BANGLADESH'S CORRUPTION COMMISSION

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An analytical paper by

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Executive Summary

The responsibility of the anti-graft body of a country is to check the corrupt practices inside the country. The anti-corruption bodies of many countries have made examples of doing so. Remarkably, Pakistan's anti-corruption agency conducted an investigation into the country's Prime Minister Nawaz Sharif's family assets that led to his ousting from office by the Supreme Court.

Even in this year, the European Union's anti-fraud office found "irregularities" in subsidy payments allegedly obtained by Czech Prime Minister Andrej Babiš, and this led to the fall of his government.

But that is not the case for Bangladesh.

In Bangladesh, it is widely perceived that Anti-Corruption Commission that claims to be an independent commission established by BNP government in 2004 is now working to pursue the goals of government to harass opposition politicians and to save the ruling party politicians from corruption charges.

Anti-Corruption Commission has been doing the job of a partner organisation of Awami League since 2009. The first step in favour of Awami League by the commission was to help the government to withdraw all the corruption charges against Awami League leaders, including the 12 cases against Sheikh Hasina.

Once they were done with that, the commission stepped up to file new cases against BNP leaders on false corruption charges, sometimes producing falsified documents. Besides that, the commission also started court proceedings against the leader to make them effectively ineligible to run national polls against Awami League.

More to add, the anti-graft body was literally used as the washing machine for corrupt ministers and parliamentarians. Even after having substantial proof against Awami League leaders, the commission did not even conduct any proper investigation and certified them as innocents.

This paper shows how Bangladesh's anti-corruption commission is actually promoting corruption in Bangladesh by providing the government clean chits and harassing those to protest government's corrupt acts.

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1. State of corruption in Bangladesh

The problem with Bangladesh's corruption has at least three major theatres that are:

01) Involvement of ruling party members in corruption
02) The absence of the rule of law
03) Ineffective anti-graft watchdog

It is never a new case for Bangladeshi ruling groups to get involved in corruption.

Sheikh Mujibur Rahman, the ideological leader of Bangladesh's ruling party Awami League, was accused of corruption even in Pakistan days. He was charged for patronising his followers with government fund and not maintaining proper procedures as a minister in the provincial government's cabinet.

Interestingly, these allegations did not come from someone hostile to Sheikh Mujib, rather from his colleagues in the cabinet, more precisely, from Ataur Rahman Khan and Abul Mansur Ahmed. The credibility of them cannot be contested as Mr Ataur Rahman Khan was later invited by Sheikh Mujibur Rahman to join his one-party BAKSAL government, and Abul Mansur Ahmed is a noted writer, also the father of The Daily Star editor Mahfuz Anam.

However, the legacy continued even after the independence of Bangladesh.

Noted journalist, Anthony Mascarenhas in his book, "Bangladesh: A Legacy of Blood", gave plenty of examples of corruption. He categorically defined how the idea of political patronage engulfed the thought process of Sheikh Mujibur Rahman from 1972 to 1975.

For example, his close associate Ghazi Ghulam Mustafa, once a part-time journalist and full-time Awami League leader, was awarded with the chairman post of Red Cross operations in Bangladesh in 1972. Mr Mustafa was known as one of the most corrupt figures of Bangladesh that time. His corruption and misappropriation earned him the name "fox in the hen house". He was later jailed seven years for his corruption.

Sheikh Mujib's son Sheikh Kamal was also known for his corrupt practices. Mascarenhas wrote: 'it is known that some members of his family, particularly his son Kamal, were not immune to helping themselves to the substantial gifts that came their way or to get investment-free partnerships in trading ventures which seemed to attract lucrative import business.'

One can assume, in a moment when Sheikh Mujib's son and closest associates were involved in corruption, the role of other leaders and activists did not act innocent. Instead, some even crossed all the limits. The rampant corruption of the ruling clique resulted in a deadly famine that claimed almost 1.5 million lives.

After Sheikh Mujib's death, it was revealed how politicians established a nest of corruption in the country.

The successive governments took measures to have a grip over the endless corruption, but the major problem was that the Bureau of Anti-Corruption (BAC) was not empowered enough to work independently.

After assuming power in 2009, Awami League has chosen to step into the shoes of Sheikh Mujibur Rahman.

In last few years, all the state-owned banks have been looted by ruling party men, millions of currencies have been embezzled from the share market of Bangladesh, millions of currencies have been siphoned off to abroad, politically empowered Bangladeshi corrupts have been setting up off-shore companies in tax-havens, direct evidences of corruption have been found against Sheikh Hasina and her family, global agencies are conducting inquiries into the corruption of Bangladeshi officials, and the list goes on.

This paper would like to share only a few examples of corruption in Bangladesh that drew global attention in last decade.

1.1. Share market scam

Up to 50 billion takas ($687 million) has been laundered out of the country during the share scam on 2011 from Bangladesh, according to the government-run investigation report.[1]

[1] **Bangladesh probe blames regulator for share debacle,** https://af.reuters.com/article/burundiNews/idAFSGE73602E20110407

Share prices nearly doubled in 2010, attracting new investors into the market. The number of retail investors increased to around 3.5 million from around 500,000 in 2007.

Some 60 individuals, many associated with Awami League, made fortunes through stock market manipulations, the probe report found. The probe committee found the involvement of business tycoon and Sheikh Hasina's private sector advisor Salman F Rahman and former DSE president Rakibur Rahman, in the scam as key players.[2]

The report found that Salman F Rahman lobbied the Bangladesh Bank governor to soften the central bank's stance on BD-Thai Aluminium that had been involved in money laundering. Besides, he had links with overpricing of shares and overvaluation of assets of GMG Airlines and Unique Hotel, both owned by Salman F Rahman.

The then SEC Member Mansur Alam had a pivotal role in legitimising the irregularities. The chairman is also responsible for the wrongdoing, as the commission's approval could not come without his consent, said the report.

Executive directors Anwarul Kabir Bhuiyan and Tariquzzaman were at fault for supporting the chairman and the SEC member. Many SEC officials took undue advantage under the shelter of these four top officials, according to the report.

1.2. Padma Bridge graft

Padma Bridge corruption scandal was a high-level corruption conspiracy hatched by the Awami League higher-ups. It involved a number of Awami League leaders close to Sheikh Hasina including the party's "cashier" Syed Abul Hossain, Sheikh Hasina's nephew Mujibur Rahman Chowdhury Nixon and Sheikh Hasina's advisor Mashiur Rahman.

The corruption conspiracy was debunked when The World Bank launched an inquiry against two senior officials of SNC Lavalin, the company that was about to get the contract of building the Padma Bridge.[3]

[2] **Finger pointed at 60 individuals,** https://www.thedailystar.net/news-detail-181073

[3] **World Bank cancels Bangladesh bridge loan over corruption,** www.bbc.com/news/world-south-asia-18655846

A diary of Ramesh Shah, a vice president of International Project Division of the company, contained a list of 10-12% commission receivers for the Padma Bridge project. The diary quotes: “Padma PCC, 4% Min, 2% Kaiser, 2% Nixon, 1% Secretary and 1% Moshi Rahman.”[4]

Here “Min” referred to former communication minister Syed Abul Hossain; "Kaiser" is former state minister for foreign affairs Abul Hasan Chowdhury; "Nixon" is the prime minister's nephew Mujibur Rahman; "Secretary" is former Bridges Division secretary Mosharraf Hossain Bhuiyan; and "Moshi Rahman" is the prime minister's economic affairs adviser Mashiur Rahman.

Ismail Hossain, one of the accused from SNC Lavalin, on May 15 of 2013 told Canadian CBC News Television: “PCC, they interchangeably used the word. Sometimes it was 'project consultancy cost', sometimes 'project commercial cost,' but the real fact is the intention was a bribe.” [5]

After the revelation, The World Bank cancelled $1.2bn (£764m) credit for the 6km-long (four miles) road-rail bridge over the Padma River.

In a statement, the bank accused the government in Dhaka of failing to investigate claims of high-level fraud in connection with the project.

