

International Crimes Tribunal-1
Old High Court Building, Dhaka, Bangladesh.
ICT-BD [ICT-1] Case No.11 of 2018

Present:

Justice Md. Shahinur Islam, Chairman

Justice Amir Hossain, Member

Justice Md. Abu Ahmed Jamadar, Member

Order No.10

29 July, 2019

The Chief Prosecutor

Vs.

(1) Md. Amzad Hossain Mollah [**detained in prison**] (2) Md. Ohab Mollah [**absconding**] (3) Md. Mahatab Biswas [**absconding**] (4) Md. Fasiar Rahman Mollah [**absconding**] and (5) Md. Nowsher Biswas [**absconding**]

For the Prosecution

(1) **Mr. Zead Al Malum**, learned prosecutor

(2) **Ms. Rezia Sultana Begum**, learned prosecutor

For the Defence

(1) **Mr. Gazi M.H. Tamim**, Advocate Bangladesh Supreme Court: learned **Engaged counsel** for the accused: (1) Md. Amzad Hossain Mollah, and learned **State Defence counsel** for the accused: (2) Md. Ohab Mollah and (3) Md. Mahatab Biswas

(2) **Mr. Abdus Sattar Palwan**, Advocate Bangladesh Supreme Court : learned State Defence counsel for the accused:(4) Md. Fasiar Rahman Mollah and (5) Md. Nowsher Biswas

[Decision on framing charges]

Today is fixed for rendering decision on charge framing matter.

Out of five [05] accused persons one (01) accused Md. Amzad Hossain Mollah has been brought before the Tribunal from prison and is present on dock.

The rest four [04] accused Md. Ohab Mollah, Md. Mahatab Biswas, Md. Fasiar Rahman Mollah and Md. Nowsher Biswas have been absconding.

On conclusion of hearing on charge framing matter Tribunal fixed today for rendering order. 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 recommendation of prosecution of the offences allegedly committed in 1971, during the war of liberation. Those are not isolated crimes. The alleged offences were committed in context of the war of liberation directing unarmed civilian population, in

violation of international humanitarian law and the laws of war. Thus, before we move to render the order, we deem it necessary to outline a brief portrayal of the settled historical context of those atrocious 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 judicial institution known as ‘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 background that pressed 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. However, 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 struggle 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 too 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 namely Jamat-e-Islami[JEI], Muslim League 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 Bengali nation also 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 carrying out horrendous atrocious activities and 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 pro-liberation 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 police station-Bagharpara of District- Jashore** and **locality under police station-Shalikha of District- Magura** in 1971 to which the accused persons, in exercise of their active and culpable association with the locally formed infamous Razakar Bahini, allegedly participated and deliberately contributed in committing grave serious crimes, in violation of international humanitarian law and the laws of war, as enumerated in section 3(2) of the Act of 1973.

III. Procedural History

6. The Investigation Agency formed under The Act of 1973 started investigation pursuant to compliant register serial no. 81 dated 25.04.2017, in respect of commission of offences enumerated in section 3(2) of the Act of 1973 allegedly perpetrated by the suspected accused persons, being part of the enterprise formed of armed Razakars.

7. During investigation, the IO prayed, through the chief prosecutor for showing the suspected accused Md. Amzad Hossain Mollah who was in jail in connection with Bagharpara police station case no. 08 dated 08.08.2014 under section 15(3)/16(3) of the Special Powers Act, 1974 along with section 3/4/6 of The Explosive Substance Act, 1908. Tribunal on hearing the matter by its order dated 17.05.2017 issued production warrant and accordingly this accused was produced before the Tribunal on 22.05.2017 when he was sent to prison, showing arrested in connection with this case.

8. Tribunal , by its order dated 30.05.2017 permitted the investigation officer allowing prayer agitated through the Chief Prosecutor to interrogate the accused Md. Amzad Hossain Mollah detained in prison and accordingly this suspected accused was interrogated on 04.06.2017.

