

International Crimes Tribunal-1
Old High Court Building, Dhaka, Bangladesh.
ICT-BD [ICT-1] Case No.12 of 2017

Present:

Justice Md. Shahinur Islam, Chairman

Justice Amir Hossain, Member

Justice Md. Abu Ahmed Jamadar, Member

Order No.17

30 April, 2019

The Chief Prosecutor

Vs.

(1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab, (2) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (3) Md. Badrudduja @ Badiujjaman @ A.S.M Badrudduja, (4) Md. Daud Sheikh @ Daud Sheikh, (5) Md. Gulzar Hossain Khan @ Golzar Khan, (6) Md. Khandaker Showkat Ali Babul @ Babul Miah, (7) Md. Shulaiman Faruki @ Solaiman Mollah, (8) Md. Ruhul Kuddus Khan @ Kuddus Khan @ Golam Kuddus, (9) Abdus Sattar Mollah @ Sattar Mollah, (10) M.A. Awal @ Abdul Awal Mandol, (11) Abdus Sattar Shikdar and (12) Abdul Mazid Mollah

For the prosecution:

Mr. Md. Sahidur Rahman, Prosecutor

For Defence:

Mr. Mujahidul Islam Shahin, Advocate, Bangladesh Supreme Court: **Engaged** for accused (1) Md. Badrudduja @ Badiujjaman @ A.S.M Badrudduja and **state defence counsel** for two[02] accused (2) Abdul Wahab Mollah @ Wahab Mollah @ Wahab and (3) Md. Omar Ali Sheikh @ Omar Ali @ Omar.

Mr. Abdus Sattar Palwan, Advocate, Bangladesh Supreme Court: **Engaged for two[02] accused** (4) Md. Daud Sheikh @ Daud Sheikh and (5) Md. Gulzar Hossain Khan @ Golzar Khan and **state defence counsel for seven[07] accused** (6) Md. Khandakar Shawkat Ali Babul @ Babul Mia, (7) Md. Sulaiman Faruki @ Solaiman Mollah, (8) Md. Ruhul Kuddus Khan @ Kuddus Khan @ Golam Kuddus, (9) Abdus Sattar Mollah @ Sattar Mollah, (10) M.A. Awal @ Abdul Awal Mondal, (11) Abdus Sattar Shikdar and (12) Abdul Mazid Mollah.

[Decision on framing charges]

Today is fixed for rendering decision on charge framing matter.

Four[04] accused persons --(1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab,(2) Md. Omar Ali Sheikh @ Omar Ali @ Omar,(3) Md. Daud Sheikh @ Daud Sheikh and (4) Md. Gulzar Hossain Khan @ Golzar Khan have been brought from prison and are present on dock.

One [01] accused (5)Md. Badrudduja @Badiujjaman@ A.S.M Badrudduja who is on bail also present on dock.

The rest seven [07] accused (6)Md. Shulaiman Faruki @ Solaiman Mollah, (7)Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus (8)Abdus Sattar Mollah @ Sattar Mollah (9) M.A. Awal @ Abdul Awal Mandol, (10)Abdus Sattar Shikdar(11)Abdus

Sattar Shikdar and (12)Md. Khandaker Showkat Ali Babul @ Babul Miah have been absconding.

On conclusion of hearing on charge framing matter tribunal fixed today for order rendering. Now, the record is taken up for passing order on indictment matter.

Formal charge based on investigation conducted under the International Crimes (Tribunals) Act, 1973 involves the offences committed in 1971 during the war of liberation. Those are not isolated crimes. Thus, before we move to render the order, we deem it necessary to outline a brief portrayal of the settled historical context of those offences. At the same time succinct submission advanced by both the prosecution and the defence, in course of hearing also be addressed.

I. Introduction and Formation of the Tribunal

1. This International Crimes Tribunal-1 (hereinafter referred to as the “Tribunal”) has been established under the International Crimes (Tribunals) Act enacted in 1973 (hereinafter referred to as the “Act”) by Bangladesh Parliament to provide for the detention, prosecution and punishment of persons responsible for genocide, crimes against humanity, war crimes as enumerated in sub section (2) of section 3 of the Act committed in the territory of Bangladesh, before or after commencement of the Act.

II. Brief Historical Context

2. The settled historical context that pushed the Bengali nation for achieving Bangladesh an independent state through the war of liberation in 1971 has been portrayed in all the earlier cases disposed of by this Tribunal. Now, in brief, we reiterate that movement started in this part[now Bangladesh] of Pakistan as Bangabandhu Sheikh Mujibur Rahman the Father of the Nation in his historic glowing speech of 7th March, 1971, called on the people of Bangladesh to strive for independence. On 26th March, following the onslaught of “ Operation Search Light” by the Pakistani Military on 25th March, Bangabandhu declared independence of Bangladesh immediately before he was arrested by the Pakistani authorities.

3. It is now established history that in the War of Liberation that ensued in 1971 under the farsighted leadership of Bangabandhu the Father of the Nation, all people of the then East Pakistan enthusiastically supported and participated in the call to free Bangladesh but a small number of Bangalee, Biharis, other pro-Pakistanis, as well as members of a number of different religion-based pro-Pakistan political parties joined and/or collaborated with the Pakistani occupation army to actively resist the birth of independent Bangladesh and most of them committed and facilitated the commission of diabolical mayhem in the territory of

Bangladesh directing unarmed civilians which continued for long nine months. As a result, 3 million (thirty lacs) people were killed, more than 2,00,000 (two lacs) women were raped, about 10 million (one crore) people deported to India as refugees, quitting their homes and million others were internally displaced. The nation experienced unprecedented and untold destruction of properties all over Bangladesh.

4. The Pakistan government and the occupation military in collaboration with Jamaat E Islami [JEI], a potential pro-Pakistan political party created number of para militia auxiliary forces such as the Razakars, the Al-Badar, the Al-Shams, the Peace Committee etc. essentially to collaborate with the Pakistani occupation army in liquidating all those who were perceived to be sympathized with the liberation of Bangladesh, individuals belonging to minority religious groups especially the Hindus, political groups belonging to Awami League and other pro-independence political parties, Bangalee intellectuals and civilian population of Bangladesh.

