

Mark A. Robertson
Peter Guirguis
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, NY 10103
Telephone: 212-318-3000
Telecopier: 212-318-3400
mrobertson@fulbright.com
pguirguis@fulbright.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NAYEEM MEHTAB CHOWDHURY,	:
	:
Plaintiff,	: 08 Civ. 1659 (BMC)
	:
- against -	: <u>FIRST AMENDED COMPLAINT</u>
	:
WORLDTEL BANGLADESH HOLDING, LTD. and	:
AMJAD HOSSAIN KHAN,	: Jury Trial Demanded
	:
Defendants.	:
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Plaintiff Nayeem Mehtab Chowdhury (“Chowdhury”) makes and files this First Amended Complaint against defendants.

INTRODUCTION

1. Mr. Chowdhury brings this action for money damages and injunctive relief in connection with defendants’ violations of the Torture Victim Protection Act and the Alien Tort Claims Act. In an effort to gain an advantage in a business dispute, Defendants WorldTel Bangladesh Holding, Ltd. (“WorldTel Bangladesh Holding”) and Amjad Khan (“Khan”) filed false charges that caused Mr. Chowdhury to be confined in jail in Bangladesh and they caused the Bangladesh Rapid Action Battalion to torture Mr. Chowdhury. The morning after Mr. Chowdhury was tortured, Mr. Khan told Mr. Chowdhury’s relatives that Mr. Khan attended the torture of Mr. Chowdhury and offered to prevent further torture if control of WorldTel

Bangladesh Ltd. was given to Defendants Khan and WorldTel Bangladesh Holding. During his confinement, Mr. Chowdhury was told that the Rapid Action Battalion tortured Mr. Chowdhury at Mr. Khan's request.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1350.

3. Venue in this Court is proper because Mr. Chowdhury holds Green Card status with his United States residency being in Queens County, New York. Defendant Amjad Hossain Khan is a United States citizen with property in the United States.

THE PARTIES

4. Plaintiff Nayeem Mehtab Chowdhury ("Chowdhury") is an individual who is a citizen of Bangladesh. Mr. Chowdhury holds a Green Card for legal residence in the United States that was issued by the United States. Mr. Chowdhury has had a residence in Queens County, New York since at least 1998. Mr. Chowdhury is the Managing Director of WorldTel Bangladesh Ltd. ("WorldTel Bangladesh"). Mr. Chowdhury is also an owner and officer of World Communications Investments Incorporated ("WCII").

5. Defendant WorldTel Bangladesh Holding, Ltd. ("WorldTel Bangladesh Holding") is, upon information and belief, a Mauritius corporation. Defendant WorldTel Bangladesh Holding's ultimate parent is believed to be a United Kingdom company called WorldTel Ltd. that is currently in a bankruptcy proceeding. WorldTel Bangladesh Holding has appeared in this lawsuit.

6. Defendant Amjad Hossain Khan ("Khan") is a United States citizen who has been operating Defendant WorldTel Bangladesh Holding in Bangladesh. He has identified himself at different times as the chairman of the board, as the owner and as the representative of Defendant

WorldTel Bangladesh Holding. Mr. Khan's lawyer has informed the Court that Mr. Khan "holds agency authority on behalf of" WorldTel Bangladesh Holding. His office in Bangladesh is located at House No. 3, Road No. 23/A, Gulshan, Dhaka. He also owns property in the United States. Mr. Khan has appeared in this lawsuit.

FACTS

7. WorldTel Bangladesh was formed on June 12, 2000. WCII and Defendant WorldTel Bangladesh Holding became shareholders in 2001. WorldTel Bangladesh was created for the purpose of providing fixed telephone service in the Dhaka Multi Exchange Area of Bangladesh.

8. On July 12, 2001, Bangladesh granted WorldTel Bangladesh a 25 year license to provide fixed telephone service in the Dhaka Multi Exchange Area in Bangladesh. The license included a 4 year period of exclusivity.

9. When Bangladesh issued the license to WorldTel Bangladesh, Bangladesh had one of the lowest densities of telephones in the world. After the license was issued, Bangladesh enacted the Bangladesh Telecommunications Act of 2001 and the Bangladesh Telecommunication Regulatory Commission (the "Regulatory Commission") was created. On April 20, 2004, the Regulatory Commission validated the license that had been previously granted to WorldTel Bangladesh as required by the Telecommunications Act of 2001. The four year exclusivity provision, however, was withdrawn.

