

## Chittagong Tribunal Verdict and its Implications

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In a landmark judgment, the Chittagong Metropolitan Special Tribunal-1 in Bangladesh sentenced fourteen people to death including Paresh Baruah, self-styled Commander-in-Chief of United Liberation Front of Asom (ULFA); Matiur Rahman Nizami, current chief of Jamaat-e-Islami and Industries Minister in the Bangladesh Nationalist Party (BNP)-Jamaat coalition government (2001-06); Luftozzaman Babar, BNP's former Minister of State for Home Affairs and former chiefs of Bangladesh's two premier intelligence organisations. Judge S M Mojibur Rahman delivered the verdict on January 30 after nearly ten years of the incident. Baruah had been absconding since the recovery and the tribunal tried him in absentia. All the accused were tried under the Arms Act for illegal possession of firearms and Special Powers Act of 1974 for weapons smuggling.

### Arms and Ammunition Seized

On April 2, 2004, ten trucks with arms and ammunition were seized from two vessels at the Chittagong Urea Fertilizer Limited jetty which is under the Ministry of Industries. The weapons recovered from 1500 wooden boxes included 4,930 types of firearms, 27,020 grenades, 840 rocket launchers, 300 accessories of rocket launchers, 2,000 grenade launching tubes, 6,392 magazines and 11,520 bullets. Two cases were filed immediately at the local Karnaphuli police station under the Special Powers Act and Arms Act. It was the largest ever seizure of an arms consignment in Bangladesh. The seizure generated a big furore in Bangladesh and neighbouring India after it was discovered that the weapons were meant for the separatist ULFA.

## **Trial Process**

The trial of both the cases began in 2005 with several loopholes as the investigation team deliberately overlooked a number of important aspects such as “who had brought the arms, from which country, what was the destination and how was a jetty of a state-owned body was used for uploading the weapons”. During the initial stage, only the labourers, truckers and trawler drivers were implicated leaving the principal conspirators and organisers at bay as the then government tried to cover up the involvement of its ministers, top intelligence officials and bureaucrats. There were allegations of deliberate attempts on the part of the government to suppress facts in order to weaken the case. It was only after a military-backed caretaker government took over in Bangladesh on January 11, 2007, both the cases received new lease of life. On February, 14, 2008, the chief judge of the Chiattagong Metropolitan Tribunal ordered re-investigation following a prosecution petition and consequently, the cases took a decisive turn. In June 2011, investigators submitted two supplementary charge-sheets accusing eleven new suspects. Investigations revealed the direct involvement of some key politicians of the then BNP-led government, former chiefs of two premier intelligence agencies, bureaucrats, ISI and ULFA.

## **International Linkages**

The verdict thoroughly exposed the international conspiracy that was hatched by various organisations and personnel to destabilise India’s restive North Eastern region. According to the charge-sheet, all the arms and ammunition were manufactured by Chinese firm NORINCO. The funds had been procured from Pakistan. The weapons were purchased with the help of a UAE-based firm belonging to a Pakistani businessman and brought to the Chittagong port in a ship that had come from Hong Kong via Singapore.

Several meetings reportedly took place in Bangladesh and abroad before the April 2004 seizure. Former NSI Director Abdur Rahim allegedly met the officials of Pakistan’s ARY Group and ISI on many occasions. During the interrogation, another ex-NSI Director, Sahabuddin had spoken about the arms smuggling plan. He had a meeting with the ISI officials to facilitate the arms delivery.

## Security Implications for North East

The verdict has far reaching implications for the subcontinent's peace and security. Another sinister design to destabilise the region particularly India's sensitive North East has been unearthed. A small but influential section of Bangladesh in connivance with inimical forces—both domestic as well as foreign, had been determined to spread terror in the sub-continent. The recent court ruling has only reaffirmed it.

The court order assumes significance in the context of prevailing cross-border militant activities. The strategically located Chittagong region had been used by most of the outfits as transit routes for launching attacks against Indian targets. The ULFA leaders had built a huge network of training camps, safe houses and logistical support in the region. Bangladesh also emerged as a hub of lucrative business for the North Eastern separatists. Indian intelligence reports say that the ULFA leaders invested heavily in sectors like media, real estate and shipping during 1989-2010. All such activities flourished under the successive BNP governments. The insurgent groups were offered all kinds of assistance by the BNP and its allies. Former Prime Minister Khaleda Zia often described the separatist outfits as “freedom fighters”. In her opinion, Bangladesh is morally obliged to assist them since India supported its cause in 1971. It is no more secret that Bangladesh under Khaleda resorts to acts that are detrimental to India's vital security interests to consolidate its bargaining position vis-à-vis New Delhi while negotiating on various bilateral issues.

Contrary to the BNP policy of promoting cross-border terrorism, the current Awami League (AL) government has demonstrated its zero-tolerance towards militancy through the recent verdict. Following Sheikh Hasina's assumption of power in December 2008, most of the militant leaders had been driven out of Bangladesh and their camps dismantled. Moreover, her government tightened the anti-terror laws to stamp out militancy from Bangladesh's soil. During the trial proceedings, the prosecution revealed how the ISI had hatched conspiracy in collaboration with the pro-Islamabad lobby of Bangladesh and the secessionist forces of India. The BNP and the fundamentalist Jamaat have always been opposed to building friendly relations with India. The 2004 arms haul case is yet another instance of their attempt to subvert bilateral ties and undermine peace and stability in the region. Prosecutor Kamal Uddin clearly said, “The BNP-led government had a hostile attitude towards India. So they used the chance of smuggling in the arms for the ULFA”. The judgment is likely to have a positive impact on the Indo-Bangladesh ties. India earlier

endorsed Hasina's victory in the January 5 parliamentary elections and was looking for speedy resolution of the cases.

The Chittagong verdict is a major setback for the ULFA – currently plagued by desertions and infighting. The outfit is already cut to size with its frontline leaders engaged in peace dialogue with the Indian government. Its military chief Baruah, who is opposed to peace talks and has vowed to continue armed struggle to achieve “sovereign Assam”, will not be able to enter Bangladesh now. Intelligence reports indicate that he has been making concerted efforts to rebuild ULFA network in Bangladesh since the militant outfit is confronting various difficulties to operate from the inhospitable terrain of Myanmar.

The judgment is also expected to boost Bangladesh's democratic credentials which were at stake when the BNP-Jamaat combine was in power. The present law minister maintains that the verdict has reflected the AL government's pledge to establish rule of law in the country. He is of the view that the judgment would act as a deterrent. He said, “In future, one will think before committing this type of crime’. However, containing Islamic militancy especially the jihadi elements against the backdrop of chronic political instability remains a challenging task for the AL government.

*Views expressed are of the author and do not necessarily reflect the views of the IDSA or of the Government of India.*