The World Bank in its statement said:

> *“The World Bank has credible evidence corroborated by a variety of sources which points to a high-level corruption conspiracy among Bangladeshi government officials, SNC Lavalin executives, and private individuals in connection with the Padma Multipurpose Bridge Project.”*[6]

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[4] **PM rejects her family’s involvement in Padma graft,** https://www.dhakatribune.com/bangladesh/2013/05/20/pm-rejects-her-familys-involvement-in-padma-graft/

[5] **Padma Bridge scam: ACC attempts to obtain original copy of Ramesh’s diary,** https://www.dhakatribune.com/bangladesh/2013/05/22/padma-bridge-scam-acc-attempts-to-obtain-original-copy-of-rameshs-diary/

[6] **World Bank Statement on Padma Bridge,** www.worldbank.org/en/news/press-release/2012/06/29/world-bank-statement-padma-bridge

The statement further claimed:

“The World Bank provided evidence from two investigations to the Prime Minister, as well as the Minister of Finance and the Chairman of the Anti -Corruption Commission of Bangladesh (ACC) in September 2011 and April 2012. We urged the authorities of Bangladesh to investigate this matter fully and, where justified, prosecute those responsible for corruption. We did so because we hoped the Government would give the matter the serious attention it warrants.” [7]

Lastly, they said:

> *“In light of the inadequate response by the Government of Bangladesh, the World Bank has decided to cancel its $1.2 billion IDA credit in support of the Padma Multipurpose Bridge project, effective immediately.”* [8]

Interestingly enough, though Bangladesh government denied these evidence, Sheikh Hasina herself technically admitted the corruption during one of her election campaign speech in 2013.

When her nephew refused to withdraw his candidacy from the election of 2014, and stood against Sheikh Hasina’s cousin Kazi Zafarullah, in a public meeting she said: "Those accused of being involvement in the Padma bridge graft case are not mine, they are not of the Awami League."

This conclusively proves that Padma Bridge graft was a true case and her nephew Nixon was involved.[9]

1.3. The bank job

Bangladesh’s banking sector is witnessing the accumulation of bad loans at an alarming rate, as borrowers show a growing tendency to default on loans. Experts have blamed the situation on the lack of good governance in the banking sector.

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[7] **World Bank Statement on Padma Bridge,** www.worldbank.org/en/news/press-release/2012/06/29/world-bank-statement-padma-bridge

[8] **World Bank Statement on Padma Bridge,** www.worldbank.org/en/news/press-release/2012/06/29/world-bank-statement-padma-bridge

[9] **Rebel candidate beats AL presidium member,** https://bdnews24.com/bangladesh/2014/01/06/rebel-candidate-beats-al-presidium-member

Defaulted loans of state-owned banks

137.71 Billion

75.99 Billion

58.19 Billion

51.16 Billion

42.51 Billion

42.63 Billion

Figures provided by the central bank revealed that the amount of default loans stood at Tk 226.44 billion at the end of 2011. Six years later, the amount has swelled to Tk 743.03 billion.

Currently, the state-owned Sonali Bank has the highest amount of default loans, followed by BASIC, and Janata Bank.

Sonali Bank had accumulated Tk 137.71 billion in default loans as of December last year, a Bangladesh Bank report said. The amount of default loans was Tk 75.99 billion for BASIC Bank, Tk 58.19 billion for Janata Bank, Tk 51.16 billion for Agrani Bank and Tk 42.51 billion for Rupali Bank.[10]

Bangladesh Development Bank has a total of Tk 7.71 billion in default loans, while the state-owned Bangladesh Krishi Bank has Tk 42.63 billion and Rajshahi Unnayan Bank has Tk 11.62 billion.

Until December 2017, six state-owned banks have disbursed loans of Tk 1,407.67 billion. Of the amount, Tk 373.26 billion have turned into default loans which are 26.52% of the loans disbursed by these banks.

During the same period, private banks have given out loans of Tk 6,036.03 billion. Tk 293.96 billion of the amount has turned into default loan. It is 4.87% of these banks' disbursed amount.

Two state-owned specialised banks have so far given out loans of Tk 233 billion. Of them, Tk 54.26 billion or 23.39% of these banks' disbursed loans have become default loans.

A reason why this happened was pointed out in the Bangladesh Development Update 2013, a publication of World Bank (page 9).

[10] **Default loans plague banking sector,** www.dhakatribune.com/business/banks/2018/03/22/default-loan-plagues-banking-sector/

It said,

> *"Weak internal controls, poor corporate governance, and slackening of credit standards resulted in irregularities in loan approvals causing the SCBs to classify more than BDT 40 billion as non-performing loans, thereby raising their non-performing loans to 17.7 percent by September 30, 2012."*

Fahmida Khatun, the research director at the Center for Policy Dialogue, in Dhaka, was a board member of Janata Bank in 2008-11. In an interview in Dhaka in 2014 she told journalist Joseph Allchin that since Bangladesh's return to civilian rule after the 2008 election, loan portfolios have typically been assessed not according to their business potential, but with an eye toward "the influence or the connections of the person" asking for credit.

The case of Salman F. Rahman, an advisor to Sheikh Hasina, can explain it in details. Salman F. Rahman is the de facto owner of BEXIMCO group of Bangladesh that was listed the top defaulter in 2009. According to the information provided in 2009,

- BEXIMCO Textiles Ltd alone defaulted on 35.3 billion BDT
- Padma Textile Mills defaulted on 29.2 billion BDT
- Shinepukur Holdings Ltd defaulted on 13.4 billion BDT
- BEXIMCO Knitting Ltd defaulted on BDT 810 million
- BEXIMCO Engineering Ltd BDT 598 million
- BEXIMCO Computers Ltd BDT 110 million
- BEXIMCO Fashions BDT 976 million

The regulatory body to check such rackets, Bangladesh Bank, has always been in a dubious role. Though the former Bangladesh Bank governor Atiur Rahman declared crusade against loan defaulters in November 2014, in the following year he allowed BEXIMCO Group's loans totaling BDT 18.49 billion, including loans involving various irregularities, to get rescheduled for repayment till 2026 violating the Bangladesh Bank circular that says, no default loan can be rescheduled more than three times. So far, Sonali Bank got the nod from Bangladesh Bank to reschedule BEXIMCO's loans seven times and is still waiting to repeat it for another time.

Bangladesh Bank's assistance in bailing out loan defaulters did not end at BEXIMCO. However, it approved a further BDT 313.8 billion in December 2015 to get rescheduled.

1.4. Bangladesh Bank heist

On February 05 of 2015, a number of requests were sent from Bangladesh Bank to the Federal Reserve Bank of New York to transfer around a billion dollars from the reserve of Bangladesh to the Philippines, a country that is suspected to have tax-havens.

Though the Bangladesh Bank initially tried to cover up the incident, after more than a month claimed that hackers stole the money, the Federal Reserve Bank of New York denied the claim with a straight face and assured that the requests followed due process and no sign of hacking was observed within their system.

Bangladesh's Finance Minister was also found to be convinced that it was an inside job instead. He stated, "This cannot be possible without the complicity of the locals. There are handprints and biometrics of six persons at the federal reserve."

This is to mention that, the Federal Reserve of New York is considered as one of the most secured places to deposit the reserve money and many of the countries in the world do so. The money transfer system from the reserve is a complex one that needs three things in a row: SWIFT code, dongle provided by SWIFT and biometric of the user. Moreover, these three things need to be provided via a specific terminal and would not transfer a single penny if not those three things are provided from the one asking for the money from that particular terminal.

Though impossible, even if the terminal was hacked, the dongle was stolen, and anyone from outside gained access to the SWIFT code that frequently changes, through which means one could get the same fingerprint of the responsible persons of the Bangladesh Bank is the question to be asked.

After the money got transferred to the bank in the Philippines, it was not transferred till February 9, while Bangladesh Bank neither disclosed that the money went missing nor they tried to get the money back. They had merely sent some codes which were confusing to some extent.

1.5. The Global Fund misappropriation

Staff from the National Tuberculosis Control Program (NTP) in Bangladesh falsified documents to support training-related expenditures between July 2015 and September 2016, according to an investigation conducted by the Office of the Inspector General (OIG). The NTP was the principal recipient (PR) for a TB grant (BGD-T-NTP) worth $31.7 million.

The front page of The Global Fund investigation report

The investigation identified $111,311 in non-compliant expenditures, of which $1,032 has already been recovered.

The OIG said that the NTP's head office fraudulently charged training-related procurement expenditures to the Global Fund. NTP staff falsified invoices and inventory record documents, misused blank invoices and forged signatures. Most of the fraudulent documents came from two stationery suppliers whose blank invoices were found on the computer of one the NTP's employees, the OIG said.