9. On conclusion of investigation, the IO submitted its report together with documents and materials collected and statement of witnesses, before the Chief Prosecutor on 16.04.2018 recommending prosecution of one accused, already detained. But on scrutiny of the report, prosecution returned it back to the investigation agency for re-submitting report on holding further investigation.

10. The investigation officer entrusted with the task of investigation eventually re-submitted the extended report on 18.09.2018 recommending in all five[05] accused persons of whom only Md. Amzad Hossain Mollah could be arrested till submission of the report.

11. Chief Prosecutor, on the basis of the report and documents submitted therewith by the Investigation Agency, placed the **'Formal Charge'** on **03.10.2018** under section 9(1) of the Act of 1973 read with the Rule 18(1) of the ROP[ICT-1] before this Tribunal alleging that total five (05) accused had committed the offences 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 police station-Bagharpara, District- Jashore and localities under police station-Shalikhha of District-Magura.

12. 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 **04.11.2018**, by application its judicial mind to the Formal Charge and materials and documents submitted therewith.

13. Out of five accused four could not be arrested in execution of the warrant of arrest issued on prayer of the prosecution. On getting report in execution of warrant of arrest against these four accused namely Md. Ohab Mollah, Md. Mahatab Biswas, Md. Fasiar Rahman Mollah and Md. Nowsher Biswas Tribunal ordered publication of notice in two national daily news papers, for the purpose of holding proceeding in absentia against them.

14. But none of those four accused turned up in response to such notification and as such treating them absconded Tribunal by its order dated **14.02.2019** appointed **Mr. Gazi M.H Tamim**, Advocate, Bangladesh Supreme Court as state defence counsel for two absconding accused Md. Ohab Mollah and Md. Mahatab Biswas and Tribunal also appointed **Mr. Abdus Sattar Palwan**, Advocate, Bangladesh Supreme Court as state defence counsel for two other absconding accused Md. Fasiar Rahman Mollah and Md. Nowsher Biswas , at the cost of government and fixed the date

of hearing on charge framing matter which took place on **07.04.2019** and **17.06.2019**.

15. On closure of hearing on charge framing matter Tribunal eventually fixed today the **29th** day of July 2019 for order.

IV. Brief Account of Accused Persons

16. Before we prima facie see the arraignments as pressed in the formal charge it is essentially needed to focus on brief account of the accused persons that they had in 1971 as it is indispensably chained to the arraignments brought. The brief account of the accused persons as have been depicted in the formal charge is as below:

(i) Md. Amzad Hossain Mollah

Accused Md. Amzad Hossain Mollah [78] is the son of late Sobhan Mollah and late Baru Bibi of village-Premchara, Police Station-Bagharpara, District-Jashore. He was born on 04.02.1940 [as per voter list]. He passed S.S.C examination from Shimakhali High School, Bagharpara, District-Jashore in 1967. He was an active supporter of Muslim League, a pro-Pakistan political party. In 1971, he was the commander of the Razakar Camp set up at Premchara Primary School. His name appeared in the list of

Bagharpara Police Station Razakar Bahini, in serial No. 17. He actively participated and collaborated with the Pakistani occupation army in accomplishing heinous crimes including crimes against humanity, in the localities of Bagharpara Police Station, District-Jashore and localities under police station-Shalikha of District-Magura.

, prosecution alleges.

(ii) Md. Ohab Mollah

Accused Md. Ohab Mollah (67) is the son of late Budo Mollah and Most. Moyna Begum of village-Premchara under police station-Bagharpara, District-Jashore. In 1971, he was an active worker of Muslim League. In 1971, during the War of Liberation he joined in the Razakar Bahini formed in Bagharpara Police Station, Jashore. He actively participated and collaborated with the Pakistani occupation army in committing heinous **atrocious activities constituting the offences of** crimes against humanity, around the localities under police station-Bagharpara, District- Jashore and localities under police station-Shalikha of District-Magura, prosecution alleges.

