

state of normalcy. Through this speech you urged the members of all the auxiliary forces supporting the Pakistan Army to offer assistance even more effectively and incited them to collaborate with the Pakistan Army in the commission of criminal activities, that amounts to incitement of the commission of the above-mentioned crimes.

And,

On 18.07.1971, you as Ameer of the East Pakistan Jamaate-Islami, gave a speech at a Shanti Committee meeting held at the Republic Square of Brahmanbariya urging all to uphold the unity of Pakistan. The call made by you to uphold the unity of Pakistan in reality amounts to an inciting call to attack those who do not believe in the unity of Pakistan. This demonstrates incitement on your part to commit above-mentioned crimes.

And,

On 16.07.1971, you, during a meeting organized by the Rajshahi Shanti Committee at the local Municipal Hall declared that there are no evidence supporting friendship between Hindus and Muslims. In your speech you also stated that India had always been involved in 'dushmoni' towards Muslims and after the partition of British India into India and Pakistan, the killing of Muslims in India had become a daily affair. During your speech blamed the Hindus for creating rift between Muslims by raising the issue of Bengali and non-Bengali. Furthermore, you stated that unless the question of division based on language was raised, it would not be possible to create a nation of Hindus and Muslims. In your speech you also urged all Muslims to discard the Bengali and non-Bengali mentality. By making such an inciting speech you had isolated the Hindus on religious grounds and made them a target for attack. It was as a result of the incitement made by you that Hindus were eliminated and deported out of the country. This

demonstrates incitement on your part to commit above-mentioned crimes.

And,

On 02.08.1971, you as Ameer of the Jamaate-Islami during a conference presided over by the Director of the Pakistan Affairs Academy Dr. Hasan Zaman, organized by the Jamaat-e-Talaba-e-Arbiya and held at the Dhaka University Gymnasium, gave a speech stating that the ongoing situation was a 'juddho poristhiti' and that this war was not only a war of arms but also a war of ideals. You stated further that there was no other option but to win this war. Describing the existing situation during your speech, you stated that this was a war for the ideals of Islam, also known as 'Jihad', which was fought against non-Muslims. Your speech directly incites eliminating opposing political and religious groups because the fundamental principle driving a war is engaging in armed resistance against one's enemies, which can end only when one side has completely eliminated or defeated the opposing side. There are therefore two instances of incitement made by you when you described the ongoing situation as a 'war'.

1) Calling for considering the Hindus, the supporters of Awami League, as not true Muslims and those who support the independence of Bangladesh as the enemies of the ongoing war.

2) Stating that the duty of the Jamaate-Islami, Shanti Committee, Razakars, Al-Badr, Al-Shams etc. who were so-called 'deshpremik' was to eliminate the above-mentioned enemies.

This demonstrates incitement on your part to commit above-mentioned crimes.

And,

During a Jamaate-Islami district unit members meeting held at the Khulna Municipal Hall on 04.08.1971, you called for the elimination of so-called 'dushkritikari'. According to you, 'dushkritikari' included those common citizens who wanted to free Bangladesh from the attack and

occupation of the Pakistan Army, the members of political parties especially those who had won in the national elections of 1970, those who had wanted to free Bangladesh from the oppression of Pakistan, minority Hindus and those whom you considered as enemies of the State. You also urged all to unite under the leadership of Jamaat-e-Islami. During this meeting you also criticized Sheikh Mujibur Rahman and members of his political party for propagating the 6-point demands and characterizing them as a separatist political movement. Your call to eliminate 'dushkritikari' amounts to incitement to commit the above-mentioned crimes.

And,

On 06.08.1971, during a meeting organized by the Shanti Committee at Kushtia Public Library, you declared that Sheikh Mujibur Rahman and the banned Awami League had entered into an alliance with India and had betrayed the common people of the region. You went on to state that this betrayal had caused endless pain and sorrow for the people and future generations would not forgive them. During your speech you stated further referring to the great sacrifices of Muslims during the Azadi movement against Hindu domination. Your call to the common people to stay alert against the so-called 'dushkritikari' and to the Shanti Committee to resist the so-called 'rashtrobirodhi' amounts of incitement. This demonstrates incitement on your part to commit above-mentioned crimes.

And,

On 14.08.1971, in a statement given on the 25th Azadi Day of Pakistan you stated that the unity of Pakistan was in crisis and that the sovereignty of Pakistan was being threatened from internal and external enemies. You urged all concerned to respond to the ongoing crisis and take specific steps to transform 'Pakistaner uddeshho' into reality. You further stated that failing in such efforts shall result in their destruction

and create a handicapped State. By urging everyone to establish 'Pakistaner uddeshho' and reminding that failure to do so shall result in a destroyed and handicapped nation amounts to incitement. This demonstrates incitement on your part to commit above-mentioned crimes.

