

International Crimes Tribunal-1
Old High Court Building, Dhaka, Bangladesh.

ICT-BD [ICT-1] Case No.01 of 2017

Present:

Justice Md. Shahinur Islam, Chairman
Justice Amir Hossain, Member
Judge Md. Abu Ahmed Jamadar, Member

Order No.08

13 December 2017

Chief Prosecutor

Vs.

- (1) **Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.S.C[absconded]]**
and
(2) **Sohrab Fakir @ Sohrab Ali @ Sorab Ali**

Mr. Mukhlesur Rahman, Prosecutor: For the prosecution
Mr. Abdus Shukur Khan, State defence Counsel: For the defence

[Decision on framing charges]

Accused Sohrab Fakir @ Sohrab Ali @ Sorab Ali is present before this Tribunal as has been brought from prison.

On wrapping up the hearing on charge framing matter and discharge application on 27 November , 2017, the Tribunal[ICT-1] fixed today for rendering its decision and as such the record is taken up for order on indictment matter. Before we pass the order, we consider it appropriate and relevant to make a brief portrayal of the context of the case and succinct arguments advanced by both prosecution and defence before this Tribunal.

I. Formation of the Tribunal

1. This International Crimes Tribunal-1 (hereinafter referred to as the “Tribunal”) has been constituted under the International Crimes

(Tribunals) Act enacted in 1973 (hereinafter referred to as the “Act”) by the sovereign Parliament of Bangladesh intending to provide provisions for the detention, prosecution and punishment of individual or group of individuals or member or members of auxiliary force as defined in the Act responsible for the offences of genocide, crimes against humanity, war crimes as enumerated in sub section (2) of section 3 of the Act committed in the territory of Bangladesh especially in 1971 during the war of liberation. The preamble of the Act reflects this core objective. However, no Tribunal was set up and as such no one could be brought to justice under the Act until the government established ‘Tribunal’ (Tribunal-1) on 25th of March 2010.

II. Brief Historical Context

2. In all the earlier cases, already disposed of, the Tribunal described the settled historical context that shoved the Bengali nation to start fighting for self determination and independence of the motherland— Bangladesh.

Bangabandhu Sheikh Mujibur Rahman the father of nation in his historic speech of 7th March, 1971, called on the people of Bangladesh to strive for independence.

3. Long 46 years after the nation achieved its independence recognizing the historic March 7 speech of Bangabandhu Sheikh Mujibur Rahman, the father of nation as a world documentary heritage by the UNESCO is the stamp of immense pride for the nation. This recognition shall prevent distortion of the history and the 7 March blazing speech of Bangabandhu calling on the freedom-loving Bangalees indispensably activated and inspired the whole nation, excepting a few pro-Pakistan people to get prepared for the war of liberation.

4. 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.

5. It is now the settled history that in the War of Liberation that ensued in 1971 under the leadership of Bangabandhu the father of nation, all people of the then East Pakistan wholeheartedly 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 political parties joined and/or collaborated with the Pakistan occupation army to actively oppose the creation of independent Bangladesh and most of them committed and facilitated the commission of diabolical atrocities in the territory of Bangladesh, directing non-combatant pro-liberation civilians. 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 were forced to deport to India as refugees and million others were internally displaced. It also experienced unprecedented destruction of properties all over Bangladesh, in violation of laws of war and fundamental rights of protected civilians.

6. The Pakistan government and the occupation military created number of auxiliary forces such as the Razakars, the Al-Badar, the Al-Shams, the Peace Committee etc. essentially to collaborate with the military in identifying and eliminating all those who were perceived to be sympathized with the liberation of Bangladesh, individuals belonging to minority religious groups especially the Hindus, individuals belonging to Awami League and other pro- independence political parties, Bangalee intellectuals and unarmed civilian population of Bangladesh.

7. The arraignments as have been pressed by the prosecution in the case in hand, by submitting formal charge involve the atrocious attacks allegedly carried out directing civilian population by the accused persons in collaboration with their accomplices and Pakistani occupation army in the context as briefly narrated herein above.

III. Brief account of the Accused Persons

8. Before we render our decision on charge framing matter let us have a look what has been stated in the formal charge about the identity of the accused persons .