(iii) Md. Mahatab Biswas

Accused Md. Mahatab Biswas (70) is the son of late Ebadat Biswas and late Johora Begum of village-Bara Khudra, Police Station-

Bagharpara, District-Jashore. At present: Upasahar Nowapara, Police Station-Kotwali Model Thana, District-Jashore. In 1971, he was an active worker of Muslim League and joined in the Razakar Bahini formed in Bagharpara Police Station. He actively participated and collaborated with the Pakistani occupation army to commit heinous crimes, in the localities under Bagharpara Police Station, District- Jashore and localities under police station-Shalikha of District-Magura, prosecution alleges.

(iv) Md. Fasiar Rahman Mollah

Accused Md. Fasiar Rahman Mollah [66] is the son of late Monsur Mollah and late Rupshi Begum of village-Choto Khudra, Police Station-Bagharpara, District-Jashore. In 1971, he was an active worker of Muslim League and joined in the locally formed Razakar Bahini and his name finds place in serial No. 05 of the Razakar list of Bagharpara Police Station, Jashore. He actively participated and collaborated with the Pakistani occupation army in perpetrating heinous crimes including, in the localities under Bagharpara Police Station, District- Jashore, prosecution alleges.

(v) Md. Nowsher Biswas

Accused Md. Nowsher Biswas [77] is the son of late Bajlur Rahman and late Matiron Nesa of village-Premchara, Police Station-Bagharpara, District-Jashore. At present: village-Baguri,

Police Station-Sharsha, District-Jashore. In 1971, he was an active worker of Muslim League and joined in the locally formed Razakar Bahini. He actively participated and collaborated with the Pakistani occupation army in committing heinous crimes including crimes against humanity, in the localities under Bagharpara Police Station, District- Jashore, prosecution alleges.

V. Submission by the Prosecutor

17. **Mr. Zead Al Malum, the** learned prosecutor drawing attention to the formal charge and other materials collected during investigation submitted that the accused persons belonged to locally formed infamous Razakar Bahini and in exercise of their potential association with it they along with their cohorts deliberately accomplished 'group crimes' or 'system crimes' directing unarmed pro-liberation civilians of localities under police station-Bagharpara of District -Jashore and police station-Shalikha of District-Magura. It has been emphatically asserted further that the evidence and materials collected during investigation *prima facie* point towards actual participation and complicity of the accused persons with the events of attacks arraigned constituting the offences as crimes against humanity, as has been pressed in the formal charge.

VI. Submission advanced by the Defence

18. Mr. Gazi M.H. Tamim the learned **engaged counsel** for the accused Md. Amzad Hossain Mollah [detained in prison], and also as the learned **state defence counsel** for two absconding accused Md. Ohab Mollah and Md. Mahatab Biswas submits that these three accused did not belong to Razakar Bahini; that they have been implicated in this case out of local rivalry; that the alleged documents and materials collected during investigation do not prima facie demonstrate any form of their participation and complicity in committing the alleged offences and thus they deserve discharge.

19. Mr. Abdus Sattar Palwan, the learned State Defence counsel for two other absconding accused Md. Fasiar Rahman Mollah and Md. Nowsher Biswas, in course of hearing submits that no credible evidence and documents could be collected during investigation to connect these accused persons with the crimes alleged; that they did not belong to Razakar Bahini and that there has been no prima facie allegation against them and thus they deserve discharge.

VII. Deliberation and Decision

20. The averment agitated by the prosecution that in 1971 the accused persons were the armed members of locally formed

Razakar Bahini is a pertinent issue which indisputably relates to the arraignments brought. It needs to be resolved on appraisal of evidence to be tendered in trial. At this stage, conclusive finding on it cannot be given, without trial. Further, Tribunal notes 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.

21. We reiterate that at this phase of proceeding, we are to just see 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 alleged 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 without trial and weighing evidence to be presented by the prosecution.

22. 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.

23. But the above submission agitated on part of the defence does not carry merit as it relates to factual aspect which may be well resolved only in trial and not at this stage and as such now it does not deserve consideration. Their culpability, if any, can only be well determined at trial, not at this stage.