In addition, the OIG said, the NTP procured training-related materials without following the government's public procurement rules and its own financial management standard operating procedures; and NTP head office employees fraudulently claimed per diem and honorarium payments for district-level training programs they had not attended.

The OIG said that an unmonitored bank account facilitated the fraud that NTP staffs set up.

The Global Fund published a detailed report on this corruption on their website.[11]

[11] **Investigation in Bangladesh,** https://www.theglobalfund.org/en/oig/updates/2018-01-19-investigation-in-bangladesh/

1.6. Money flies

Unrecorded capital flow from Bangladesh stood $61.63 billion between 2005 and 2014, riding mostly on wrong invoicing, according to a report of Global Financial Integrity.

The GFI report also revealed that illicit capital flight from Bangladesh was on a higher trend from 2007 following political turmoil of the time, and it continued until 2013 when the highest $9.66 billion was siphoned off.

Of the total $61.63 billion illicit capital flow, $56.83 billion was through trade wrong invoicing while the rest $4.8 billion could not be traced in the balance of payments data, the report added.[12]

A graph depicting the amount of money laundered in one decade from Bangladesh

While on the other hand, Bangladeshi funds in Swiss banks have increased by 20% in the past 12 months according to a report by the Swiss National Bank (SNB).

[12] **$61.63bn capital drained from Bangladesh in a decade,** https://www.dhakatribune.com/bangladesh/corruption/2017/05/02/illegal-capital-laundered-bangladesh/

The ‘Banks in Switzerland 2016’ report estimates that Bangladeshi nationals have deposited over Tk 10 billion in various Swiss banks over the last year.

The total deposited amount in Swiss banks from Bangladesh stood at Tk 47.30 billion in 2015, which increased to Tk 56.85 billion in 2016.

Bangladesh Bank recently claimed that the money in Swiss banks was “national property” instead of money privately laundered – a common practice in the past.

The report published by the SNB included financial deposit data from all countries in the world since 2007. Since 2012, the amount of money deposited in Swiss banks from Bangladesh has increased each year steadily. In 2009 the total deposited amount was Tk12.81 billion, and in 2012 the total was Tk 19.61 billion.[13]

1.7. Offshore lords of Bangladesh

In April 2013, the International Consortium of Investigative Journalists (ICIJ) published information on the ownership of a total of 1,22,000 offshore companies and trusts set up in the British Virgin Islands, and other offshore tax havens.

The leaked files include information on dozens of Bangladeshis, many of whom are well-known Awami League leaders, and businesspeople linked to Awami League in the country, who own or owned offshore companies.

The list had the names of Awami League leader, relative to Sheikh Hasina, Kazi Zafarullah, his wife Nilufer Zafar (Zafarullah Nilufer), and their children. Kazi Zafarullah is a member of the highest body of Awami League, the Presidium.[14]

And he was not the only Awami League Presidium member linked to offshore companies. Faruq Khan, a retired military officer who is now in the presidium of Awami League, is the brother of another big name on the list, Mr Aziz Khan.[15]

From the information in the ICIJ leaked files, Summit Industrial and Mercantile Corporation Pvt appears to be the Bangladesh company directors have had the most

[13] **The Swiss Bank money laundering debate,** https://www.dhakatribune.com/bangladesh/corruption/2017/07/13/swiss-bank-money-laundering-debacle/

[14] **Zafarullah Kazi and Zafarullah Nilufer,** https://offshoreleaks.icij.org/nodes/89422

[15] **ICIJ names AL leader Zafarullah, wife, over 50 other Bangladeshis in Panama Papers, Offshore Leaks,** https://bdnews24.com/bangladesh/2016/05/10/icij-names-al-leader-zafarullah-wife-over-50-other-bangladeshis-in-panama-papers-offshore-leaks

involvement in purchasing offshore companies, with its chairman and five directors owning or having owned six offshore companies between them.

Offshore lords of Bangladesh

Kazi Zafarullah

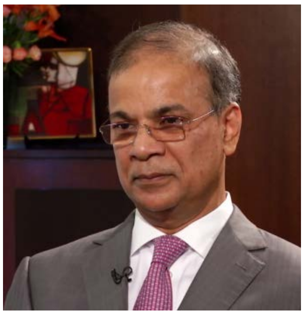
Sheikh Hasina's relative by marriage, presidium member of Awami League

Nilufer Zafarullah

Sheikh Hasina's cousin, wife of Kazi Zafarullah

Faruq Khan

Presidium member of Awami League, MP from Sheikh Hasina's neighbouring seat



Aziz Khan

Brother of Faruq Khan, owner of controversial Summit Group

All five are members of the same family: Aziz Khan, the company's chairman; his wife Anjuman Aziz Khan; their daughter Ayesha Aziz Khan; the chairman's brother, Jafar Umeed Khan; and Aziz Khan's nephew, Md Faisal Karim Khan. Other than Jafar Umeed Khan and Md Faisal Karim Khan, they registered their British Virgin Island companies through a Singaporean address.

Bangladesh bank officials have confirmed that the Foreign Exchange Regulation Act 1947 and the associated guideline do not allow Bangladesh residents to establish offshore companies.

2. Comparison between Awami League and BNP

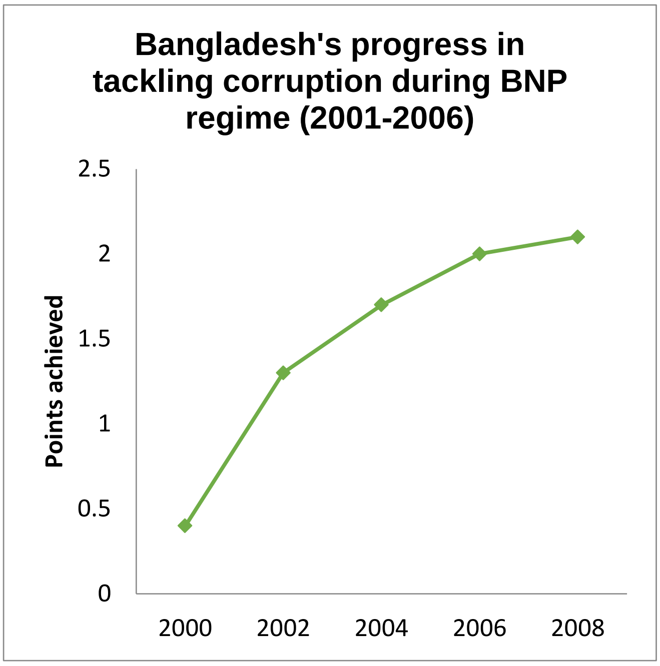
In the March of 2014, the World Justice Project published a ranking of countries in terms of establishing the rule of law. Bangladesh came 92nd in the list of 99 countries.

The list was made on the basis of eight indicators, including the absence of corruption. In the absence of corruption index, Bangladesh did much worse and came 95th among the 99 countries, which means Bangladesh became the 4th most corrupt nation.

After four years, the situation is still almost the same. In the recently published ranking from the same global rule of law watchdog, Bangladesh ranked 102 of 113 countries.

During the summer of 2001 with Sheikh Hasina as the prime minister of Bangladesh, Germany based corruption watchdog Transparency International (TI) ranked Bangladesh as the most corrupt nation in the world. This created a public hue and cry throughout the country. The then Awami League government managed to achieve hardly 0.4 points in the scale of 10.

Bangladesh Nationalist Party (BNP) led by Begum Khaleda Zia won a landslide victory against Awami League in the election of 2001. She and her party initiated reforms to check the corruption. A reflection of that can be seen in the ranking of the same organisation in 2002. Though TI ranked Bangladesh the most corrupt nation again in 2002, Bangladesh's point substantially increased from 0.4 to 1.2 within one year.

