

# **International Crimes Tribunal-1**

Old High Court Building, Dhaka, Bangladesh.

## **ICT-BD [ICT-1] Case No.03 of 2019**

[Arising out of Investigation Agency's compliant register serial no.96 dated 26.04.2018]

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### **Panel of Judges:**

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

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### **Order No.11**

**17 December, 2019**

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### **The Chief Prosecutor**

Vs.

(1) Md. Madhu Mia Talukder alias Md. Madhu Mia and (2) Ali  
Newaz alias Md. Ali Nowaz

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### **For the prosecution:**

**Advocate Mr. Zead-Al-Malum, learned Prosecutor**  
**Advocate Ms. Rezia Sultana Begum, learned Prosecutor**

### **For the Defence:**

- (1) **Mr. Abdus Sattar Palwan**, learned Advocate, Bangladesh  
Supreme Court, engaged counsel for the accused Md. Madhu  
Mia Talukder alias Md. Madhu Mia
- (2) **Mr. Abdus Shukur Khan**, learned Advocate, Bangladesh  
Supreme Court, State Defence Counsel for the accused Ali  
Newaz alias Md. Ali Nowaz
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## **[Decision on charge framing matter]**

Today is fixed for rendering decision on charge framing matter.

Accused Md. Madhu Mia Talukder @ Md. Madhu Mia has been brought before the Tribunal from prison. Another accused Ali Newaz @ Md. Ali Nowaz has been absconding. Hearing on charge framing matter concluded on 24.10.2019. Now, the record is taken up for passing order on indictment matter.

Before we move to render the order, we deem it necessary to outline a brief portrayal of the settled historical context of the case as it involves the offences allegedly committed in 1971 during the war of liberation. 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 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 the Sovereign Parliament of Bangladesh intending to provide provisions for the detention, prosecution and punishment of individual or group of individuals irrespective of his/their nationality or a member or members of any armed, defence or auxiliary force responsible for committing 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 context that pushed 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. 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 strive for independence.

3. After long 46 years the nation achieved its independents 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. The 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 Sheikh Mujibur Rahman declared independence of Bangladesh immediately

before he was arrested by the Pakistani authorities.

5. It is now well established history that in the War of Liberation that ensued in 1971 under the leadership of Bangabandhu Sheikh Mujibur Rahman the Father of the Nation, all Bangalee 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 political parties 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 atrocities in the territory of Bangladesh directing unarmed 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 deported to India as refugees and million others were internally displaced. It also experienced unprecedented destruction of properties all over Bangladesh.

6. The Pakistan government and the members of Pakistani occupation armed force did not keep them distanced from 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 civilian population of Bangladesh. Such calculated vicious criminal acts were carried out in the territory of Bangladesh in 1971 during the war of liberation to further policy and plan.

7. 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 attack allegedly carried out directing civilian population, particularly Hindu dominated localities under Police Station-Baniachang, District-(now) Habiganj in 1971 in committing which the accused persons, in exercise of their active and culpable association with the locally formed Madhu Bahini and Razakar Bahini allegedly participated and deliberately contributed in committing grave serious crimes, in violation of international humanitarian law.

### **III. Procedural History**

#### **Initiation of Investigation**

8. The Investigation Agency of the Tribunal formed under the Act of 1973 started investigation pursuant to compliant register serial no.96 dated 26.04.2018, in respect of commission of offences enumerated in section 3(2) of the Act of 1973, allegedly perpetrated by the accused persons, being part of the enterprise formed of armed Razakars.

### **Arrest of the suspected accused at Pre-trial stage**

9. During the course of investigation in accordance with the report of the Investigation Officer dated 21.05.2018, the prosecution filed an application before the Tribunal on 23.05.2018 seeking order for issuing Warrant of Arrest against the accused Md. Madhu Mia Talukder @ Md. Madhu Mia. Tribunal considering the application issued W/A accordingly. The suspected accused Md. Madhu Mia Talukder @ Md. Madhu Mia was arrested in execution of W/A issued and was produced before the Tribunal on 24.05.2018 and the Tribunal ordered to send him to prison.