10. After the Regulatory Commission withdrew the right of exclusivity from WorldTel Bangladesh, Defendant WorldTel Bangladesh Holding informed WCII that WorldTel Bangladesh Holding would no longer invest the necessary capital to build the telephone network. As WorldTel Bangladesh began building its telephone network, WorldTel Bangladesh Holding did not make any of the required investments of capital. WCII had to provide and arrange for the

necessary capital to build the telephone network. Upon information and belief, WorldTel Bangladesh Holding's ultimate parent, WorldTel Ltd. (a U.K. company), is in liquidation in the United Kingdom.

11. As a result of WCII's investment, WorldTel Bangladesh purchased and imported capital equipment into Bangladesh and built the infrastructure required to operate the telephone network. WorldTel Bangladesh built its own switch network, billing system, customer care centre, call centre, distribution channel and switching centre. WorldTel Bangladesh invested almost 20 million dollars to build the infrastructure of its telephone network. It anticipates further expanding its operations.

12. As a result of the capital arranged by WCII for WorldTel Bangladesh and the failure by WorldTel Bangladesh Holding to invest in the telephone system infrastructure, WCII now owns 99.46% of the WorldTel Bangladesh stock and WorldTel Bangladesh Holding owns 0.054% of the WorldTel Bangladesh stock.

13. Defendant Amzad Khan is the majority owner of a telephone company in Bangladesh called BanglaPhone. It has a license to operate in an area of Bangladesh separate from the area of the country where WorldTel Bangladesh has a license to operate a telephone company. As a license holder, Mr. Khan and BanglaPhone cannot own another telephone company or have a second license.

14. In spite of that rule, Mr. Amzad Khan has variously described himself as the chairman of the board, as the owner and as the local representative of Defendant WorldTel Bangladesh Holding.

15. WorldTel Bangladesh Holding had its Managing Director named Todd Kirnan file criminal and civil petitions against Mr. Chowdhury and WorldTel Bangladesh in 2005 and 2006.

Mr. Kirnan is a United States citizen believed to be from the State of New York. Mr. Kirnan left WorldTel Bangladesh Holding at some point in 2007. Mr. Kirnan alleged that Mr. Chowdhury and Mirza Beg (Chairman of WCII and WorldTel Bangladesh) did not have the authority to act on behalf of WorldTel Bangladesh and alleged that some financing was obtained through fraud or through forgery. Mr. Kirnan alleged that the signature of Sam Pitroda, the Chairman of WorldTel Bangladesh Holding Ltd. and a United States citizen, was forged on the loan documents at one or more of the banks.

16. Two separate governmental investigations concluded that Mr. Chowdhury and Mr. Beg had the authority to act on behalf of WorldTel Bangladesh and concluded that no forgery of Sam Pitroda's signature occurred and no fraud occurred. The Chief Metropolitan Magistrate in Dhaka, Bangladesh accepted both reports. The Chief Metropolitan Magistrate accepted the second report on February 27, 2007.

17. The Bangladesh Ministry of Home conducted an additional investigation. The Ministry of Home concluded that Mr. Chowdhury and Mr. Beg had authority, concluded that no forgery occurred, and concluded that no fraud occurred.

18. Before the second report was accepted and all criminal charges against Mr. Chowdhury and WorldTel Bangladesh were dropped, Mr. Khan substituted in as the complainant in place of Mr. Kirnan. The court permitted the substitution because Mr. Kirnan was no longer in the management of WorldTel Bangladesh Holding. The court explained that Mr. Khan was nominated by WorldTel Bangladesh Holding to continue the case. The court also said the complaint was related to WorldTel Bangladesh Holding and not to Mr. Khan as an individual.

19. Mr. Chowdhury entered into a settlement agreement dated September 27, 2006, on behalf of WCII, related to the ownership of shares in WorldTel Bangladesh. WCII and

WorldTel Bangladesh Holding agreed that the stock of WorldTel Bangladesh would be transferred to WCII from WorldTel Bangladesh Holding. WCII paid \$160,000.00 (Taka 10 million) to WorldTel Bangladesh Holding as a part of the settlement agreement.

20. Even though BanglaPhone did not have any dispute with any other party to that agreement, the agreement included a right for BanglaPhone to provide copper based land phone service under the WorldTel Bangladesh license. Mr. Khan signed on behalf of BanglaPhone. Mr. Kirnan signed on behalf of WorldTel Bangladesh.