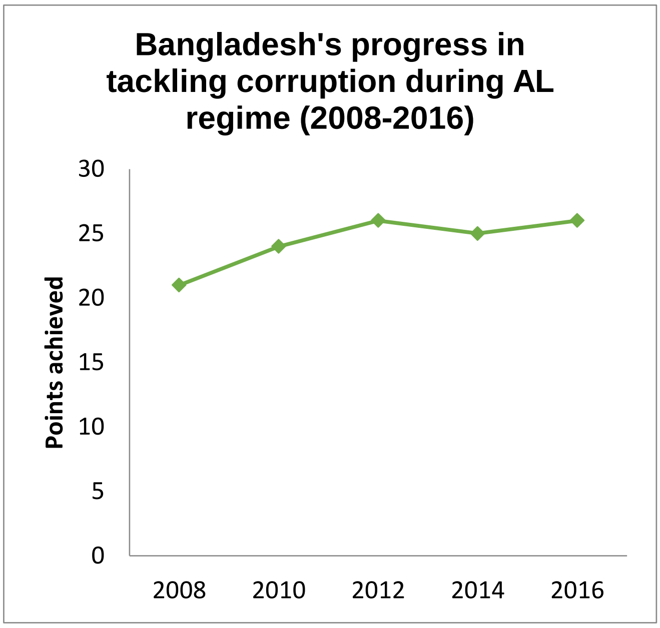


BNP established the Anti-Corruption Commission (ACC) in 2004 as an independent body. Before the formation of ACC, the BAC had to seek permission from the government to conduct investigation against corruption allegations or to file any case. The Anti-Corruption Commission Act, 2004 enabled the commission to take necessary actions against any corruption allegation.

Begum Khaleda Zia's reforms to address corruption and the establishment of the commission were significant progress for Bangladesh to fight against corruption. As a result of which, Bangladesh managed to get out of the vicious circle of the most corrupt nation in 2006 under the able leadership of Begum Khaleda Zia. Bangladesh, in 2006, attained 2.0 points in the scale of 10. In five years of BNP government.

According to TI, Bangladesh under BNP from 2001 to 2006, managed to add 1.6 points, which is 16 points in the scale of 100.

The successive military-backed caretaker government also managed to keep the progress on track by achieving another one point.



In 2009, Awami League took charge of the country in a controversial election after a successful back-door negotiation with the military forces with Indian politician Pranab Mukherjee as the middleman.

But the wheel of corruption started moving backwards in 2011. After years of progress in the index, Bangladesh lost points in 2012.

In 2017, Bangladesh stood the 19th most corrupt nation with 26 points in the scale of 100.

Comparing with the progress achieved by BNP government of 2001-2006, Awami League has managed to add only 0.7 points in the scale of 10 and 7 points in the scale of 100 in last nine years.

3. Safeguard of the rulers

One common observation about Bangladesh's anti-graft body is that it has refrained from prosecuting the ruling party men since 2009. The Supreme Court observed the unwillingness of Anti-Corruption Commission, and even the court rebuked the commission for its role in safeguarding the ruling party men.

Observers identified three particular ways of doing that: (i) allowing the government to drop cases against Awami League men, (ii) providing clean chit to most corrupt Awami League leaders and businessmen linked to the government, and (iii) not arguing the cases against Awami League leaders properly in the court.

3.1. Unholy nexus

As of July 14, 2013, the committee to review cases suggested that the home ministry should withdraw 345 lawsuits filed by Anti-Corruption Commission.[16]

On June 2009, the committee decided to repeal 50 cases against leaders of the ruling Awami League that include nine against Tofael Ahmed, 13 against Kamal Ahmed Majumdar, six against Abul Hasnat Abdullah, four against Bahauddin Nasim and two against Mohiuddin Khan Alamgir.

On July 14 of 2009, 13 cases filed under the Anti-Corruption Commission Act were withdrawn by the government after the commission identified them as "politically motivated".

Of the cases to be withdrawn, four are against former state minister for power and energy Rafiqul Islam, one each against AL leaders Tofail Ahmed, Mohiuddin Khan Alamgir and Akhtaruzzaman Babu, three against Mokbul Hossain and two against the daily Janakantha Editor Atiqullah Khan Masud, among others.[17]

The anti-corruption body withdrew all the cases accordingly.

[16] **Withdrawal of 'political' cases to continue,** https://www.dhakatribune.com/bangladesh/politics/2013/07/14/withdrawal-of-political-cases-to-continue/

[17] **Govt to withdraw 69 more cases against AL leaders,** https://www.thedailystar.net/news-detail-97182

3.1.1. The luckiest Prime Minister

Corruption charges against Bangladesh's controversial Prime Minister Sheikh Hasina were dropped immediately on her arrival to power.

Twelve cases against Sheikh Hasina were revoked on the grounds of 'political harassment' when she became Prime Minister in 2009. The relevant deputy commissioners were given directions, and the Anti-corruption Commission was requested to take steps to withdraw the cases on June 10, 2009. Particularly, the lawsuits filed by ACC were forwarded for legal actions attaching comments and were dropped immediately.

These 12 cases include two graft cases filed by the Anti-Corruption Commission (ACC) during the caretaker government rule.

Of the two, one deals with 'corruption' in awarding barge-mounted power plants and the other concerns 'graft' in approving a gas exploration deal in favour of Canadian company Niko.[18]

Also, among the cases suggested for withdrawal are those filed by the last BNP government for graft in the purchase of MiG-29s for the air force and Frigate for the navy, and construction of Bangabandhu Planetarium (now Bhashani Novo Theatre).

Another case where anti-corruption officials accused her of wasting state money by paying for lobbying in the US during her 1996-2001 administration was quashed by the court saying that the accusations did not constitute a criminal offence.[19]

3.1.2. ACC protects a hoodlum turn MP

Kamal Ahmed Majumder, an MP of Awami League, allegedly amassed property of more than Tk 101.9 million from the 1996-2001 regime of Awami

[18] **11 Hasina cases on course to be dropped,** https://www.thedailystar.net/news-detail-87000

[19] **Bangladesh drops leader Sheikh Hasina** corruption case, www.bbc.com/news/10194392

League. Kamal suppressed information of his property of more than Tk 71.9 million.[20]

Anti-Corruption Commission filed 13 cases against this corrupt leader of Awami League from 2001 to 2008.

But eventually, all his cases were withdrawn after the government had asked ACC to do so.

3.1.3. Deeply corrupt Tofail saved

Tofail Ahmed is widely perceived as one of the profoundly corrupt politicians of Awami League. Miraculously, his name was saved by Anti-Corruption Commission.[21]

All the 10 cases against him were dropped on request of the government.

The cases were about amassing wealth beyond their known sources of income and concealing information. Tofail Ahmed is known as Bangladesh’s syndicate kingpin.

3.2. Shield for Awami League’s corrupt

One thing that many observers will agree to is, if you support Awami League in Bangladesh, Anti-Corruption Commission will not touch you.

And this perception is not any made up propaganda; it arose after analysing the activities of Anti-Corruption Commission. Anti-Corruption Commission has been providing the corrupts of Awami League with a clean chit, either by conducting incomplete investigation against them or by not filing cases against Awami League men amid having substantial evidence.

In one single year of 2014, from January to August, ACC acquitted a total of 1598 persons. Of the 904 allegations of corruption, no charges were filed in the case of 870.

[20] **Kamal Majumder's wife surrenders to court,** https://bdnews24.com/politics/2008/04/08/kamal-majumder-s-wife-surrenders-to-court

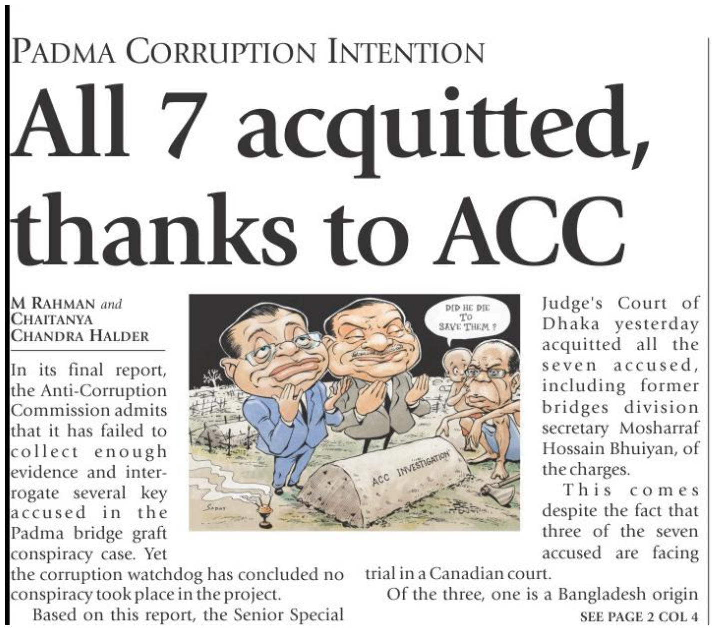
[21] **Bangladesh ACC Files Case Against AL Presidium Member Tofail Ahmed,** https://www.voabangla.com/a/a-16-2008-05-29-voa2-94438634/1397003.html

A few examples are listed here:

3.2.1. All 7 acquitted, thanks to ACC

In its final report, the Anti-Corruption Commission admits that it has failed to collect enough evidence and interrogate several key accused in the Padma bridge graft conspiracy case. Yet the corruption watchdog has concluded no conspiracy took place in the project.[22]

Based on this report, the Senior Special Judge's Court of Dhaka acquitted all the seven accused, including former bridges division secretary Mosharraf Hossain Bhuiyan, of the charges.