### **Interrogation of suspected accused in Jail**

10. Later on, considering an application filed on 16.07.2018 on part of the prosecution Tribunal by its order on the same day, permitted to interrogate the accused Md. Madhu Mia Talukder @ Md. Madhu Mia in the central jail, Keraniganj, Dhaka and the accused was interrogated by the IO on 23.07.2018 accordingly.

### **Submission of Investigations report**

11. On conclusion of investigation, the Investigation Agency submitted its report together with materials collected and statement of witnesses before the Chief Prosecutor on 01.01.2019 recommending prosecution of the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @

Md. Ali Nowaz of whom Ali Newaz @ Md. Ali Nowaz could not be arrested.

### **Submission of Formal Charge**

12. The Chief Prosecutor , on the basis of the report and statements of witnesses submitted therewith by the Investigation Agency, placed the '**Formal Charge**' on 03.03.2019 under section 9(1) of the Act of 1973 before this Tribunal alleging that the accused persons, in exercise of their position and membership in the locally formed Madhu Bahini and Razakar Bahini had committed the offences enumerated in section 3(2) of the Act of 1973 and also had complicity to commit such crimes narrated in the formal charge, during the period of War of Liberation in 1971, in different places under Baniachang Police Station of District- (now) Habiganj.

13. 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 07.04.2019, by application its judicial mind to the Formal Charge and materials submitted therewith.

14. One accused Ali Newaz @ Md. Ali Nowaz could not be arrested in execution of warrant of arrest issued against him and as such for the purpose of holding proceedings in absentia against him Tribunal passed order directing publication of notification in two national daily

news papers. But this accused did not turn up despite such notification published in daily news papers and as such treating him absconding the Tribunal by its order dated 02.09.1019 fixed 06.10.2019 for hearing the charge framing matter by appointing **Mr. Abdus Shukur Khan** as state defence counsel, at the cost of Government, to defend the absconding accused person.

### **Hearing Charge Framing Matter**

15. Hearing on charge framing matter concluded on 24.10.2019

Tribunal eventually fixed today the 17<sup>th</sup> December 2019 for rendering order.

## **IV. Brief Account of Accused Persons**

16. 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 which is indispensably chained to the arraignments brought. The brief account of the accused persons as has been described in the formal charge is as below:

### **(1)Md. Madhu Mia Talukder @ Md. Madhu Mia**

Accused Md. Madhu Mia Talukder @ Md. Madhu Mia (66) is the son of late Sultan Mia and late Altafunnesa of village-Bithangal, Chairman Bari, Hosenpur (Hasanpur), Police Station-Baniachang, District-(now) Habiganj. He was born on 01.01.1952 [as per his NID]. He and his family members were the supporters and active members of the Convention Muslim



League since before 1971. In 1971, during the war of liberation accused Md. Madhu Mia Talukder @ Madhu Mia organized ‘‘Madhu Bahini’’ in the locality and at one stage he became the commander of locally formed Razakar Bahini. He participated, abated and contributed in committing atrocious criminal acts and heinous offences in collaboration with the Pakistani occupation army in different places of Baniachang Police Station and after the victory achieved on 16 December 1971, accused Md. Madhu Mia Talukder @ Md. Madhu Mia went into hiding, prosecution alleges.

**(2) Ali Newaz @ Md. Ali Nowaz**

17. Accused Ali Newaz @ Md. Ali Nowaz (70) is the son of late Suruj Mollah and late Kaminar Nesa of village-Bithangal, Hosenpur (Hasanpur), Police Station- Baniachang, District-(now) Habiganj. He was born on 01.04.1952 [as per his NID]. He was a supporter of Convention Muslim League from before 1971. He was a follower of Razakar commander accused Md. Madhu Mia Talukder @ Madhu Mia. In 1971, during the war of liberation he joined in Muradpur Union Razakar Bahini under Baniachang Police Station. He in collaboration with the Pakistani occupation army actively participated, abetted and contributed in committing heinous crimes including crimes against humanity, prosecution alleges.