(i) Accused Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc [absconded]

Accused Hidaetulla @ Angu @ Md Hadaetullah @ Anju B.Sc (absconded) son of late Montaz Uddin Talukder alias Montaz Ali and late Sunneter Nessa @ Akramunnesa of village Kulasree under Police Station Atpara of the then Sub-Division Netrokona[now District]was born on 22.07.1936. He was in teaching profession, after obtaining B.Sc degree first at Chandranath High School, Netrokona and then Jahangirpur Tea Amin High School under Madan Police Station.

Accused Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc was the organizing Secretary of Jamat E Islami[JEI] of the then Netrokona Sub-Division and contested in national assembly election in 1970 as a candidate of JEI. In 1971 he joined the peace committee and Razakar Bahini formed in Netrokona. He was a potential member of the Netrokona Town. He was prosecuted under the Collaborators Order, 1972 for the criminal activities' carried out around the locality under Atpara Police Station in 1971, in exercise of his membership in Razakar Bahini and peace committee.

(ii) Sohrab Fakir @ Sohrab Ali @ Sorab Ali

Accused Sohrab Fakir @ Sohrab Ali @ Sorab Ali son of late Suruj Ali and late Liajer Ma of village Kulasree under Police Station Atpara of the then Netrokona Sub-Division[now District] joined the Razakar

Bahini formed at Atpara, being imbued by the accused Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc. He was a notorious Razakar and after independence achieved he was prosecuted under the Collaborators Order, 1972 for the criminal activities' carried out around the locality under Atpara Police Station in 1971, in exercise of his membership in Razakar Bahini.

IV. Procedural History

9. The Investigation Agency of the Tribunal constituted under the Act of 1973 started investigation pursuant to complaint register no. 52 dated 05.05.2015, in respect of commission of offences enumerated in section 3(2) of the Act of 1973 allegedly perpetrated by (1) Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.S.C [**absconded**], (2) Anayet Ullah Munju @ Enaet Ullah @ Monju [**died after submission of the formal charge**] and (3) Sohrab Fakir @ Sohrab Ali @ Sorab Ali.

10. On prayer of the IO the Tribunal by its order dated 08.02.2016 issued warrant of arrest [WA] seeking arrest of all the three accused persons. Of them accused Sohrab Ali @ Sorab Ali was arrested in connection with Gouripur Police Station Case no.06 dated 11.02.2015 and afterwards on his production before this Tribunal he was shown arrested vide Tribunal's order dated 30.3.2016 and he was sent to prison. Another accused Anayet Ullah Munju @ Enaet Ullah @ Monju [**died after submission of the formal charge**] was produced before the Tribunal on 03.10.2016 by causing his arrest in execution of WA issued. The other accused Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.S.C could not be arrested.

11. The Investigation Officer [IO] submitted its report together with documents and materials collected and statement of witnesses, on wrapping up of investigation before the Chief Prosecutor on 18.09.2016.

12. The Chief Prosecutor, on the basis of the report and documents submitted therewith by the Investigation Agency, after completion of investigation, submitted the 'Formal Charge' on 28.11.2016 under section 9(1) of the Act of 1973 before this Tribunal alleging that the three accused persons had committed the offences of crimes against humanity and genocide, including abetting and also for complicity to commit such crimes narrated in the formal charge during the period of War of Liberation in 1971 around the locality of Atpara and Madan Police Stations of the then Netrokona Sub-Division.

13. The Tribunal, under Rule 29(1) of the Rules of Procedure, took cognizance of offences as mentioned in section 3(2) (a)(b)(g)(h) of the Act of 1973, by application its judicial mind to the Formal Charge and materials and documents submitted therewith.

14. Out of three accused one Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.S.C could not be arrested. After having the report in execution of warrant of arrest issued against him the Tribunal, for the purpose of holding proceeding in absentia against him, ordered publication of notice in two national daily news papers. But this accused did not turn up and as such treating him absconded the Tribunal ordered for hearing the charge framing matter by appointing state defence counsel, at the cost of Government, to defend the absconding accused person.