PADMA CORRUPTION INTENTION

All 7 acquitted, thanks to ACC

M RAHMAN *and* CHAITANYA CHANDRA HALDER

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Based on this report, the Senior Special Judge's Court of Dhaka yesterday acquitted all the seven accused, including former bridges division secretary Mosharraf Hossain Bhuiyan, of the charges.

This comes despite the fact that three of the seven accused are facing trial in a Canadian court.

Of the three, one is a Bangladesh origin

SEE PAGE 2 COL 4

The Daily Star report on October 27, 2014

This comes despite the fact that three of the seven accused are facing trial in a Canadian court.

Of the three, one is a Bangladesh origin Canadian, one India origin Canadian and the other a Canadian national. They are officials of Canadian firm SNC Lavalin, which was selected for the Padma bridge project's consultancy job.

On September 14 of 2014, Mirza Jahidul Alam, ACC deputy director and also investigating officer of the case, submitted the final report to the court, saying the charges against the accused could not be proved.

Earlier on September 3, the commission cleared all the seven of conspiracy charges and also exonerated former communications minister Syed Abul

[22] **All 7 acquitted, thanks to ACC,** https://www.thedailystar.net/all-7-acquitted-thanks-to-acc-47545

Hossain and former state minister for foreign affairs Abul Hasan Chowdhury, though their names came in the alleged bribery scam.

They were so cleared although the World Bank shared with the ACC some information that shows these persons were indeed conspiring to award the project's consultancy job to SNC Lavalin in exchange for a bribe.

3.2.2. ACC acquitted corrupt health minister

The Anti-Corruption Commission (ACC) acquitted former health minister AFM Ruhul Huq of corruption charges. This decision to acquit Ruhul Huq was approved on October 08, 2014 meeting of the commission.[23]

The commission took this decision as the allegations against Ruhul Huq were not proven.

Ruhul Huq's affidavit revealed that during the five years that he was a minister, his assets had increased by 110%. His wife, Ila Huq's assets, had increased by 782%.

During ACC's questioning, Ruhul Huq said that the affidavit given before the 5 January election had incorrect information due to carelessness. ACC has accepted his explanation.

3.2.3. Corrupt BSCIC chairman acquitted in a graft case

The Anti-Corruption Commission acquitted Bangladesh Small and Cottage Industries Corporation (BSCIC) Chairman Ahmed Hossain Khan from a corruption case filed by the commission for embezzling money. The lawsuit was filed on June 9 of 2014 while he had been serving as the chief of Directorate General of Food for misappropriation of the government funds in the name of the foreign tour. But the ACC in its investigation found no proof of embezzlement.[24]

According to the FIR, Ahmed Hossain had taken illegal facilities of airfare for his wife and son worth Tk 89,874 for a visit to Bangkok from Dhaka. The

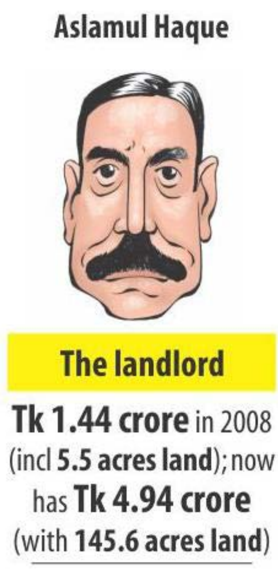
[23] **ACC now acquits Ruhul Huq,** en.prothomalo.com/bangladesh/news/54816/ACC-now-acquits-Ruhul-Huq

[24] **Bscic chairman acquitted in graft case,** https://www.dhakatribune.com/bangladesh/crime/2015/03/16/bscic-chairman-acquitted-in-graft-case/

money was provided by Mohiuddin Khan, MD of Sthapati Sangshad Limited – a World Bank-funded project's consultancy firm.

3.2.4. ACC let go Mirpur lawmaker

In yet another controversial move, the Anti-Corruption Commission cleared Awami League lawmaker Aslamul Haque of amassing any illegal wealth.



Mirpur's Aslamul Haque's astronomical rise of wealth featured on December 19, 2013 of The Daily Star

In his 2014 wealth statement submitted to the EC, the Mirpur lawmaker undervalued his 14,567 decimals of land (more than 145 acres) and claimed that he and his wife had net assets worth Tk 49.4 million after deducting their bank liabilities of Tk 47 million.[25]

According to his statement ahead of the 2008 election, the net value of their assets was Tk 14.4 million.

The couple now owns two cars worth around Tk 10 million, a flat of Tk 14.3 million, shares worth just under Tk 10 million, 1 kg of gold, and cash Tk 27.1 million, according to his statement submitted to the EC.

In 2008, he had claimed that he had 1.5 kg of gold.

Lawmaker Aslamul in an affidavit claimed his income tax advisor mistakenly put his land at 141 acres instead of 1.41 acres.

The ACC has accepted his explanation and decided to give him a clean chit.

3.2.5. MK Alamgir acquitted by ACC

Home Minister Mohiuddin Khan Alamgir was acquitted of charges the Anti-Corruption Commission (ACC) pressed in 2007 over his alleged involvement in financial irregularities.[26]

ACC took the decision as they found evidence to corroborate the charges during the investigation. So, the commission has acquitted the accused of the charges.

[25] **ACC finds no illegal wealth of Aslamul,** https://www.thedailystar.net/acc-finds-no-illegal-wealth-of-aslamul-40250

[26] **Alamgir acquitted in ACC case,** https://bdnews24.com/bangladesh/2013/06/05/alamgir-acquitted-in-acc-case

The ACC had filed the case in November 2007 against Alamgir and four others for allegedly embezzling Tk 9.4 million while printing the question papers of ‘Census and Housing Project 2001’.

He was the State Minister for Planning during the 1996-2001 term of Awami League.

3.2.6. Suranjit Sengupta got a clean chit

Just after assuming the post of railways minister, Suranjit had declared to wipe out corruption from the ministry.

Five months into his office, Suranjit’s assistant personal secretary Omar Faruq Talukder was arrested with piles of cash worth Tk 7 million, allegedly collected as bribes for recruitment of railway personnel. The general manager of railway’s eastern zone at the time, Yusuf Ali Mridha and the railway’s then commandant of Dhaka division Enamul Haque were also apprehended with Suranjit’s secretary.


'Clean' Suranjit declares 'return' to politics

The Daily Star edition of May 17, 2012 shows corrupt minister Suranjit’s ACC provided clean chit in hand

The arrestees were reportedly taking the money to Suranjit’s Zigatola residence in a car. Subsequently, all three were suspended.

Later on, the Anti-Corruption Commission cleared Suranjit without conducting any proper investigation into the incident.[27]

3.2.7. ACC acquitted 5 BTCL robbers

ACC acquitted five corrupt officers of Bangladesh Telecommunications Company Limited (BTCL) from a case that was filed on November 5th, 2012 accusing seven people of embezzling Tk449.6 million between April 2010 and October 2011.

[27] **'Clean' Suranjit declares'return' to politics,** https://www.thedailystar.net/news-detail-234494

Deputy director Jahangir Alam of the commission recommended that the five BTCL officials be acquitted of the charge.[28]

The five BTCL officials are former managing director and member (finance) Dr Abu Said Khan, former regional engineer AKM Asaduzzaman, Deputy Project Director Mahfuzur Rahman, Director Mahbubur Rahman and Deputy Director Abdul Halim.

3.3. Say 'No' to court if AL

When it comes to fighting cases against Awami League men, the Anti-Corruption Commission is always in disarray. There are plenty of examples how the lack of preparation, lack of investigation, lack of merit and the unwillingness of ACC officials allowed the Awami League leaders to get away in many corruption cases.

Some of the examples are given.

3.3.1. Minister Mosharraf gets away with corruption charges

A Chittagong court acquitted Minister for Housing and Public Works, Engineer Mosharraf Hossain, of graft charge in a case filed by the Anti-Corruption Commission.

