

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

**ICT-BD [ICT-1] Case No 11 of 2017**

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**Present:**

**Justice Md. Shahinur Islam, Chairman**

**Justice Amir Hossain, Member**

**Justice Md. Abu Ahmed Jamadar, Member**

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**Order No.09**

**22 January 2019**

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Chief Prosecutor

Vs.

(1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam  
**[Absconding]**

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**Mr. Mokhlesur Rahman, Prosecutor:** For the prosecution

**Mr. Al Faysal Siddique, Advocate:** For accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) and Md. Kamal Uddin Goldar

**Mr. Abdus Sattar Palwan, Advocate:** For accused (6) Md. Motasin Billah

**Mr. Gaji M.H Tamim, Advocate:** State defence Counsel: For accused (7) Md. Nazrul Islam **[Absconding]**

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**[Decision on framing charges]**

Accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh  
(3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md.

Motasin Billah and (6) Md. Kamal Uddin Goldar have been brought before the Tribunal from prison. Accused (7) Md. Nazrul Islam [Absconding] has been absconding.

On wrapping up the hearing on charge framing matter on 29.10.2018, the Tribunal[ICT-1] fixed today for rendering its decision and as such the record is taken up today for order on indictment matter. Before we pass the order, we consider it appropriate and relevant to craft 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 the 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 the 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 the 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 Pakistani 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, Hindu religious group, unarmed freedom-fighters by the accused persons in collaboration with their accomplices in the context as briefly narrated herein above, to further policy and plan of Pakistani occupation army. The alleged crimes happened around the localities under police station-Batiaghata, District- Khulna.

### **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 and status of the accused persons that they had in 1971. The following are the brief account of the 07(seven) accused persons that will essentially offer a portrayal of the ideology, status and mindset they had in 1971, during the war of liberation:

#### **(1) Amjad Hossain Howlader**

Accused Amjad Hossain Howlader [75] is the son of late Amdad Ali Howlader and late Achhia Khatun, of village-Charkhali (Machhalia), Police Station-Batiaghata, District-Khulna and he was born on 01.01.1942 (as per his NID). In 1971, during the war of liberation he was a follower of Convention Muslim League and he joined the locally formed Razakar Bahini, prosecution alleges.

#### **(2) Md. Mojahar Ali Sheikh**

Accused Md. Mojahar Ali Sheikh [65] is the son of late Dukhi Mahmud Sheikh and late Dulu Bibi of village-Baroaria, Police

Station-Batiaghata, District-Khulna, at present: village-Garkhali, Police Station-Dakop, District-Khulna. His date of birth is 18.08.1952 as per his NID. In 1971, as a follower of Convention Muslim League he joined the locally formed Razakar Bahini and collaborated with the Pakistani occupation army in accomplishing heinous crimes around in the localities under Police Station-Batiaghata, prosecution alleges.

**(3) Md. Shahar Ali Sardar**

Accused Md. Shahar Ali Sardar [65] is the son of late Abdul Gani Sardar and late Kariman Nesa, of Village-Shurkhali, Police Station-Batiaghata, District-Khulna was born on 16.07.1952 (as per his NID). He was an active member of the locally formed Razakar Bahini, prosecution alleges.

**(4) Md. Atiar Rahman Sheikh**

Accused Md. Atiar Rahman Sheikh [70] is the son of late Hasan Sheikh @ Hashem Sheikh and late Malancha Bibi, of village-Shundar Mahal, Police Station-Batiaghata, District-Khulna and he was born on 10.09.1947, as per his NID. He studied up to Class VII. He was an active member of the locally formed Razakar Bahini, prosecution alleges.

**(5) Md. Motasin Billah**

Accused Md. Mostasin Billah [80] is the son of late Rakamtullah Sheikh and Johara Begum, of Village-Kismat Laxmikhola, Jheelaghata, Police Station-Batiaghata, District-Khulna. His date of

birth is 04.10.1937 according to his NID. He studied upto Class IV. In 1971, during the liberation war, he was a follower of Jamaat-e-Islami. He joined the locally formed Razakar Bahini to assist the Pakistani occupation army in carrying out atrocious activities, prosecution alleges.

**(6) Md. Kamal Uddin Goldar**

Accused Md. Kamal Uddin Goldar [66] is the son of late Dabir Uddin Goldar and late Hamida Begum, of village-Birat, Police Station-Batiaghata, District-Khulna and he was born on 01.01.1951 (as per his NID). He passed H.S.C examination in 1967 from the City College, Khulna. In 1971, during the liberation war, he joined the locally formed Razakar Bahini and collaborated with the Pakistani occupation army in committing heinous crimes, prosecution alleges.

