

WB panel happy

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he said the external panel gave its reaction in a letter to the ACC three days ago.

Asked whether the panel had any observation about the dropping of the names of former communication minister Syed Abul Hossain and former state minister for foreign affairs Abul Hasan Chowdhury from the list of accused, he said the panel gave no direct response regarding the two ministers.

The panel advised the ACC to examine carefully and extensively the public procurement act and rules and other laws of the country.

The panel was ready to assist in the investigation, said Shehabuddin, adding, "If we seek their help they will come and extend their technical support to the investigation team."

Asked whether the global money lender would release

its fund for the Padma bridge project while the investigation was underway, he said, "The matter of funding the bridge project is not related to the ACC. The government deals with it."

After a year-long enquiry into the allegation over the much-talked-about Padma bridge project, the ACC on December 17, 2012, sued seven people for conspiring to commit corruption.

The accused include former secretary of the Bridges Division Mosharrif Hossain Bhuiyan but former minister Abul Hossain and former state minister Abul Hasan were left out.

The six other accused are: Superintendent Engineer Kazi Mohammad Ferdous of Bangladesh Bridge Authority, Executive Engineer Reaz Ahmed Zaber of Roads and Highways Department, Deputy Managing Director

Mohammad Mostofa of Engineering and Planning Consultant, a local agent of Canadian firm SNC Lavalin, and SNC Lavalin officials Mohammad Ismail, Ramesh Shah and Kevin Wales.

According to the case statement, former secretary Mosharrif dissolved the evaluation committee four times between January and June, 2010, to award the consulting job to the company of his choice.

The World Bank had cancelled its \$1.2 billion funding on June 29, 2012, saying that it had proof of a "corruption conspiracy" involving Bangladeshi officials, executives of a Canadian firm and some individuals.

The global lender on September 21 decided to revive the loan after Bangladesh agreed to the bank's terms and conditions.

Full text of WB Panel's Letter to ACC

The World Bank

International Bank for Reconstruction and Development
International Development Association

Mr. Ghulam Rahman

Chairman, Anti-Corruption Commission
1, Shegunbagicha
Dhaka-1000-Bangladesh

Dear Mr. Chairman,

The Padma Multipurpose Bridge Project

I would like to thank you for your warm hospitality during the last visit to Dhaka of the World Bank's External Panel of Experts (the Panel) on December 2-5, 2012. I am also grateful for your letter dated on December 19, 2012 attaching the copy of the First Information Report (FIR) filed by the Anti-Corruption Commission on December 17, 2012.

Overview

The Panel has reviewed the FIR in accordance with the mandate received from the World Bank and agreed with the Government of Bangladesh to assess the investigation by the Anti-Corruption Commission of Bangladesh (ACC) into allegations of corruption in the Padma Bridge Project and to advise the World Bank on the completeness, correctness, transparency, adequacy and fairness of the investigation.

The Panel considers the issuance of an FIR a positive first step by the ACC to take effective action against those persons allegedly involved in corrupt practices in respect to the Padma Multipurpose Bridge Project (PMBP). However, the sequence of events considered by the Panel and now established by the ACC suggests a criminal conspiracy that includes former Minister Hossain as the most senior official personally involved. The ultimate award of the contract required his approval. He met with SNC Lavalin managers during a reunion requested by Secretary Bhuiyan to negotiate the illegal payment. As a consequence of the meeting his name and the indication of a payment of 4% was included in a list of people that were to receive a compensation for their alleged involvement in the conspiracy. In order to achieve a complete and fair investigation, the serious allegations against the former Minister of Communications should be thoroughly investigated and he warranted inclusion among the accused. Nonetheless, the Panel is taking note of your observation that he will be under a rigorous scrutiny during the investigation.

The Panel would appreciate receiving copies of any additional evidence collected by the ACC, as well as its investigative plans going forward. The Panel stands ready to assist the ACC in the fulfillment of its role and, if required, will seek to provide training for its staff and technical assistance such as forensic accounting, or to be available for investigative planning.

1) Expert Panel's Views after the December 2-5, 2012 Meetings.
Investigative matters including the situation of the former Minister of Communications were the subject of an extensive, open and frank dialogue between the ACC and the Panel at our meetings during the December 2012 visit. The Panel highly appreciated the frank and open attitude of the ACC during the dialogue. In order to keep our interaction candid and predictable, the Panel will summarize its opinion on the information collected before the issuance of the FIR.