And,

On 14.08.1971, during a symposium organized by the Central Shanti Committee on the 25th Azadi Day of Pakistan at the Curzon Hall, you proclaimed that the dreams of the Bengali Muslims would one day be realized if Pakistan remained as a State and that if Pakistan fails to exist then Bengali Muslims would cease to exist altogether. During your speech you also urged to remove from Pakistani territory those who did not agree with his views. You went onto declare that although in the past the enemies of Pakistan came from the outside, there were now many enemies of Pakistan from within. You stated that the 'ghorey boshey thaka dushmon' were far more dangerous than enemies from outside. You placed special emphasis on the establishing a link between the Pakistan Army and the Shanti Committee and stated that the Shanti Committee was playing an important role in protecting the nation from the hands of the separatists. You also stated that had the Shanti Committee not informed the world that the people of East Pakistan wanted to keep the unity of Pakistan intact, the ongoing situation could have taken a different turn. You also mentioned that the responsibility of protecting the nation rested with the Pakistan Army. During your speech you stated that the responsibility of explaining the situation to the people of the country rested in the hands of the Shanti Committee. You also mentioned that they would explain the idea of a united Pakistan to the people and those who would not subscribe to the idea would lose the right to remain in the country. During the making of such speeches, by

speaking of 'ghorey boshey thaka dushmon/ghorey ghorey jeshob dushmon' you were referring to the persons against the unity of Pakistan and by urging to find them and forcing them out of Pakistan if they refused to believe in the idea of Pakistan amounts to the making of inciting comments. This demonstrates incitement on your part to commit above-mentioned crimes.

And,

While speaking with journalists at the Lahore Airport on 17.08.1971, you claimed that there was only one path left open for Pakistan since India was sending in armed insurgents and also because India was supplying arms and ammunition to the 'duskritikari', and that path is to send a reply also by the force of arms. Your reference to armed reply to the so-called 'dushkritikari' is a clear indication of serious incitement. This demonstrates incitement on your part to commit above-mentioned crimes.

And,

On 23.08.1971, you gave a speech at a party program thrown by the Jamaate-Islami at Lahore where you announced that many members of Jamaate-Islami had lost their lives at the hands of the 'dushkritikari' because they had tried to uphold the ideals of Islam and gone against the 'bicchinnotabadi'. You went on to say that the Islam loving East Pakistanis were still sacrificing their lives trying to uphold the unity of Pakistan. Propagating your own political views you asked whether if members of any other political party had lost their lives opposing the anti-unity slogans or if party other than Jamaate-Islami had been able to hold meetings in the face of threats and 'gundami' of the Awami League leadership during the election campaign. You further said that Pakistan as a nation came into being on the basis of Islamic ideals and that these ideals had protected Pakistan during the war in 1965 and it was also these very ideals that had frustrated the attempt by India to divide the

Pakistani State. You by opposing the so-called 'dushkritikari/bicchinnotabadi' and by inspiring your party members to oppose the so-called 'dushkritikari/bicchinnotabadi' in the future and mentioning the sacrifices by members of your party, had incited you party members to commit above-mentioned crimes.

And,

On 26.08.1971, while giving a speech at a party-member's meeting of the Jamaate-Islami held at the Town Hall of Peshawar, you proclaimed that the damage done by a group of 'bicchinotabadi' could not be undone by mere slogans. Such a speech made by you amounts to inspiring and giving incitement to the leaders and activists of your party and others to engage in armed, suppressive and criminal measures against the so-called bicchinotabadi', thereby inciting them to commit above-mentioned crimes .

And,

On Defence Day of Pakistan on 05.09.1971 urging the people of Pakistan to stay completely committed to the ideals of Pakistan ('Pakistaner adorsher proti otol') and engage in 'juddho' and 'attotag' (sacrifice) against 'obbhontorin ba bohirakromoner'. This speech of yours was mainly addressed towards the members of your own political party, i.e. the Jamaat-e-Islami, and auxiliary forces such as Razakars, Shanti Committee, Al-Badr, Al-Shams and others so that they would be prepared for war which in reality amounts to direct incitement to commit above-mentioned crimes.

And,

In an interview in first week of September of 1971, you, apart from displaying your control over your party and others, confirmed the symbiotic relationship between the Razakars and Jamaat-e-Islami. You stated that the members of the Jamaat-e-Islami were committed to the defence of the nation by joining the Razakars and because they were

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aware of the fact that there would be no space for Islam or Muslims in 'Bangladesh, you declared that members of the Jamaate-Islami could become 'shaheed' but never transformed. You said that after March 25, you toured Chittagong, Rajshahi, Khulna, Jessore, Kushtia etc. and witnessed that the mental attitude of the members of Jamaate-Islam was strong. You urged to free East Pakistan' from the hands of the so-called 'ugro jatiotabadi'. During the interview you directed members of the Jamaate-Islami to join the auxiliary force of the Pakistan Army, i.e. the Razakars and others, and at the same time confirmed that by touring the country you had incited various auxiliary forces to commit crimes. In the same manner, your call to save the nation from the hands of the so-called 'ugro jatiyotabadi' also amounting to incitement to commit the above-mentioned crimes.