**V. Submission by the Prosecutor**

**18. Mr. Zead Al Malum,** the learned prosecutor drawing attention to the formal charge and other materials collected during investigation submitted that the accused Md. Madhu Mia Talukder @ Madhu Mia had organized infamous ‘‘Madhu Bahini’’ in the locality of Baniachang Police Station and Habiganj Sub-division (now District) and at one stage he became the commander of locally formed Razakar Bahini and another accused Ali Newaz @ Md. Ali Nowaz as a follower of the accused Md. Madhu Mia Talukder @ Madhu Mia joined in the locally formed Razakar Bahini and in exercise of their association therewith they along with their cohorts deliberately accomplished ‘group crimes’ or ‘system crimes’ directing unarmed pro-liberation civilians, specially Hindu population in the locality.

**19.** The learned Prosecutor further asserted that the accused persons also as organizers and as members of the locally formed infamous ‘‘Madhu Bahini’’, a group of individuals had committed the offences as crimes against humanity and they had conscious complicity in committing such crimes as specified in section 3 (2) of the Act of 1973.

**20.** It has been asserted by the learned Prosecutor that the evidence and materials collected during investigation *prima facie* indicate towards participation and complicity of the accused persons with the

event constituting the offences as crimes against humanity as have been pressed in the formal charge.

## **VI. Submission on behalf of accused**

**21.Mr. Abdus Satter Palwan**, the learned counsel defending the accused Md. Madhu Mia Talukder @ Madhu Mia submitted that the accused has been recommended for prosecution on the basis of flawed investigation; that the investigation agency failed to collect and submit any document to show that the accused was a Razakar. Learned defence counsel drawing attention to the grounds stated in an application seeking discharge of the accused submitted that the evidence and materials collected during investigation do not demonstrate prima facie any form of his participation and complicity in committing the alleged offences and thus the accused deserves discharge.

**22. Mr. Abdus Shukur Khan**, the learned counsel defending the accused Ali Newaz @ Md. Ali Nowaz submitted that there is no document to prove that the accused was a Razakar. Learned defence counsel drawing attention to the grounds stated in an application seeking discharge of the accused submitted that the evidence and materials collected during investigation do not demonstrate prima facie any form of his participation and complicity in committing the alleged offences and thus the accused deserves discharge.

## **VII. Deliberation and Decision**

**23.** The prosecution alleges that in 1971 accused Md. Madhu Mia Talukder @ Madhu Mia and his family members were the supporters and active members of the Convention Muslim League since prior to 1971 and during the war of liberation accused Md. Madhu Mia Talukder @ Madhu Mia had organized the infamous “Madhu Bahini” in the locality and at one stage he became the commander of locally formed Razakar Bahini; that accused Ali Newaz @ Md. Ali Nowaz was a supporter of Convention Muslim League from before 1971 and as a follower of Razakar commander accused Md. Madhu Mia Talukder @ Madhu Mia, during the war of liberation he joined in Muradpur Union Razakar Bahini under Baniachang Police Station; that the accused persons in collaboration with the Pakistani occupation army actively participated, abetted and contributed in committing heinous crimes including crimes against humanity, prosecution alleges.

**24.** Tribunal notes that the International Crimes (Tribunals) Act, 1973 permits to prosecute and try even an ‘individual’ or ‘group of individuals’, member or members of an auxiliary force or member of ‘armed force’.

**25.** The learned counsels defending the accused persons submitted that the materials relied upon by the prosecution do not *prima facie* demonstrate concern of the accused persons with the commission of the alleged events. In this regard we reiterate

that the defence shall have due opportunity to agitate this crucial aspect intending to negate the arraignment at trial stage, if charges framed. At this stage, falsity or untruthfulness of arraignment brought cannot be settled.