15. It is to be noted too that the accused Anayet Ullah Munju @ Enaet Ullah @ Monju who was detained in prison **died** on 25.1.2017, after submission of formal charge. The learned prosecutor brought this matter to the notice of the Tribunal and the prison authority also communicated the information relating to death of this accused in prison on 26.1.2017. Accordingly, proceedings so far it relates to this accused stood abated vide Tribunal's order dated 27.11.2017.

16. Before commencement of the hearing on charge framing matter the accused Sohrab Fakir @ Sohrab Ali @ Sorab Ali present in court, as brought from prison disclosed that he did not have ability to engage counsel to defend him. With this Tribunal appointed Mr. Abdus Shukur Khan also to defend this accused as state defence counsel.

17. Then on 27.11.2017 hearing on charge framing matter took place when both sides placed their respective submission. The learned state defence counsels defending the accused Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.S.C submitted an application seeking discharge.

V. Submission by the Prosecutor

18. Mr. Mukhlesur Rahman, in course of hearing, drawing attention to the formal charge submitted that the accused persons were notorious Razakars of their locality; that accused Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.S.C was a local potential leader of Jamat E Islami[JEI]; that they were engaged in carrying out atrocious activities around the locality under Atpara and Madan Police Station of the then Netrokona Sub-Division; that the evidence collected during investigation shall demonstrate prima facie that the accused persons were culpably and actively engaged in launching attacks directing civilian population and Hindu religious group as narrated in the formal charge that resulted in the offences of arson, plundering, deportation, abduction , confinement, torture, murder as crimes against humanity and also the offence of genocide as enumerated in the Act of 1973.

19. In pressing the events of attack and participation and complicity of the accused therewith as narrated in the formal charge the learned Prosecutor further submitted, drawing attention to the documents

collected by the investigation officer, that the same shall demonstrate that the accused were prosecuted under the Collaborators Order, 1972 for the criminal acts constituting the offences of murder, looting, arson etc. punishable under the Penal Code and it now *prima facie* indicates notoriety of the accused and also that the accused persons in exercise of their membership in the locally formed Razakar Bahini were consciously engaged in carrying out recurrent attacks directing civilians around the locality under Atpara and Madan Police Station, the learned Prosecutor added. The materials, statement of cited witnesses and the documents collected *prima facie* provide reasonable grounds of proceedings by framing indictments against the accused persons, as have been pressed--- with this the learned Prosecutor concluded his submission.

VI. Submission on behalf of accused (1) Sohrab Fakir @ Sohrab Ali @ Sorab Ali and (2) Hidaetulla @ Angu @ Md Hadaetullah @ Anju B.S.C [absconded]

20. Mr. Abdus Shukur Khan the learned state defence counsel appointed to defend both the accused persons submitted that these two accused have been falsely implicated in this case out of local rivalry; that they had no affiliation with the locally formed Razakar Bahini and the Pakistani occupation army, as alleged; that the alleged evidence collected during investigation does not connect these accused with the commission of any of offences alleged in any manner; the alleged evidence collected to prove the nexus of the accused does not inspire credence and that the accused persons are quite innocent. There has been no *prima facie* evidence to establish the alleged arraignment brought and as such the accused persons deserve to be discharged--- with this the learned defence counsel concluded his submission.

VII. Deliberations and Decision

21. We have vigilantly gone through the formal charge, statement of witnesses and the documents submitted therewith. It appears that the formal charge and the statement of witnesses *prima facie* disclose participation, substantial contribution and abetment of the accused persons to the perpetration of the alleged offences as enumerated in section 3(2) of the Act of 1973. It is true, at this stage neither the guilt nor the innocence can be adjudicated decisively. However, the accused persons shall be treated innocent, till they are found guilty. Their culpability, if any, can only be well determined at trial, not at this stage.

22. However, on *prima facie* examination of the record, we are convinced that the proposed arraignments deserve to be considered and resolved which may only be done at trial, on presentation of evidence. At this stage, we are to just concentrate our attention to the allegations and facts of attacks disclosed in the Formal Charge as well as the statement of witnesses and documents submitted therewith.

