

Crime and no punishment

At the dawn of a new beginning, as stated by the CA of the CTG in more than one speech, it would perhaps be in the fitness of things for him to initiate a process of redress for the wrongs done to those who had been detained and tortured at the dictum of those who betrayed the trust vested on them by the citizens of the republic, and absolutely ruptured the fabric of trust in the criminal investigation system.

MOZAMMEL H. KHAN

THREE militants belonging to the banned Jama'atul Mujahideen Bangladesh were charged on October 7, 2007 for carrying out serial bombings in four cinemas in Mymensingh on December 7, 2002. The carnage killed 21 people and injured or maimed around 200 others. The charge sheets, however, did not include any of the 40 individuals, including political leaders and intellectuals who were detained soon after the blasts, following intervention by top leaders of the then ruling alliance pointing fingers at the detainees.

The detainees were also tortured severely in custody. They included Awami League (AL) leader Saber Hossain Chowdhury, Mymensingh AL president Principal Motiur Rahman, writer-journalist-human right activist Shahriar

Kabir, columnist Professor Muntassir Mamoon and Reuter journalist Enamul Hoque Chowdhury.

Likewise, charges were finally pressed on June 12, 2008 in the sensational August 21 grenade attack case against 22 persons, including top Harkat-ul-Jihad (Huji) leader Mufti Abdul Hannan and BNP leader and former deputy minister Abdus Salam Pintu.

The development came after

years of drama during the rule of BNP-Jamaat government over investigation into the grisly attacks on an AL rally in Bangabandhu Avenue in 2004. However, the masterminds behind assassination attempt on AL chief Sheikh Hasina remain undetected even after charges have been pressed in two cases filed in this connection.

The government investigators acknowledge that although 22 people have been charged

sheeted, the key planners of the grisly grenade attack are still untraced.

While the BNP-Jamat government was still at the helm, an investigation was conducted under the direct supervision of Lutfuzzaman Babar, the then state minister for home, and 20 persons including a student, Shaibal Saha Partha, and AL leader and ward commissioner Mokhlesur Rahman were arrested.

Here again, none of these arrestees who had to undergo a lot of harassment and tortures, a usual phenomenon in the dark era of the alliance government's mal-governance, were found guilty in the latest investigation.

The drama got a twist with the then government's claim about the "confessions" of one Joj Miah,

that a criminal gang carried out the attack. The present administration later found that, as per the



AZIZUR RAHMAN/DELHI NEWS

Shielded from punishment?

then government's desire, those confessional statements were obtained using force. The CID investigators and the supervising officer involved were found to have paid Joj Miah's family a few thousand taka per month.

Even the one-member judicial probe committee of Justice Joyul Abedin, formed by the then government, pointed at a foreign "enemy" country's involvement in the incident, a ludicrous assertion to say the least. These are only two highly horrifying cases out of many,

where the government authorities apparently manipulated the criminal investigations and the judicial probes.

In tune with the usual utterances of their supreme leader after every carnage carried out on the opposition leaders and the secular institutions, the BNP lawmakers in parliament in presence of erstwhile Prime Minister Khaleda Zia blamed AL for perpetrating the grisly attack on its own

rally.

Firstly, should the multi-

faceted crimes of this magnitude against the independence and objectivity of the criminal investigation system of the state and humanity go unpunished? In his address to the nation on April 12, 2007, the chief adviser (CA) of the CTG, while outlining his government's priorities made a solemn pledge to the nation: "We are making all-out efforts to uphold citizens' rights, rule of law, and justice in all sectors controlled by the state so that the people of Bangladesh can one day say with pride, 'the messages of justice do not cry in seclusion in this country,'" he said.

It is, therefore, only incumbent upon the current government to investigate, publicly expose, and bring to book the individuals who were responsible for ordering the phony investigations, and detaining, remanding and torturing the innocents, thereby removing any trace of trust on the criminal investigation system.

Secondly, what redress is the state meted out to those innocent people who had to undergo psychological and physical torture at the hands of the state machinery? To draw a parallel, it would be pertinent to cite the landmark story of one Maher Arar, a Syrian

born Canadian citizen.