DEFENDANTS CAUSE THE ARREST OF MR. CHOWDHURY BY THE RAB

21. In November of 2007, Mr. Khan claiming to be the representative of Lennart Broman (a former director of WorldTel Bangladesh who had been appointed to the board by WorldTel Bangladesh Holding) lodged a complaint against Mr. Chowdhury, Mr. Beg and WCII based on fraud on a bank even though (1) the bank previously explained to investigators and others that the loans were taken out properly without any fraud; (2) two Bangladesh investigations previously determined no fraud existed; (3) the Department of Home determined no fraud existed; and (4) a court previously found that no fraud occurred.

22. Mr. Khan's November 2007 complaint was made to the Bangladesh Rapid Action Battalion ("RAB"). The financial crimes alleged by Mr. Khan are not the types of crimes that the paramilitary RAB would be expected to handle. Before Mr. Khan filed his complaint, Mr. Khan knew that Mr. Chowdhury had been previously cleared of any wrongdoing related to the allegations made by Mr. Khan.

23. The RAB has and had a reputation for torture and intimidation that Mr. Khan must have known about. Numerous news reports published prior to Mr. Chowdhury's November 2007 arrest describe RAB's reputation for torture, extra judicial killings, and deaths in custody after torture. The only purpose in filing the complaint with the RAB against Mr.

Chowdhury instead of with the police or the Criminal Investigation Department (“CID”) that handles the types of financial crimes alleged by Mr. Khan would be for the coercive torture tactics that the RAB is notorious for.

24. Mr. Chowdhury was arrested on November 5, 2007, by the RAB. Mr. Chowdhury was held by the Rapid Action Battalion until November 12, 2007. On November 12, Mr. Chowdhury was transferred to the Dhaka Central Jail. Neither the law enforcement agencies, nor the bank that granted the loan that was the basis of the purported fraud initiated a case against Mr. Chowdhury, Mr. Beg, WorldTel Bangladesh, or WCII. The same allegations were determined previously to be false and the previous charges were dismissed. In April of 2008, the government issued a final report again clearing Mr. Chowdhury of the criminal charges.

25. Mr. Chowdhury was confined in a completely black room that served as his cell. The completely black room had a hoist where five to ten different prisoners were hoisted from the ceiling by their arms or legs and then savagely beaten by the RAB with batons during timed when Mr. Chowdhury was in that same room. Some of the prisoners were beaten so much that skin sloughed off their shoulders. Others were beaten until they either passed out or were close to passing out. These beatings occurred a few feet away from Mr. Chowdhury in the same room where he was shackled. Mr. Chowdhury also heard the screams of agony of other prisoners from outside his cell.

DEFENDANTS CAUSE THE TORTURE OF MR. CHOWDHURY

26. At some point while he was held by the RAB, Mr. Chowdhury was blindfolded, taken from his cell, and subjected to electric shock. The electric shocks were applied all over his body including his arms, torso and legs. The electrical shocks caused Mr. Chowdhury extreme pain and caused him to cry out in anguish. After being removed from the room where he

suffered the shocks and after his blindfold was removed, Mr. Chowdhury saw Mr. Khan in the RAB facility.

27. The morning after Mr. Chowdhury was tortured, Mr. Khan met with Mr. Chowdhury's parents, uncle and aunt. Mr. Khan told Mr. Chowdhury's family that Mr. Chowdhury had been tortured and described Mr. Khan's own attendance at the agonizing torture of Mr. Chowdhury.

28. In addition to the shocks, Mr. Chowdhury was shackled for hours in a manner that caused him extreme pain because he was forced to stand after being electrocuted in his leg muscles. The extreme pain caused by having to stand after suffering from electrical shocks being applied to his legs made the pain from the electrical shocks continue even though the RAB stopped applying the electrical shock.

29. The prosecuting attorney asked the judge if the lawyers for WorldTel Bangladesh Holding and Mr. Khan could participate in the bail hearing on behalf of the government. Bail was denied repeatedly to Mr. Chowdhury until April of 2008 when he was cleared of all charges by the final report.

30. During his confinement, the RAB told Mr. Chowdhury that his torture was administered because Mr. Khan requested the torture. Prior to when the torture began, the RAB told him that Mr. Khan was putting pressure on the RAB to torture Mr. Chowdhury. Because of the RAB's reputation for brutality and for causing death, because Mr. Khan had previously threatened Mr. Chowdhury's life, because Mr. Chowdhury was in such pain, and because the RAB told Mr. Chowdhury that the torture was administered at Mr. Khan's request, Mr. Chowdhury feared for his life.