23. Prosecution avers that the accused persons were the potential members of locally formed Razakar Bahini. We refrain from rendering definite finding on this issue, at this stage. The issue can be well resolved at trial. Besides, the Act of 1973 permits to prosecute try and punish even an individual or group of individuals for the offences enumerated in the Act. Now, at this stage, we are to merely see the *prima facie* complicity and participation of the accused persons with the commission of alleged offence and of course, treating the accused persons innocent, till they are found guilty.

24. Rule 36 of the ROP provides provision of trying the persons accused of offences at one trial as they allegedly committed the same offences being the associates of the group of attackers, allegedly in

exercise of their membership in locally formed Razakar Bahini. Thus, trying them jointly is lawfully approved.

25. In view of the discussion as made above and considering the submissions advanced by both sides, we are of the view that the application seeking discharge of the accused, having no substantial merit, is hereby rejected. Rather, we have found *prima facie* the nexus of the accused persons with the commission of the alleged offences, mostly from the particulars of facts narrated in the Formal Charge.

26. Thus, we are of the view that there are sufficient and substantial materials before this Tribunal to presume *prima facie* that accused persons were involved with the commission of offences during the War of Liberation in 1971 as specified under section 3(2) of the Act for which they now need to stand trial.

27. Now, we proceed to read out the charges framed. We are of the view that there are sufficient and substantial materials before this Tribunal to frame charges against accused **(1) Accused Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc (absconded) and (2) Sohrab Fakir @ Sohrab Ali @ Sorab Ali 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

Judge Abu Ahmed Jamadar, Member

Of the International Crimes Tribunal -1

Do hereby charge you **(1) Accused Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc (absconded)** son of late Montaz Uddin

Talukder alias Montaz Ali and late Sunneter Nessa @ Akramunnesa of village Kulasree under Police Station Atpara of the then Sub-Division Netrokona [now District] and (2) Sohrab Fakir @ Sohrab Ali @ Sorab Ali son of late Suruj Ali and late Liajer Ma of village Kulasree under Police Station Atpara of the then Netrokona Sub-Division [now District] as follows:

Charge No. 01

[Offences of 'plunder', 'arson', 'forcible deportation as crimes against humanity or in the alternative 'genocide' committed at the Hindu populated locality at Shahapara (Hindu Para) of village Modhukhali under Atpara Police Station of District Netrokona (previously Sub- Division)].

That on 29 May, 1971, at about 10.00/11.00 A.M. to execute the plan and conspiracy, the accused Hidaetullah @ Angu @ Md. Hedaetullah @ Anju B.Sc [absconded], Anayet Ullah Munju @ Enaet Ullah @ Monju [died after submission of the formal charge] and Sohrab Fakir @ Sohrab Ali @ Sorab Ali along with a group formed of Razakars and Pakistani Occupation Army coming from Netrokona by launching attack at Shahapara (Hindu Para) of village Modhukhali and plundered and torched the house of Dr. Manindra Kumar Roy, Aradhana Roy and carried out destructive activities by looting valuables. In conjunction with the attack, the attackers including you the accused persons also plundered and burnt down 20/30 houses including those of Hindu inhabitants as mentioned in the formal charge, resulting in grave destruction of properties of the said Shahapara [Hindu Para]. Afterwards, the attackers left the crime village and the terrorizing situation spread through the attack compelled the members of the victim families as mentioned in the formal charge to deport to India where they took refuge at Balat Camp.

Therefore, you the accused (1) Hidaetullah @ Angu @ Md. Hedaetullah @ Anju B.Sc. [absconded] and (2) Sohrab Fakir @

Sohrab Ali @ Sorab Ali are hereby charged for actively participating, abetting , facilitating, contributing and also for complicity in the commission of offences of '**plunder**', '**arson**', '**forcible deportation**' as crimes against humanity as specified in section 3(2)(a)(g)(h) or in the alternative offence of '**genocide**' as specified in section 3(2)(c)(g)(h) of the International Crimes (Tribunals) Act, 1973 read with section 4(1) which are punishable under section 20(2) of the Act.

