

International Crimes Tribunal-1

Old High Court Building, Dhaka, Bangladesh

ICT- BD [ICT-1] Case No. 06 of 2015

Present:

Justice Anwarul Haque, Chairman
Justice Md. Shahinur Islam, Member
Justice Md. Shohrowardi, Member

Chief Prosecutor

vs.

(1) Md. Solaiman Mollah, and
(2) Idris Ali Sardar (Absconded)

Order No. 07.

Date: 02.05.2016

Mr. Hrishikesh Shaha, Prosecutor

..... For the prosecution

Mr. Gazi M.H. Tamim, Advocate

..... For accused Md. Solaiman Mollah as engaged
counsel and for absconding accused Idris Ali
Sardar as State defence counsel.

[Decision on charge framing matter]

Today is fixed for passing decision on charge framing matter, and as such, the record is taken up for order. Out of 2[two) accused persons one accused Md. Solaiman Mollah, now in custody, is being defended by Mr. Gazi M.H. Tamim, Advocate as his engaged counsel, and another accused Idris Ali Sardar, who has been absconding, is also being defended by Mr. Gazi M.H. Tamim as State defence counsel, appointed by this Tribunal at the cost of the State. The hearing on charge framing matter took place in presence of accused Md. Solaiman Mollah who has been brought today before this Tribunal from prison.

At the outset, it is to be noted that the 'formal charge' was submitted by the prosecution before this Tribunal against 02(two) accused persons and this Tribunal on 22.12.2015 took cognizance of offences against both the accused persons and then the case came to the stage of charge hearing matter and on 19.04.2016 charge framing matter was heard.

The case involves the criminal acts forming part of systematic attack constituting the offences as enumerated in the International Crimes (Tribunals) Act, 1973 [Act No. XIX of 1973] perpetrated in 1971 during the war of liberation of Bangladesh. The accused persons are alleged to have committed many such offences in the localities under the then Madaripur Sub-Division of District Faridpur. We deem it expedient to provide a brief context of the case, succinct arguments put forward by the prosecution and defence before this Tribunal, before we render decision on charge framing matter.

1. Introductory words

This International Crimes Tribunal-1 (hereinafter referred to as the “Tribunal”) has been set up under the International Crimes (Tribunals) Act enacted in 1973 (hereinafter referred to as the “Act”) by Bangladesh Parliament. The Act which is meant for the detention, prosecution and punishment of persons for genocide, crimes against humanity, war crimes and other crimes under international law is *ex-post facto* legislation. It is to be noted that the ICTY, ICTR and SCSL the Adhoc Tribunals backed by the United Nations (UN) have been constituted under their respective retrospective Statutes. Only the International Criminal Court [ICC] is founded on prospective Statute [Rome Statute]. The 1973 Act of Bangladesh has the merit and means of ensuring the standard of safeguards recognized universally to be

provided to the person accused of crimes against humanity, genocide, war crimes and other crimes under international law.

2. Brief Historical Background

The dreadful systematic events constituting the offences of genocide and crimes against humanity as narrated in the formal charge allegedly occurred in different places of the then Madaripur Sub-Division were part of horrific atrocious activities carried out in 1971 during the war of liberation directing the unarmed pro-liberation civilians in furtherance of common plan and design of Pakistani occupation army.

The undisputed history says that atrocious and dreadful crimes were committed during the nine-month-long war of liberation in 1971, which resulted in the birth of Bangladesh, an independent State and the motherland of the Bengali nation. Some three million people were killed, nearly a quarter million women were raped and over 10 million people were forced to deport to India to escape from brutal persecution at home, during the nine-month battle and struggle of Bangalee nation.

The history goes on to portray that in the general election of 1970, the Awami League under the leadership of Bangabandhu Sheikh Mujibur Rahman became the majority party of Pakistan. But defying the democratic norms Pakistan government did not care to respect this overwhelming majority. As a result, movement started in the territory of this part of Pakistan and Bangabandhu Sheikh Mujibur Rahman in his historic speech of 7th March, 1971, called on the Bangalee nation to struggle for independence if people's verdict was not respected. In the early hour of 26th March, following the

onslaught of “Operation Search Light” by the Pakistani Military on 25th March, Bangabandhu declared Bangladesh independent immediately before he was arrested by the Pakistani authorities.