Chittagong Metropolitan Special judge Mir Md Ruhul Amin passed the order on January 25, 2018.[29]

On November 22, 2007, the ACC filed the case with Double Mooring police station against Mosharraf on a charge of amassing wealth worth Tk 30 million and concealing information.

Following a writ petition, the HC on November 20, 2012, quashed the proceedings of the case against Mosharraf.

[28] **ACC acquits charges against 5 BTCL officials,** https://www.clickittefaq.com/acc-acquits-charges-against-5-btcl-officials/

[29] **Engineer Mosharraf acquitted of ACC charge,** www.observerbd.com/details.php?id=118697

The Supreme Court on May 8, 2016, cleared the way for the ACC to resume investigation into the corruption case against him. But ACC allowed him to get an acquittal.

3.3.2. Tajul's golden smile

During 2011 to 2013, the government has honoured 338 foreign individuals and organisations with crests for their contributions to the country's liberation war under three categories where each crest was supposed to have 12 grams of gold and 360 grams of silver.

However, a BSTI test found that there were about two grams of gold and ten grams of brass and copper in each crest.

During the incident, Tajul Islam was the minister in charge. But no action was taken against him.

The Parliamentary Standing Committee on the Ministry of Liberation War Affairs placed a report in this regard to the committee president AB Tajul Islam, also a former minister for liberation war affairs.

The ex-minister, however, has been acquitted in the report. That very day, Anti-Corruption Commission's investigation stopped.[30]

3.3.3. No justice for share-scam victims

The Special Tribunal on capital market granted bail to HRC Group chairman Sayeed H Chowdhury on a share market scam case filed against four Premium Securities directors including him.

The tribunal judge, Humayun Kabir Manik, passed the order after hearing a petition filed by Sayeed H Chowdhury, one of the four directors of the then Premium Securities, seeking bail on his surrender before the tribunal.[31]

[30] **Ex-minster found innocent in gold crest scam,** en.prothomalo.com/bangladesh/news/67621/Ex-minster-found-innocent-in-gold-crest-scam

[31] **Sayeed H Chy gets bail in share scam case,** archive.newagebd.net/156253/sayeed-h-chy-gets-bail-in-share-scam-case/

Three other accused – the then Premium Securities chairman A Rouf Chowdhury, managing director Moshiur Rahman and director Anu Jaigirdar, surrendered before the tribunal and secure bail.

The tribunal on September 2 posted on September 13 the pronouncement of verdict in the case after hearing final arguments in the absence of the accused, as they had not appeared before the tribunal.

4. Unwilling commission

The sheer sense of unwillingness to investigate and try the people linked to Awami League was seen in the activities of Anti-Corruption Commission throughout Awami League's rule.

4.1. All the PM's men dropped from the list

With Awami League's arrival in power, the party appointed Awami League leaders and supporters in the crucial posts of country's largest state-run bank, Sonali Bank. Among the directors of the bank, there were:

- Subhas Singha Roy, a former vice president of Dhaka University Jagannath Hall also a BCL leader in Sonali Bank
- Jannat Ara Henry, an AL contestant in the parliamentary election of 2008, also is a joint secretary general of the central Awami League
- Saimum Sarwar Kamal, a former Chhatra League leader of Chittagong University, became a member of parliament being elected uncontested in 2014 elections, boycotted by all opposition parties, with an Awami League ticket
- KM Zaman Romel, the son of AL lawmaker Khandaker Asaduzzaman
- Kasem Humayun, the executive director of pro-AL Bangla daily Sangbad

They allowed the Hall-mark group to take away Tk 37 billion from Sonali's Ruposhi Bangla hotel branch.

The Anti-corruption commission in 2013 and 2014, dropped inquiries against former Sonali Bank directors Kazi Baharul Islam, Subhash Singha Roy, M Anwar Sahid, Abu Sayed Mohammed Nayeem, KM Zaman Romel, Satendra Chandra Bhaktha, M Shahidullah Miah, Kasem Humayun, Saimum Sarwar Kamal, Jannat Ara Henry, thanks to their Awami League connection.

4.2. BASIC Bank Chairman still at large

The Anti-Corruption Commission (ACC) lacks neutrality, transparency, and aptness in the BASIC Bank loan scam cases, the High Court opined.

“Convicts of financial irregularity cases are arrested in a 'pick and choose' manner. The commission's neutrality is in question for this behaviour. You must prove your neutrality," the court told the ACC lawyer on November 09, 2017.

The HC bench of Justice M Enayetur Rahim and Justice Shahidul Karim came up with the observations during a bail petition hearing in connection with the BASIC Bank loan scam cases. Former general manager of the internal credit division of BASIC Bank, Md. Selim sought bail in the case.

The court also raised the question as to why Sheikh Abdul Hye Bacchu, ex-chairman of BASIC Bank, was excluded from the charge-sheet.

Sheikh Abdul Hye Bacchu, ex-chairman of BASIC Bank, was the kingpin of all corruption in the BASIC Bank during his tenure, but he was left out of the Anti-Corruption Commission’s entire process of investigations into the sensational swindling of over Tk 25 billion from the state-owned bank by way of extending fictitious loans to little known and non-existent borrowers.

The ACC had filed 56 cases into the numerous swindling that took place from 2009 to 2012, virtually shattering BASIC Bank, when Bacchu was it chairman enjoying full political backing.

BASIC was known as a sound bank until Bacchu took the charge.

ACC investigators told that they completed investigations in five cases relating to the unprecedented bank swindling and recommended pressing charges against 40 suspects.

They, however, said Bacchus name did not feature among the 40. This effectively displeased the high court.[32]

4.3. 15 months not enough to probe Bangladeshi names in Panama gate!

The Anti-Corruption Commission (ACC) has begun 'collecting information' about Bangladeshi individuals and businesses named in leaked Panama Papers 15 months ago; still, a year after the leaks had captured global headlines.

[32] **ACC spares ex-chair Bacchu from prosecution process,** www.newagebd.net/article/21562/acc-spares-ex-chair-bacchu-from-prosecution-process

The anti-graft body is still collecting information about them, ACC officials say.

The Panama Papers that shook global financial system and even political leadership in many countries came to the limelight in 2015. A few of those documents, which came out later, in April 2016, contain names of 21 individuals, three businesses and 18 addresses from Bangladesh.

The ACC had then assured the stakeholders of investigations into the matter following demands for probe and trial after the leak of Panama Papers. However, since then no progress in the investigation has been reported.

Earlier in 2013, ICIJ published names of 29 Bangladeshi individuals and businesses including Sheikh Hasina's cousin, the act known as 'Offshore Leaks'. ACC did not even investigate that incident.[33]

[33] **15 months not enough to probe Bangladeshi names in Panama gate!,** en.prothomalo.com/bangladesh/news/154889/15-months-not-enough-to-probe-Bangladeshi-names-in

5. A tool to harass

Anti-Corruption Commission, shamelessly followed the government directives not only to save the corrupt politicians of Awami League but also to harass the politicians and the justices who did not let Awami League do whatever they wish.

This paper will try to show how the Anti-Corruption Commission helped the government to achieve its will by destroying the democracy and judiciary of the country.

The commission literally went after the politicians and judges to force them to abide by the government decisions. And whoever opposed that faced ACC's wrath.

5.1. Victimizing opposition politicians

Corruption charges and allegations are nothing new for Bangladeshi politicians. Many of these allegations often fell flat and proved to be nothing but political accusations.

But things changed when Awami League came to power in 2009. Awami League and Sheikh Hasina decided to use the Anti-Corruption Commission to prove the charges against the politicians to declare the opposition politicians ineligible for running the election.

Article 66 (2) (d) of the Constitution of Bangladesh clearly states that if a person has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release, then the person shall be disqualified from participating in elections and from being a member of Parliament.

With a view to barring politicians from participating in the election and harassing them retire from politics; Anti-Corruption Commission has been used by the government since 2009.

This paper can prove that with the following examples.

5.1.1. Begum Khaleda Zia

Begum Khaleda Zia has been named in 37 cases so far. Of the 37 cases, four were filed during the army-backed caretaker rule while the remaining 33 lawsuits were filed during the two consecutive tenures of Awami League since 2009.[34]

The Anti-Corruption Commission filed the Zia Orphanage Trust graft case on July 3, 2008, at the Ramna police station. Initially, there was no mention of Begum Khaleda Zia in the case. But later her name was added only to intimidate her to retire from politics and balance the political field after the arrest of Sheikh Hasina.[35]

On 5th August 2009, Begum Zia's name was mentioned in the charge sheet though the first Inquiry Report submitted by Md. Nur Ahmed of Anti-Corruption Commission on 11th June 2008, opined that Begum Zia was in no way involved in this graft case.