Charge No. 02

[Offences of confinement, arson, torture and killing of 02 civilians at village Mobarakpur Purbapara under Atpara Police Station]

That on 23 August, 1971 at about 11:00 A.M a group formed of Pakistani occupation army and Razakars being accompanied by you the accused Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc [absconded] and Anayet Ullah Munju @ Enaet Ullah @ Monju [died after submission of the formal charge] by launching attack at village Mobarakpur Purbapara torched the houses of civilians and by indiscriminate gun firing to the bushes wherein the feared residents of the locality went into hiding sensing the presence of the attackers that resulted in bullet hit injury to Md. Abul Kashem [now dead]. In conjunction with the attack the group of attackers forcibly detained Malek Talukder and Kalachan Munshi , caused torture to them and then bringing those two detainees at the place near the pond of Malek Talukder you the accused Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.S.C[absconded] and your accomplice Anayet Ullah Munju @ Enaet Ullah @ Monju [died after submission of the formal charge] shot them to death and then had carried out destructive activities by looting valuables from Malek Talukder's house and it was set on fire too. Afterwards, the group headed towards the Atpara Police Station army camp, quitting the crime site.

Therefore, you the accused Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.Sc [absconded] is hereby charged for actively participating,

facilitating, abetting and substantially contributing to the commission of the offences of '**arson**', '**torture**' and '**murder**' as crimes against humanity as specified 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.

Charge No. 03

[Offences of confinement, arson, torture and killing Helim Talukder at village Madan Dakhin Para under Madan Police Station]

That on 30 August, 1971 at about 12 P.M a group formed of 10/12 Pakistani occupation army and armed Razakars being accompanied by you the accused (1) Hidaetulla @ Anju @ Md Hedaetullah @ Anju B.Sc [**absconded**], your accomplice (2) Anayet Ullah Munju @ Enaet Ullah @ Monju [**died after submission of the formal charge**] and the accused (3) Sohrab Fakir @ Sohrab Ali @ Sorab Ali attacked the village Madan Dakhin Para when the residents thereof went into hiding inside the bushes around their houses, being panicked. The group then started searching the houses to have trace of freedom-fighters. With this Helim Talukder, the brother of freedom- fighters Md. Hamidur Rahman and Md. Abu Taher attempted to escape by going into hiding but you the accused persons forcibly captured him, looted households of the detainee's house, set the cow-shed on fire and then the group accompanied by you the accused persons took away the detained Helim Talukder with you tying his hands up to the Pakistani Army Camp at Madan Police Station where he was subjected to torture.

On the same day, in the evening you the accused persons and your accomplices brought the detained Helim Talukder on the bank of the river Magra where he was shot to death and his body was thrown to the river. The dead body of the victim could not be traced.

Therefore, you the accused (1) Hidaetulla @ Angu @ Md Hedaetullah @ Anju B.Sc [**absconded**] and (2) Sohrab Fakir @ Sohrab Ali @ Sorab Ali are hereby charged for actively participating, facilitating, abetting and substantially contributing to the commission of the offences of '**arson**', '**torture**' and '**murder**' as crimes against humanity as specified 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.

Charge NO.04

[Offences of arson, abduction, confinement, torture, forcible deportation, murder of 07 Hindu Civilians as crimes against humanity and/or genocide at the Hindu populated village Sukhari under Police Station Atpara]

That on 03 September, 1971 at about 01:00 P.M a group of 20/30 Pakistani occupation army and Razakars accompanied by you the accused (1) Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.Sc [**absconded**], your accomplice (2) Anayet Ullah Munju @ Enaet Ullah @ Monju [**died after submission of the formal charge**] and the accused (3) Sohrab Fakir @ Sohrab Ali @ Sorab Ali by launching attack at the house of Hashem of village Sukhari started indiscriminate gun firing intending to terrorize the civilians. With this the villagers went into hiding inside the bushes, being panicked. The group of attackers then plundered the house of Bidhan Kumar Sarker, vandalized it and then set it on fire. In conjunction with the attack the group of attackers carried out looting and set the houses of other civilians on fire.

On the same day, in the evening the group of attackers being accompanied by you the accused persons, in conjunction with the attack forcibly captured nine[09] Hindu civilians[as named in the formal charge] of whom 02 are now dead and took them all away to the army camp at Madan Police Station where they were subjected to

ruthless torture in captivity and later on, at about 08:00 P.M the detainees were taken on the bank of the river Magra adjacent to the Police Station where they were made stood in a line when you the accused persons and your accomplice Razakars gunned them down to death and threw their bodies to the river, Two detainees[as named in the formal charge] however got release from captivity in exchange of money and bundle of tins.