24. 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.

25. 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.

26. 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) **Md. Amzad Hossain Mollah [78]** is the son of late Sobhan Mollah and late Baru Bibi of village-Premchara, Police Station-Bagharpara, District-Jashore,

- (2) **Md. Ohab Mollah [67]** is the son of late Budoï Mollah and Most. Moyna Begum of village-Premchara under police station-Bagharpara, District-Jashore,
- (3) **Md. Mahatab Biswas [70]** is the son of late Ebadat Biswas and late Johora Begum of village-Bara Khudra, Police Station-Bagharpara, District-Jashore. At present: Upasahar Nowapara, Police Station-Kotwali Model Thana, District-Jashore,
- (4) **Md. Fasiar Rahman Mollah [66]** is the son of late Monsur Mollah and late Rupshi Begum of village-Choto Khudra, Police Station-Bagharpara, District-Jashore , AND
- (5) **Md. Nowsher Biswas [77]** is the son of late Bajlur Rahman and late Matiron Nesa of village-Premchara, Police Station-Bagharpara, District-Jashore. At present: village-Baguri, Police Station-Sharsha, District-Jashore--

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) Md. Amzad Hossain Mollah, (2) Md. Ohab Mollah, (3) Md. Mahatab Biswas, (4) Md. Fasiar Rahman Mollah and (5) Md. Nowsher Biswas as follows:

Charge 01: [01 accused has been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’ and ‘murder’ of Dr. Nowfeluddin Biswas on forcible capture from the village-North Chanpur under police station-Bagharpara of District-Jashore]

Charge: That on 21.07.1971 at about 12:00 P.M you the accused Md. Amzad Hossain Mollah, Karamot Ali Mollah [now dead] along with your 10/12 cohort Razakars forming a group by launching attack at Khajura Bazar forcibly captured unarmed pro-liberation civilian, a doctor of freedom fighters Dr. Nowfeluddin Biswas and he was subjected to brutal torture keeping him confined at the Premchara Razakar camp. Thereafter, on 22.07.1971 at about 05.00 A.M you the accused Md. Amzad Hossain Mollah gunned down the detained Dr. Nowfeluddin Biswas to death taking him in the field of Mohiram village under police station Bagharpara of Jashore District.

Therefore, you the accused **Md. Amzad Hossain 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' 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 02: [03 accused have been indicted]

[Offences of 'abduction', 'confinement' and 'murder' of Rajab Ali Biswas on forcible capture from the village-Simakhali under police station-Shalikhha of District-Magura].

Charge: That on 15.08.1971 at about 11:00 A.M you the accused (1) Md. Amzad Hossain Mollah, (2) Md. Ohab Mollah, (3) Md. Fasiar Rahman Mollah and Karamot Ali Mollah [now dead] along with 8/10 cohort Razakars by launching attack forcibly captured unarmed pro-liberation civilians and organizers of freedom fighters Rajab Ali Biswas and his two sons Abul Hossen Biswas and Md. Khalilur Rahman Biswas @ Khokon Biswas from the front of their house and took them away , at about 1.00 P.M, to a 'mango tree garden' at Chinarashi Para at village-Premchara under police

station-Bagharpara of Jashore District where the detainee Rajab Ali Biswas was slaughtered to death.

Therefore, you the accused (1) **Md. Amzad Hossain Mollah**, (2) **Md. Ohab Mollah** and (3) **Md. Fasiar Rahman 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' 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: [04 accused have been indicted]

[Offences of Abduction, Confinement, 'torture', 'other inhumane acts' and 'murder' of Md. Moyenuddin @ Moyna on forcible capture from the village-North Chanpur under Police Station-Bagharpara of District-Jashore].

