

Section 5:

The War Crimes Trial

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Background

“In March 2010, the Awami League government established a tribunal to allow for the prosecution of Bangladeshi citizens alleged to have committed international crimes during the country's 1971 war of independence.

The 9-month war ending on 16 December with the surrender of the Pakistan military resulted in the deaths of tens or hundreds of thousands of people³⁵¹ – though the government claims that the figure was as high as three million – most of whom were killed at the hands of the Pakistan army and those who supported it.

The tribunal was set up under the International Crimes (Tribunal) Act 1973, a law that had originally been enacted to allow for the prosecution of 195 Pakistani army officers who were detained as prisoners of war in India immediately after the war ended.

Although the new tribunal had the authority to investigate and prosecute Pakistani officers in *in absentia* trials, the Bangladesh government took a policy decision that the tribunal should only focus on the crimes committed by Bangladeshi citizens who collaborated with the Pakistan military.

Some Bangladeshi 'collaborators' had already been prosecuted in the years immediately after the war - both for 'political' collaboration as well as for violent crimes - under the Bangladesh Collaborators (Special Tribunals) Order 1972.³⁵²

All prosecutions under this 1972 Act however came to an end in November 1973 when Sheikh Mujibur Rahman, the then Prime Minister of Bangladesh, passed a general amnesty for those convicted of political collaboration.

One group of alleged war criminals that the new Tribunal could not prosecute were those who committed crimes when fighting in favor of Independence – for example in relation to the killings of hundreds, if not thousands, of Biharis – as this was precluded by the Bangladesh National Liberation Struggle (Indemnity) Order, 1973.

In April 2012, the government set up an additional trial and together the two tribunals have issued arrest warrants against 17 individuals – 13 of whom belong or belonged to the Jamaat-e-Islami party, a small but significant opposition party in the country, but which in 1971 had supported the Pakistan military in the war. Three out of the seventeen have or will be tried in absentia,³⁵³ and out of the remaining fourteen, one received bail.³⁵⁴

To date³⁵⁵, six trials have concluded – with four resulting in convictions and two awaiting judgment. Three out of the four convictions have so resulted in the tribunal imposing a sentence of the death penalty – though these are subject to appeal.

Adequacy of the Process

Right from the start, the process has been beset by questions about whether the accused would receive a fair trial.

Initially, the concerns were focused on the adequacy of the 1973 Act itself which, for example, precluded any interlocutory appeals, allowed the trials to start three weeks after the accused was formally charged, and provided

inadequate clarity on the elements of the offences with which the accused were being charged. Recommendations made by Stephen Rapp, US Ambassador-At-Large for war crimes, were only partially adopted.³⁵⁶

When the trials started, attention then focused on the process and practice of the trials. The trial of Delwar Hossain Sayedee – the first to start - raised significant concerns, including: restriction on the numbers of defence witnesses³⁵⁷ allowed, refusal to issue summons for defence witnesses³⁵⁸, the investigation and prosecution apparently lying to the court about the absence of prosecution witnesses,³⁵⁹ and the apparent abduction of a defence witness from outside the tribunal.³⁶⁰

In December 2012, the publication by the Economist magazine³⁶¹ of extracts of Skype conversations and emails between the chairman of Tribunal 1 – which at that time was dealing with four cases³⁶² – and an expatriate Bangladeshi lawyer, who was working closely with the prosecution team, strongly suggested unlawful collusion between the government, the judge and the prosecutors. The publication resulted in the tribunal judge resigning, but did not have any other impact upon 'the tribunals practice.'³⁶³

The small number of defence witnesses permitted by the tribunals is reflected in all the other trials; for example, Abdul Quader Mollah, who was convicted of seven offences of crimes against humanity, and Muhammad Kamaruzzaman, who was convicted of five offences (and received the death penalty), were both only allowed to call five defence witnesses.

It is though important to place this trial within the context of other similar proceedings within Bangladesh's criminal justice system – and many in the country would argue that whatever deficiencies exist within these tribunals, it is on a par with or better than the average trial in Bangladesh.

The tribunals operate, generally, in a quiet and professional manner in courts of their own, and the accused have an opportunity to place their arguments in support of applications. Tribunal supporters also point out that the tribunal has passed progressive orders concerning the jail welfare conditions of the accused, their rights during questioning³⁶⁴, and permission to have privileged communications with their lawyers, which ordinary Bangladesh courts have rarely done.