5. In the case in hand, the arraignments as have been pressed by the prosecution, by submitting 'formal charge' involve the deliberate and extremely barbaric atrocious attacks allegedly carried out directing unarmed civilian population of the localities under the localities of District[now]-Narail in 1971 to which the accused

persons, in exercise of their active and culpable association with the locally formed Razakar Bahini, allegedly participated and deliberately contributed in committing grave serious crimes, in violation of international humanitarian law and the laws of war.

III. Procedural History

6. The Investigation Agency formed under The Act of 1973 started investigation pursuant to compliant register serial no. 63 dated 21.03.2016, in respect of commission of offences enumerated in section 3(2) of the Act of 1973 allegedly perpetrated by the suspected accused persons.

7. During investigation, the IO prayed for causing arrest of suspected accused persons. Accused (1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab(2) Md. Omar Ali Sheikh @ Omar Ali @ Omar who were in jail in connection with two cases of Narail Police station were produced on 18.05.2016 before the Tribunal , on prayer of investigation agency through the Chief prosecutor when they were sent to prison showing arrested in connection with this case.

8. Accused (3) Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja was in jail in connection with a case of Uttara police station, DMP, Dhaka and thus on prayer on part of investigation agency he was produced before the Tribunal on 30.03.2017 when

he was sent to prison, showing arrested in connection with this case.

9. Accused (4) Md. Daud Sheikh @ Daud Sheikh, (5) Md. Gulzar Hossain Khan @ Golzar Khan were in jail in connection with a case of Narail police station and thus on prayer on part of investigation agency they were produced before the Tribunal on 22.05.2017 when they were sent to prison, showing arrested in connection with this case.

10. Tribunal permitted the investigation officer allowing prayer agitated through the Chief Prosecutor to interrogate the above five[05] accused persons detained in prison on different dates as fixed by the Tribunal. I

11. On conclusion of investigation, the IO submitted its report together with documents and materials collected and statement of witnesses, before the Chief Prosecutor on 27.07.2017 recommending prosecution of twelve [12] accused persons of whom seven accused could not be arrested till submission of the report.

12. On the basis of the report and documents submitted therewith by the Investigation Agency, placed the 'Formal Charge' on 23.11.2017 under section 9(1) of the Act of 1973 before this

Tribunal alleging that total twelve[12] accused including the six[06] accused against whom the report was submitted by the IO had committed the offence enumerated in section 3(2) of the Act of 1973 and also for complicity to commit such crimes narrated in the formal charge during the period of War of Liberation in 1971 around the localities under District[now]-Narail.

13. The Tribunal, under Rule 29(1) of the Rules of Procedure, took cognizance of offences as mentioned in section 3(2) read with section 4(1) of the Act of 1973 on -26.12.2017, by application its judicial mind to the Formal Charge and materials and documents submitted therewith.

14. Prosecution by filing an application prayed for issuance of warrant of arrest against the seven [07] accused [as mentioned in serial nos. 6-12]. Tribunal by rendering order issued warrant of arrest against those accused persons. But none of them could be arrested. On getting report from the Police Super, Narail and Police Super Jashore in execution of warrant of arrest issued against the seven[07] accused Tribunal on 30.04.2018, for the purpose of holding proceeding in absentia against them ordered publication of notice in two national daily newspapers. But none of these accused turned up in response to such notification and as such treating them absconded Tribunal by its order dated 05.08.2018 appointed Mr.

Abdus Sattar Palwan , Advocate, Bangladesh Supreme Court as state defence counsel, at the cost of government to defend the seven[07] absconding accused and fixed 12.9.2018 for hearing on charge framing matter. Mr. Mujahidul Islam Shahin, Advocate, Bangladesh Supreme Court has been appointed state defence counsel for two[02] present accused Abdul Wahab Mollah @ Wahab Mollah @ Wahab and (3) Md. Omar Ali Sheikh @ Omar Ali @ Omar.

15. On the date fixed, at a stage of hearing on charge framing matter the learned prosecutor Mr. Md. Sahidur Rahman urged for submitting additional formal charge stating the events of offences in organized manner. Tribunal permitted it, in exercise of its inherent power. On 14.10.2018 the learned prosecutor accordingly submitted 'additional formal charge' which forms part of the Formal Charge.

16. On conclusion of hearing on charge framing matter Tribunal eventually fixed today the 30th day of April 2019 for order.

IV. Brief Account of Accused Persons

17. It is essentially needed to focus on brief account of the accused persons they had in 1971 which is indispensably chained to the

arraignments brought. The brief account of the accused persons as has been described in the formal charge is as below:

(i) Abdul Wahab Mollah @Wahab Mollah @Wahab

Abdul Wahab Mollah @ Wahab Mollah @ Wahab (80) is the son of late Amin Uddin Mollah and late Halde Baru of village-Fulsor, Police Station-Narail Sadar, District-Narail(Previously Sub-Division), at present: village-Sankorpur New Bus Terminal, Police Station-Kotwali, District-Jashore. He was born on 26.05.1937. He was an active supporter of the Muslim League and campaigned in favour of Muslim League candidate Gazi Abdul Latif in the Provincial council election in 1970. In 1971, during the liberation war he joined the locally formed Razakar Bahini and he was known as 'Jallad' in the Narail Sub-Division (Now District). He in collaboration with the Pakistani Occupation army actively participated in committing heinous crimes including crimes against humanity, prosecution alleges.