And,

During the speech at a meeting given on 10.09.1971 on the occasion of the Mustafa Al-Madani Day at the Baitul Mukarram you declared that the 'bidrohi' were 'shotru' of Islam. Such kind of statement and Fatwa made by you is yet another example of you inciting your followers, activists and members of the auxiliary forces to commit the above-mentioned crimes against the so-called 'bidrohis' and 'Islamer shotru' and to eliminate them.

And,

You, on 11.09.1971, gave an inciting speech at a program organized by the Dhaka City unit of Islami Chattra Shangha at Curzon Hal, University of Dhaka where you told your members that they would be able to make 'Pakistanke chirosthayee'. In reality your call to protect Pakistan amounted incitement towards your own political organization and other auxiliary forces of the occupying Pakistan Army to commit the above-mentioned crimes.

And,

On 17.09.1971, you undertook an official visit to one of the principal Razakars Training Centres at the Physical Education Centre of Mohammadpur, Dhaka where Razakars were undergoing training. This Physical Education Centre at Mohammadpur was not only a Razakars training ground but also a name that spread terror in peoples mind in 1971. In reality this Centre was a torture and killing ground. Countless victims were killed and tortured here. In this centre the Razakars were given comprehensive training to commit murder, torture, rape etc. You visited the Centre to see the Razakars and others undergoing training and inspire them by giving inciting speeches. In your speech there, you toyed with religious sentiments and inspired people to sacrifice their lives for 'Pakistaner hefazot'. You also called for not only the members of Jamaate-Islam but also 'Alem o Islami kormi' to join the armed forces. Your visit to this torture and killing ground of Mohammadpur confirms your acquiescence to the crimes that were committed there and also clearly demonstrate incitement to commit the above-mentioned crimes.

And,

On 25.09.1971, during a meeting organized by the Dhaka City unit of the Jamaate-Islami at a local hotel of Dhaka, you stated that the Jamaate-Islami considered Pakistan and Islam as one and indivisible and that Pakistan was a house for all Muslims across the globe. You further stated that if Pakistan ceased to exist then the members of the Jamaate-Islami would see no point in living on earth. You told your members that members of Jamaate-Islami were putting their lives on risk and working to uphold the existence and unity of Pakistan and also establish peace and security across the country. In your speech you also blamed destructive activities of the 'dushkritikari' for the ongoing crisis of the country. By showing that Islamic ideals and the upholding of the unity of Pakistan were one and the same and that the so-called 'dushkritikari'

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were engaged in destructive activities, you incited your party members to engage in the commission of crimes and as a result committed incitement to commit the above-mentioned crimes.

And,

During your opening speech on 03.10.1971, during the opening speech given by you at the meeting of the Majlis-e-Shura of the Jamaat-e-Islami at Dhaka, you used religion and religious sentiments to incite the commission of crimes. You urged your party activists and followers to prepare themselves for the highest possible sacrifice to protect Pakistan. You said that protecting Pakistan was a holy responsibility and that this belief was the driving force that kept the Jamaat members and followers moving. Protecting Pakistan amounts to the selected torturing or of a group, killing or forcing out from the country of men and women, Bengalis, Hindus, democratic and progressive political activists, persons from various professions by the Pakistan Army from March 25, leaving Pakistan for only those whom you believed to be true Muslims. The nature of such a call made by you amounts to inciting the Pakistan Army and its auxiliary forces to commit the above-mentioned crimes.

And,

After reaching Lahore on 23.11.1971 to attend a meeting of the Central Executive Committee of the Pakistan Jamaate-Islami, you discussed with journalists and said that an aggressive position would be the best mode of self-defence for Pakistan. You stated further that for Pakistan to exist as a nation with honor, there was no other path but to take up an aggressive position and stating to continue the so-called 'shontrashbadi karjokolap', you demanded that all patriotic citizens, members of the Shanti Committee and Razakars be equipped with modern automatic ammunition so that they would be able to engage in 'shantirokha'. You by demanding the arming of all patriotic citizens, members of the Shanti Committee and Razakars so that they would be

able to engage in ensuring peace in a situation of ongoing 'shontrashi karjokolap' and explaining the need to take up an aggressive position as part of a best defensive position amounts to incitement to commit the above-mentioned crimes.

