving a niche market with high margins for quite sometime now, which has allowed him to have a healthy bank balance and some land and a small shop in his village.

He is a "millionaire" in Takas. He has never paid taxes. He has never received anything tangible from the government (social security, health or unemployment benefits, etc.) for him to feel compelled to pay taxes.

He claims his bank deposits are his legitimate income, and the government has no right to tax it now. If we were to say that untaxed money, regardless of source of income, is "black money," then this guy has most of it stashed as a fixed deposit in the Gulshan branch of a local bank. "Black money," in this case, is actually mostly money (as a percentage of net worth), in contrast to the wealth of the individuals targeted by the ACC.

I don't know the real definition or description of "white money," in the absence of any vibrant discussions on the topic, or a crusade by some government agencies against individuals topping this list.

To be honest, I am actually quite confused, as I find myself to be a holder of a significant amount (in relation to my current status) of such an asset. As it turned out, my tax lawyer took the liberty of declaring a decent increase in income in 1999, in combination with payment of some additional taxes; the "white money" was created.

His rationale was that the opportunity to earn large sums of "black money" may come to anyone who is blessed with a close relation in the party in power, and therefore, a small amount invested in taxes will cover his future windfall should he receive such blessings through marriage or miracle.

Though I was not blessed at that moment, nor have any chance of being blessed anytime soon, I recall agreeing with him considering the insignificant cost involved in the "legal" procedure.

I left for the US in June 2000 to be with my wife who was expecting our first child, Elizabeth, due in October. I decided to take a year off work, which turned into four years since events surrounding 9/11 (my wife was few hundred meters from the World Trade Center when the first plane crashed into it that morning) and the unexpected arrival of Samantha, our second child, in August 2002, affected my plans.

Four years of supporting a family in hard currency, with no income, was responsible for my bank balance appearing embarrassing compared to that of my fruit vendor's bottom-line. The irony is that I have (on paper) "white money" which is many times more than his bank balance, but what good is it if it doesn't exist?

Using the resources of Bangladesh Bank to sniff out "black money" is not the most efficient or effective method to recover it, since most of it doesn't exist in local currency.

I also don't find any percentage of tax or fine (except 100%) appropriate enough to allow conversion of "black money" to "white money" or legal money. At the same time, the currency in circulation should not be disturbed in the name of "black money" hunt.

This approach is partially responsible for the inflationary pressure as currency is pulled out of circulation, resulting in higher demand for it. The blackness of the money taken as a bribe to let a murderer go free, and the blackness of the untaxed money in the form of local bank deposits of a small fruit vendor, are thousands of shades apart. It would be a grave mistake to classify both of them as "black money."

Asif Anwar is a freelance contributor to The Daily Star.