(ii) Md. Omar Ali Sheikh @ Omar Ali alias Omar

Accused Md. Omar Ali Sheikh @ Omar Ali alias Omar (64) is the son of late Rokon Uddin Sheikh and late Kotari Bibi of village-Barashula, Police Station-Narail Sadar, District-Narail(Previously Sub-Division). He was born on 07.12.1952. He was an active supporter of the Muslim League and in the Provincial council election in 1970, he was engaged in electoral campaign in favour of

Gazi Abdul Latif, the nominated candidate of Muslim League. In 1971, during the liberation war he joined the locally formed Razakar Bahini and he was known as 'Jallad' in the Narail Sub-Division (Now District). He allegedly participated in committing atrocious activities, in collaboration with the Pakistani Occupation army around the localities under Narail.

(iii) Md. Badrudduja @Badiujjaman@ A.S.M Badrudduja

Accused Md. Badrudduja@ Badiujjaman@ A.S.M Badrudduja(75) is the son of late Abdur Rahman alias Abdur Rahman Mollah and late Shamsun Nesa of village-Tularampur, Police Station-Narail Sadar, District-Narail(Previously Sub-Division), at present: House No.475 Faidabad Uttar, Police Station-Dakkhinkhan, D.M.P, Dhaka. He was born on 01.05.1942. He was a follower of the Jamat-e-Islami and in the Provincial council election in 1970, he used to campaign in favour of accused Md. Shulaiman Faruki @ Solaiman Mollah, the nominated candidate of Jamat-e-Islami. In 1971, during the liberation war he joined the locally formed Razakar Bahini. He was an associate of local Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah and collaborated with the Pakistani Occupation army in carrying out heinous crimes around the localities under Narail, prosecution alleges.

(iv) Md. Daud Sheikh @ Daud Sheikh

Accused Md. Daud Sheikh @Daud Sheikh (67) is the son of late Nabir Sheikh and late Rokeya Begum of village-Nouyagram, Police Station-Lohagara, District-Narail(Previously Sub-Division), at present: village-Laxmipasha, Police Station-Lohagara, District-Narail. His date of birth is 02.06.1950. In 1971, during the liberation war he joined the locally formed Razakar Bahini and also acted as an associate of local Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah and allegedly participated in committing heinous crimes , in collaboration with the Pakistani Occupation army.

(v) Md. Gulzar Hossain Khan @Golzar Khan

Accused Md. Gulzar Hossain Khan @Golzar Khan (75) is the son of late Rabiul Hossain Khan and late Shuratjan Bibi of village-Sheikh Hati, Police Station-Narail Sadar, District-Narail(Previously Sub-Division). He was born on 23.03.1942. He was an active devotee of the Jamat-e-Islami and in the Provincial council election in 1970, he used to campaign in favour of accused Md. Shulaiman Faruki@ Solaiman Mollah. In 1971, during the liberation war he joined the locally formed Razakar Bahini and had acted as an associate of local Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah. He allegedly was engaged in

committing atrocious activities, in collaboration with the Pakistani Occupation army.

(vi)Md. Khandaker Showkat Ali Babul @ Babul Miah

Accused Md. Khandaker Showkat Ali Babul @ Babul Miah(68)is the son of late Khandaker Ershad Ali alias Ershad Ali and late Mosammat Esaron Nesa of House No. 51, Kharki, Shah Abdul Karim Road, Police Station-Kotwali, District-Jashore. He was born on 01.04.1949. He joined in Razakar Bahini formed in Narail Sub-Division (Now District) and used to assist Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah and actively participated in perpetrating heinous crimes in collaboration with the Pakistani Occupation army, prosecution alleges.

(vii) Md. Shulaiman Faruki@ Solaiman Mollah

Accused Md. Shulaiman Faruki alias Solaiman Mollah (82)is the son of late Abdur Rahman alias Abdur Rahman Mollah and late Shamsun Nesa of village-Tularampur, Police Station-Narail Sadar, District-Narail (Previously Sub-Division), at present: House No-506,Faidabad Uttar, Police Station-Dakkhinkhan, D.M.P, Dhaka. He was born on 14.11.1934. He obtained Bachelor degree. He was the Amir of Jamat-e-Islami [JEI] of Narail Sub-Division. He contested National election of 1970 as a nominated candidate of Jamat-e-Islami from Jashore. In 1971, during the liberation war he,

as the Chairman of Peace Committee of Narail Sub-Division played key role in forming Razakar Bahini to which he was a dominant affiliate. During the liberation war he allegedly participated in committing heinous crimes in collaboration with the Pakistani Occupation army.

(viii) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus

Accused Md. Ruhul Kuddus Khan @Kuddus Khan alias Golam Kuddus (66) is the son of late MV. Ashadujjaman and late Mariom Begum of village-Paruli, Police Station-Narail Sadar, District-Narail (Previously Sub-Division). He was born on 01.07.1951. His educational qualification is B.A/ LL.B. He was a leader of Islami Chatra Sangha [ICS] from 1971. In the Provincial council election in 1970he got engaged in election campaign in favour of Md. Shulaiman Faruki@ Solaiman Mollah, the nominated candidate of Jamat-e-Islami. In 1971, during the liberation war he joined the Razakar Bahini. He actively collaborated with the Pakistan Occupation army in perpetrating heinous crimes, as alleged. Presently, he is the secretary of Jamat-e-Islami [JEI]of Jashore District.

(ix) Abdus Sattar Mollah @ Sattar Mollah

Accused Abdus Sattar Mollah alias Sattar Mollah(80) is the son of late Tahaj Uddin Mollah and late Amena Bibi of village-Palaidangga, Police Station-Narail Sadar, District Narail(Previously Sub-Division).His date of birth is13.10.1937. In 1971, during the liberation war he joined the Razakar Bahini. He was a follower of local Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah. He allegedly used to collaborate with the Pakistani Occupation army in accomplishing heinous crimes around the localities under Narail.

(x) M.A. Awal@ Abdul Awal Mandol

Accused M.A. Awal alias Abdul Awal Mandol(90) is the son of late Abdur Rouf Mandol and late Rahima Khatun of village-Vouakhali, Police Station-Narail Sadar, District-Narail (Previously Sub-Division). His date of birth is 10.04.1927. In 1971,during the liberation war he joined the Razakar Bahini. He was a follower of local Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah and actively participated in committing alleged atrocious activities.