The family members of the victims being terrified by such atrocious activities were forced to deport to India where they took refuge and returned back after the independence achieved when they found their houses burnt down.

Therefore, you the accused (1) Hidaetulla @ Angu @ Md. Heaetullah @ Anju B.Sc [**absconded**] and (2) Sohrab Fakir @ Sohrab Ali @ Sorab Ali are hereby charged for actively participating, facilitating, abetting and substantially contributing to the commission of the offences of '**arson, 'abduction', 'confinement', 'torture', forcible deportation, murder as crimes against humanity** as specified in section 3(2)(a)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 **and/or 'genocide'** as the attack was directed against the Hindu religious group with intent to destroy it, either whole or in part, as enumerated in section 3(2)(c)(g)(h) read with section 4(1) of the International Crimes (Tribunals) Act, 1973 which are punishable under Section 20(2) of the Act.

Charge No.05

[Offences of abduction, confinement of Hamid Hossain of village Madan Majpara and torture as crimes against humanity]

That on 02 September, 1971 in between 01:00 P.M to 02:00 P.M a group formed of accomplice Razakars and 03 Pakistani army men accompanied by you the accused Sohrab Fakir @ Sohrab Ali @

Sorab Ali by launching attack at village Madan Majpara apprehended Hamid Hossain, the brother of freedom-fighter Ali Hossain and then forcibly took him away to Madan Majpara Liton House where he was subjected to brutal torture. However the detainee was set at liberty on the same day in exchange of financial gain.

Therefore, you the accused Sohrab Fakir @ Sohrab Ali @ Sorab Ali is hereby charged for actively participating, facilitating, abetting and substantially contributing to the commission of the offences of **'abduction', 'confinement', 'torture', as crimes against humanity** as specified 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.

Charge No.06

[Offences of 'arson', and 'deportation' as crimes against humanity committed at village Madan Dakhin Para]

That on 06 September, 1971 at about 10:00/11:00 A.M a group of 20/30 Razakars and 10/20 Pakistani occupation army accompanied by you the accused (1) Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.Sc [**absconded**], your accomplice (2) Anayet Ullah Munju @ Enayet Ullah @ Monju [**died after submission of the formal charge**] and the accused (3) Sohrab Fakir @ Sohrab Ali @ Sorab Ali by launching attack at Mir Bari of Modon Dakhin Para looted valuables from the houses of late Khorshed Alam Koryashi, Md. Abul Hashem's father, Motiur Rahman, freedom fighter Ali Osman, Suruzzaman and Kazi Miah, vandalized and torched their houses. In this way, by carrying out devastating activities continued its attack at village Madan directing civilians through out the day when they burnt down at least 150-200 houses. The attack thus forced the residents of the village Madan Para to get internally displaced, in fear of life.

Therefore, you the accused (1) Hidaetulla @ Angu @ Md. Hedaetullah @ Anju B.Sc [**absconded**] and (2) Sohrab Fakir @ Sohrab Ali @ Sorab Ali are hereby charged for actively participating, facilitating, abetting and substantially contributing to the commission of the offences of '**arson**', and '**deportation**' as crimes against humanity as specified 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.

28. Thus, you have been indicted as above for committing the offences under section 3(2)(a)(c)(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. You accused Sohrab Fakir @ Sohrab Ali @ Sorab Ali have heard and understood the aforesaid charges which have been read out and explained [**in Bangla**] in the open court in your [accused Sohrab Fakir @ Sohrab Ali @ Sorab Ali] presence.

Question: Do you plead guilty or not.

Answer:

29. The charges so framed have been read over and explained to the accused (1) Sohrab Fakir @ Sohrab Ali @ Sorab Ali to which he pleaded not guilty and claimed to be tried according to law. Accused Hedaetullah @ Angu @ Md Hadaetullah @ Anju B.Sc remained absconded and as such the charges framed against him could not be explained to him.

30. Let 08.01.2018 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 state defence counsel is directed to submit a list of witnesses along with documents 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

Judge Md. Abu Ahmed Jamadar, Member