Significant Facts Identified from the information reviewed by the Panel
The Panel considers that the following facts have a significant bearing for further investigation by the ACC:

a. During the procurement process two Bangladeshi public servants including Quazi Md. Ferdous (Member Secretary of the Evaluation Committee) divulged confidential information to SNC Lavalin's managers in violation of their duties and requested further instructions or support from them. ACC rightly considers that they should be under investigation for their involvement in the conspiracy.

b. ACC also considers that Md. Mosharrif Hossain Bhuiyan, Secretary, Bridges Division and Executive Secretary Bangladesh Bridge Authority (BBA), was involved in the conspiracy. It should be noted that since June 23, 2010, Secretary Bhuiyan and Ferdous were members of the Evaluation Committee (for the technical and financial proposals).

c. During the procurement process Ismail Hossain, director of an SNC Lavalin subsidiary, represented the company. In the opinion of an SNC manager "the Secretary and the Minister" were dealing with him. On March 14, 2011, Ramesh Shah, Vice President of SNC Lavalin International was asking for "the PCC cost on the project in detail." PCC is a euphemism used by SNC Lavalin to indicate the cost of the bribes to be paid.

d. The financial opening took place on March 28, 2011 and SNC Lavalin was placed second after Halcrow.

e. This result greatly concerned SNC Lavalin. Mohammad Ismail was trying to change the situation. On April 1, 2011, he was planning to meet with Ferdous in New York. However by a letter dated April 5, 2011, Ramesh Shah, Vice President of the SNC Lavalin International subsidiary notified the Bangladesh authorities that Mohammad Ismail was no longer working for the company.

f. On April 10, 2011, SNC Lavalin's local consultant wrote a "confidential" email to Kevin Wallace, then Vice President and General Manager of SNC Lavalin: "Halcrow's low bid has put us in second position. But, it is not over yet. A major forgery act has been detected in their proposal, and the client is considering re-verification of the Key Personnel's CVs. SNCs CVs will also be verified; SNC will be receiving a letter from the client to that effect shortly."

g. The local consultant added "The entire marketing effort was done by Ismail and myself. The client was very comfortable dealing with Ismail; that includes the Secretary and the Minister. However, after receiving the notice [of Ismail's termination] they got very puzzled and are about to lose confidence on us. At this very critical stage we have to reestablish their confidence a.s.a.p. As desired by the Secretary, you may have a conversation with him immediately. His name is Mosharrif Hossain Bhuiyan, cell #8801714079372. As mentioned to you earlier, the client will not accept Ramesh as the contact point because of previous experience and reputation."

h. On April 12, 2011 one of the suspects, Quazi

1818 H Street N.W.
Washington, D.C. 20433
U.S.A

(202) 473-1000
Cable Address: INTBAFRAD
Cable Address: INDEVAS

January 9, 2013

Unhappy with Abul exclusion

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Luis Moreno Ocampo, chairman of the WB external panel, wrote this in a letter to the ACC chairman on January 9, said an ACC official asking not to be named.

The panel has also sought written replies from the ACC about some issues, including the ACC's assessment about Abul's role, the official said.

The panel said the ultimate award of the contract required the approval from the former minister, also a senior leader of the ruling Awami League.

"He met with SNC Lavalin managers during a reunion requested by Secretary Bhuiyan [Bridges Division secretary Mosharrif Hossain Bhuiyan] to negotiate the illegal payment."

"As a consequence of the meeting, his name and the indication of a payment of 4 percent was included in a list of people that were to receive a compensation for their alleged involvement in the conspiracy."

It said the ACC's argument -- during a visit of the panel to Dhaka -- that including Abul in the first information report would cause a political uproar was deeply disturbing to the panel.

The letter read the panel could understand that great care and prudence should be exercised in examining the ground for reasonable suspicion against a former

minister.

"However, it does not absolve the responsibility of the ACC to launch proper investigation where investigation is due. If after careful examination of the evidence, the ACC reaches the conclusion that reasonable suspicion does exist, it must proceed to investigate irrespective of a person's political status or possible political ramifications."

"Otherwise, the investigation cannot be considered complete and fair."

The three-member panel visited Dhaka in December last year. And this is the first official reaction from the panel after the ACC filed the FIR on December 17.

The panel said it considers the issuance of a FIR a positive first step by the ACC to take effective action against those persons allegedly involved in corrupt practices in the bridge project.

The panel also detailed how the corruption conspiracy took place.

It said the minister should not have engaged in the public procurement process before a report with recommendation of the evaluation committee was submitted to him for final approval.

"Furthermore, the minister is not immune from the offence of 'criminal misconduct' under section 5(1)(d) of the Prevention of Corruption Act," said the letter.