Another graft case, Zia Charitable Trust corruption case, was filed against her on 8th August 2011 by the Sheikh Hasina loyalist anti-graft body.

The BNP chief also faces graft charges for awarding a gas exploration and extraction deal to the Canadian company Niko. The charges were brought against her under the military-backed government.

Prime Minister Sheikh Hasina also faced similar charges for awarding a contract to Niko, but those were withdrawn in 2009 after she came to power.

In at least three cases, namely Barapukuria, Niko and Gatco corruption cases now active against Begum Khaleda Zia, Prime Minister Sheikh Hasina had also been accused in these cases, but later the cases were withdrawn.

In all these three cases Khaleda Zia, being the prime minister at that time, had signed the contacts of the three projects initiated by the Awami League government of Sheikh Hasina. But Sheikh Hasina is enjoying impunity as the Prime Minister, while Anti-Corruption Commission is after Begum Khaleda Zia for years.

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[34] **Khaleda faces 37 cases, likely to be barred from general election,** www.gulf-times.com/story/575619/Khaleda-faces-37-cases-likely-to-be-barred-from-ge

[35] **Sheikh Hasina jailed, Khaleda too under pressure, July 2007,** https://www.outlookindia.com/newswire/story/sheikh-hasina-jailed-khaleda-too-under-pressure/488556/?next

Making things bad to worse, Begum Khaleda Zia has been jailed for five years in an Anti-Corruption Commission filed case, Zia Orphanage Trust Case, in February 2018.

5.1.2. Tarique Rahman

Anti-Corruption Commission has been after Tarique Rahman from the days of military-backed government, which was the result of Awami League's movement according to Sheikh Hasina.

But the commission so far could not manage to acquire substantial evidence to prove the cases it had filed against Mr Rahman amid ten years of efforts.

The ACC lodged a case with the Dhaka Cantonment Police Station on Oct 26, 2009, accusing Tarique Rahman of siphoning off Tk 204.1 million to Singapore between 2003 and 2007.

On November 17, 2013, BNP's senior Vice-Chairman Tarique Rahman was acquitted in the money laundering case filed by Anti-Corruption Commission.[36]

In the verdict on Tarique Rahman's involvement in the money laundering case the judge after perusing the documents, read:

> "*As regards co-accused Mr Rahman, the trial court, based on an extensive appraisal of depositions of the Prosecution Witnesses, found Mr Rahman not guilty. The court forwarded the following reasons in acquitting Mr Rahman:*
>
> *(i) Key Prosecution Witness No. 6 Khadiza Islam in her deposition did not implicate Mr Rahman in this case or link him to any offence. She did not state that Mr Rahman had ever demanded any money from her or had threatened her to pay any money to convict Mamun or ever had promised to get her any work order;*
>
> *(ii) Khadiza herself was the best and most competent witness on who had demanded money from her for getting her the work order, said the court. Being the best witness, Khadiza did not utter*

[36] **Tarique Rahman acquitted,** https://bdnews24.com/politics/2013/11/17/tarique-rahman-acquitted

Mr Rahman's name even for once in her depositions or deposed to have received any demand or threat or promise to get her the work order;

(iii) Prosecution Witness No. 1, Mir Alimuzzaman, the investigation officer, in this case, stated in his Investigation Report that convict Mamun had demanded money from Khadiza for getting her the work order. He did not mention Mr Rahman's name in the Investigation Report but stated in his deposition in court that Mr Rahman had demanded bribe from Khadiza, which the court found to be a material self-contradiction; and

(iv) The Investigation Report contained that Mr Rahman had voluntarily disclosed about his possession and use of Supplementary International Gold Visa Card No. 4568-8170-1006-4122 issued against convict Mamun's bank account with City Bank, Singapore in a wealth statement he had submitted on 7 June 2007 to the Anti-Corruption Commission (the Commission) in response to a notice dated 19 May 2007 issued by the Commission calling for a statement on his wealth.

(v) Such disclosure, for the trial court, demonstrated that Mr Rahman had no intention to conceal his possession and use of the supplementary visa card and thus have made no attempt to make any concealment. Thus, absent any mens rea and non-concealment on Mr Rahman's part, the trial court found him not guilty and acquitted him of the charge of money laundering."

The government was clearly unhappy with the verdict and ordered the Anti-Corruption Commission to move further only to ensure Tarique Rahman ineligible for the next election. And therefore, the commission complied with the directive.

In Zia Orphanage Trust case, the commission stooped further. They produced fabricated documents in a desperate move to prove Tarique Rahman, and his mother Begum Khaleda Zia guilty. The commission's lawyer to the court even admitted that the papers they have submitted were scoured.

5.1.3. Sadeque Hossain Khoka

Khoka, a veteran freedom fighter, is considered as the most popular leader of Dhaka. In the Dhaka-6 constituency, he is so popular that when in 1991 Sheikh Hasina contested against him, she lost. This incident infuriated Sheikh Hasina and led this veteran freedom warrior to misfortune when she became the Prime Minister.

On August 24, 2014, the Anti-Corruption Commission (ACC) filed a case against Sadeque Hossain Khoka and seven others for irregularities in the allotment of space at a mall. Khoka, a vice chairman of the BNP, served as the mayor of Dhaka City Corporation (DCC) from April 2002 to November 2011.[37]

The Anti-Corruption Commission (ACC) on May 04, 2016 filed another case against former Dhaka City Corporation (DCC) mayor and BNP leader Sadeque Hossain Khoka for allegedly allocating 138 shops illegally.[38]

5.1.4. Dr Khandakar Mosharraf Hossain

Khandakar Mosharraf Hossain could have lived a peaceful life like other teachers of the University of Dhaka, where he was a Professor of Soil Science. He refused that life to change the country that was struggling to survive after a deadly famine in 1974 and joined Bangladesh Nationalist Party-BNP.

In February 2014, the ACC filed a case against Khandaker Mosharraf, accusing him of laundering money during his time as health minister, between 2001 and 2006.

The charges said that he had parked £804,142 in a joint account with his wife at the Lloyd's Bank in the UK.

[37] **ACC prosecutes BNP leader Sadeque Hossain Khoka,** https://bdnews24.com/bangladesh/2014/08/24/acc-prosecutes-bnp-leader-sadeque-hossain-khoka

[38] **ACC files another case against ex-mayor Khoka,** www.daily-sun.com/post/133842/ACC-files-another-case-against-exmayor-Khoka

The BNP leader claimed that the money in question was neither illegally earned nor laundered out of the country.

He was arrested from his Dhaka home in March 2014 but was released on bail in January 2016, after spending one year and nine months in prison.

He had petitioned the court to review the investigation of Anti-Corruption Commission on charges of illegal earnings and hiding income but to no avail.

5.1.5. Moudud Ahmed

An eminent lawyer, human rights defender and former minister Barrister Moudud Ahmed is facing corruption charges brought by Anti-Corruption Commission, because of his portfolio of a BNP leader.

Moudud is accused of amassing wealth worth over Tk 73.8 million through illegal means and for concealing information about wealth worth over Tk 44 million in his statement.[39]

A Dhaka court on June 21, 2017, framed charges against Moudud in the corruption case.

Moudud recently filed the writ petition with the HC challenging the legality of the ACC's interpretation about his incomes in the case. The ACC has no jurisdiction to make such interpretation, he said in the petition.

In this circumstance, a High Court bench refused to hear a writ petition filed by former BNP law minister Moudud Ahmed seeking a stay on the trial proceedings of a corruption case against him. The bench of Justice M Enayetur Rahim and Justice Shahidul Karim also sent the petition to the chief justice for a decision.[40]

The case is still pending.

[39] **Supreme Court clears way for graft cases against BNP's Moudud, Mosharraf,** https://bdnews24.com/politics/2017/07/10/supreme-court-clears-way-for-graft-cases-against-bnp-s-moudud-mosharraf

[40] **HC refuses Moudud's plea seeking stay of case against him,** https://www.thedailystar.net/politics/high-court-refuses-former-bnp-law-minister-moudud-ahmed-review-seeking-stay-of-corruption-case-against-him-1558009

5.1.6. M A Hashem

MA Hashem is a prominent businessman of Bangladesh who founded the Partex Group and helped to shape the economy of Bangladesh. He joined BNP before the 2001 national polls and was elected a lawmaker from Noakhali.

