

International Crimes Tribunal-1
Old High Court Building, Dhaka, Bangladesh.
ICT-BD [ICT-1] Case No.10 of 2018

Present:

Justice Md. Shahinur Islam, Chairman

Justice Amir Hossain, Member

Justice Md. Abu Ahmed Jamadar, Member

Order No.12

31 July, 2019

The Chief Prosecutor

Vs.

(1) Siddiqur Rahman Gazi @ Siddique, (2) Md. Abdul Alim Khan @ Alif Kha, (3) Mohammad Yakub Ali [**absconding**], (4) Fazar Ali [**absconding**] and (5) Iman Ali Biswas[on bail]

For the prosecution

Mr. Zead Al Malum, Prosecutor

For the Defence

Mr. Mujahidul Islam Shahin, Advocate, Bangladesh Supreme Court: Engaged counsel for accused (1) Siddiqur Rahman Gazi @ Siddique.

Mr. Gazi M.H Tamim, Advocate, Bangladesh Supreme Court:
Engaged Counsel for 02 accused detained in prison **(2)** Md. Abdul Alim Khan @ Alif Kha **(3)** Iman Ali Biswas and as **State Defence Counsel** for 02 absconding accused **(4)** Mohammad Yakub Ali and **(5)** Fazar Ali.

[Decision on framing charges]

Today is fixed for rendering decision on charge framing matter.

Out of five [05] accused persons two (02) accused namely (1) Siddiqur Rahman Gazi @ Siddique (2) Md. Abdul Alim Khan @ Alif Kha and have been brought before the Tribunal from prison and accused Iman Ali Biswas who is on bail also present on dock

The rest two [02] accused (4) Mohammad Yakub Ali and (5) Fazar Ali 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. Thus, before we move to render the order, we deem it necessary to delineate 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 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-Manirampur of District-Jashore in 1971 to which the accused persons, in exercise of their active and culpable association with the locally formed Razakar Bahini, allegedly participated and deliberately contributed in committing grave serious crimes, in violation of international humanitarian law and the laws of war.

III. Procedural History

6. The Investigation Agency formed under The Act of 1973 started investigation pursuant to compliant register serial no. 70 dated 22.08.2016, 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 Siddiqur Rahman Gazi @ Siddique who was in jail in connection with Manirampur police station case no. 32 dated 19.06.2016 under section 16(2)/25 Kha of the Special Powers Act, 1974 along with section 3/5 of The Explosive Substance Act, 1908. Tribunal on hearing the matter by its order dated 15.12.2016 issued production warrant and accordingly this accused was produced before the Tribunal on 08.03.2017 when he was sent to prison, showing arrested in connection with this case.

8. Tribunal , by its order dated 26.04.2017 permitted the investigation officer allowing prayer agitated through the Chief Prosecutor to interrogate the accused Siddiqur Rahman Gazi @ Siddique detained in prison and accordingly the accused was interrogated on 07.05.2017.

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 10.04.2018 recommending prosecution of one accused. But on scrutiny of the report prosecution returned it back to the investigation agency for

re-submitting report on holding further investigation. The investigation officer entrusted with the task of investigation eventually re-submitted report on 17.09.2018 recommending in all five[05] accused persons of whom only one Siddiquir Rahman Gazi @ Siddique could be arrested till submission of the report.

10. Chief Prosecutor, on the basis of the report and documents submitted therewith by the Investigation Agency, placed the 'Formal Charge' on 30.09.2018 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-Manirampur of District-Jashore.

11. 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 30.09.2018, by application its judicial mind to the Formal Charge and materials and documents submitted therewith.

12. Two accused Md. Abdul Alim Khan @ Alif Kha and Iman Ali Biswas have been arrested in execution of warrant of arrest and they were sent to prison by Tribunal's order dated 13.11.2018. But

two other accused Mohammad Yakub Ali and Fazar Ali could not be arrested.