31. The use of electrical shock and the shackled, forced standing after electric shocks to Mr. Chowdhury's muscles caused extreme pain and constitute torture under the law of nations and the laws of the United States.

DEFENDANTS OFFER TO PREVENT CONTINUED TORTURE

32. On the day after the torture of Mr. Chowdhury, Mr. Khan met with Mr. Chowdhury's parents, uncle and aunt. Mr. Khan told them that he attended Mr. Chowdhury's torture the previous day. Prior to Mr. Khan telling Mr. Chowdhury's relatives of the torture, Mr. Chowdhury's relatives did not know that Mr. Chowdhury had been tortured. Mr. Khan told Mr. Chowdhury's relatives that Mr. Khan and WorldTel Bangladesh Holding would prevent future torture if control of WorldTel Bangladesh were given to Mr. Khan and WorldTel Bangladesh Holding.

33. The Defendants used the threat of torture of Mr. Chowdhury as a means to try and extort a valuable business advantage. The electrical shocks to Mr. Chowdhury and the extremely painful forced standing after electric shocks had been applied to Mr. Chowdhury's muscles were to stop if WCII and WorldTel Bangladesh provided Mr. Khan and WorldTel Bangladesh Holding control over WorldTel Bangladesh and its telephone network worth millions of dollars and over WorldTel Bangladesh's rights in the telephone market that are worth millions of dollars.

FIRST CLAIM FOR RELIEF
(Violation of Torture Victim Protection Act)

34. Plaintiff restates and realleges all allegations contained in paragraphs 1 through 33 as if fully set forth herein.

35. The electrical shocks and extremely painful shackled standing suffered by Mr. Chowdhury constitute torture within the meaning of 28 U.S.C. § 1350. Mr. Khan, acting on

behalf of WorldTel Bangladesh Holding, knew that the RAB would torture Mr. Chowdhury, knew the RAB was not the proper police unit for the alleged crimes, convinced the RAB to torture Mr. Chowdhury and offered to prevent the torture in exchange for control over WorldTel Bangladesh. These acts and the others described above constitute violations of the Torture Victim Protection Act.

SECOND CLAIM FOR RELIEF
(Violation of the Law of Nations and Alien Tort Claims Act)

36. Plaintiff restates and realleges all allegations contained in paragraphs 1 through 35 as if fully set forth herein.

37. The defendants' use of electric shock and shackled forced standing after applying electric shocks to Mr. Chowdhury's leg muscles in order to obtain a business advantage is a violation of the laws of nations and the Alien Tort Claims Act.

WHEREFORE, plaintiff demands judgment as follows:

1. A permanent injunction enjoining defendants and each of their affiliates, and all of the officers, directors, managers employees, agents, servants and agents of any of the foregoing, including all persons and entities acting in concert or participation with any of them, from taking any action that may have the effect of causing Mr. Chowdhury physical pain and from taking any action that could cause Mr. Chowdhury to be arrested or detained in jail including filing any complaints or petitions related to any loans taken by WorldTel Bangladesh, related to the operations of WorldTel Bangladesh, or authority to act on behalf of WorldTel Bangladesh.

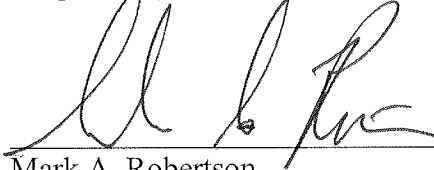
2. Monetary damages in an amount to be determined at trial but in no event less than \$20 million.

3. Damages for pain and suffering suffered by Mr. Chowdhury in an amount to be determined at trial but in no event less than \$10 million.
4. Punitive damages.
5. Reasonable attorneys' fees, costs and expenses.
6. Such other and further relief which to this Court appears just and reasonable.

Plaintiffs request a trial by jury.

Dated: New York, New York
January 5, 2009

Respectfully submitted,



Mark A. Robertson
Peter Guirguis
Fulbright & Jaworski L.L.P.
666 Fifth Avenue
New York, NY 10103
Telephone: 212-318-3000
Telecopier: 212-318-3400
mrobertson@fulbright.com
pguirguis@fulbright.com
Attorneys for Plaintiff

Certificate of Service

This amended complaint was served in compliance with Local Rule 5.2 on January 5, 2009, by the electronic filing of the document.



Mark A. Robertson