The tribunals operate in an unusual legal space. They are not compliant with international standards, yet at the same time do not comply with national standards (i.e the Evidence Act, the Code of Criminal Procedure do not apply, and accused cannot seek remedies from the High Court) - yet in some practices, as mentioned above, they do exceed normal national standards.

The Issue of Politicisation

The decision by the government to hold tribunals was a popular initiative, particularly amongst the country's urban civil society, and the promise of trials in the Awami League's manifesto is thought to have helped the party win the 2009 election. The holding of trials of those alleged to have committed international crimes – and dealing with claims of impunity – was welcomed by the international community.

Jamaat has argued that the tribunals are part of a political vendetta against it on the part of the Awami League government. But pointing out, as the Jamaat does, that almost all the accused are from its party, does not in itself suggest targeting on political grounds, since in 1971 the party supported the Pakistan military, and those currently targeted by the tribunal have over the years been subject to the most serious allegations.

Nonetheless, it is clear that the government has a political interest in the weakening of Jamaat and that for many Awami League politicians the tribunals provide an opportunity to destroy a party which is the most significant ally of the opposition Bangladesh Nationalist Party. The politicisation is reflected in the government's decision to employ prosecutors with partisan views about Jamaat and in the numerous statements made by ministers and other politicians asserting the guilt of the accused, even before the trials started, placing great expectations upon the tribunal to deliver convictions.

The Concluded Trials

Four trials have concluded. The first was the *in absentia* trial of Abul Kalam Azad, an Islamic cleric and former Jamaat leader, who was convicted on 22 January 2013³⁶⁵ and sentenced to death for the commission of one offence of genocide and six offences of crimes against humanity.

On 5 February, Abdul Quader Mollah, an assistant general secretary of Jamaat-e-Islami received a sentence of life imprisonment following his conviction in seven crimes against humanity offences.³⁶⁶ The lack of a death penalty, and the suspicion that the sentence of imprisonment came about due to a 'back-room deal' between the government and Jamaat, resulted in large protests in Dhaka that continued for weeks. The government, in response, changed the law to allow it to appeal the sentence.

The sentencing to death on 28 February of Delwar Hossain Sayedee, a Jamaat leader who has widespread religious support beyond the party, provoked significant protests throughout the country (this time from those sympathetic

to the accused), some of which turned violent. A hardline response by law enforcement personnel resulted in the shooting dead of dozens of protesters.

After a space of two months, on 9 May 2013, Muhammad Kamaruzzaman, an assistant general secretary of Jamaat, was also sentenced to death following conviction for seven offences.

Both Sayedee and Mollah have appealed to the appellate division of the high court against their convictions – and it is expected that Kamaruzzaman will do the same. Azad remains on the run – and has lost his right to appeal.

In the case of Mollah, the prosecution has also counter appealed against the sentence of imprisonment – seeking the appellate division to impose the death penalty. The case of Mollah is ongoing but the appeal of Sayedee has not yet started. The appellate division does not appear to consider itself bound by a recent amendment to the 1973 Act requiring appeal to be completed within 60 days.

Outstanding cases

Awaiting judgment: The trials of Golam Azam, the 91-year old former leader of Jamaat, and of Ali Ahsan Mohammed Mujahid, the party's Secretary General, have been completed and are awaiting judgment.

Trials ongoing: The trials of Motiur Rahman Nizami (the current head of Jamaat) Salahuddin Quader Chowdhury (a Bangladesh National Party MP), Abdul Alim (a former BNP leader) and Mobarek Hossain (former Jamaat, now Awami League leader), are all continuing.

Awaiting formal charge: Hearings on whether the tribunal should 'frame charges' against (i.e. indict) Mir Quasem Ali, (a member of the Jamaat's executive council) and Chowdhury Mueen-Uddin and Ashrafuzzaman Khan (both of whom live outside Bangladesh, and whom prosecutors assert were members of Jamaat's student wing in 1971) are ongoing or due to start.

Investigation: Investigations are continuing into the cases of Abdus Subhan, AKM Yusuf (both Jamaat leaders), and ATM Azharul Islam (acting Secretary General of the Jamaat) and of Syed Md. Qaisar (former Jatiya party leader).

A Very Personal War,

By Asif Munier.

Asif Munier is the youngest son of the well-known playwright and university professor, Munier Chowdhury, who was abducted on 14 December 1971 and disappeared without trace. Asif is a theatre activist and the Vice President of an organisation of children of martyrs of the Bangladesh Liberation War, known as Projonmo 71.

I distinctly remember my feelings after the first verdict in the war crimes trial. Whatever the future holds for the thirty million families affected by the 1971 war, that day will always remain a chilling moment and a turning point in our lives.