And,

On 24.11.1971, in a speech given at meeting to honor the members of the Central Working Committee of the Jamaate-Islami organized by the Jamaate-Islami at a local hotel in Lahore, you urged President Yahya Khan that West Pakistan should attack India in response to the all-out attack of India on Pakistan and that if this attack was not carried out, then the enemies would get the opportunity to slowly achieve their ulterior motive of diving Pakistan into many pieces. By calling on to launch an attack on India, you clearly incited to commit the above-mentioned crimes.

And,

Following a long 70-minute meeting on 01.12.1971 with President of Pakistan Yahya Khan, you addressed at a press conference where you reported your discussion with him on various issues. You said that you had reiterated to Yahya Khan the need to increase membership of Razakars. You also stated that the people would offer their full support to the 'shoshosro bahini' and that the Razakar forces was enough to face the 'shotrubahini'. Your demand to increase the membership of the Razakar forces and declaration to face the 'shotrubahini' with the Razakars amounts to inciting the commission of the above-mentioned crimes.

Through your above acts and commissions, you committed the crime of incitement as specified in Section 3(2) of the Act, and as result of which crimes mentioned in section 3 (2) of the Act were committed in all-over Bangladesh, and therefore you are charged with commission of the crime of incitement under Section 3(2)(f) read with section 4 (1) and

section 4 (2) of the Act, which is punishable under section 20 (2) of the Act.

Charge No 4:

That on 04.04.1971, you were part of a 12 member team consisting of Nurul Amin, Maulavi Farid Ahmed, Khawaja Khayer Uddin, AKM Shafiqul Islam, Maolana Nuruzzaman, Hamidul Huq Chowdhury, Mohsinuddin Ahmed, Advocate AT Sadi and others met with Lt. General Tikka Khan, the Chief Martial Law Administrator of the "Kha" Zone of occupied Bangladesh at the Governor House of Dhaka. This meeting was held at such a time when large scale genocide had already been committed through 'Operation Searchlight' on March 25 and that the Pakistan Army had already committed many crimes against the common people for almost nine days. Your presence in that meeting not only demonstrates your acquiescence to all the crimes committed throughout the country from March 25 to April 4, but your offering of 'purno shohojogitar ashash' to the Pakistan Army demonstrates your complicity in the all subsequent above-mentioned crimes committed in Bangladesh.

And,

On 06.04.1971, as Ameer of Jamaate-Islami, you held an one to one meeting with Lt. General Tikka Khan, the Chief Martial Law Administrator of the "Kha" Zone and extended 'purno shohojogitar protisruti' with the goal to bring back 'shabhabik obostha' in the country. In the meeting, you expressed concern over 'Pakistaner abbhontorin beparey Bharoter hostokkhep' and 'Pakistane shoshosro onuprobeshkari preron'. You assured that the patriotic citizens of the country would assist the Pakistan Army to frustrate the on going conspiracy 'shorojontro nosshat korar jonno shoshostro bahinike shohayota koribe'

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indicating your complicity in all above-mentioned crimes committed in Bangladesh.

And,

On 09.04.1971, the Shanti Committee was expanded to a 140-member body where you held the third position while Khawaja Khayeruddin was nominated as the Convenor of this Committee. The constitution and control of the local Peace Committees at the Union, Moholla levels was vested on the said Central Peace Committee. The goal of the Peace Committee was to assist in attacks on the common people of Bangladesh and the commission of above-mentioned crimes. As a leader of Shanti Committee, set-up to commit crimes, you are complicit in commissioning of all the above-mentioned crimes.

And,

With the intent to conduct its criminal activities more efficiently and extending the organizations activities throughout the country, on 15.04.1971, the name of the 'Nagorik Shanti Committee' was changed to 'Kendriyo Shanti Committee'. A 21-member Executive Committee was also formed, of which you held third position. A decision was taken to form units at the district and sub-division levels to execute the plans of the Committee. The other members of the Committee were, 1) Khawaja Khayer Uddin, 2) A.Q.M. Shafiqul Islam, 3) Mahmud Ali, 4) Abdul Jabbar Khan, 5) Maolana Siddiq Ahmed, 6) Abul Kashem, 7) Maolana Syed Mohammed Masum, 8) Abdul Matin, 9) Professor Golam Sarwar, 10) Barrister Akhter Uddin, 11) A.S.M. Solayman, 12) A.K. Rafiqul Islam, 13) Nuruzzaman, 14) Ataul Huq Khan, 15) Toaha-bin-Habib, 16) Yusuf Ali Chowdhury (Mohon Miah), 17) Major Afsar Uddin, 18) Dewan Barasat Khan, 19) Peer Mohsen Uddin and 20) Hakim Irtejur Rahman. You were one of the main leaders of the Executive Committee of the said Central Peace Committee and since the objective of Shanti

Committee was to assist the Pakistan Army to commit crimes and since the Committee itself played a role in the execution of the plan to commit crimes, your complicity in all the above-mentioned crimes committed are clearly demonstrated.