Arar was arrested by US agents at New York's JFK Airport on the basis of inaccurate information provided by Canadian police (RCMP) linking him to terrorists. He was sent to his native Syria, where he was imprisoned and tortured for a year before being released.

The Canadian government formed a one-member judicial commission to assess the actions of Canadian officials in dealing with the deportation and detention of Maher Arar. In its report, the judicial commission disclosed that there was no evidence that Arar was ever linked to extremist groups and found that the FBI and U.S. security officials were given an inaccurate and unfair picture of Arar by the RCMP, and that this portrait dogged his entire time in a Syrian jail.

Following the publication of the report, the chief of RCMP made a somber apology to Maher Arar and his family and resigned. The Canadian parliament issued a unanimous apology for the detention and torture of Arar. Notwithstanding the fact that his party was not at the helm of state

when the incident occurred, the Conservative PM of Canada Stephen Harper issued a formal public apology to Maher Arar and paid him \$12.5 million in compensation for his ordeal.

Probably in 1998, the Bangladesh Supreme Court (SC) fined the government Tk.100,000 compensation for each of the opposition detainees who were detained for a few weeks under the special power act, albeit the defense counsels did not ask for it. The victims, in that case, did not suffer any mental or physical torture either. However, the SC never repeated the practice.

At the dawn of a new beginning, as stated by the CA of the CTG in more than one speech, it would perhaps be in the fitness of things for him to initiate a process of redress for the wrongs done to those who had been detained and tortured at the dictum of those who betrayed the trust vested on them by the citizens of the republic, and absolutely ruptured the fabric of trust in the criminal investigation system.

Dr. Mozammel H. Khan is the Convenor of the Canadian Committee for Human Rights and Democracy in Bangladesh.

Hoodlums reign

Rab has been doing a wonderful job maintaining law and order by giving exemplary punishment to the law-breakers. If they also turn their attention to stop the activity of these gangsters, I think soon there will be a substantial reduction in such incidents, where innocent citizens fall victim to such lawlessness for absolutely no fault of theirs.

AHMAD S. ISLAM

On the July 15, when my daughter-in-law and her son flew back from abroad, a heartrending incident occurred. Their arrival at Zia International Airport was after midnight. My son went to receive them, and the driver, Belal was at the wheel. Since the driver lives in Gazipur and we live in Gulshan, my son decided to drop Belal near the bus stop, a little distance away from the airport, thinking he would save a trip to Gulshan and reach home quicker.

There, the driver got into a baby taxi ready to leave for Gazipur with three other passengers. Hardly was the taxi in motion when he lost consciousness, only to discover himself lying in a field the next day, and so were the other two passengers with their money and belongings gone.

Belal had no idea of where he

was. Although not in his full senses he decided to walk, and soon he found the Airport Road. Half-dazed, he boarded a Gazipur-bound bus.

When Belal did not turn up the next day, we thought he could not make it because he had overslept, as he did not reach home until after two in the morning. Belal had no access to a telephone; so we had no idea as to why he did not show up the next morning, until he briefly reported the matter on a public telephone. He could not report for duty for the next seven days, such was the impact of the drug that knocked him out.

When he finally reported for duty, we learned the entire story. According to him, the so-called passenger sitting next to the baby taxi driver was perhaps the gang leader. He conducted the entire operation in complicity with the baby taxi driver.

Several years ago, one of my colleagues at the Department of

Botany, Dhaka University, fell into the hands of such miscreants. At the crack of dawn, he arrived at Dhaka bus terminal from Rajshahi and hired a baby taxi to get to the DU campus. On the way, the driver stopped the baby taxi at a gas station on the pretext that he needed to fill up his tank.

Before my colleague realised what was happening, some hoodlums attacked him. They beat him black and blue and threw dust in his eyes, and robbed him of whatever he had. It took a long time for my colleague to recover from the injuries inflicted on him by these thugs.

What I have reported here is almost a daily recurrence. A week ago, the same thing happened to a family who came to visit their relatives in the same Gulshan house in which we have an apartment. That day being a Friday, the visitor's driver was off duty, so they came by a CNG.