It took nearly forty years for a trial. It had been our demand ever since Bangladesh was born. Twenty years ago a mass movement for justice began, led by the mother of a martyr and supported by the children of the martyrs, in a group called Projonmo 71³⁶⁷. Activists demonstrated on the streets, spoke out in the media, made demands of successive governments and urged that a trial begin in a special court. It never seemed possible. Day by day, the ideals of the war were eroded, history distorted and well-known traitors and murderers not only enjoyed impunity, but were politically rehabilitated and even rewarded.

Even in 2010 when the special tribunal was set up, it was hard to fathom that something many of us had wanted for a generation was finally happening. Even when well-known leaders and wartime collaborators were taken into custody and the trial began, it didn't really sink in.

The leaked Skype conversation between the judge and an independent lawyer outside Bangladesh and the subsequent resignation of the judge broke many of our hearts. It is only with the verdicts since January 2013 that the reality of this process hit home. We knew for the first time that we were not dreaming and this was really happening. You do pay for your crimes and sins not only in the afterlife, but also in your lifetime on this earth.

I know that the trial process has not been perfect. There have been narratives on both sides of the arguments, but I won't go into them here. We live in an imperfect world, where justice is so often denied. I know many families who had their dreams shattered, as I did, when the Father of the Nation was killed in 1975; he had promised to hold the trials inside Bangladesh despite tremendous international pressure. Then over the years we watched as well-known local collaborators were politically rehabilitated, to the point of even being appointed cabinet ministers. I felt ashamed to be a martyr's son, even though I know I should be proud of my father, who was killed because of his belief in Bengali nationalism and Independence.

So the trial is like a dream come true. But we live in a harsh real world; there are a lot of “ifs and buts” about the process and its outcome. Many alleged war criminals are still not in jail, either in Bangladesh or abroad. There is no guarantee that all the key figures will be put on trial. There is also no certainty that the punishments will be carried out against those already sentenced. The main opposition party is not sincere about the trials. Even the ruling political party is a mixed bag containing unknown worms that can impede the process.

But you can never turn back the clock or re-write history. I was pleasantly surprised when young Bangladeshis spontaneously came out on to the streets in February 2013 to express their dissatisfaction over one of the verdicts. For two months, thousands of people occupied a place in Dhaka now lovingly called Projonmo Chottor or Generation Square. In despair a few years ago I assumed our youth had been ruined with misinformation about the war and there would be no turning back. But they proved me wrong. They showed how much they care about the truth, how much they love my father and the millions who died. While I am still sceptical about the politicians' commitment to see this process through, I don't see any other way forward than to continue the trials. The souls of the martyrs will keep on turning in their graves wherever they may be and will not rest in peace until this is over. We, the families of the victims, will never forgive the nation for not doing anything about this. It is 42 years late, but still not too late.

I can say all this with conviction because my family is still paying the price for the crimes of others. My father, and about 200 other intellectuals and civilians, were abducted and brutally killed - mostly by local collaborators of the Pakistan Army just two weeks before Independence. It was because of their belief in an independent state. To grow up, suddenly without a father, who just 'disappeared' one day has not been easy. The trauma never healed in my family. While I became an activist demanding justice, there was hardly any discussion or healing process with my siblings or mother. I know many families in different parts of the country who have had it much worse – economically, socially and psychologically. Many have been unable to lead a normal life since 1971.

Accountability for both the local collaborators and foreign forces is an important part of the healing process. Much of the unspoken sorrow of victims' families has been overlooked, while a culture of impunity grew. For all its flaws, the trial and punishment of the convicted can bring us some closure. I will not get back my father, but I believe his soul can finally rest in peace once this is over.

Profiles of Accused in War Crimes Trials

Below is profile information about the accused in the war crimes trials.

The charge sheets and some verdicts where applicable can be found in full in English in the Online Appendix.



1. Md. Abdul Alim - ON BAIL³⁶⁸

Profile:

1930, 1 November: Born in West Bengal.

1950-51: Migrated to Joypurhat in Rajshahi District in what was then East Pakistan. He became a lawyer.

1958: Joined the Muslim League.

1962: Became divisional organising secretary of Muslim League.

1971: Was an influential leader of the Convention Muslim League and vice-chairman, Bogra district council. Established an army camp, Peace Committee office and training centre for Razakars, and housed a Pakistani, Major Afzal, by occupying the 'gadi ghar' (trading office) of Shownlal Bajla, a significant jute trader of Joypurhat.