And,

You met with Jamaate-Islami leaders at Jessore, Khulna and Dhaka's Mirpur, Lalbagh, Chawk, Lalmatia and Thataribazaar as part of your tour of various parts of Bangladesh during which you took part in a series of meetings and gave speeches. During such meetings you and other leaders of Jamaate-Islami praised the Pakistan Army and stated that the Army had saved the country at a moment of crisis. You also expressed satisfaction stating that the local people of East Pakistan had also assisted the Pakistan Army. Such praising of the Pakistan Army indicate your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army in the guise of protecting the country from the so-called 'shongkot'.

And,

On 18.06.1971, while addressing journalists at the Lahore airport you extended your support towards the nationwide criminal activities and illegal occupation of the Pakistan Army by rejecting the possibility of transferring power to the elected representatives for the sake of bringing an end to the crisis. You stated that the true representatives who were unanimously elected had been declared illegal, a declaration which in fact been made on behalf of the occupying Pakistan Army. You also informed journalists that you would be informing President Yahya Khan at Rawalpindi of possible steps that could be taken to improve 'unnayan' the situation of East Pakistan, which in essence indicates your close proximity to the ongoing incidents in Bangladesh. By expressing your support towards the illegally occupying Pakistan Army, you termed the whole population supporting the independence of Bangladesh as

'dushkritikari' and their legitimate demands as destructive 'dhongshattok kaj hishebey'. You also demanded that so-called 'prokrito' miscreants be apprehended ('pakrao') during the effort to contain the ongoing situation. The promise you made committing yourself and the auxiliary forces under your control to offer full assistance to the Pakistan Army indicates complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

During your exchange with journalists on 19.06.1971, you impressed upon the topics discussed with President Yahya Khan, where you urged the Government to supply arms and ammunition to those who believed in the ideal and unity of Pakistan in order to combat the so-called 'dushkritikari'. It must be noted here that by referring to those who believed in the ideal and unity of Pakistan you meant members of the Jamaate-Islami as well as members of the Shanti Committee, Al-Badr, Al-Shams and Al-Mujahid etc. You also stated that those who did not support the ideal of Pakistan was not a friend of Pakistan. You reiterated the position of the military regime of Pakistan by dubbing the independence-loving people of Bangladesh as separatists and miscreants and clearly stated your position to effectively combat them. Your demand of arming the so-called patriots 'deshpremikder' so that it would be possible to effectively combat and eliminate the so-called 'dushkritikari', who supported the independence of Bangladesh, demonstrates your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 20.06.1971, you raised the issue of the incidents taking place in Bangladesh, the overall situation and what needs to be done in front of journalists during a press conference held at the Jamaate-Islami office, Lahore. During your speech you informed that so-called 'dushkritikari'

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were still active in East Pakistan and in order to effectively combat them the arming of the so-called 'shantipriyo' citizens for the sake of security 'nirapottar jonno' was necessary. When referring to 'shantipriyo' citizens, you meant members of the Shanti Committee, Al-Badr, Al-Shams etc. Although, you justified the arming of the so-called 'shantipriyo' citizens by stressing on the issue of their personal security, you had also in fact revealed your true intent of combatting 'protirodh' the activities of the so-called 'dushkritikari' in the same sentence. Your clear position in support of the military regime of Pakistan and its evil design to regarding independent Bangladesh and her independence loving people and call to arm the so-called 'shantipriyo' citizens in furtherance of that design indicates complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

You hailed on 21.06.1971, the role played by the Pakistan Army for destroying the so-called separatist movement in East Pakistan while giving a speech before members of the Jamaate-Islami in Lahore. You stated that there was no other way to save the country from separating without intervention by the Pakistan Army. This unconditional support conveyed by you towards all criminal activities by the Pakistan Army indicates complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

In a press conference held at a hotel in Karachi on 22.06.1971, you urged all your followers and everyone else to offer effective assistance and full cooperation to the authorities in order to re-establish so-called 'shabhabikota'. You also said that the people of East Pakistan would always live together with their West Pakistani brothers for the sake of their own survival. You further stated that the objective of the 6-point demands of the banned Awami League was to separate East