(xi) Abdus Sattar Shikdar

Accused Abdus Sattar Shikdar(70) is the son of late Abdul Jalil Shikdar and late Aletunnesa of village-Boramara, Police Station-

Narail Sadar, District-Narail(Previously Sub-Division). He was born in 1947. In 1971,during the liberation war he joined the locally formed Razakar Bahini and he was a follower of Peace Committee Chairman Md. Shulaiman Faruki @ Solaiman Mollah. He allegedly participated in committing heinous crimes, in collaboration with the Pakistani Occupation army around the localities under Narail District [now].

(xii) Abdul Mazid Mollah

Accused Abdul Mazid Mollah (85) is the son of late Taher Mollah and late Nurjahan Begum of village-Bahirgram, Police Station-Narail Sadar, District-Narail(Previously Sub-Division), at Present: village-Nishinathtala Chittra Nadir Par, Police Station-Narail Sadar, District-Narail (Previously Sub-Division). He was born in1932. He obtained Bachelor Degree. In 1971, during the liberation war he joined the Razakar Bahini and he was a follower of local Peace Committee Chairman Md. Shulaiman Faruki@ Solaiman Mollah. He allegedly participated in carrying out atrocious activities, in collaboration with the Pakistani Occupation army.

V. Submission by the Prosecutor

18. Mr. Sahidur Rahman , the learned prosecutor drawing attention to the formal charge and other materials collected during investigation submitted that the accused persons belonged to locally

formed Razakar Bahini and in exercise of potential association with it they deliberately accomplished group crimes or system crimes directing unarmed pro-liberation civilians of localities under District [now]-Narail. It has been asserted further that the evidence and materials collected during investigation prima facie point towards participation and complicity of all the accused persons with the events constituting the offences as crimes against humanity, as has been pressed in the formal charge.

VI. Submission on behalf of accused persons

19. On contrary, Mr. Mujahidul Islam Shahin the learned counsel engaged for one[01] accused and also as state defence counsel for two[02] accused, detained in prison, submitted that these accused persons have been recommended for prosecution on the basis of flawed investigation; that the materials allegedly collected do not link these accused with any of the event alleged; that these accused persons were not associated with locally formed Razakar Bahini and there has been no authenticated document in this regard. The learned counsel concluded his submission seeking discharge of these accused. It is to be noted that an application seeking discharge of accused Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja has been pressed, on grounds stated therein.

20. Mr. Abdus Sattar Palwan, the learned engaged counsel for two]02] present accused and state defence counsel defending the absconding seven [07]accused persons drawing attention to discharge applications submits that these accused did not belong to locally formed Razakar Bahini; that they have been falsely implicated in this case out of rivalry; that the alleged arraignments suffer from doubt and truthfulness. The learned state defence counsel however concluded his submission seeking discharge of these accused.

VII. Deliberation and Decision

21. The averment agitated by the prosecution that in 1971 the accused persons were the armed members of locally formed Razakar Bahini is a crucial issue which relates to the arraignments brought. But at this stage, conclusive finding on it cannot be given, without trial. For this issue is required to be resolved on evaluation of evidence to be presented in course of trial. Further, it is to be noted too that the International Crimes (Tribunals) Act, 1973 permits to prosecute and try even an individual or group of individuals, in addition to member[s] of an auxiliary force.

22. We reiterate that at this phase of proceeding, we are to just consider whether the documents and materials relied upon by the prosecution prima facie demonstrate the commission of the alleged

atrocious activities constituting the offences as enumerated in the Act of 1973 and complicity and involvement of the accused persons therewith. But of course, the accused persons shall be presumed innocent, till they are found guilty as liability of accused persons for the offences alleged cannot be determined at this stage and without trial and weighing evidence to be presented.

23. Defence submitted that the accused persons were not engaged in accomplishing any of the offences alleged as the evidence collected during investigation does not link them therewith and they have been falsely implicated in this case.

24. But the above submission agitated by the defence relates to factual aspect which may be well proved only in trial, and not at this stage and as such now it does not deserve consideration.

25. However, we reiterate the settled norm that at this stage the accused persons shall be presumed innocent, till they are found guilty as neither the guilt nor the innocence can be adjudicated decisively. Their culpability, if any, can only be well determined only at trial, not at this stage.

26. Tribunal also reiterates that delay is not a clog in prosecuting the offences which are known as international crimes. There has been no statutory limitation in prosecuting the offences of crimes

against humanity, committed in violation of international humanitarian law and the laws of war. It is now well settled.

27. On careful scrutiny, we have found prima facie the nexus of the accused persons with the commission of the alleged offences, mostly from the particulars of events of attacks narrated in the Formal Charge.

28. The alleged offences were 'system crimes' committed against the civilian population constituting the offences as crimes against humanity committed in context of the war of liberation in 1971 and the same obviously need to be resolved in trial.

29. In view of above, we are of the UNANIMOUS view that there are sufficient and substantial materials before this Tribunal forming reasonable grounds of proceeding by framing charges against accused --

(1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab , the son of late Amin Uddin Mollah and late Halde Baru of village-Fulsor, Police Station-Narail Sadar, District-Narail (Previously Sub-Division), at present: village-Sankorpur New Bus Terminal, Police Station-Kotwali, District-Jashore,

(2) Accused Md. Omar Ali Sheikh @ Omar Ali alias Omar , the son of late Rokon Uddin Sheikh and late

Kotari Bibi of village-Barashula, Police Station-Narail Sadar, District-Narail (Previously Sub-Division),

(3) Accused Md. Badrudduja @ Badiujjaman @ A.S.M Badrudduja , the son of late Abdur Rahman alias Abdur Rahman Mollah and late Shamsun Nesa of village-Tularampur, Police Station-Narail Sadar, District-Narail (Previously Sub-Division), at present: House No.475 Faridabad Uttar, Police Station-Dakkhinkhan, D.M.P, Dhaka,