The ‘operation’ was designed to disarm and liquidate Bengali policemen, soldiers and military officers, to arrest and kill nationalist Bengali politicians, soldiers and military officers, to arrest and kill and round up professionals, intellectuals, civilians belonging to Hindu community and students. Afterwards, actions in concert with its local collaborators belonging to Razakar, Al-Badar and the key pro-Pakistani political organisations Jamat-E- Islami (JEI) and Nejam-E-Islami were intended to stamp out the Bengali national liberation movement and to mash the national feelings and aspirations of the Bangalee nation.

The Pakistan government and the military formed Peace Committee as an ‘associate organization’ and number of auxiliary forces such as the Razakar, the Al-Badar, the Al-Shams, etc, essentially to act as a collaborating team with the Pakistani occupation army in identifying and eliminating all those who were perceived to be pro-liberation, individuals belonging to minority religious groups especially the Hindus, political groups belonging to Awami League and Bangalee intellectuals and unarmed civilian population of Bangladesh.

Incontrovertibly the way to self-determination for the Bangalee nation was strenuous, swabbed with enormous blood, strive and sacrifices. In the present-day world history, conceivably no nation paid as extremely as the Bangalee nation did for its self-determination. The events alleged in the formal charge constituting the offences of genocide and crimes against humanity

occurred in different places under the then Madaripur Sub-Division of District-Faridpur mirror a partial scenario of totality of horrendous activities accomplished in violation of customary international law with the culpable facilitation and assistance provided by the local collaborators.

3. Brief account of the accused persons

(i) Accused Md.Solaiman Mollah[in custody]

Accused Md. Solaiman Mollah(84) son of late Chand Mollah and late Shaharjan Bibi of Kashipur Muslim Para, Ward No. 5, Police Station Palong, District-Shariatpur was born on 12.06.1931. He passed Dawra Examination. Since 1963 he joined Muslim League [Fazlul Quader group] and became Organizing Secretary of Palong Thana Muslim League, prosecution alleges. In the year 1970 he joined Jomiatul Ulama-e-Islami and contested the election to be member of the Provincial Assembly, but he was defeated. He formed local Peace Committee and Razakar Bahini and led them in aiding Pakistani occupation army in his locality i.e. Palong Thana area, prosecution alleges.

(ii) Accused Idris Ali Sardar [absconded]

Acused Idris Ali Sardar [67] son of late Hazi Hakim Ali Sardar and late Maju Bibi of village West Kashabhog, Police Station Palong, District-Shariatpur was born on 01.04.1948 [as per S.S.C certificate] and on 03.03.1957 [as per NID]. He passed S.S.C Examination in 1966. He was an activist of Islami Chhatra Sangha [ICS] while he was a student of Rudrakar Ninmoni High School, Shariatpur in the year 1962-1966 , prosecution alleges. In the year 1969 he was a leader of Islami Chhatra Sangha. During Liberation War he was a active leader of Islami Chhatra Sangha. He joined local Razakar Bahini to collaborate with the Pakistani occupation army, prosecution alleges. Since liberation of Bangladesh he was a leader of Jamaat-e-Islami [JEI]..

4. Brief Procedural History

The Chief Prosecutor submitted 'formal charge' against 02 [two] accused persons on having considered the investigation report and documents submitted therewith by the Investigating Agency. This Tribunal on 22.12.2015 took cognizance of offences against both the accused persons as mentioned above. Out of the two accused persons accused Md. Solaiman Mollah has been in detention. The another accused Idris Ali Sardar neither could have been arrested nor did he surrender.

On 22.12.2015 this Tribunal took cognizance of offences, perpetration of which has been unveiled in course of investigation and on 08.02.2016 ordered publication of notice in two daily newspapers as required under Rule 31 of the International Crimes (Tribunal-1) Rules of Procedure, 2010 against the absconding accused Idris Ali Sardar as the execution of warrant of arrest issued against him earlier was found unserved.

Accordingly, despite publication of the notice in two daily newspapers namely 'Daily Janakantha' and 'The New Age' dated 10.02.2016 and 11.02.2016 respectively the absconding accused Idris Ali Sardar did not make him surrendered, and as such, this Tribunal ordered for holding trial *in absentia* against him and appointed Mr. Gazi M.H. Tamim, Advocate to defend the absconding accused person as State defence counsel. This Tribunal fixed 03.04.2016 for hearing the charge framing matter but on the date fixed i.e. 03.04.2016 the charge framing matter could not be heard. Ultimately on 19.04.2016 this Tribunal-1 heard the charge framing matter and fixed today i.e. 02.05.2016 for decision on it.