Pakistan from West Pakistan. You also demanded that the Government ban those political parties that had openly engaged in movement in support of the 6-point demands, which you perceived as a separatist movement. You urged all concerned to take effective steps to bring back a sense of faith amongst the people and also to combat the so-called 'dushkritikari' and anti State elements 'rashtrobirodhider'. You also hailed all the steps and activities of the Pakistan Army which were all of criminal nature. Such a speech made by you expressing all out support towards all activities of the military regime of Pakistan, calling all to offer full cooperation to the military authorities and if needed, offer full assistance by directly taking part in criminal activities indicates complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 06.08.1971, the local Shanti Committee organized a meeting at Kushtia Public Library, during which you dubbed the Awami League and Sheikh Mujib as 'Bharoter dalal' and 'bisshashghatok'. In your speech you also stressed upon the need of 'qurbani' for the freeing of Muslims from the Hindu domination. In the end you classified the Bengali Hindus of occupied Bangladesh as 'shorojontrokari'. By classifying the Awami League and Bengali Hindus as 'dushkritikari' and 'rashtrobirodhi', you called upon the common people to combat them by cooperating with the Shanti Committee and concerned authorities. When referring to the common people you in essence meant members of the Jamaate-Islami, Shanti Committee, Razakars and other auxiliary forces over whom you had influence and control. During the meeting you also expressed gratitude towards the Pakistan Army for taking the necessary steps 'jothashomoye bebostha grohon' for preserving the unity of Pakistan and also called for Allah's divine intervention. It was through a speech of this sort that you expressed solidarity with the activities of the

Pakistan Army and all its criminal activities. In your speech you called upon all to offer full cooperation to the Pakistani military authorities, prayed for Allah's divine intervention, thanked the Pakistan Army for their acts, fully endorsed your support which indicates complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 20.08.1971, you were present at a Jamaate-Islami Central Council meeting at Lahore presided over by the party's Assistant Ameer Maolana Abdur Rahim. During this meeting you offered full support to the decision taken by the Pakistan government to repress the banned Awami League by armed means 'shoshosro domon'. It must be noted that the repressive measures were of criminal nature and the 'purno shomorthon' offered by you towards these measures indicates complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

You spoke at a press conference held at Peshawar on 26.08.1971, during which you dubbed the revolutionaries against Pakistan as 'Mir Zafar' and stated that the Pakistan Army had saved East Pakistan from the evil motives of India. You subsequently called the revolutionaries against Pakistan 'dushkritikari o onuprobeshkari' and members of the Awami League as 'fasibadi'. You also urged to provide full cooperation by the Bengali population to the Pakistan Army to destroy them. By stating the destruction of the 'dushkritikari', 'onuprobeshkari' and 'fesibadi' you were in fact referring to the commission of criminal acts against them. Your speech signifies full cooperation towards the criminal activities of the Pakistan Army which indicates your complicity in the crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 26.08.1971, you as Ameer of the Jamaate-Islami extended deep respects towards the Pakistan Army for protecting the unity of Pakistan in the midst of severe constraints and obstacles, at a party members gathering held at the Town Hall of Peshawar. There you said that chanting slogans would not be enough to address the damages done in East Pakistan by a group of 'bicchinotabadi'. In your speech you not only expressed unconditional support to all criminal activities of the Pakistan Army but also urged the members of your own political party and others to engage in repressive and criminal activities by stating that the mere chanting of slogans would not suffice. This indicates your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 30.08.1971, at a press conference held at Hyderabad, you mentioned the martyrdom of 500-700 volunteers of the auxiliary forces while trying to protect the unity of Pakistan. You demanded the dissolution of the 'Jatiyo Parishad' and the holding of fresh elections. You also demanded the strengthening of the 'deshpremik o Islam priyo' persons, i.e. those persons who were supporting the unity of Pakistan and were assisting the Pakistan Army. According to you these persons had helped in bringing the situation in occupied Bangladesh under control 'poristhiti niyontron'. By stating 'poristhiti niyontron' you were in fact referring to the repression of those who supported the independence of Bangladesh whom you dubbed as 'dushkritikari, rashtrobirodhi o bidrohi'. You also mentioned the assisting of the Pakistan Army and the concerned authorities by the so-called 'deshpremik' in the efforts to repress those who supported the independence of Pakistan. By hailing the Pakistan Army you expressed your support towards all their activities. You mentioned the important

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role played by the Tolabaye Arabiya, Islami Jamiyate Tolaba and Shanti Committee in the process of combating the so-called 'dushkritikari o Bharotiyo agent'. By stressing upon the importance of the auxiliary forces you confirmed your connection to the criminal activities of the Pakistan Army. Your speech also confirms the connection between the criminal activities of the Pakistan Army and you and your auxiliary forces and indicates your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