(4) Accused Md. Daud Sheikh @ Daud Sheikh , the son of late Nabir Sheikh and late Rokeya Begum of village-Nouyagram, Police Station-Lohagara, District-Narail (Previously Sub-Division), at present: village-Laxmipasha, Police Station-Lohagara, District-Narail,

(5) Accused Md. Gulzar Hossain Khan @ Golzar Khan, the son of late Rabiul Hossain Khan and late Shuratjan Bibi of village-Sheikh Hati, Police Station-Narail Sadar, District-Narail (Previously Sub-Division),

(6) Accused Md. Khandaker Showkat Ali Babul @ Babul Miah, the son of late Khandaker Ershad Ali alias Ershad Ali and late Mosammat Esaron Nesa of House No. 51, Kharki, Shah Abdul Karim Road, Police Station-Kotwali, District-Jashore,

(7) Accused Md. Shulaiman Faruki @ Solaiman Mollah , the son of late Abdur Rahman alias Abdur Rahman Mollah and late Shamsun Nesa of village-Tularampur, Police Station-Narail Sadar, District-Narail (Previously Sub-Division), at present: House No-506, Faridabad Uttar, Police Station-Dakkhin khan, D.M.P, Dhaka,

(8) Accused Md. Ruhul Kuddus Khan @ Kuddus Khan @Golam Kuddus, the son of late M.V Ashadujjaman and late Mariom Begum of village-Paruli, Police Station-Narail Sadar, District-Narail (Previously Sub-Division),

(9) Accused Abdus Sattar Mollah @ Sattar Mollah , the son of late Tahaj Uddin Mollah and late Amena Bibi of village-Palaidangga, Police Station-Narail Sadar, District-Narail (Previously Sub-Division),

(10) Accused M.A. Awal@ Abdul Awal Mandol, the son of late Abdur Rouf Mandol and late Rahima Khatun of village-Vouakhali, Police Station-Narail Sadar, District-Narail (Previously Sub-Division),

(11) Accused Abdus Sattar Shikdar , the son of late Abdul Jalil Shikdar and late Aletunnesa of village-Boramara, Police Station-Narail Sadar, District-Narail (Previously Sub-Division) and

(12) Accused Abdul Mazid Mollah, the son of late Taher Mollah and late Nurjahan Begum of village-Bahirgram, Police Station-Narail Sadar, District-Narail (Previously Sub-Division), at Present: village-Nishinathtala Chittra Nadir Par, Police Station-Narail Sadar, District-Narail (Previously Sub-Division).

for the offences allegedly committed during the War of Liberation in 1971 as specified under section 3(2) of the Act of 1973 for which they are alleged to be criminally liable under sections 4(1) of the Act of 1973. The charges are thus framed against them in the following manner:

Charges

We,

Justice Md. Shahinur Islam, Chairman

Justice Amir Hossain, Member

Justice Md. Abu Ahmed Jamadar, Member

Of the International Crimes Tribunal -1

Do hereby charge you the accused (1) Abdul Wahab Mollah @Wahab Mollah @Wahab, (2) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (3)Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja, (4) Md. Daud Sheikh @Daud Sheikh, (5) Md. Gulzar Hossain Khan @Golzar Khan, (6) Md. Khandaker Showkat Ali Babul @ Babul Miah, (7) Md. Shulaiman Faruki@ Solaiman Mollah, (8) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus, (9)

Abdus Sattar Mollah @ Sattar Mollah, (10) M.A. Awal@ Abdul Awal Mandol, (11) Abdus Sattar Shikdar and (12) Abdul Mazid Mollah as follows:

Charge 01: [03 accused have been indicted]

[Offences of Abduction, Confinement, Torture and Murder of unarmed civilians Omio Bhushan Ghosh and Haripoda Biswas on forcible capture from the village-Uzirpur under Police Station-Narail Sadar of District-Narail(Previously Sub-Division) and 30/40 unknown unarmed civilians]

Charge: That on 27.04.1971 at about 6:00/6:30 A.M you the accused (1) Md. Shulaiman Faruki@ Solaiman Mollah, (2) M.A. Awal@ Abdul Awal Mandol, (3) Abdus Sattar Mollah @ Sattar Mollah, Razakar Abdul Aziz (now dead) and Razakar Altaf (now dead) along with 5/6 armed Razakars by launching attack at village-Uzirpur under Police Station-Narail Sadar of District-Narail(Previously Sub-Division) forcibly captured Omio Bhushan Ghosh and his assistant Haripoda Biswas from their house and Madhab Biswas from the place near the bank of Chitra river and brought them to the Razakar Camp set up at Narail Dukbungalow kept them there confined. On the same day at about 10:00/10:30 A.M you the accused persons and your accomplices took away the 3(three) detainees including 7 (seven) other detainees to the army camp set up at Jashore Circuit House where they subjected to brutal torture. On the same day, at about 4:00/4:30 P.M, the detained victims were taken to the Jashore cantonment by you the accused persons and your accomplices where they were kept confined along

with other 30/40 detainees. Thereafter, Pakistani Occupation Army made all the detainees stood in a queue and grilled them one by one and at a stage, put away the detainee Abdul Ekhlas Mollah as he was a Muslim and gunned down other detainees including Omio Bhushan Ghosh and Haripoda Biswas to death.

Therefore, you the accused (1)Md. Shulaiman Faruki@ Solaiman Mollah, (2)M.A. Awal@ Abdul Awal Mandol and(3)A. Sattar Mollah @ Sattar Mollah by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of ‘abduction’, ‘confinement’, ‘torture’, ‘murder’ and ‘other inhumane acts’ as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 02: [02 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’, ‘rape’ and ‘murder of Bela Rani Ghosh by taking away on forcible capture from the village-Uzirpur under Police Station-Narail Sadar of District-Narail (Previously Sub-Division)].