1978-1979: Was the cabinet Textiles minister of General Ziaur Rahman's cabinet.

1979: Joined the Bangladesh Nationalist Party (BNP) and was elected Member of Parliament.

1979-82: Was Communication minister.

27 March 2011: Application for arrest of Abdul Alim.

Charges in summary:

1. Aiding and abetting deportation
2. Attacking Hindus and with accomplices involved in gunning down 370 people
3. Involved in the murder of 22 civilians in June 1971
4. Involved in ordering the murder of 19 civilians in May 1971

5. Abetting and contributing to murder.
6. Abetting and contributing to the murder of civilians on 26 May 1971
7. Inciting violence against Hindus
8. Contributing to murder and torture
9. Contributing to the killing of 26 freedom fighters and was photographed with them when alive in detention
10. Involved in the murder of 26 people
11. Involved in the killing of 14 bullock cart drivers who had taken Hindus across the border to safety
12. Involved in the murder of Dr. Abul Kashem of Awami League
13. Abetting, inciting and contributing to the murder of 11 youths suspected to be freedom fighters
14. Involvement in the murder of Fazlul Karim in Oct 1971
15. Involved in the murder of 25 people in Joypurhat sugar mill
16. Involved in detaining more people in the sugar mill
17. Involved in murder of an East Pakistan Rifles defector.

The prosecution said the government issued a proclamation against Alim under the Collaborators Act, 1972, and arrested him in March 1972. Documents from the defence say that in March 1972 Alim was arrested for co-operating with Pakistan but he was released on bail in 1974.



2. Abul Kalam Azad (Fugitive. Convicted by the tribunal and awarded death sentence; alias Bachchu).

Profile:

Accused of being a member of the Razakar force and a local commander of Al-Badar Bahini in 1971, as well as at one time said to be a member of Jamaat-e-Islami.

1947: Born in Faridpur, madrasa educated and studied in Faridpur Rajendra College, where he was close to Ali Ahsan Mohammad Mujahid, then President of East Pakistan Islami Chatra Sangha.

1971: Became a member of the volunteer Razakar force in Faridpur and became chief of Al-Badar force there.

Today he is the chairman of 'Masjid Council,' an NGO in Bangladesh.

Proven Charges:

1. Charged with physical participation in abduction, confinement and torture, and attacks on Hindus in June 1971.
3. :Charged with attacking Hindus on 14 May 1971 and killing one man, injuring his son.
4. Shot a man accused of providing help to freedom fighters on 16 May 1971 in Faridpur.
5. With accomplices, gangraped 2 Hindu women.
6. : Involved in killing and looting in Hindu houses in Faridpur on 3 June 1971.
7. Involved in planned attack upon the Hindu populated village of Hasamdia on 17 May 1971, killing 9 people.
8. Charged with abduction, confinement and torture of an 18-year-old Hindu girl on 18 May 1971.

Charges Not Proven:

2. Charged with confining a man on 26 July 1971 - for one month and thirteen days - who witnessed torture and atrocities committed on young girls.



3. Professor Golam Azam, erstwhile Jamaat-e-Islami leader³⁶⁹

Profile:

1922: Born in Brahmanbaria; studied at a madrasa.

1950: Obtained a Masters degree in Political Science from the University of Dhaka.

1950-5: Taught at Rangpur Carmichael College.

1954: Joined Jamaat-e-Islami.

1957-60: Secretary of Jamaat-e-Islami.

1969-1971: Ameer of Jamaat-e-Islami.

1971: Under his leadership Jamaat-e-Islami and its student wing, Islami Chatra Sangha, opposed the liberation movement. He helped form the pro-Pakistan Shanti (Peace) Committee and the Razakars, Al-Badar and Al-Shams forces.

1971: Elected uncontested as an MP from Tangail District.

22 Nov 1971: Fled to Pakistan.

16 Dec 1971: Formed a committee named 'Purbo Pakistan Punoruddhar Committee' (East Pakistan Restoration Committee) and tried to create sentiments against Bangladesh in the Middle East, campaigning internationally against recognising Bangladesh as an independent State.

Mid 1973: Went to London and set up the head office of the 'Purbo Pakistan Punoruddhar Committee' (East Pakistan Revival Committee) there. Also published a weekly newspaper named 'Shonar Bangla' (Golden Bangla) in London, which campaigned against Bangladesh.

18 April 1973: Citizenship cancelled by the Bangladeshi Government.

March 1975: Visited Saudi Arabia to canvass against Bangladesh and collect money for building mosques.