You spoke at a press conference at the Karachi office of Jamaate-Islami on 31.08.1971, and expressed gratitude towards the Pakistan Army for protecting Pakistan 'Pakistan rokkhay'. By protecting Pakistan 'Pakistan rokkha', you meant upholding the unity of Pakistan by repressing the people of Bangladesh supporting its independence which also signifies your support towards the criminal activities of the Pakistan Army. You dubbed the supporters of the independence of Bangladesh as bad Muslims 'bhalo Musolman noy', who according to you were so-called 'bicchinotabadi'. You also mentioned the repression of these persons by so-called 'ekmona o deshpremik' persons. Your speech confirms your support and connection with the criminal activities repressing those supporting the independence of Bangladesh. Your hailing of the activities of the Razakars also conveys your support towards the crimes they committed and confirms your association and connection to those crimes. Thus your speech indicates your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 03.09.1971, you and other leaders of the Jamaat-e-Islami agreed to eliminate the so-called revolutionaries and anti social elements 'bidrohider' and 'shomajbirohdhider', in the efforts to bring back a state

of normalcy at a meeting of party leaders at the Dhaka city office of Jamaat-e-Islami located at 91/92 Siddiq Bazaar, Dhaka. While discussing the political and law and order situation in the country, you stressed upon the importance of efforts to bring back a state of normalcy in the country. When referring to the 'bidrohi o shomajbidrohi', you meant the people supporting the independence of occupied Bangladesh and the innocent Bengali population. The nature of decisions taken by you during this meeting along with your support, connection to and association with the brutal elimination of persons supporting the independence of Bangladesh indicate your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

You issued a statement from Dhaka on 10.09.1971, where you stated intelligent and sharp persons should be included in the Pakistani delegation at the upcoming General Assembly of the United Nations. You stated this because you believed that in the midst of the severe on going crisis there would be many criticisms against at the United Nations General Assembly and they would have to attend many debates. Hence, right selection Pakistan delegation was a matter to sustaining of the national unity, not a matter of person or personality. You advocated the appointing of 'bagmi o khurdhar buddhishomponno' because you knew that they would have to face questions at the United Nations regarding the torture, repression, genocide and crimes against humanity committed against the people of occupied Bangladesh by the Pakistan army and its auxiliary forces. This is why you wanted that a competent delegation be sent capable to explaining such activities. Such prescriptions made by you confirm your association, connection and support towards all criminal activities of the Pakistan Army and its auxiliary forces which indicates your complicity in the above-mentioned crimes committed.

And,

During mid September of 1971, while congratulating the newly appointed Cabinet under the military regime of Pakistan, you hailed the operation of the Pakistan Army and mentioned that the central and local Shanti Committee were working towards bringing back a sense of normalcy in the country. You also expressed hope that the newly constituted Cabinet would function even better than the Shanti Committee. Through your speech you expressed solidarity with the criminal activities of the Pakistan Army and the Shanti Committee thereby clarifying your own association with such activities, and thus indicating your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

On 25.09.1971, during a reception thrown in the honor of Provincial Education Minister Abbas Ali Khan and Revenue Minister A.K.M. Yusuf at the local Hotel Empire, Dhaka, you reported about sending of members of the Jamaate-Islami to the Razakar Forces and the Shanti Committee . You went on to say that the two members of Jamaate-Islami who had joined the Cabinet were forced to do so by the party members and the objective with which the Jamaate-Islami had sent its members to the Razakar Forces and Shanti Committee was identical to the objective behind sending its members to the cabinet. You stated further that the two Jamaat-e-Islami members were sent to join the cabinet in line with your own efforts of returning a state of normalcy 'shanti' to the country. The sending members of your own party to forces auxiliary to the Pakistan Army, such as the Razakars Forces and the Shanti Committee, in the name of establishing peace 'shanti', indicates your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

And,

During a public meeting organized by the Jamaate-Islami at the Baitul Mukarram premises on 16.10.1971, you stated that in order for the Bengali Muslims to live their lives keeping their livelihood and rights intact, the preserving of the unity of Pakistan was imperative. You placed blame on the so-called 'choromponthi' of the banned Awami League for all the miseries of the country and stated that the Jamaat-e-Islami was working relentlessly through the Shanti Committee to the establishing of a civilian government in the country. This speech made by you clearly shows your association with the criminal activities of the Pakistani military forces and the Shanti Committee indicating your complicity in the above-mentioned crimes committed throughout the country by the Pakistani military forces and the auxiliary forces.

And,

After returning from Lahore, on 26.11.1971, during an exchange with journalists, you hailed the role played by the Razakars and demanded that they be armed with modern weapons. You stated further that doing so would allow the destruction of the 'dushkritikari'. In 1971, the criminal activities of Razakars forces spanned throughout the country and this force was made up of members of the Jamaate-Islami under the initiative of the Pakistani military forces. Therefore, by hailing the role played by this organization, your complicity in the above-mentioned crimes committed throughout the country by the Pakistan military forces and the auxiliary forces.