13. On getting report in execution of warrant of arrest against the accused Mohammad Yakub Ali and Fazar Ali Tribunal ordered publication of notice in two national daily news papers, for the purpose of holding proceeding in absentia against them. But none of those two accused turned up in response to such notification and as such treating them absconded Tribunal appointed Mr. Gazi M.H Tamim , Advocate, Bangladesh Supreme Court as state defence counsel, at the cost of government to defend the absconding accused persons and fixed 04.03.2019 and 15.04.2019 for hearing on charge framing matter.

14. On conclusion of hearing on charge framing matter Tribunal eventually fixed today the 31st day of July 2019 for order.

IV. Brief Account of Accused Persons

15. Before we render our decision on charge framing matter we consider it necessary to focus on what has been stated in the formal charge about the identity and status the accused persons had in 1971. The following are the brief account of the 05(five) accused persons that will essentially tender a portrayal of the ideology, status and mindset they had in 1971, during the war of liberation:

(i) Siddiquir Rahman Gazi @ Siddique

Accused Siddiquir Rahman Gazi @ Siddique [71] is the son of late Bahadur Gazi and late Nesaran Bibi of village-Horergati, Police Station-Manirampur, District- Jashore. He was born on 01.01.1947. He studied up to class IX in Horergati Night School. He was an active supporter of Jamat-E-Islami before the war of liberation. In 1971, during the liberation war he joined in the locally formed Razakar Bahini and became its Deputy Commander at Manirampur Police Station of Jashore District. He actively participated and collaborated with the Pakistani occupation army in committing heinous crimes around the locality of Manirampur Police Station, District- Jashore, prosecution alleges.

(ii) Md. Abdul Alim Khan @ Alif Kha

Accused Md. Abdul Alim Khan @ Alif Kha [78] is the son of late Mansur Ali Khan and late Rupjan Bibi of village-Tetulia, Police Station-Manirampur, District-Jashore. In 1971, during the War of Liberation, he was an active worker of the Muslim League and presently he is involved with the politics of Bangladesh Nationalist Party (BNP). In 1971, during the liberation war he joined in the locally formed Razakar Bahini and was known as “Alif Kha Razakar”, in the locality. He participated in committing heinous offences in collaboration with the Pakistani occupation army around the localities under Manirampur Police Station of Jashore District, prosecution alleges.

(iii) Mohammad Yakub Ali

Accused Mohammad Yakub Ali [68] is the son of late Haji Moizuddin Gazi alias Mafez Gazi and late Rahima Begum of village-Shyamnagar, Police Station-Manirampur, District-Jashore. He was an active follower of Jamat-e-Islami, a pro-Pakistan political party during the War of Liberation in 1971. In 1971, during the liberation war he joined in the locally formed Razakar Bahini and collaborated with the Pakistani occupation army in carrying out atrocious crimes around the localities under Manirampur Police Station of Jashore District, prosecution alleges.

(iv) Fazar Ali

Accused Fazar Ali [70] is the son of late Asgar Ali Bawali and late Shahor Banu of village-Gobindapur, Police Station-Manirampur, District-Jashore. He was an active devotee of Jamat-e-Islami, a pro-Pakistan political party during the Liberation War. In 1971, during the Liberation War he joined in the locally formed Razakar Bahini and collaborated with the Pakistani occupation army in carrying out dreadful crimes around the localities under Manirampur Police Station of Jashore District, prosecution alleges.

(v) Iman Ali Biswas

Accused Iman Ali Biswas [82] is the son of late Vajan Biswas and late Asia Begum of village-Durgapur, Police Station-Manirampur, District-Jashore. He was an active supporter of Jamat-e-Islami

during the Liberation War. In 1971, during the Liberation War he joined in the locally formed Razakar Bahini and was known as “Iman Ali Razakar”, in the locality and collaborated with the Pakistani occupation army in carrying out atrocious crimes around the localities under Manirampur Police Station of Jashore District, prosecution alleges.