His political affiliation with BNP made him suffer amid everything he did for the nation. Hashem was sued by the anti-graft body on December 5, 2007, for accumulating property worth Tk 198.1 million illegally.

The High Court on January 19, 2012, scrapped the trial proceedings of Hashem's graft case.[41]

But the apex court scrapped the High Court verdict that quashed the proceedings of the graft case against Hashem after hearing an ACC petition.

After years of harassment, MA Hashem, resigned from politics in 2016 to avoid further harassment of Anti-Corruption Commission.[42]

5.1.7. Ruhul Kuddus Talukder Dulu

The ACC filed a case with Adabor Police Station on April 19, 2007, against BNP leader Ruhul Kuddus Talukder Dulu on a charge of amassing wealth worth Tk 138 million beyond his known sources of income.

Following a petition filed by Dulu, the High Court on July 18, 2012, quashed the trial proceedings of the case.[43]

Later, the ACC filed the appeal with the SC challenging the HC judgment. The special judge's court resumed the trial proceedings of the case against the BNP leader.

Now, ahead of the next election, the Anti-Corruption Commission is after the popular BNP leader again. On March 7 of 2018, the commission claimed that

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[41] **SC okays trials of three BNP leaders,** https://www.thedailystar.net/sc-okays-trials-of-three-bnp-leaders-25149

[42] **MA Hashem resigns from politics,** https://www.thedailystar.net/city/ma-hashem-resigns-politics-1336660

[43] **SC clears way for trial of Dulu,** https://www.thedailystar.net/city/sc-clears-way-trial-dulu-166528

Ruhul Kuddus allegedly amassed at least worth of Tk 5 billion illegal wealth during the BNP tenure through controlling tender of different government offices in Natore.

The commission sources said, the commission will assign officials to carry out an inquiry soon, and it will serve notices them to submit their wealth statements with the commission.[44]

6.1.8. Asadul Habib Dulu

BNP's popular leader from Lalmonirhat district, Asadul Habib Dulu spearheaded the movement for a neutral government in 2013. This made him face the wrath of Awami League supported anti-graft body.

After twelve years of resigning from the post of MP of his area, he has come under the scanner of Anti-Corruption Commission in 2018. The officials from ACC said that Asadul Hasib earned huge wealth during the BNP tenure collecting extortion form the contractors in Lalmonirhat and Rangpur area.[45]

5.2. Judiciary made sitting duck

Bangladesh's judiciary has not faced this much pressure ever in the history. Former Chief Justice Surendra Kumar Sinha, who was ousted for being bold enough to oppose Awami League's proprietary attitude toward the country, in a public meeting on March 15, 2017, said, "The judiciary has been held, hostage."[46]

The Anti-Corruption Commission has been the chief apparatus for Awami League to keep the officials of the judiciary under pressure. At least three examples can prove that.

5.2.1. Chief Justice harassed!

Former Chief Justice SK Sinha faced criticism from the ruling party over the verdict of the 16th amendment to the constitution and forced to go abroad

[44] **Dulus of BNP, Mijan of AL under ACC scanner for illegal wealth,** www.newagebd.net/article/36315/dulus-of-bnp-mijan-of-al-under-acc-scanner-for-illegal-wealth

[45] **SC clears way for trial of Dulu,** https://www.thedailystar.net/city/sc-clears-way-trial-dulu-166528

[46] **Judiciary held hostage: SC,** https://www.thedailystar.net/frontpage/judiciary-held-hostage-sc-1376173

taking leave in October last year. He had submitted his resignation while staying abroad.[47]

After he left, the Supreme Court had mentioned ‘11 specific complaints’ against him in a statement that included corruption, money laundering, financial irregularity and moral lapse.

The Anti-Corruption Commission or ACC, in this April, summoned two persons to investigate transactions of Tk 40 million borrowed by two businessmen from scam-hit Farmers Bank. They allegedly transferred the fund as a bribe to an ‘important person’s bank account without mentioning a specific name through a pay order.

Former Chief Justice SK Sinha is the account bearer, although the ACC documents do not bear the name of the ‘important person’, according to media reports.

5.2.2. Judge face ACC for acquitting Tarique

Mr Md. Motahar Hossain was a trial judge of a case of Mr Tarique Rahman. His only fault was that he acquitted Mr Tarique Rahman, the son of Begum Khaleda Zia and the Senior Vice-Chairperson of BNP from the so-called money laundering case that was filed by the Awami League government in order to malign him.

Due to the verdict, the judge was compelled to leave the country to save his life, and now he is exiled in Malaysia.

After the verdict was delivered, that acquitted Mr Tarique Rahman, on November 17, 2013, from the false charges of money laundering, the Anti-Corruption Commission (ACC) went after the judge.

An ACC team, after the verdict, launched a preliminary investigation against the so-called “discrepancies” in the wealth statement of the judge. They interrogated two stenographers of two separate Dhaka courts to get

[47] **Tk 40m credited to ‘important’ person’s bank account: ACC summons two,** https://bdnews24.com/bangladesh/2018/04/26/tk-40m-credited-to-important-persons-bank-account-acc-summons-two

information on the judge's wealth. They are- Md Abul Hossain of Speedy Tribunal-4 and Nurul Islam Mollah of Special Judges Court in Dhaka.

The graft watchdog also summoned Judge Md Motahar Hossain's personal security Badal Dewan and driver Sohrab Hossain, but no irregularities were found.[48]

5.2.3. ACC is driven by Sheikh Hasina's personal vendetta

Justice Joynul Abedin who headed the judicial enquiry into the grenade attack on an Awami League rally at Dhaka's Bangabandhu Avenue on August 21, 2004, was summoned by ACC to submit his wealth statement in 2010.[49]

The ACC initiated a probe into the wealth of Justice Joynul Abedin and a complaint about money laundering against him.

The ACC in July 2010 sent him a notice asking for an account of his wealth on suspicion that he had achieved assets beyond known sources.

Justice Joynul Abedin in his petition said that he had submitted his wealth statements twice to the commission on August 8, 2010, and November 3, 2010, as the commission asked for.

The allegations brought against justice Joynul is politically motivated for his role as the head of judicial enquiry to the August 21 attack for not naming BNP with the attack as they required. Sheikh Hasina was personally angry with him which was reflected in this measure of ACC.

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[48] **Former judge Motahar flees to Malaysia,** thedailynewnation.com/news/1096/former-judge-motahar-flees-to-malaysia.html

[49] **ACC notice on bank statement: SC upholds bail of former justice**, www.thedailystar.net/city/anti-corruption-commission-acc-notice-on-bank-statement-supreme-court-upholds-bail-former-justice-1437949

6. Conclusion

During the March of 2018, when BNP leaders were busy in the movement for the release of Begum Khaleda Zia, out of nowhere a report was circulated by a propaganda platform of Awami League naming top BNP leaders that the leaders of BNP were withdrawing money from their bank accounts.

The Anti-Corruption Commission within few days of the report asked for the bank statement of all BNP leaders. It appeared that the commission was well prepared for making the move and was only waiting for the report to be published.

This fierceness was never seen among the commission officials when it came to trying Awami League leaders or government officials. There have been cases of illicit capital flow and ill-gotten wealth that the commission has only overlooked so far. The proposition is not unfounded at all given that the Washington-based Global Financial Integrity report, released in May 2017, said that illicit capital flow from Bangladesh started increasing beginning in 2007 and continued till 2013 when the highest $9.66 billion was siphoned off. Much of the illicit capital flow has so far not been looked into.

The New Age editorial on April 6, 2018 rightly commented that, *“but the people that are under investigation and the time of the investigation are what is likely to create suspicion in people’s mind if the Anti-Corruption Commission is being used as a device of the government to thwart political parties in opposition, especially the BNP, the political arch-rival of the ruling Awami League. The commission’s inaction or unwillingness to investigate other big financial scams and issues of illicit capital flow out of the country allegedly by people politically connected to the incumbents only lends credence to such popular perception.”*

The commission was clearly seen to be used yet again in another plot of the government that too by its will.

Therefore, it will not be a distortion of fact if one comes to a conclusion that the Awami League and Sheikh Hasina is completely controlling the Anti-Corruption Commission of Bangladesh, and using as a tool to safeguard Awami League’s corruption and harass opposition leaders.