**26.** Tribunal further notes that at this phase of proceeding, we are to just consider whether the materials forming part of the case record *prima facie* demonstrate the commission of the alleged atrocious activities constituting the offences as crimes against humanity and complicity and involvement of the accused persons therewith.

**27.** Of course, liability of accused for the offences alleged cannot be determined at this stage and without weighing evidence to be presented, in trial. However, we reiterate the settled norm that at this stage an accused shall be presumed innocent, till he is found guilty as neither the guilt nor the innocence can be adjudicated decisively at this stage.

**28.** Tribunal notes that the case in hand involves the offences of abduction, confinement, torture, rape and murder as crimes against humanity as enumerated in section 3(2) of the Act of 1973, as narrated in the formal charge.

**29.** 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.

**30.** But the above submission agitated the defence relates to factual aspects 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 be well determined only at trial, not at this stage.

**31.** In view of above, now, we proceed to read out the charges framed. We are of the **UNANIMOUS** view that there are sufficient and substantial materials before this Tribunal forming reasonable grounds to frame charges against the accused-

**(1) Md. Madhu Mia Talukder @ Md. Madhu Mia (66)** is the son of late Sultan Mia and late Altafunnesa of village-Bithangal, Chairman Bari, Hosenpur (Hasanpur), Police Station-Baniachang, District-(now) Habiganj

**AND**

**(2) Ali Newaz @ Md. Ali Nowaz (70)** is the son of late Suruj Mollah and late Kaminar Nesa of village-Bithangal, Hosenpur (Hasanpr), Police Station-Baniachang, District-(now) Habiganj--

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

section 4(1) of the Act of 1973. The charge is 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. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz as follows:

**Charge 01: [02 accused have been indicted]**

**[Offences of ‘abduction’, ‘confinement’, ‘torture’ and ‘rape’ of Suprova by taking away on forcible capture from the village-Bithangal, Nil Hosenpur under Police Station-Baniachang of District-(now) Habiganj].**

Charge: That on 04.09.1971 at about 8:00 P.M a group formed of armed Razakars accompanied by you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz by launching a systematic attack upon unarmed Hindu civilian and an organizer of Liberation War Aradhon Sarkar’s house at village-Binhangal Nil Hosenpur under Police Station-Baniachang of District-(now) Habiganj abducted his wife Suprova and confined her at joint camp of Razakar and Pakistani Occupation Army at Baniachang Police Station and you the accused persons along with Pakistani occupation army severely raped and tortured her. Due to rape and torture victim Suprova became sick and on 06.09.1971 at about 12.00

P.M she was thrown by you the accused persons from the camp. Afterwards, her relatives rescued her and she eventually deported to India with her mother as refugee.

Therefore, you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz 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 02: [02 accused have been indicted]**

**[Offences of ‘abduction’, ‘confinement’, ‘looting’ and ‘murder’ of 03 Hindu civilians by taking away on forcible capture from the village-Bithangal Nil Hosenpur and Hosenpur under Police Station-Baniachang of District-(now) Habiganj].**

Charge: That on 09.11.1971 at about 10:00 A.M a group formed of you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz and your cohort 4/5 armed Razakars by launching attack at the house of Laxman Sarkar of village-Bithangal Nil Hosenpur under police station-Baniachang of District-(now) Habiganj, who was a supporter of Liberation War forcibly abducted him and his brother-in-law Aradhan Sarkar and looted his



house and confined them under a banyan tree of the same village. At one stage, Hindu civilian Promod Roy protested the unlawful activities and he was also forcibly detained there by you. On the same day, around 12.00 P.M you the accused persons killed Laxman Sarkar, Aradhan Sarkar and Promod Roy by gunshot under the said Banyan tree.