At the end of their visit, they walked up to the Gulshan Avenue near the first circle. As they were waiting for a CNG, four neatly attired gentlemen got off from a Toyota and robbed them of what they had at gun-point. The gentle-

man who came to see them off also couldn't escape. He had to lose an expensive mobile phone.

How is it that such organised crimes have been taking place right in the heart of the city for such a long time, endangering the lives and properties of innocent citizens? It appears that the citizens of Dhaka and other metropolises are hostages in the hands of a few organised criminals. Why can't these gangs, which operate with impunity in public places, be caught and given exemplary punishment to make our movement within the cities safe?

There is obviously a link between certain baby taxi and cab drivers and the gangsters who enjoy beating people and robbing them of what they have. My suggestion is that every baby taxi driver and the owner must not only be registered, there must also be background checks for each and everyone of them to see whether they have any criminal records or are connected with any crime syndicate.

I understand that it's not the responsibility of the police Department to screen regis-

trants; it falls within the purview of the Motor Vehicle Registration Department. That being the situation, may I recommend that the two departments jointly undertake this task before each vehicle is registered or given renewal. With the distribution of National Identity Cards, background check for every individual has become much easier.

Rab has been doing a wonderful job maintaining law and order by giving exemplary punishment to the law-breakers. If they also turn their attention to stop the activity of these gangsters, I think soon there will be a substantial reduction in such incidents, where innocent citizens fall victim to such lawlessness for absolutely no fault of theirs.

The caretaker government has undertaken a number of commendable tasks to curb moral turpitude and weed out corruption. We appeal to them to take this undertaking also as a mission before they hand over power to the next government.

Professor Ahmad S. Islam writes from the Botany Department, Dhaka University.

Zardari in the hot seat

But Zardari, who claimed that corruption allegations against him were politically motivated, may be using his growing political clout in Islamabad to pressure Swiss authorities to curtail, or even close, their long-running investigation into his affairs, say Swiss legal sources.

MARK HOSENBALL and MICHAEL ISIKOFF

ASIF Ali Zardari, the Pakistani politician considered a front runner to become the country's next president, remains under criminal investigation in Switzerland over allegations that he received kickbacks from two Swiss-based companies while his wife, the late Benazir Bhutto, served as the country's prime minister in the 1990s, a Swiss judge and two Swiss lawyers close to the case told Newsweek.

Zardari, Bhutto and their supporters have always maintained that powerful political enemies, including Musharraf and Nawaz Sharif, a former prime minister and now Zardari's principal rival for power, trumped up the corruption allegations against the couple.

Lawyers for Bhutto and Zardari say they always maintained their innocence of any corruption or other criminal accusations. "For most Pakistanis this is a matter that is now closed," said a senior Pakistani government official. "The primary motivation [behind the investigations] was political."

The Swiss investigations were opened during Sharif's tenure as prime minister. His government

requested official legal assistance from Switzerland, where Pakistani authorities suspected that the couple had stashed proceeds from alleged corrupt activities.

The Pakistani government hired its own lawyers in Switzerland to gather evidence against Bhutto and Zardari and help Swiss investigators with their inquiries.

In 2003, these investigations resulted in a series of court orders against Bhutto, Zardari and one of their Swiss lawyers, Jens Schlegelmilch. The orders, akin to misdemeanour guilty findings by a US justice of the peace, were issued by Judge Daniel Devaud, an investigating magistrate in Geneva who has handled many high-profile investigations into the alleged laundering of corrupt payments through Switzerland by foreign politicians.

Devaud's orders found Bhutto, Zardari and Schlegelmilch, a Swiss lawyer who had represented them for many years, guilty of minor money-laundering offenses under Switzerland's penal code.

Devaud's orders alleged that, via obscure companies in the British Virgin Islands, Bhutto, Zardari and members of their family had received improper payments from two Swiss companies that were seeking contracts with the Pakistani government. (Pakistan wanted to hire the companies, Cotecna and SGS, to inspect cargo shipments before they arrived to ensure that appropriate import duties had been assessed.)