The record goes to show that on holding investigation on some atrocious events allegedly committed in 1971 during the war of liberation in systematic manner directing unarmed civilians in different places under the then Madaripur Sub-Division by the local Razakars accompanied by the Pakistani occupation army, the Investigating Agency submitted its investigation report finding both the accused persons *prima facie* responsible for the atrocities before the Chief Prosecutor.

The Chief Prosecutor considering the nature, pattern of the alleged atrocious events and culpable participation and involvement of both the accused persons preferred to submit a single 'formal charge' with a view to prosecute them jointly.

It appears that the 'formal charge' submitted discloses that the accused persons allegedly participated or facilitated or abetted or aided or had complicity in the commission of the alleged offences in the course of the same transaction and they appear to have allegedly acted in furtherance of common plan and design to the accomplishment of such offences, and therefore, both the accused persons may be jointly prosecuted as permissible under Rule 36 of the Rules of Procedure, 2010 of this Tribunal-1.

5. Submission advanced by the prosecutor

Mr. Hrishikesh Shaha, the learned prosecutor made his submission, drawing our attention to the documents and statement of witnesses collected during investigation. He submitted that both the accused persons belonged to local Razakar Bahini. They along with their accomplices belonging to infamous Razakar Bahini and Pakistani occupation army had systematically and deliberately carried out atrocious activities directing pro-liberation

civilians, particularly Hindu religious people around the localities under the then Madaripur Sub-Division. Role of both the accused persons in accomplishing the alleged crimes in 1971 during the war of liberation was culpable and in furtherance of common plan and design of the Pakistani occupation army. Three of four events of attacks as demonstrated in the formal charge [event nos. 01, 02 and 03] involve genocide and killing of unarmed pro-liberation civilians and other crimes against humanity and both the accused persons actively participated, abetted, aided, facilitated and had complicity in the commission thereof.

The learned prosecutor went on to submit that the accused persons were the members of local infamous Razakar Bahini, an auxiliary force of Pakistani occupation army and in 1971 the Razakar Bahini was formed intending to collaborate with the Pakistani army in carrying out horrific atrocious activities in furtherance of common plan and design of annihilating the pro-liberation Bengali civilians and freedom fighters. The accused persons need to be indicted for the offences they had committed in the context of war of liberation in 1971 in the territory of Bangladesh.

6. Submission advanced by the defence side

Mr. Gazi M.H. Tamim, Advocate defending accused Md. Solaiman Mollah as his engaged lawyer and accused Idris Ali Sardar as State defence counsel appointed by this Tribunal has filed two separate applications seeking discharge of both the accused persons. Mr. Gazi M.H. Tamim placing the discharge applications conversely submitted that the accused persons did not belong to Razakar Bahini and the document relied upon by the prosecution in this regard is a recently and locally prepared which is not sourced and authoritative. None of the accused persons had involvement with the commission of alleged offences in any manner. They could have been prosecuted under the Collaborators Order 1972 if really they had complicity in committing any such alleged offences. But there has been nothing to show that

they were so prosecuted on the allegation of their involvement with the commission of any of alleged offences. Delayed prosecution also makes accused persons' alleged involvement with the commission of offences doubtful. Therefore, the accused persons are liable to be discharged.

7. Deliberation and decision with reasoning

We have meticulously gone through the formal charge, statement of witnesses and the documents submitted. It appears that the prosecution by submitting formal charge alleges that the accused persons participated, facilitated, abetted, aided and had complicity in the commission of crimes as enumerated in the Act of 1973, by their acts and conducts forming a part of systematic attack directing civilian population in 1971 during the war of liberation in the localities under the then Madaripur Sub-Division.

Both the accused persons have been proposed by the prosecution to be indicted for the alleged events of attacks constituting the offences of genocide and crimes against humanity as narrated in the formal charge. Out of two accused persons one accused has been absconding and proceeding is going on in his *absentia* in compliance with legal requirements as contemplated in the Act and the ROP, 2010.