Charge: That on 17.05.1971 at about 7:00/7.30P.M you the accused (1)Md. Shulaiman Faruki@ Solaiman Mollah and (2)Abdus Sattar Mollah @ Sattar Mollah along with your 4/5 cohorts armed

Razakars forcibly captured Bela Rani Ghosh by launching attack at her house of village-Uzirpur under Police Station-Narail Sadar of District-Narail(Previously Sub-Division) and took her away to the bank of the river Chittra. Thereafter, you the accused persons and your cohorts Razakars tortured, raped and killed her brutally and threw her dead body in the Chittra River. Three-four days later, the dead body of Bela Rani Ghosh was found floating in the river near the house of one Abdul Kuddus of village-Uzirpur.

Therefore, you the accused (1)Md. Shulaiman Faruki@ Solaiman Mollah and(2) Abdus Sattar Mollah @ Sattar Mollah by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of 'abduction', 'confinement', 'torture', 'rape' and 'murder' as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 03: [01 accused has been indicted]

[Offences of 'abduction', 'confinement', 'torture', 'other inhumane acts' and 'murder' of 01[one] civilian by taking away on forcible capture from the village-Bilbaus under Police Station-Kalia of District-Narail (Previously Sub-Division)].

Charge: That on 02.05.1971 at about 10:00/10.30A.M a group formed of you the accused Md. Daud Sheikh @Daud Sheikh and 3/4 accomplice Razakars suddenly attacked Sheikh Abdus Salam, Abdul Kashem, Sheikh Abdus Sattar, Chowdhury Rakibul Islam and Ekhlash Uddin when they started moving to India by a boat through the GobraKhal of village--Noldir Char. With this those civilians jumped into the river and managed to escape, but Sheikh Abdus Salam could not save himself and thus he was forcibly captured and tortured brutally by you the accused Md. Daud Sheikh @Daud Sheikh. Thereafter you the accused and your cohort Razakars took away the detained victim to Narail Dukbungalow Razakar camp and since then he could not be traced even.

Therefore, you the accused Md. Daud Sheikh @Daud Sheikh by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of 'abduction', 'confinement', 'torture', 'other inhumane acts' and 'murder' as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 04: [09 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’, ‘arson’, ‘other inhumane acts’ by taking away 02[two] civilians on forcible capture from the villages-Ramchandrapur and Sharatala under Police Station-Narail of District-Narail (Previously Sub-Division) and murder of 10 (ten) civilians].

Charge: That on 16.08.1971 at about 10:00/10.30 A.M you the accused (1) Abdul Wahab Mollah @Wahab Mollah @Wahab, (2) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (3) Md. Daud Sheikh @Daud Sheikh, (4) Md. Gulzar Hossain Khan @Golzar Khan, (5) Md. Khandaker Showkat Ali Babul @ Babul Miah, (6) Md. Shulaiman Faruki@ Solaiman Mollah, (7) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus, (8) M.A. Awal@ Abdul Awal Mandol, and (9) Abdul Mazid Mollah along with 50/60 armed Razakars by launching systematic attack at the house of freedom-fighter Mazedul Haque at village- Ramchandrapur carried out looting and set the house on fire.

In conjunction with the attack the gang accompanied by you the accused persons forcibly captured non-combatant freedom-fighter Md. Aminul Islam Moyeen and his brother Mostafizur Rahman from their house at village-Sharatala, looted household and brutally tortured them. Thereafter, the detained victims along with 100/150other detainees were brought to the Narail Dukbungalow Razakar camp. Subsequently, detainee Mostafizur Rahman got release in exchange of ransom money but you the accused persons

tortured other victims brutally keeping them in captivity at Narail Dukbungalow Razakar camp.

On 26.08.1971 you the accused persons slaughtered 10 (ten)detained victims taking them at the launch ghat behind Narail Judge Court and threw their dead bodies into the river Chittra. On 10.09.1971 one detainee Aminul Islam Moyeen was set at liberty on condition of providing information about other freedom-fighters.

Therefore, you the accused (1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab, (2) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (3) Md. Daud Sheikh @ Daud Sheikh, (4) Md. Gulzar Hossain Khan @ Golzar Khan, (5) Md. Khandaker Showkat Ali Babul @ Babul Miah, (6) Md. Shulaiman Faruki @ Solaiman Mollah, (7) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus, (8) M.A. Awal @ Abdul Awal Mandol, and (9) Abdul Mazid Mollah by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of 'abduction', 'confinement', 'torture', 'arson', 'other inhumane acts' and 'murder' as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes

(Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 05: [07 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’, ‘other inhumane acts’ and ‘murder of 05[five] civilians of village-Mohishkola under Police Station-Narail of District-Narail (Previously Sub-Division)].

Charge: That on 16.08.1971 at about 08:00/08.30 A.M you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah, (2) Md. Omar Ali Sheikh @ Omar Ali alias Omar, (3) Md. Gulzar Hossain Khan @ Golzar Khan, (4) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus (5) Abdul Wahab @s Wahab Mollah @Wahab, (6) M.A. Awal@ Abdul Awal Mandol and (7) Abdul Mazid Mollah being accompanied by 5/6cohort armed Razakars by launching attack at the house of Lal Miah Sheikh forcibly captured unarmed six civilians Kibber Sheikh, Lal Miah Sheikh, Chhobbul Sheikh, Jafor Sheikh, Nayeb Ali Sardar and Sobahan Sardar when they were about to move to India for joining ‘Muktibahini’ training and took them away the Sheikhati Union Parishad Razakar Camp. The relatives of the detainees moved to the accused Md. Gulzar Hossain Khan @Golzar Khan’s house and approached to let them free, but the accused persons then made the detained victims shifted to Narail Duktungalow Razakar camp by boat.

On 26.08.1971 at midnight you the accused persons and your accomplices brought the detained mentioned victims along with

8/10 other civilians at the launch Ghat at the back of Narail Judge Court where the victims were slaughtered to death and their dead bodies were dumped into the river Chittra. However, among the said victims only one detainee Jafor Sheikh [now dead] somehow managed to survive despite receiving injuries.