In his rulings, Judge Devaud quoted an internal SGS document in which an official of the company -- who had visited Pakistan after Bhutto returned to power in 1993 -- characterised Zardari's standing: "In his view, Asif Zardari [sic], BB's husband, is deeply PM officially with a lot of pwr [sic] ... The influence of Asif Zardari is real and he has in the past always helped and favoured his friends and cronies..."

In 1997, after Zardari had been imprisoned on suspicion of corruption, Devaud alleged that Bhutto herself had purchased a necklace worth £117,000 from a London jeweler -- using cash and a bank transfer from the account of Bomer Finance, a British Virgin Islands company, which the magistrate said was jointly controlled by Bhutto and Zardari. (Her supporters claimed this allegation was based on trumped-up evidence supplied by her political enemies. Bhutto herself reportedly claimed her husband had bought the necklace but never told her about it.)

Devaud said that a Pakistani government anti-corruption agency had posted on its web site what he described as competent English-language translations of the original orders he had issued against Bhutto, Zardari and Schlegelmilch in 2003.

Around the time Bhutto and Zardari returned to Pakistan from exile last year, however, the documents outlining the charges against them disappeared from the government web site, Devaud said. But the document outlining the case against Schlegelmilch, the couple's Swiss lawyer, includes key elements of Devaud's findings against Bhutto and Zardari, and can still be read here.

Python disclosed that several weeks ago, after Zardari and his political archrival Sharif assumed control in Islamabad earlier this summer, the Pakistani government fired Python as its Geneva lawyer, effectively withdrawing its complaint.

the investigation, only this time with a view toward possible charges of "aggravated" money laundering under Swiss law.

Neither the prosecutor nor a spokesman for his office could be reached for comment. But Judge Devaud confirmed to Newsweek that the prosecutor's office was still investigating "aggravated" money-laundering offenses.

Likewise, Jacques Python, a Geneva lawyer hired by Pakistan to work with Swiss authorities on the corruption case, said he had every reason to believe that the Geneva prosecutor's investigation was still open. And Alec Reymond, a lawyer who had represented Bhutto in connection with the Swiss investigation, also says the case is still open.

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Zardari's allies believe the Pakistani government's withdrawal from the Swiss investigation will soon lead to the termination of the probe. Pakistani officials say the amnesty order in effect undermined any continuing Swiss investigation by declaring there was no corruption on the part of Zardari and Bhutto, and therefore no corrupt payments could have been laundered in Switzerland or anywhere else.

Earlier this year, Zappelli, the prosecutor now in charge of the case, was quoted in the French-language press as saying: "The future of the case depends on Pakistan, who initiated this investigation ... if it withdraws its complaint, there will no longer be a victim."

However, two other Swiss legal sources close to the case, who asked for anonymity when discussing sensitive information, said they believed the Geneva prosecutor could continue to pursue the case, given that the investigation did turn up evidence, which was not exclusively supplied by Pakistan, of violation of Swiss money-laundering laws.

Ultimately, said one of the sources, Swiss prosecutors have three possible courses of action: close the case entirely, prosecute it by bringing it into a superior court or arrange the Swiss version of a plea bargain, in which money seized by Swiss authorities during the investigation probably would be confiscated or handed over to charity, but charges would be settled without any prison sentences.

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Only when I got to the room did

I see that "Not bad" was his articulation of the English words "No bed."

An American friend was taught the Cantonese word for book, which is a semi-whistled "szu" sound, but is spelt su. He put up his hand from the back of the class. "It's Sue or Shoe or Zoo?"

The teacher's forehead wrinkled. She whistled: "It is not Sue or Shoe or Zoo. It is su." The Cantonese word for book hovers somewhere in the middle of Sue and Shoe and Zoo. It took me years to get it right, after which I started Mandarin classes, where I spent years un-learning it. (The Mandarin word for book is pronounced Zum.)

It seemed only fair that my name baffled her. In south (but not north) Vietnam, it is pronounced y. And other Vietnamese sounds also tended to be somewhat different. So a girl who spelt her name Dang could quite logically pronounce it Yum, and might not be trying to hint at how delectable she was. (If you are heading to Hanoi, ignore the above. There, Dang would be pronounced Zum.)

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