V. Submission by the Prosecutor

16. **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 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-Manirampur of District - Jashore. It has been emphatically asserted further that the evidence and materials collected during investigation *prima facie* point towards participation and complicity of the accused persons with the events arraigned constituting the offences as crimes against humanity, as has been pressed in the formal charge.

VI. Submission on behalf of accused persons

17. On contrary, **Mr. Mujahidul Islam Shaheen**, the learned engaged counsel engaged for accused Siddiqur Rahman Gazi @ Siddique, submitted that the accused persons have been

recommended for prosecution on the basis of flawed investigation; that the materials allegedly collected do not link the accused with any of the events alleged; that none of the accused persons was associated with locally formed Razakar Bahini and there has been no authenticated document in this regard. Therefore, the accused person deserves discharge-- it has been urged on part of the defence.

18. Mr. Gazi M.H. Tamim the learned state engaged counsel for two other accused Md. Abdul Alim Khan @ Alif Kha and Iman Ali Biswas detained in prison and also as the state defence counsel for two absconding accused Mohammad Yakub Ali and Fazar Ali echoing the submission advanced by Mr. Mujahidul Islam Shaheen the learned defence counsel for one accused submits that these four accused did not belong to Razakar Bahini; that they have been implicated in this case out of local rivalry; that the alleged documents collected during investigation do not demonstrate any form of complicity of these accused in committing the alleged offences and thus they deserve discharge.

VII. Deliberation and Decision

19. The averment agitated by the prosecution that in 1971 the accused persons were the armed members of locally formed Razakar Bahini is a crucial issue which indisputably relates to the arraignments brought. But at this stage, conclusive finding on it

cannot be given, without trial. This pertinent issue is required to be resolved on evaluation of evidence to be presented in course of trial. Further, it is to be noted too that the International Crimes (Tribunals) Act, 1973 permits to prosecute and try even an 'individual' or 'group of individuals', in addition to member[s] of an auxiliary force.

20. We reiterate that at this phase of proceeding, we are to just consider whether the documents and materials relied upon by the prosecution *prima facie* demonstrate the commission of the alleged atrocious activities constituting the offences as enumerated in the Act of 1973 and 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.

21. 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.

22. But the above submission agitated by the defence 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 only at trial, not at this stage.

23. 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.

24. 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.

25. 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) Siddiqur Rahman Gazi @ Siddique [71] is the son of late Bahadur Gazi and late Nesarani Bibi of village-Horergati, Police Station-Manirampur, District- Jashore,

(2) Md. Abdul Alim Khan @ Alif Kha [78] is the son of late Mansur Ali Khan and late Rupjan Bibi of village-Tetulia, Police Station-Manirampur, District- Jashore,

(3) Mohammad Yakub Ali [68] is the son of late Haji Moizuddin Gazi alias Mafez Gazi and late Rahima Begum of village-Shyamnagar, Police Station-Manirampur, District-Jashore,

(4) Fazar Ali [70] is the son of late Asgar Ali Bawali and late Shahor Banu of village-Gobindapur, Police Station-Manirampur, District-Jashore, AND

(5) Iman Ali Biswas [82] is the son of late Vajan Biswas and late Asia Begum of village-Durgapur, Police Station-Manirampur, 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) Siddiquir Rahman Gazi @ Siddique (2) Md. Abdul Alim Khan @ Alif Kha (3) Mohammad Yakub Ali (4) Fazar Ali and (5) Iman Ali Biswas as follows:

Charge 01: [05 accused have been indicted]

[Offences of ‘confinement’, ‘torture’ and ‘murder’ of one unarmed civilian Moksed Biswas of village-Bhojgati under police station-Manirampur of District-Jashore.]