**(7) Md. Nazrul Islam**

Accused Md. Nazrul Islam [60] is the son of late Md. Nayan Ali Jarddar and late Rabeya Begum, of village: Noyailtala, Police Station-Batiaghata, District-Khulna. His present address is Nila Manjil, House No. 67, Ward No. 29, Tank Road, Khulna Sadar Thana, KMP, Khulna. According to the National Identity Card his date of birth is 02.08.1957. He passed the H.S.C examination. In 1971, during the liberation war, he joined the locally formed Razakar Bahini to assist the Pakistani Occupation Army in carrying out atrocious activities, prosecution alleges.

#### **IV. Procedural History**

9. The Investigation Agency of the Tribunal constituted under the Act of 1973 started investigation pursuant to complaint register serial no. 59 dated 15.11.2015, in respect of commission of offences enumerated in section 3(2) of the Act of 1973 allegedly perpetrated by (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam.

10. During investigation i.e at pre-trial stage the Investigation Officer through the Chief Prosecutor brought an application seeking arrest of all the seven suspected accused persons, for the purpose of proper and effective investigation. The Tribunal-1 by its order dated 08.03.2017 issued warrant of arrest in execution of which six suspected accused who were detained in connection with Batiaghata police station case no. 05 dated 09.01.2016 the six accused were then produced before the Tribunal-1 and they were sent to prison showing them arrested in connection with this case. Another accused Nazrul Islam could not be arrested.

11. All the six accused persons, detained in prison were interrogated by the investigation officer as permitted by an order dated 25.05.2017 of Tribunal-1.

12. 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 08.08.2017 against in all 07[seven] suspect accused persons of whom 01[one] could not be arrested.

13. 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 19.11.2017 under section 9(1) of the Act of 1973 before this Tribunal alleging that the seven[07] accused persons had committed the offences of 'genocide' and 'crimes against humanity' during the period of War of Liberation in 1971 around the localities under the Police Station-Batiaghta of District-Khulna, as narrated in the formal charge and proposed for joint prosecution and trial of the accused persons .

14. On 14.12.2017 the Tribunal-1, under Rule 29(1) of the Rules of Procedure, took cognizance of offences as mentioned in section 3(2) (a)(b)(c)(g)(h) of the Act of 1973, by application of its judicial mind to the Formal Charge and materials and documents submitted therewith.

15. Out of seven [07] accused one [01] accused Md. Nazrul Islam could not be arrested, at pre-trial stage. After having the report in execution of warrant of arrest issued against this accused the Tribunal-1, for the purpose of holding proceedings in absentia against him, by its order dated 14.01.2018 directed publication of notice in two national daily news papers, as required under law. But this accused did not turn up despite publication of such notification and as such

treating him absconding the Tribunal-1 by its order dated 04.10.2018 fixed 29.10.2018 for hearing on charge framing matter by appointing Mr. Gaji M.H.Tamim, Advocate as state defence counsel, at the cost of Government, to defend the absconding accused Md. Nazrul Islam.

16. Then on 29.10.2018 hearing on charge framing matter took place when both sides placed their respective submission.

#### **V. Submission by the Prosecutor**

17. **Mr. Mokhlesur Rahman**, the learned prosecutor in advancing his submission drew attention to the formal charge and materials submitted therewith. It has been submitted that the accused persons belonged to locally formed Razakar Bahini; that they were engaged in carrying out atrocious activities around the localities under Batiaghata Police Station of District Khulna; that the materials collected during investigation shall demonstrate *prima facie* that the accused persons were culpably and actively engaged in launching attacks directing pro-liberation civilian population, Hindu religious group and unarmed freedom-fighters as narrated in the formal charge that resulted in the offences as ‘crimes against humanity’ and ‘genocide’ as enumerated in the Act of 1973.

18. The materials, statement of cited witnesses made to the IO 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 the defence**

**19. Mr. Al Faysal Siddique** the learned counsel defending the six [06] accused detained **in prison** submitted that these accused have been proposed to be indicted on the basis of inconsistent evidence and unspecified allegation; that there has been no prima facie material to connect any of these accused with the events alleged. Thus, they deserve discharge.

**Mr. Abdus Sattar Palwan** the learned counsel defending the accused Md. Motasin Billah submitted that the arraignment brought against this accused suffers from non-specificity; that he did not belong to auxiliary force, as alleged and that he has been implicated in this case out of rivalry. Thus, he deserves discharge.