Therefore, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah, (2) Md. Omar Ali Sheikh @ Omar Ali alias Omar, (3) Md. Gulzar Hossain Khan @ Golzar Khan, (4) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus (5) Abdul Wahab @s Wahab Mollah @ Wahab, (6) M.A. Awal @ Abdul Awal Mandol and (7) Abdul Mazid Mollah by such conscious criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of ‘abduction’, ‘confinement’, ‘torture’, ‘other inhumane acts’ and ‘murder’ as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 06: [07 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’ and ‘murder’ of 05[five] civilians of villages-Bahirgram and Madhurgati under Police Station-Narail of District-Narail (previously sub-division)].

Charge: That on 19.08.1971 at about 04:30/05.00 A.M you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Abdul Mazid Mollah, (3) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus,(4) M.A. Awal@ Abdul Awal Mandol, (5) Md. Omar Ali Sheikh @ Omar Ali alias Omar, (6) Abdul Wahab Mollah @Wahab Mollah @Wahab and(7) Md. Khandaker Showkat Ali Babul @ Babul Miah being accompanied by 10/15 armed Razakars by launching attack at village-Bahirgram under Police Station-Narail, District- Narail(Previously Sub-Division) forcibly captured five[05] unarmed civilians Shamsur Rahman Mollah, Golam Asor Mollah, Akbar Ali @Takk, Tanjel Fakir and Dhola Mia (now dead)and burnt down their houses and took them away to Narail Dukbungalow Razakar camp along with 40/50 innocent unarmed pro-liberation civilians and kept them kept in captivity in a room of that camp where they were subjected to brutal torture.

Afterward, on 26.08.1971 at midnight, you the accused persons and your accomplices brought the mentioned detained victims and some other detainees at the launch ghat behind Narail Judge Court where ten [10] detainees were slaughtered to death and their bodies were abandoned in the river Chittra.

Therefore, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Abdul Mazid Mollah, (3) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus,(4) M.A. Awal @ Abdul Awal

Mandol, (5) Md. Omar Ali Sheikh @ Omar Ali alias Omar, (6) Abdul Wahab Mollah @ Wahab Mollah @ Wahab and (7) Md. Khandaker Showkat Ali Babul @ Babul Miah by such criminal acts forming part of systematic attack directing non combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of 'abduction', 'confinement', 'torture' and 'murder' as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 07: [04 accused have been indicted]

[Offences of 'torture', 'looting', 'arson' and 'murder' of 01[one] civilian of village-Chachra under Police Station-Narail of District [now]-Narail]

Charge: That on 27.04.1971 at about 12.00/1.00A.M (at midnight) you the accused (1) Md. Shulaiman Faruki@ Solaiman Mollah,(2) Md. Badrudduja@ Badiujjaman@ A.S.M Badrudduja,(3) Md.Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus and (4) Abdul Wahab Mollah @Wahab Mollah @Wahab along with your 10/15 cohort armed Razakars by launching attack the house of Rajibul Islam Biswas at the village-Chachra under Police Station-Narail, District[now]-Narail forcibly captured Fayzur Rahman and started causing torture upon him and then brought him near the pond, north-east side of their house where he was shot to death. In

conjunction with the attack you the accused persons and your cohorts carried out looting and burnt down their houses.

Therefore, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja,(3) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus and (4) Abdul Wahab Mollah @ Wahab Mollah @ Wahab by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of 'torture', 'looting', 'arson' and 'murder' as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 08: [04 accused have been indicted]

[Offences of 'confinement', torture', 'looting 'and 'murder' of 01[one] civilian of village-Bishnopur under police station-Narail, District [now]-Narail].

Charge: That on 23.06.1971 at about 01:00/2.00 A.M a group formed of you the accused(1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus, (3) M.A Awal@ Abdul Awal Mandol and(4) Abdus Sattar Shikdar@ Sattar by launching attack at the house of Awami League leader Md. Abdus Sattar Mollah when he managed to run away

through the back door of his house but when his younger brother Golam Sarwar opened the door, you the accused Abdus Sattar Shikder@ Sattar gunned him down to death and then to confirm his death cut his chest to abdomen by charging bayonet. In conjunction with the attack, you the accused persons and your cohorts forcibly captured Jafor Ahmed inflicted torture to him and looted his house.

Therefore, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus, (3) M.A Awal @ Abdul Awal Mandol and (4) Abdus Sattar Shikdar @ Sattar by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of ‘confinement’, ‘torture’, ‘looting’ and ‘murder’ as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 09: [08 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’ and ‘murder’ of 08 [eight] unarmed civilians of village-Tularampur under Police Station-Narail of District [now]-Narail]

Charge: That on 17.07.1971 at about 4:30/05.00 A.M a group formed of 25/30 armed Razakars and 15/20 Pakistani occupation accompanied by you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) M.A. Awal @ Abdul Awal Mondal, (3) Abdus Sattar Shikdar, (4) Abdul Wahab Mollah @ Wahab Mollah @ Wahab by launching attack forcibly captured eight[08]pro-liberation civilians Atiar Rahman Tarafdar, AjmainTarafdar, Khaibor Tarafdar, Rafiqul Islam Tarafdar (freedom fighter), Mahtabuddin Tarafdar, Lutfor Rahman Tarafdar, Altaf Hossain Tarafdar, SadaruddinTarafdar and took them away the place known as WAPDA turn [WAPDA's Morh] of Narail Highway where they were subjected to brutal torture.

In conjunction with the mission, you the accused (5) Md. Ruhul Kuddus Khan @ Kuddus Khan @Golam Kuddus and (6)Md. Khandaker Showkat Ali Babul @ Babul Miah along with 5/6 armed Razakars and 2/3 Pakistani occupation army, by forming a group by launching attack at the house of Monsur Mollah forcibly captured Kaijar Rahman Mollah, Mokam Mollah and Mokbul Hossain Shikder and brought them too at the place known as the WAPDA turn [WAPDA's Morh] of Narail Highway.