Charge: That on 24.08.1971 [7 Bhadra of Bangla month in 1971) at about 11:00/11:30 P.M a group formed of 7/8 armed Razakars and you the accused **(1) Siddiquir Rahman Gazi @ Siddique, (2) Md. Abdul Alim Khan @ Alif Kha, (3) Mohammad Yakub Ali, (4) Fazar Ali and (5) Iman Ali Biswas** by launching attack at village-Bhojgati under Police Station-Manirampur of District-Jashore forcibly captured Moksed Biswas and you the accused Siddiquir Rahman Gazi @ Siddique brutally tortured and killed him by gunshot taking him at the north-western side of his house.

Therefore, you the accused **(1) Siddiquir Rahman Gazi @ Siddique, (2) Md. Abdul Alim Khan @ Alif Kha, (3) Mohammad Yakub Ali, (4) Fazar Ali and (5) Iman Ali 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 **‘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: [02 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’ and murder of Mozam Morol of village-Bijayrampur, police station-Manirampur, District-Jashore].

Charge: That on 01.09.1971 (15th day of Bangla month Bhadra, 1971) at about 8:00/9.00 P.M a group formed of 14/15 armed Razakars and you the accused (1) **Md. Abdul Alim Khan @ Alif Kha and (2) Siddiquir Rahman Gazi @ Siddique**, your cohorts Maherul Islam @ Maher Jallad @ Meher Ali (now dead) by launching attack at village- Bijoyrampur under Police Station-Manirampur of District-Jashore forcibly captured Mozam Morol from his house and killed him by gunshot taking him at a place nearby paddy field.

Therefore, you the accused (1) Md. Abdul Alim Khan @ Alif Kha and (2) Siddiquir Rahman Gazi @ Siddique 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 03: [03 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’ and ‘rape’ of Momena Begum of village-Durbadanga under police station-Manirampur of District-Jashore].

Charge: That one day in the middle of Bangla month Bhadra, 1971 at about 4.00 P.M a group formed of 8/10 armed Razakars and you the accused **(1) Siddiqur Rahman Gazi @ Siddique, (2) Mohammad Yakub Ali and (3) Fazar Ali**, your cohorts Abdul Aziz (now dead), Wajed Ali (now dead) by launching attack at the house of freedom-fighter Md. Golam Mostafa Khan of village-Durbadanga under Police Station-Manirampur of District-Jashore searched for him[freedom-fighter]. But being failed to find him, you the accused persons and your accomplices brutally tortured Ainuddin Sarder and his son Jalaluddin Sardar and forcibly took away Momena Begum from their house, on forcible capture to Manirampur Police Station Razakar Camp where she was kept confined and subjected to torture and rape in captivity for three days. Later on, her family members get her back from the said Razakar Camp.

Therefore, you the accused **(1) Siddiquir Rahman Gazi @ Siddique, (2) Mohammad Yakub Ali, and (3) Fazar Ali**, 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 ‘rape’** 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: [02 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’, ‘rape’ and ‘murder’ at village-Noali, police station-Manirampur of District-Jashore].

Charge: One day in early November, 1971 (in the middle of Kartik, 1971) at about 10:00/11.00 A.M a group formed of 10/12 Razakars and you the accused **(1) Siddiquir Rahman Gazi @ Siddique and (2) Fazar Ali**, along with cohort Razakars Meherul Islam @ Meher Jollad @ Mohor Ali (now dead), Afsar Ali Morol (now dead) by launching attack at the house of freedom-fighters Fazlu Gazi and Md. Bazlur Rahman Gazi, searched for them but being failed to find them, you the accused Siddiquir Rahman Gazi @ Siddique forcibly apprehended Most. Jarina Khatun along with her two and half years old baby Rafiqul Islam and violently thrown out the baby

that resulted in death there and then committed rape upon Jarina Khatun. At the same time you the accused Fazar Ali forcibly apprehended Most. Laily Khatun and then committed rape upon her.

In conjunction with the attack, on the same day at about 2.00/2.30 P.M, you the accused Siddiquir Rahman Gazi @ Siddique along with your companion Meherul Islam @ Meher Jollad @ Mohor Ali (now dead) and other 8/10 armed Razakars by launching attack at the house of Md. Fazlur Rahman and forcibly confined him. At one stage of the attack, you the accused Siddiquir Rahman Gazi @ Siddique committed rape upon Most. Rahima Khatun, wife of Md. Fazlur Rahman detaining her inside the kitchen room.