The panel also sought information about Abul's meetings with SNC Lavalin officials and other representatives of competing bidding entities.

The ACC's FIR said that the minister met the officials.

The panel also wants to know about the status of any efforts from the Bangladeshi authorities to receive or obtain evidence and any other relevant information from the Canadian authorities.

1.51 lakh
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Primary selection will be done through lotteries and the names of the lucky ones will be announced on Wednesday at the offices of local deputy commissioners.

Job seekers in the remaining five divisions of the country can get their names listed between 16 and 22 January.

On Sunday, some 45,000 people registered online in Dhaka and Barisal divisions.

Visiting some centres in Faridpur districts on the day, Expatriates' Welfare and Overseas Employment Minister Khandaker Mosharrif Hossain warned aspiring candidates not to let middlemen intervene in the recruitment process.

Anyone engaging brokers to help him get a job in Malaysia would be punished, the minister said.

EC sits on reform proposals

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constituencies as per the electoral roadmap it announced on August 5 last year for holding the 10th parliamentary polls.

According to its roadmap, the EC was supposed to publish the draft list by September 15 last year and finalise it by December. But it is yet to publish the draft list.

Under the roadmap, the EC must send back the reform proposals to the law ministry by this month with a request to take necessary measures to turn them into law.

Sources mentioned that after assuming office in early February last year, the EC did not examine the draft reform proposals in more than six months. And during this period, it questioned the need for further electoral reforms.

But for the last few months, the EC has been examining

the reform proposals and repeatedly saying that it would send those to the government "very soon".

Asked about this, Election Commissioner Shah Nawaz, like his other colleagues in the EC, said recently they are working on the proposal and will send those to the government soon.

Meanwhile, the previous EC headed by ATM Shamsul Huda drafted the reform proposals to bring changes in the Representation of the People Order. It sent the proposals to the law ministry in February last year, but it could not persuade the government to turn those proposals into law as its tenure expired.

The proposed reforms included making it mandatory for the Cabinet Division and three ministries -- LGRD, public administration affairs,

and home -- to consult the EC before taking any decision regarding elections.

The proposals also included empowering voters to file complaints with the EC against MPs if they conceal information or furnish false information about themselves in their affidavits submitted during the polls, cancellation of election of such MPs by the EC, formation of committees to curb the influence of black money in the polls, and empowerment of the EC to punish government officials for incompetence and neglect of polls duties.

The incumbent EC headed by Kazi Rakibuddin Ahmad, constituted in February last year, had earlier openly questioned the necessity of the proposed reforms and announced that they would review those.

extending media support to further highlight the issues.

Prof Golam Rahman, adviser of the United International University, Dr Mustafa K Mujeri, director general of BIDS, Prof Golam Murtaza of Khulna University, Dr Akhter Mahmud, chairman, department of urban planning, Jahangirnagar University, Dr Syed Hashemi, director, Brac Development Institute, Dr Salehuddin Ahmed, former chairman of Palli Karma Sangsthan, ATM Nurul Amin of North South University, Mustafa Quiham Khan, urban specialist, M Shahidul Islam, independent researcher, among others, were present.

Urbanisation too scary

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BURI has been working on developing a complete database on urban issues in four categories -- the capital, Chittagong City Corporation (CCC), five other city corporations, and the municipal areas in Bangladesh.

After developing the database by 2014, the BURI would work to narrow the knowledge gaps of government officials and media personnel to face the new challenge called urban management, the discussion was told.

Several world standard modern structures have been built in the country, especially in Dhaka and Chittagong. "But civic behaviour to use

and maintain those structures is still very poor," observed Dr Hossain Zillur.

Prof Mahbub Ullah said the issue is so critical that if the country failed to address it properly, the cities would not be sustainable.

Prof Sharifuddin Ahmed of history at Dhaka University said many historical and valuable archaeological structures have been ruined over the years in Dhaka that evidently shows the knowledge gaps.

Mahfuz Anam, publisher and editor of The Daily Star, said the newspaper has been carrying reports and articles on urban issues since its birth. He assured the experts of

selection of the Construction Supervision Consultant for the Padma Multipurpose Bridge Project (PMBP). Seven persons are accused for their involvement in the conspiracy including the former Secretary and the former Superintendent Engineer of the Bangladesh Bridge Authority, an Executive Engineer of the Roads and Highway Division and four SNC Lavalin representatives.