Charge: That on 20.08.1971 at about 11:00/11.30 A.M you the accused (1) Md. Amzad Hossain Mollah, (2) Md. Ohab Mollah, (3) Md. Mahatab Biswas, (4) Md. Fasiar Rahman Mollah and Mojid Biswas [now dead], Keramat Ali [now dead] being accompanied by 10/12 cohort Razakars by launching attack forcibly captured organizer of freedom-fighters Md. Moyenuddin @ Moyna and his

associate Abdul Jalil when they were waiting near the house of Moyenuddin @ Moyna and took them away to Premchara Razakar camp where they were subjected to severe torture.

Thereafter, at about 4.00 P.M. on the same day, you the accused Md. Fasiar Rahman and Razakar Keramat Ali [now dead] taking the detainees Md. Moyenuddin @ Moyna and Abdul Jalil to the bank of the river Chittra where you the accused Md. Amzad Hossain Mollah gunned down the detainee Md. Moyenuddin @ Moyna to death and threw his dead body to the Chittra river. Another detainee Abdul Jalil was tortured mercilessly and was left unconscious on the bank of the river Chittra.

Therefore, you the accused **(1) Md. Amzad Hossain Mollah, (2) Md. Ohab Mollah, (3) Md. Mahatab Biswas and (4) Md. Fasiar Rahman 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 04: [05 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’, ‘other inhumane acts’ and ‘murder’ of 03 [three] civilians on forcible capture from the village-Gaidghat and North Chandpur under police station-Bagharpara of District-Jashore].

Charge: That on 20.09.1971 at about 08:00/09.00 A.M you the accused (1) **Md. Amzad Hossain Mollah**, (2) **Md. Ohab Mollah**, (3) **Md. Mahatab Biswas**, (4) **Md. Fasiar Rahman Mollah**, (5) **Md. Nowsher Biswas** , Razakar Keramat Ali Mollah [now dead], Razakar Mojid Biswas [now dead] along with 10/12 cohort Razakars forming a group forcibly captured Surat Ali Biswas and Muktar Biswas by launching attack at their house at village-Gaidghat under police station Bagharpara of Jashore District and took them away to Premchara Razakar Camp where they were kept confined.

In conjunction with the event, on the same day i.e. on 20.09.1971 at about 2.00/2.30 P.M you the accused (1) **Md. Amzad Hossain Mollah**, (2) **Md. Ohab Mollah**, (3) **Md. Fasiar Rahman Mollah** and Razakar Keramat Mollah [now dead], Razakar Mojid Biswas [now dead] being accompanied by 08/10 Razakars abducted **Md. B.M Ruhul Amin** and **Ainuddin @ Ayna** by launching attack at their house at village-North Chandpur under police station-Bagharpara of Jashore District and took them away to the Premchara Razakar camp where they were subjected to torture in captivity.

Thereafter, on 23.09.1971 at about 2.00 P.M all the said detainees were sent towards the Debbaru Bagan of Bijoy Das at village-Boro Khudra by a boat and on the way detainee B.M. Ruhul Amin could survive by jumping from the boat but 03 other detainees were eventually taken to the Debbaru Bagan of Bijoy Das where you the accused Amzad Hossain Mollah slaughtered them to death, one by one by the side of a well and you the accused Md. Ohab Mollah, Md. Fasiar Rahman Mollah, Md. Nowsher Biswas and Razakar Keramat Ali [now dead], Razakar Mojid Biswas [now dead] dumped the dead bodies into the well.

Therefore, you the accused **(1) Md. Amzad Hossain Mollah, (2) Md. Ohab Mollah, (3) Md. Mahatab Biswas, (4) Md. Fasiar Rahman Mollah and (5) Md. Nowsher Biswas** 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.

27. 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.

28. You accused **Md. Amzad Hossain Mollah** 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:

29. The charges so framed have been read over and explained to the accused (1) **Md. Amzad Hossain Mollah** to which he pleaded not guilty and claimed to be tried according to law.

30. The rest four [04] accused (2) **Md. Ohab Mollah**, (3) **Md. Mahatab Biswas**, (4) **Md. Fasiar Rahman Mollah** and (5) **Md. Nowsher Biswas** have been absconding and as such the charges framed could not be read over and explained to them.

31. Let 09.09.2019 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.

32. 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