At the same time a group formed of you the accused (7)Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja and (8)Md. Omar Ali Sheikh @ Omar Ali @Omar, 4/5 armed Razakars and 2/3

Pakistani occupation army by launching attack at the house of Abdus Salam and forcibly captured him and his brother Golam Ali Tarafdar and brought them too at the place known as the WAPDA turn [WAPDA's Morh] of Narail Highway.

Thereafter, all the mentioned detainees were taken away to the Razakar and Pakistani army camp set up at Rupganj WAPDA rest house. Later on, on request of the relatives 6 (six) detainees were set free on condition of providing information with them regarding freedom-fighters.

On 20.07.1971 you the accused persons and your accomplices killed 08 (eight) victims kept in captivity [as stated in the formal charge] buried them at the north-west corner of the camp.

Therefore, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) M.A. Awal @ Abdul Awal Mondal, (3) Abdus Sattar Shikdar, (4) Abdul Wahab Mollah @ Wahab Mollah @ Wahab,(5) Md. Ruhul Kuddus Khan @ Kuddus Khan @ Golam Kuddus, (6) Md. Khandaker Showkat Ali Babul @ Babul Miah,(7) Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja and (8) Md. Omar Ali Sheikh @ Omar Ali @ Omar by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially

contributed to the commission of the offences of abduction', 'confinement', 'torture' and 'murder' as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

Charge 10: [10 accused have been indicted]

[Offences of 'abduction', 'confinement', 'torture', 'other inhumane acts' and 'murder' of 01 [one] unarmed freedom-fighter of the village-Joypur under Police Station-Lohagara of District[now]-Narail]

Charge: That on 07.12.1971 at about 07:00/07.30 A.M freedom-fighter Mizanur Rahman along with 50/60 freedom fighters were going to Machimdia village for collecting information about Razakars. When they arrived near the house of Dalil Uddin, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja, (3) Md. Ruhul Kuddus Khan @Kuddus Khan @ Golam Kuddus, (4) Abdul Wahab Mollah @Wahab Mollah @Wahab, (5) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (6) Md. Khandaker Showkat Ali Babul @ Babul Miah, (7) Abdus Sattar Shikdar, (8) M.A. Awal@ Abdul Awal Mandol, (9) Abdul Sattar Mollah @ Sattar Mollah and (10) Md. Daud Sheikh @Daud Sheikh along with 50/60 armed Razakars suddenly attacked them and apprehended unarmed freedom-fighter Mizanur Rahman and Syed Sayem Ali of whom freedom fighter Mizanur Rahman was gunned down to death and another detained

freedom fighter Syed Sayem Ali was taken away to Narail Thana custody where he was brutally tortured in captivity till Narail Sub Division got liberated on 10.12.1971.

Therefore, you the accused (1) Md. Shulaiman Faruki @ Solaiman Mollah,(2) Md. Badrudduja@ Badiujjaman@ A.S.M Badrudduja, (3) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus, (4) Abdul Wahab Mollah @ Wahab Mollah @ Wahab, (5) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (6) Md. Khandaker Showkat Ali Babul @ Babul Miah, (7) Abdus Sattar Shikdar and (8) M.A. Awal @ Abdul Awal Mandol (9) Abdul Sattar Mollah @ Sattar Mollah and (10) Md. Daud Sheikh @ Daud Sheikh by such criminal acts forming part of systematic attack directing non-combatant civilian population, to further policy and plan of the Pakistani occupation army participated, facilitated, abetted, aided and substantially contributed to the commission of the offences of ‘abduction’, ‘confinement’, ‘torture’, ‘other inhumane acts’ and ‘murder’ as crimes against humanity as enumerated in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under section 20(2) of the Act of 1973.

30. Thus, by framing the charges as above you the accused persons have been indicted for committing the offences under section 3(2)(a)(g)(h) of the International Crimes(Tribunals) Act, 1973, punishable under section 20(2) read with section 4(1) of the Act

which are within the cognizance and jurisdiction of this Tribunal.
And we hereby direct you to be tried by this Tribunal on the said charges.

31. You accused (1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab, (2) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (3)Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja, (4) Md. Daud Sheikh @ Daud Sheikh, (5) Md. Gulzar Hossain Khan @ Golzar Khan, present on dock have heard and understood the aforesaid charges which have been read out and explained [in Bangla] in the open court in your presence.

Question: Do you plead guilty or not.

Answer:

32. The charges so framed have been read over and explained to the accused(1) Abdul Wahab Mollah @ Wahab Mollah @ Wahab, (2) Md. Omar Ali Sheikh @ Omar Ali @ Omar, (3)Md. Badrudduja @ Badiujjaman@ A.S.M Badrudduja, (4) Md. Daud Sheikh @ Daud Sheikh, (5) Md. Gulzar Hossain Khan @ Golzar Khan to which they pleaded not guilty and claimed to be tried according to law.

33. The rest seven [07] accused (6) Md. Khandaker Showkat Ali Babul @ Babul Miah, (7) Md. Shulaiman Faruki @ Solaiman Mollah, (8) Md. Ruhul Kuddus Khan @Kuddus Khan @Golam Kuddus, (9) Abdus Sattar Mollah @ Sattar Mollah, (10) M.A. Awal @ Abdul Awal Mandol, (11) Abdus Sattar Shikdar and (12) Abdul Mazid Mollah have been absconding and as such the charges framed could not be read over and explained to them.

34. Let 16.06.2019 be fixed for opening statement and examination of prosecution witnesses. Prosecution is directed to submit copy of all the documents it relies upon, for the purpose of furnishing the same with the defence, if meanwhile the same are not supplied to the defence.

35. At the same time the learned engaged counsel and also the learned state defence counsel shall be at liberty to submit a list of witnesses along with documents, if any, which the defence intends to rely upon, as required under section 9(5) of the Act on or before the date fixed.

Justice Md. Shahinur Islam, Chairman

Justice Amir Hossain, Member

Justice Md. Abu Ahmed Jamadar, Member