They are accused of having attempted to obtain financial gains for themselves and others by favouring SNC Lavalin in the tender process thereby violating the relevant laws and regulations. Section 161 of the Penal Code and Section 5(2) of the Prevention of Corruption Act of 1947 are believed to have been violated, and the crime is punishable under Section 120(B) of the Penal Code.

The Panel notes that mention is made in the FIR of the roles of former Minister Hossain and former State Minister for Foreign Affairs Mr. Abul Hasan Chowdhury as follows (the Panel's translation):

"During the enquiry phase, it was also noted that the then Minister of Communications Mr Syed Abul Hossain had met with representatives of competing bidding entities. In the case of his meeting with SNC Lavalin, former State Minister for Foreign Affairs, Mr Abul Hasan Chowdhury, played the role of facilitator. They were also mentioned in Mr Ramesh Shah's notebook in reference to percentage allocation in the form of Padma PCC (Project Commercial Cost/Project Commitment Cost) after award of contract. However, at the enquiry stage it has not been possible to gather corroborative evidence, witness statements, circumstantial evidence or complementary statements on Mr. Abul Hasan Chowdhury and Mr. Syed Abul Hossain with regard to their involvement in this act of conspiracy case. At the investigation phase, the roles of Mr. Hasan and Mr. Hossain in this conspiracy would be scrutinized."

The Panel would like to know how the ACC proposes to take forward its work in the investigation phase. To this end, the Panel would appreciate if the ACC could provide the Panel with a written reply to the following questions as soon as practicable:

a) With reference to the Panel's observations above concerning former Minister Hossain's probable involvement in the conspiracy, what is the ACC's assessment of Mr. Hossain's role? In this context, what is the ACC's view of the significance of:

i. the meeting held on 29 May 2011 between the SNC representatives and the Government officials;

ii. Mr. Hossain's attendance at that meeting; and

iii. the subsequent event that SNC Lavalin moved to the top of the tender list, and the reference on the notepad to "4% Min"?

b) It is stated in the FIR that "the then Minister of Communications Mr. Syed Abul Hossain met with representative of SNC Lavalin and other representatives of competing bidding entities." Can the ACC provide the Panel with all information it has already collected with respect to the relevant meetings, including the dates, the venue, the names and the positions of the persons whom Mr. Hossain met, and the purposes of these meetings? Are there further investigative plans to collect additional information concerning these meetings?

c) It is stated in the FIR that "at the investigation stage, the roles of Mr. Hasan and Mr. Hossain in this conspiracy will be scrutinized." Can the ACC share with the Panel its investigative strategy for doing so, including, in particular, whether the ACC will invoke its investigative powers and if so what powers, and keep the panel apprised of progress?

d) The FIR mention that "During interrogation, committee member Mr. Tarun Tapan Dewan, Project Director Mr. Rafiqul Islam, Dr. Professor Ishtiaque Ahmed, Mr. Moqbul Hossain stated that from the very onset the secretary Mr. Mosharrif Hossain Bhuiyan and Mr. Kazi Md. Ferdous expressed that the government was primarily interested to award the work order to a Japanese Company Oriental Consultant Company Ltd and Mr. Kazi Md. Ferdous unsuccessfully attempted to obtain signatures of other members on an erroneous evaluation sheet prepared by himself on his own initiative." Can the ACC provide a copy of such statement to the Panel?

e) It has been publicly reported that Ex-secretary of Bridges Division Mosharrif Hossain Bhuiyan and Superintendent Engineer of Bangladesh Bridge Authority Kazi Mohammad Ferdous have been arrested and interviewed. Can the ACC provide the Panel with records of such interviews and any other investigative step taken or anticipated since the issuance of the FIR?

f) During our December's meetings the evidentiary process to make documents from outside Bangladesh admissible in a court of law was discussed. Has the ACC taken or will the ACC take all necessary steps to ensure that the evidence and information supplied by the World Bank and any other third parties will be admissible in any subsequent legal proceeding in Bangladesh?

g) What is the status of any efforts to receive or obtain evidence and any other relevant information from Canadian authorities?

h) What is the status of efforts to access deleted emails from computers and/or email accounts of relevant parties?

I should be grateful for a reply to the above questions at your earliest convenience.

In the course of the ACC's on-going investigation, please do not hesitate to let me know if the Panel can assist you. The Panel stands ready to provide training for ACC staff and technical assistance such as forensic accounting, or to be available for investigative planning should you find this useful.

I would like to extend to you and through you to all ACC colleagues the Panel's best wishes for your good health, great happiness and every success in 2013.

Yours sincerely,

Luis Moreno Ocampo
Chairman
External Panel of Experts