The allegations brought do not constitute isolated crimes. Those are alleged to have been committed in war time situation directing civilians in systematic manner. The undeniable context prevailing in 1971 in the territory of Bangladesh is itself sufficient to the unerring inference of a 'widespread and systematic attack' on Bangladeshi self-determined population. Therefore, the offences committed under this context and in violation of customary

international law during 1971 independence war, patently demonstrate that those were of course consequence of part of a 'widespread' or 'systematic' attack directed against the unarmed civilian population. Under section 19(1) of the Act of 1973, the Tribunal can take judicial notice of the above context that must prompt a person of common prudence that the offences of genocide and crimes against humanity as mentioned in section 3(2)(a) (c) of the Act of 1973 were inevitably the effect of part of widespread or systematic attack.

Prosecution, at this stage, alleges that the accused persons belonging to local Razakar Bahini accompanied the group of Razakars and Pakistani occupation army which had committed the offences of genocide and crimes against humanity, in conjunction with the attack. *Prima facie* the formal charge, statement of witnesses and documents submitted demonstrate accused persons' culpable complicity, act and conduct with the perpetration of offences alleged. But however, culpability and role of them or any of them can be well adjudicated only on holding trial. And till then they shall be presumed innocent.

It is now settled that the offences of genocide and crimes against humanity are considered as 'group crime' and these are not perpetrated by a single individual. But however, an individual may participate to the actual commission of the principal crime by his act or conduct, before or midst or after the crime committed. In this regard, the Tribunal notes that in adjudicating culpability of the person accused of offences, context and situations prevailing at the relevant time i.e the period of war of liberation in 1971[March 25 to December 16, 1971] together with his acts, conducts,

attitude and association of any organization, if any, are to be considered. It may be well resolved on evaluation of evidence to be presented during trial.

The learned defence counsel submitted that the accused persons are liable to be discharged as they could have been prosecuted under the Collaborators Order, 1972 if really had they any complicity or involvement with the commission of alleged offences in any manner. But we are not inclined to agree with the argument that merely for the reason that since the accused persons were not brought to justice under the Collaborators Order, 1972 now they are immune from being prosecuted under the Act of 1973.

We are not with the submission extended by the learned defence counsel on point of delay in prosecuting the accused persons. As regards delay in prosecuting the suspect offenders we reiterate that the victims of systematic and organised diabolical atrocities committed in 1971 within the territory of Bangladesh in violation of customary international law need justice to heal. State has an obligation to remedy serious human rights violations. Bangladesh recognizes Article 8 of the Universal Declaration of Human Rights [UDHR] and Article 2(3) of the International Covenant of Civil and Political Rights [ICCPR] which ensure the right to an effective remedy for the violation of human rights. And in providing effective remedy to the victims and their families, delay itself cannot stand as a bar in prosecuting an individual offender under the Act of 1973.

At this stage, it cannot be determined conclusively whether the accused persons belonged to local Razakar Bahini. It is a question of fact that can be effectively resolved only on trial and considering the totality of evidence to be

provided by the prosecution. Besides, it would be relevant to reiterate that the Act of 1973 is meant to prosecute and punish not only the armed forces and the perpetrators who belonged to 'auxiliary forces', but also to prosecute and punish an 'individual' or member of 'group of individuals' who committed the offences enumerated in the Act of 1973. It is quite manifested from section 3(1) of the Act of 1973 that even any person (individual or member of group of individuals), if he is *prima facie* found individually criminally responsible for the offence(s), can be brought to justice under the Act of 1973. Already it has been well resolved.

It is settled that mere framing charge does not prove one's guilt. The accused persons shall be presumed innocent until they are found guilty of the offences alleged. However, now, we are convinced, on going through the statement of witnesses and materials on record, to *prima facie* conclude that there have been sufficient grounds of proceeding.

At this stage, the formal charge and the statement of witnesses *prima facie* demonstrate that the accused persons enthusiastically sided with the policy and plan of the Pakistani occupation army and had allegedly carried out horrific activities of genocide and crimes against humanity and other inhumane acts, and as such, the applications seeking discharge of the accused persons as mentioned earlier do not deserve consideration, and therefore, the same are hereby rejected.