And,

On 28.11.1971, during a meeting of the United Coalition Party (UCP) held at Rawalpindi, you admitted that you and the organizations under your control were involved in assisting the Pakistan Government in taking measures against the 'bicchinnotabadi' and 'rashtrobirodhi' persons because you considered it to be your duty to do so. During your

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speech you stated that the UCP was committed towards upholding the unity of the country under the leadership of Nurul Amin. You urged President Yahya Khan to tour East Pakistan in order to attain the assistance of the so-called 'deshpremik' of East Pakistan. You mentioned that all patriotic people of East Pakistan were working unitedly and that a 6-party coalition had been formed there to take part in the by-elections of East Pakistan. In your speech you also stated that members of the United Coalition Party and Razakars were sacrificing their lives to protect the country. This speech made by you indicates your complicity in the above-mentioned crimes committed throughout the country by the Pakistan Army and the auxiliary forces.

Through your above acts and commissions, you were complicit in commission of the crimes specified in section 3 (2) of the Act, and as a result of which crimes mentioned in section 3 (2) of the Act were committed in all-over Bangladesh, and therefore you are charged under section 3 (2) (h) read with section 4 (1) and section 4 (2) of the Act for commission of the crime of complicity in commissioning the crimes specified in section 3(2) of the Act, which is punishable under section 20 (2) of the Act.

Charge No 5:

That after the crackdown on March 25, 1971, seeing the Pakistan Army moving towards Mohammadpur Police Station at 11.00 pm, Sub Inspector of Police Siru Miah went to his house at Chamelibagh and on March 28, 1971, he along with his wife wife Anwara Begum, minor son Anwar Kamal and other relatives went to his village at Ramkrishnopur, P.S. Homna, District Brahmanbaria and started helping the people who were leaving the country as refugee. On October 25, 1971, the said Siru Miah along with his son Anwar Kamal and others in order to go to India left their home and they had two revolvers, one with Siru Miah and

another with Nazrul Islam and they were arrested by Razakars at Tantar checkpost of Kashba P.S. on October 27, 1971 at about 10.00 in the morning and were taken to the Razakars camp. At that time 5-6 members of the Pakistan Army came there and took the two revolvers from them and they were fastened with wire and kept in a truck going towards Brahmanbariya and at about 12 noon they were taken to Brahmanbariya court. They were abused like anything and the wristwatch and ring which they possessed was forcefully taken from them and they were taken to Razakars manzil and people were told that a special force with arms had been captured and from then every morning they were taken to the house of Dana Miah and tortured which was looked into by Jamaat-e-Islami leader and Shanti Committee (Peace Committee) member Peyara Miah and the torture continued for the whole day and then taken to thana hazat. After 2-3 days they were taken to jail. You being the Ameer of East Pakistan Jamaat-e-Islami and a central leader of the Shanti Committee (Peace Committee), the wife of Siru Miah developed an idea that if you try then all of them may be released and Siru Miah's wife came to Dhaka in the house of her sister whose husband was a teacher of your two sons, Azmi and Amin and you were requested by the said teacher and you said that you all knew it and you asked the said teacher to meet you after two days. After two days when the teacher met you, you went to the office of Jamaat-e-Islami at Nakhalpara and gave him a enclosed envelope asking him to give it to Peyara Miah and when the said envelope was given in the hand of Peyara Miah, reading that letter he showed another letter, official letter written by you where it was written to kill Siru Miah and his son as they were freedom fighters. Then Peyara Miah told that this letter contained nothing new and told Siru Miah's wife to go home and pray. Ultimately those persons along with others, a total of 40 persons, were taken out of

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the jail. Subsequently one person named Shafiuddin was released as he knew Urdu and others were taken to Pourotola and were shot at by Razakars and Al-Badr and one survived and the remaining 38 were killed. Thus, under your direct instruction, SI Siru Miah, Anwar Kamal, Nazrul Islam and Abul Kashem, in total 38 persons, were killed, Anwar Kamal tortured and therefore you committed crimes of murder and torture as crimes against humanity under Section 3(2)(a) of the International Crimes (Tribunals) Act 1971.

Thus you have committed the offences, under different provisions of section 3(2) and 4 of the Act, which are punishable under section 20(2) of the Act and within the cognizance of this Tribunal. And we hereby direct you to be tried by this Tribunal on the said charges. You have heard and understood the aforesaid charges.

Q Are you guilty or not-guilty?

Ans. Not guilty.

The charges are read over and explained to the accused on dock who pleaded not guilty and claimed to be tried.

To 05.06.2012 for opening statement of prosecution and examination of prosecution witnesses. The trial shall be continuing on every working days until further order. The defence counsel is also directed to submit a list of witnesses if any along with four sets of documents thereof, which the defence intends to rely upon by the date fixed.

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