Therefore, you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz 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’, ‘looting 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: [02 accused have been indicted]**

**[Offences of ‘abduction’, ‘confinement’ and ‘rape’ of Ava Biswas of village-Nayahati under Police Station-Habiganj Sadar of District-(now) Habiganj].**

Charge: That on 09.11.1971 at about 12:00 P.M Ava Biswas, her husband Sudhangsu Biswas, elder brother Chandan Samajpoti [now dead] and her elder sister’s father-in-law Mohadev Sarkar [now dead] were moving towards the house of Mohadev Sarkar of village Kakailecheo under Police station Ajmiriganj for safety, from their

village. While they were crossing the village Bithangal Hosenpur at about 4.00 P.M you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz being accompanied by a gang of other 4/5 armed Razakars unlawfully detained Ava Biswas and compelled others to leave the site under intimidation. Thereafter, you the accused persons took away the detained victim Ava Biswas to the house of you the accused Md. Madhu Mia Talukder @ Md. Madhu Mia and thereafter you the accused persons and 02 unknown Razakars committed recurrent rape upon her.

On 10.11.1971, Mohadev Sarkar [now dead] and Nurul Haque Bhuiyan Chairman of Kakailcheo Union sent two persons to rescue Ava Biswas but she could not be rescued. On 11.11.1971, at about 10.00 A.M. Chairman Md. Nurul Haque Bhuiyan with the help of the people of Awami League and freedom fighters, rescued victim Ava Biswas from the house of you the accused Md. Madhu Mia Talukder @ Md. Madhu Mia.

Therefore, you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz 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 ‘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’, ‘looting’, ‘arson’ and ‘murder’ of Adam Ali by taking away on forcible capture from the village-Bithangal Nil Hosenpur under Police Station-Baniachang of District-(now) Habiganj].**

Charge: That on 11.11.1971 at about 4:00 P.M. a group formed of you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz and 8/10 armed cohort Razakars by launching attack at the house of unarmed civilian Adam Ali, a supporter of Liberation War of Village-Bithangal Nil Hosenpur under Police Station-Baniachang of District-Habiganj unlawfully detained him and killed him by gunshot at his house, looted his household and set it on fire.

Therefore, you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz 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’, ‘arson’, ‘looting’ 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: [02 accused have been indicted]**

**[Offences of ‘abduction’, ‘confinement’ and ‘rape’ of Matangini Roy of village-Bithangal Hosenpur para under Police Station-Baniachang of District-(now) Habiganj].**

Charge: That on 24.11.1971 at about 9:00 P.M. a group formed of you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz and 4/5 armed cohort Razakars by launching attack at the house of Pramod Roy at Village-Bithangal Hosenpur para under the police station-Baniachang of District-(now) Habiganj entered into the room of Matangini Roy and forcibly raped her. Thereafter you the accused persons and your companion Razakars had left the said Village at about 11.00 P.M and then the neighbors rescued the victim Matangini Roy in severely injured condition and shifted her in the house of Sree Rupendra Kumar Roy. Later on, she died at her father’s house at Dhirai Police Station under Sunamganj District due to injuries she sustained.

Therefore, you the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia and (2) Ali Newaz @ Md. Ali Nowaz 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 ‘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.

**32.** 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.

**33.** You the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia present on dock has heard and understood the aforesaid charges framed which have been read out and explained [**in Bangla**] in the open court in your presence.

Question: Do you plead guilty or not.

Answer:

**34.** The charges so framed have been read over and explained to the accused (1) Md. Madhu Mia Talukder @ Md. Madhu Mia to which he pleaded not guilty and claimed to be tried according to law.

**35.** Another accused Ali Newaz @ Md. Ali Nowaz has been absconding and as such the charges framed could not be read over and explained to him.

**36.** Let 03.02.2020 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.

**37.** 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 of 1973 on or before the date fixed.

**Justice Md. Shahinur Islam, Chairman**

**Justice Amir Hossain, Member**

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