Accordingly, now we proceed to read out the charges framed. On perusal of the formal charge, statement of witnesses along with other documents submitted by the prosecution we are of the view that there are sufficient and substantial materials and grounds before the Tribunal to frame

charges against accused (1) Md. Solaiman Mollah and (2) Idris Ali Sardar [absconded] for the offences allegedly committed during the war of liberation in 1971 as specified under section 3(2)(a)(c)(g)(h) of the Act of 1973 for which they are alleged to be criminally liable under section 4(1) of the said Act. The charges are thus framed against them in the following manner:

Charges

We,

**Justice Anwarul Haque, Chairman
Justice Md. Shahinur Islam, Member
Justice Md. Shohrowardi, Member**

Of the International Crimes Tribunal -1

Hereby charge you, accused (1) Md. Solaiman Mollah, son of late Chand Mollah and late Shaharjan Bibi of Kashipur Muslim Para, Ward No. 5, Police Station Palong, District-Shariatpur, and (2) Idris Ali Sardar [absconded], son of late Hazi Hakim Ali Sardar and late Mazu Bibi of Village-West Kashabhog, Police Station Palong and District-Shariatpur as follows:

Charge No. 01

[Genocide, murder, plundering and arson committed on 22 May, 1971 in the locality of Palong Police Station]

That on 22 May, 1971 at about 03.00 P.M. 100/150 Pakistani army men accompanied by you Razakars accused Md. Solaiman Mollah and Idris Ali Sardar and some other Razakars were going to village Kashabhog via Angaria bazaar from launch ghat, adjacent to that bazaar, under Palong Police Station of the then Madaripur Sub-Division [at present District Shariatpur] and on the way on your [both accused] instigation one of the Pakistani army men fired gun shot to a farmer Abdus Samad Sikder who along with his son Ismail

Hossain Sikder was chasing cow towards their home. Abdus Samad Sikder sustaining bullet hit injury rushed to the courtyard and after a while he succumbed to his injury. Thereafter, you the accused persons and your accomplices having attacked the dwelling house of Abdus Samad Sikder looted valuables therefrom.

Then you the accused persons and your accomplices began to proceed towards east and on the way you shot one ironsmith Shamvu Nath Karmakar working in his shop to death. Thereafter, you the accused persons and your accompanied other Razakars and Pakistani army men having attacked Hindu populated village Madhyapara plundered houses and then set them on fire. At the same time you the accused persons and your accomplices killed more than 200 [two hundred] Hindu people by firing shots with intent to destroy, in whole or in part, the Hindu religious group, and thereafter Pakistani army men came back to Madaripur army camp.

Thereby you accused (1) Md. Solaiman Mollah and (2) Idris Ali Sardar are hereby charged for participating, aiding, abetting, facilitating and complicity in the commission of offences of genocide, and murder, plundering and arson [other inhumane acts] as crimes against humanity as part of systematic attack directed against unarmed civilians as specified in section 3(2)(a)(c)(g)(h) of the Act of 1973 which are punishable under section 20(2) of the Act for which you the accused persons have incurred liability under section 4(1) of the Act.

Charge No. 02

[Genocide , murder, persecution, abduction, confinement, torture, plundering and arson committed on between 23 and 26 July, 1971 in the localities of Palong and the then Madaripur Sadar Police Stations]

That on 23 May, 1971 at about 11.00 A.M. a group of about 100[one hundred] Pakistani army men accompanied by you Razakars accused Md. Solaiman Mollah and Idris Ali Sardar and some other Razakars captured Abul Kalam Howlader from his shop at launch ghat near Angaria bazaar and tortured him and forced him to go with you carrying a bag containing ammunations. Thereafter, you the accused persons and your accomplices having attacked Hindu populated village Malopara [fishermen village] under Palong Police Station of the then Madaripur Sub-Division [at present District Shariatpur] persecuted 15/20 innocent men and 14/15 women after confining them in front of the house of Jogo Maya and also plundered houses and then set them on fire.

Then you accused persons and your accompanied Razakars and Pakistani army men were divided into two groups, one group remained at village Malopara to guard and torture the confined men and women and the other group including you accused persons having attacked village Rudrakar under Palong Police Station confined and tortured Jalilur Rahman and forced him to go with you and went to the house of former Zaminder Pramath Chakraborty and tried to vandalize a Hindu temple by firing shots and killed ailing priest Chandra Mohan Chakraborty by gun-shot and then came back to village Malopara.

