

110TH CONGRESS
1ST SESSION

H. R. 2181

For the relief of Mohuiddin A.K.M. Ahmed.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2007

Mr. McDERMOTT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

For the relief of Mohuiddin A.K.M. Ahmed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) Mohuiddin A.K.M. Ahmed is an innocent
6 Bangladeshi citizen living in exile in the United
7 States. In 1996, a Bangladeshi court erroneously
8 convicted Mr. Ahmed of murder and sentenced him
9 to death in connection with a 1975 coup. Having ex-
10 hausted all available legal avenues, Ahmed now sits
11 in U.S. custody awaiting his deportation and subse-
12 quent execution.

1 (2) The circumstances surrounding the trial in
2 absentia and subsequent conviction of Mohiuddin
3 “Din” Ahmed, are sufficiently suspect as to warrant
4 the immediate intervention on the part of the United
5 States Government to prevent his planned deporta-
6 tion, which as of now is imminent.

7 (3) If the United States Congress, the United
8 States State Department, or the United States De-
9 partment of Homeland Security fail to intervene on
10 his behalf, or favorably exercise their discretion in
11 this matter, Ahmed will face certain execution by
12 hanging upon his arrival in Bangladesh.

13 (4) Following its split from Pakistan in 1971,
14 the newly sovereign nation of Bangladesh experi-
15 enced a period of violent civil unrest, culminating in
16 the violent coup to overthrow the nation’s first
17 Prime Minister, Sheikh Mujibur Rahman (Mujib) on
18 August 15, 1975. Ahmed had been commissioned as
19 an officer in the East Pakistani military before Ban-
20 gladesh declared its independence, and he continued
21 to serve during the Pakistani civil war and after
22 independence. On the night of August 15, 1975,
23 Ahmed was ordered to station his men at a road-
24 block roughly one mile from the home of then Prime
25 Minister of Bangladesh, Sheikh Mujibur Rahman.

1 That night, a violent coup erupted, and individuals
2 stormed the home of the Prime Minister, killing him
3 and the rest of his family.

4 (5) Ahmed, like most Bangladeshis and many
5 international observers at the time, was concerned
6 with Mujib's policies of political suppression and his
7 repeated violations of the civil rights of the
8 Bangladeshi people. However, he had no knowledge
9 of, nor did he support, the violent coup that erupted
10 that night.

11 (6) Following the coup, Ahmed went on to serve
12 as a diplomat in Iraq, Saudi Arabia, and elsewhere,
13 until 1996, when Sheikh Hasina Wajed, daughter of
14 the assassinated Prime Minister, came to power, and
15 then broke her promise to respect the Bangladeshi
16 constitutional amendment which provided immunity
17 to officers involved in the 1975 coup. Rather, Sheikh
18 Hasina Wajed orchestrated the repeal of the con-
19 stitutional amendment, and the arrest of the men
20 she believed were responsible for the death of her fa-
21 ther. Under these orders, Ahmed, who had been liv-
22 ing in Los Angeles, was tried in absentia, convicted,
23 and sentenced to death by hanging. He will not be
24 allowed to reopen the in absentia conviction. As
25 such, he will not be provided the opportunity to

1 question the fairness of the trial, confront witnesses
2 against him, nor present exculpatory evidence on his
3 behalf which has recently been uncovered, i.e., eye-
4 witness testimony affirming Ahmed's innocence.

5 (7) Soon after Din arrived in the United States
6 he applied for asylum but was denied by both the
7 Immigration Court and the Board of Immigration
8 appeals. By the time his trial began in Bangladesh
9 he had already filed a request for political asylum
10 under the provisions of the United Nations Conven-
11 tion Against Torture. But after the September 11,
12 2001, terrorist attacks, immigration law had
13 changed and Ahmed, accused of taking part in kill-
14 ing a head of state, was no longer entitled to relief
15 from deportation. Last February, the U.S. Court of
16 Appeals for the 9th Circuit affirmed the immigration
17 judge's denial of asylum and related relief.

18 (8) It is incumbent upon us to find a country
19 where Ahmed might be granted safe-haven, that
20 does not condone death penalty, and that respects
21 human rights.

22 **SEC. 2. DEFERRAL OF ACTION ON DEPORTATION.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, for purposes of the Immigration and Nation-
25 ality Act (8 U.S.C. 1101 et seq.), Mohuidin A.K.M.

1 Ahmed shall have his final order of deportation indefi-
2 nitely stayed.

3 (b) DEFERRAL OF ACTION.—Mohuiddin A.K.M.
4 Ahmed shall be accorded deferred action status for an in-
5 definite period, and the Immigration and Customs En-
6 forcement shall release him from ICE custody with an
7 order of supervision. As such, Mr. Mohuiddin A.K.M.
8 Ahmed will not be deported to Bangladesh, or any coun-
9 try, which maintains an extradition treaty with Ban-
10 gladesh or which condones the death penalty.

11 (c) PREFERENTIAL IMMIGRATION TREATMENT FOR
12 CERTAIN RELATIVES.—The spouse and children of
13 Mohuiddin A.K.M. Ahmed shall, by virtue of such relation-
14 ship, be accorded the same rights, privileges, or status
15 under the Immigration and Nationality Act as Mohuiddin
16 A.K.M. Ahmed.

17 **SEC. 3. PERMANENT RESIDENCE.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, for purposes of the Immigration and Nation-
20 ality Act (8 U.S.C. 1101 et seq.), Mohuiddin A.K.M.
21 Ahmed shall be eligible for adjustment of status to that
22 of an alien lawfully admitted for permanent residence
23 upon filing an application for issuance of an immigrant
24 visa under section 204 of such Act or for adjustment of
25 status to lawful permanent resident.

1 (b) ADJUSTMENT OF STATUS.—If Mohuiddin A.K.M.
2 Ahmed applies for lawful permanent residency, he shall
3 be considered to have entered and remained lawfully in
4 the United States, and shall be eligible for adjustment of
5 status under section 245 of the Immigration and Nation-
6 ality Act as of the date of the enactment of this Act.

7 (c) REDUCTION OF IMMIGRANT VISA NUMBER.—
8 Upon the granting of permanent residence to Mohuiddin
9 A.K.M. Ahmed, the Secretary of State shall instruct the
10 proper officer to reduce by 1, during the current or next
11 following fiscal year, the total number of immigrant visas
12 that are made available to natives of the country of the
13 alien’s birth under section 203(a) of the Immigration and
14 Nationality Act or, if applicable, the total number of immi-
15 grant visas that are made available to natives of the coun-
16 try of the alien’s birth under section 202(e) of such Act.

17 (d) PREFERENTIAL IMMIGRATION TREATMENT FOR
18 CERTAIN RELATIVES.—The spouse of Mohuiddin A.K.M.
19 Ahmed shall, by virtue of such relationship, be accorded
20 the same rights, privileges, or status under the Immigra-
21 tion and Nationality Act as Mohuiddin A.K.M. Ahmed.

22 **SEC. 4. ASYLUM ABROAD.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, for purposes of the Immigration and Nation-

- 1 ality Act Mohuiddin A.K.M. Ahmed shall be permitted to
- 2 seek asylum in a foreign nation.

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