**20. Mr. Gaji M.H Tamim** the learned state defence counsel defending the absconding accused Md. Nazrul Islam submitted that this accused did not belong to Razakar Bahini ; that document relied upon by the prosecution in this regard is not reliable; that the alleged arraignments suffer from non-specificity; that the documents relied upon by the prosecution do not connect this accused with any of alleged arraignments; that he did not belong to any auxiliary force and that there has been no ground of proceedings against this accused . Thus, this accused deserves to be discharged. Delayed prosecution

creates doubt as to complicity of this accused with the alleged offences, the learned state defence counsel added.

## **VII. Deliberations and Decision**

**21.** We reiterate that at this stage of proceedings neither the guilt nor the innocence can be adjudicated decisively. Their alleged culpability, if any, can only be well determined at trial, not at this stage and they shall be treated innocent, till they are found guilty.

**22.** We have gone through the formal charge, statement of witnesses and the documents submitted therewith. The formal charge and documents submitted therewith cumulatively demonstrate, at this stage that there has been *prima facie* disclosure of 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

**23.** In all seven accused are alleged to have had participation and involvement in perpetrating the crimes alleged. They have been proposed for being tried jointly. It is to be noted that 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.

24. In view of the discussion as made above and considering the submissions advanced by both sides, we are of the view that at this stage there has been no room to consider discharge of accused persons taking the submission advanced by the defence side into account.

25. On examination of the record and the materials forming part of the record, we are of unanimous view that there are sufficient and substantial materials before this Tribunal and reasonable grounds 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. 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. In view of above, now, we proceed to read out the charges framed. We are of the view that there are sufficient and substantial materials before this Tribunal-1 to frame charges against accused **(1) Amjad Hossain Howlader**, the son of late Amdad Ali Howlader and late Achhia Khatun, of village-Charkhali (Machhalia), Police Station-Batiaghata, District-Khulna, **(2) Md. Mojahar Ali Sheikh**, the son of late Dukhi Mahmud Sheikh and late Dulu Bibi of village-Baroaria, Police Station-Batiaghata, District-Khulna, at present: village-Garkhali, Police Station-Dakop, District-Khulna, **(3) Md. Shahar Ali Sardar**, the son of late Abdul Gani Sardar and late Kariman Nesa, of Village-Shurkhali, Police Station-Batiaghata, District-Khulna, **(4)**

**Md. Atiar Rahman Sheikh** , the son of late Hasan Sheikh @ Hashem Sheikh and late Malancha Bibi, of village-Shundar Mahal, Police Station-Batiaghata, District-Khulna, (5) **Md. Mostasin Billah** , the son of late Rakamtullah Sheikh and Johara Begum, of Village-Kismat Laxmikhola, Jheelaghata, Police Station-Batiaghata, District-Khulna, (6) **Md. Kamal Uddin Goldar**, the son of late Dabir Uddin Goldar and late Hamida Begum, of village-Birat, Police Station-Batiaghata, District-Khulna and (7) **Md. Nazrul Islam[absconding]** , the son of late Md. Nayan Ali Jarddar and late Rabeya Begum, of village: Noyailtala, Police Station-Batiaghata, District-Khulna. His present address is Nila Manjil, House No. 67, Ward No. 29, Tank Road, Khulna Sadar Thana, KMP, Khulna 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) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam[Absconding] as follows:

**Charge No.01:[01 accused indicted]**

**[Killing 01 unarmed civilian of village Charkhali under police station- Batiaghata, District-Khulna]**

For the reason of spreading terror and coercion by you the accused Amjad Hossain Howlader and your cohorts around the Hindu dominated localities most of Hindu residents including Binod Mandal, a supporter of the war of liberation of village- Charkhali under police station- Batiaghata of District Khulna compelled to deport to India . Afterwards, Binod Mandal came back and on 10.09.1971 at about 07:00 P.M visited the house of Rabindra Nath Mandal, adjacent to their house. On getting information about his arrival you the accused Amjad Hossain Howlader and your 4/5 accomplice Razakars by launching systematic attack at that house forcibly captured **Binod Mandal** and took him to north-west side's bil where you the accused gunned him down to death. Next, coming back to the house of Rabindra Nath Mandal you the accused and your accomplices threatened the inmates of the victim not to disclose that you had killed **Binod Mandal**. All the family inmates of the victim, being scared then quitted the locality.