Thereafter, you the accused persons and your accomplice Razakars and Pakistani army men taking the detained 30/35 men and women with you came

to Pakistani army camp at A. R. Howlader Jute Mill, Madaripur and having confined them there raped the women of different ages for 3(three) days in turn. Thereafter, you the accused persons and your accomplice Razakars and Pakistani army men released the detained women and killed all the detained male members of Hindu Community by firing shots, with intent to destroy, in whole or in part, the Hindu religious group, and threw their dead bodies into the Arial Kha river.

Thereby you accused (1) Md. Solaiman Mollah and (2) Idris Ali Sardar are hereby charged for participating, aiding , abetting, facilitating and complicity in the commission of offences of genocide, and murder, abduction, confinement, torture, and plundering and arson [other inhumane acts] as crimes against humanity as part of systematic attack directed against unarmed civilians as specified in section 3(2)(a)(c)(g) (h) of the Act of 1973 which are punishable under section 20(2) of the Act for which you the accused persons have incurred liability under section 4(1) of the Act.

Charge No. 03

[Murder, confinement, torture and plundering committed in the house of Shoilendra Krishan Paul situated at the then Madaripur Sub-Divisional town]

That one day of mid June, 1971 in the afternoon you Razakars accused Md. Solaiman Mollah and Idris Ali Sardar accompanied by some other Razakars and 8/10 Pakistani army men attacked the house, situated at the then Madaripur Sub-Divisional town [at present Deputy Commissioner's Bungalow,

Shariatpur], of Shailendra Krishna Paul [now dead], a leader of Awami League , while he had been taking shelter at a refugee camp in India with his family members, and captured Lalit Mohan Kundu and Shuresh Goon alias Shukrai Goon, who were employed by Shailendra Krishna Paul to guard his said house, and having confined in the said house tortured them first and then killed them by stabbing with bayonet, and also plundered that house.

Thereby you accused (1) Md. Solaiman Mollah, and (2) Idris Ali Sardar are hereby charged for participating, aiding, abetting, facilitating and complicity in the commission of offences of murder, confinement, torture and other inhumane act [plundering] as crimes against humanity as part of systematic attack directed against unarmed civilians as specified in section 3(2)(a)(g)(h) of the Act of 1973 which are punishable under section 20(2) of the Act for which you the accused persons have incurred liability under section 4(1) of the Act.

Charge No. 04

[Offence of deportation of Hindu religious people of the then Madaripur Sub-Division to India]

That during the War of Liberation in 1971, you Razakars accused Md. Solaiman Mollah and Idris Ali Sardar and other Razakars in collaboration with Pakistani occupation army committed wide spread and systematic killing and destruction of Hindu religious people in the localities of the then Madaripur Sub-Division, and thereby you, your accomplice Razakars and Pakistani army created panic and horror in the said localities in committing genocide and

murder , rape, torture, confinement, persecutions, etc. as crimes against humanity which forced so that Hindu religious people to leave the country facing ineffable harassment . Due to commission of these offences, thousands of Hindu religious people of different localities of the then Madaripur Sub-Division being frightened were thus compelled to be deported to India.

Thereby you accused (1) Md. Solaiman Mollah , and (2) Idris Ali Sardar are hereby charged for participating, aiding, abetting , facilitating and complicity in the commission of offence of deportation as crime against humanity as part of systematic attack directed against unarmed civilians as specified in section 3(2)(a)(g)(h) of the Act of 1973 which is punishable under section 20(2) of the Act for which you the accused persons have incurred liability under section 4(1) of the Act.

You accused Md. Solaiman Mollah has heard and understood the aforesaid charges which have been read in open court in your presence.

Question: Do you plead guilty or not?

Answer:

The charges so framed have been read over in English and explained in Bengali to accused Md. Solaiman Mollah present on dock, to which he pleaded not guilty and claimed to be tried.

Another accused Idris Ali Sardar has been in absconsion, and as such, he could not be asked whether he plead guilty or not, after reading over the charges framed against him in open court.

Let 29.05.2016 be fixed for opening statement and examination of prosecution witnesses. The trial shall be continuing on every working day until further order. 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. At the same time the defence counsel is directed to submit list of witnesses along with documents, if any, which the defence intends to rely upon, as required under section 9(5) of the Act of 1973 on or before the date fixed.

(Justice Anwarul Haque, Chairman)

(Justice Md. Shahinur Islam, Member)

(Justice Md. Shohrowardi, Member)