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

Charge 05: [05 accused have been indicted]

[Offences of ‘abduction’, ‘confinement’, ‘torture’ and ‘murder’ of 05 [five] non-combatant freedom-fighters.]

Charge: That on 23.10.1971 (5 Kartik, 1971) at about 7.00/7.30 P.M a group formed of 24/25 armed Razakars and you the accused **(1) Siddiqur Rahman Gazi @ Siddique, (2) Md. Abdul Alim Khan @ Alif Kha, (3) Mohammad Yakub Ali, (4) Fazar Ali and (5) Iman Ali Biswas**, your cohorts Meherul Islam @ Meher Jollad @ Mohor Ali (now dead), Abdul Aziz @ Jewel (now dead) and Abdul Bari (now dead) by launching attack at the house of Abdul Bari forcibly captured 06 (six) non-combatant freedom-fighters namely-Masukur Rahman @ Toju, Sirajul Islam, Asaduzzaman @ Asad, Ahasan Uddin Khan Manik, Fazlur Rahman Dafader @ Fazlu and Md. Sirajul Islam Sarder when they were taking rest there and took them away to the Razakar Camp set up at Shamkur Union Council Office where they were subjected to inhuman torture. On the same day, at about 11.00/11.30 P.M you the accused persons gunned down the detainees to death taking them at the Horihor Bridge. However, detained freedom-fighter Md. Sirajul Islam Sardar managed to escape by jumping into the river, before shooting. On the following day, i.e. on 24.10.1971 local people recovered dead bodies of 5(five) freedom-fighters and buried them.

Therefore, you the accused **(1) Siddiqur Rahman Gazi alias Siddique, (2) Md. Abdul Alim Khan @ Alif Kha, (3)**

Mohammad Yakub Ali, (4) Fazar Ali and (5) Iman Ali Biswas, by such criminal acts forming part of systematic attack directing non-combatant freedom fighters 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 06: [01 accused has been indicted]

[Offences of ‘abduction’, ‘confinement’, and ‘murder’ of 03 [three] non-combatant freedom-fighters].

Charge: That on 30.11.1971 at about 11.00 A.M /12.00 P.M a group formed of 18/20 armed Razakars and you the accused **Siddiquir Rahman Gazi @ Siddique** by launching attack at the house of non-combatant freedom- fighter Md. Habibur Rahman forcibly captured him and his co-freedom fighter Abdul Gani when they were taking rest there and then started moving towards Rohita Bazar taking the detainees with you and your cohorts and on the way, you the accused and your accomplices detained another non-combatant freedom-fighter Tozammel Hossain from a place near Rohita Union Council Office. On the same day, at about 2.00/2.30 P.M you the accused and your cohort Razakars gunned down the

detained freedom-fighters to death taking them on the bank of a canal in front of Jolkarhita Primary School.

Therefore, you the accused **Siddiquir Rahman Gazi @ Siddique** by such criminal acts forming part of systematic attack directing non-combatant freedom fighters 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.

26. 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.

27. You accused (1) Siddiquir Rahman Gazi @ Siddique , (2) Md. Abdul Alim Khan @ Alif Kha, detained in prison and (3) Iman Ali Biswas[on bail] 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:

28. The charges so framed have been read over and explained to the accused (1) Siddiqur Rahman Gazi @ Siddique , (2) Md. Abdul Alim Khan @ Alif Kha and (3) Iman Ali Biswas[on bail] to which they pleaded not guilty and claimed to be tried according to law.

29. The rest two [02] accused (3) Mohammad Yakub Ali and (4) Fazar Ali have been absconding and as such the charges framed could not be read over and explained to them.

30. Let 12.09.2019 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.

31. 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