Therefore, you the accused Amjad Hossain Howlader by your act forming part of systematic attack participated, facilitated and substantially contributed to the commission of '**abduction**', '**confinement**' '**torture**' and '**murder**' of a non-combatant civilian constituting the offence 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.02: [07 accused indicted]**

**[Killing 01 unarmed freedom-fighter at village-Halia under police station-Bagerhat Sadar, District Bagerhat]**

That on 14.10.1971 there had been a fight between freedom-fighters and Razakar Bahini at Ghanashyampur under police station-Bagerhat Sadar, District Bagerhat. Eight freedom fighters including Captain Afzal became injured and they and their co-freedom-fighter Haridas Majumdar then moved to village-Halia by boat and took refuge at the house of Harasit Chaprasi[now dead] to have medical treatment and remained stayed there. But their staying there got leaked by the boatman.

On the following day i.e on 15.10.1971 at around 08:30 A.M you the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahr Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam being accompanied by 15/20 cohort armed Razakars by launching systematic attack at the house of Harasit Chaprasi [now dead] forcibly captured unarmed freedom-fighter **Haridas Majumdar** when the other freedom fighters managed to escape. The detained victim freedom-fighter **Haridas Majumdar** was then taken by you the accused persons to the bank of the river Mara Pashur where he was shot to death and the dead body was left abandoned there.



Therefore, you the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam by your act forming part of systematic attack participated, facilitated and substantially contributed to the commission of **'murder'** of non-combatant civilians constituting the offence 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: [07 accused indicted]**

**[Killing 04 Hindu civilians of village- Sukhdara under police station- Batiaghata, District Khulna constituting the offence of 'genocide' or in alternative 'murder' as crimes against humanity]**

That on 21.10.1971 you the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam being accompanied by 15/20 cohort armed Razakars by launching systematic attack at the Hindu dominated village- Sukhdara under police station- Batiaghata, District Khulna first forcibly captured **Ganendra Nath Haldar @ Gajen Haldar** , caused grievous injuries to him by charging bayonet and then shot him to death.

In conjunction with the attack, you the accused persons and your accomplices by attacking the house of **Atul Roy**, a supporter of the

war of liberation shot him to death. Next, in conjunction with the attack you the accused persons and your cohorts unlawfully detained **Lalit Mandal and Hiralal Dhali** when they were on their way to Sukhdara Bazar and killed them.

Next, the gang accompanied by you the accused persons carried out destructive activities at the houses of 5/6 Hindu civilians and set those on fire. Then you the accused persons and your cohorts had left the site taking one civilian Mobarak Ali detaining him from his house and two hours later made him freed.

Therefore, you the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam by your act forming part of systematic attack, with intent to destroy Hindu religious group, either whole or in part, participated, facilitated and substantially contributed to the commission of the offence of '**genocide**' as specified in section 3(2)(c)(g)(h) or in alternative of the offences of 'abduction' and '**murder**' as crimes against humanity as specified in section 3(2)(a)(g)(h) of the International crimes (Tribunals) Act, 1973 read with section 4(1) of the Act which are punishable under section 20(2) of the Act.

**Charge No.04:[07 accused indicted]**

**[Killing 02 unarmed freedom-fighters at village-Baroaria under police station-Batiaghata, District Khulna]**

That on 29.11.1971 at about 06:30 A.M you the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam being accompanied by 15/20 cohort armed Razakars by launching attack at village- Baroaria under police staiton-Batiaghata, District Khulna started searching of freedom-fighters who on the preceding day moved back from the battle that took place with the Razakars stationed at the camp situated at Monindra Nath's building at village-Baroaria under police station-Batiaghata, District Khulna and forcibly captured two unarmed freedom-fighters **Jyotish Mandal and Abdul Aziz** who remained in hiding at the WAPDA office , adjacent to Baroaria Bazaar , dragged them out and shot them to death.

Therefore, you the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah (6) Md. Kamal Uddin Goldar and (7) Md. Nazrul Islam by your act forming part of systematic attack participated, facilitated and substantially contributed to the commission of '**murder**' of non-combatant freedom-fighters constituting the offence 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.

27. Thus, you the accused persons 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.

28. You the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah and (6) Md. Kamal Uddin Goldar 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:**

29. The charges so framed have been read over and explained to the accused (1) Amjad Hossain Howlader (2) Md. Mojahar Ali Sheikh (3) Md. Shahar Ali Sardar (4) Md. Atiar Rahman Sheikh (5) Md. Motasin Billah and (6) Md. Kamal Uddin Goldar to which they pleaded not guilty and claimed to be tried according to law.

30. Accused Md. Nazrul Islam remained absconded and as such the charges framed against him could not be explained to him.

31. Let 13.03.2019 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. At the same time the engaged counsels and state defence counsel are directed 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**