11 Aug 1978: Returned to Bangladesh, travelling on a Pakistani passport.

1991: he was officially declared ameer of Jamaat-e-Islami.

1992: Shaheed Janani (symbolic 'mother of all martyrs') Jahanara Imam held an unprecedented People's Court as a symbolic trial of Golam Azam. Thousands of people gathered and the court pronounced a verdict to the effect that offences committed by him during the Liberation War deserved capital punishment.

1992: Golam Azam filed a case with the High Court to get Bangladeshi citizenship. The BNP government of the day arrested him and put him in jail.

1994: Golam Azam acquired Bangladeshi citizenship through a court order; the government released him from prison.

1998: BNP and Jamaat formed the four-party alliance and Golam Azam appeared at a grand public meeting with BNP Chairperson Khaleda Zia.

2000: Golam Azam left Jamaat-e-Islami's top post and was succeeded by Motiur Rahman Nizami.

2012: International Crimes Tribunal sent him to jail on charges of crimes against humanity.

Charges:

1. That he conspired with top Pakistani military and political leaders (and the Jamaat ideologue Maulana Mawdudi) to contain the resistance and also planned the killing of intellectuals.
2. That he formed the Peace Committees that were involved in committing crimes throughout Bangladesh.
3. He incited forces under his control to violence against Hindus and Awami League supporters.
4. He is accused of being complicit in crimes committed by the Pakistani army because he met top Generals
5. That under his direct order 38 people were killed.



4. Muhammad Kamaruzzaman--- CONVICTED AND AWARDED DEATH SENTENCE AND IMPRISONMENT

Profile:

He is accused of being the chief organiser of Al-Badar Bahini as well as leader of Islami Chhatra Sangha.

1952: born in Sherpur

1967: at Sherpur GKM Institution started student politics as a supporter of Islami Chhatra Sangha. Became secretary, Jamalpur Ashek Mahmud Degree College hall unit.

1970: President of Greater Mymensingh Islami Chhatra Sangha, while Ali Ahsan Mujahid was general secretary. Alleged to have helped form Al-Badar Bahini.

Proven Charges:

1. Involvement in torture and murder of a civilian on 29 June 1971.
2. Involvement in inhuman acts against a pro-Liberation intellectual, Syed Abdul Hannan, the then Principal of Sherpur College, compelling him to walk through the town almost undressed and constantly whipping him.
3. Committing murder of 164 people on 25 July 1971 in the village of Sohagpur, as well as rape of a number of women. The village is today known as 'Bidhoba Palli' (widows' village).
4. Involvement in the murder of detainees on 23 August 1971.
7. Involvement in an incident where 6 civilians were bayoneted to death on the side of a river; one escaped injured.

Charges not Proven:

5. Involvement in detention, torture and murder of 2 civilians.
6. Accused of torturing and murdering a man called Tunu in November 1971.



5. Ali Ahsan Mohammad Mojaheed (in prison)

Profile:

Belongs to a political family - his late father was a Moulana who was a member of the Pradeshek Parishad of East Pakistan. He himself contested parliamentary elections in 1986, 1991, 1996 and 2008 but without success. He was the Social Welfare Minister of the BNP-Jamaat alliance government from 2001-2006.

He is accused of being the secretary of Islami Chhatra Sangha in East Pakistan and subsequently the head of Al Badar Bahini.

1948 born in Faridpur.

1964 Obtained SSC and studied in Faridpur Rajendra College when he joined the Islami Chhatra Sangha.

1968-1970 President of Faridpur district Islami Chhatra Sangha.

1970 Department of Law, University of Dhaka; nominated the President of Dhaka district Islami Chhatra Sangha and then made Secretary, East Pakistan Islami Chhatra Sangha. Became the Chief of Al-Badar Bahini.

Charges:

1. 10 Dec 1971: Charged with abduction and murder of prominent intellectual, Seraj Uddin Hossain.
2. In May 1971 charged with attacking Hindu villages and killing 50-60 people.
3. Charged with being involved in confinement and torture.
4. Charged with being involved in confinement and torture commencing 26 July 1971 in Faridpur.
5. Accused of murder and torture of 4 detainees.
6. Charged with planning genocide and the intellectual killings in Mohammadpur Physical Training Institute, Dhaka.
7. Charged with the murder of 9 Hindus and the rape of a Hindu girl.



6. Motiur Rahman Nizami - Jamaat-e-Islami Ameer.

Profile:

1943 Born in Pabna. Educated in a madrasa.

1963 Received Kamil degree in Fiqh from Madrasha-e-Alia in Dhaka.

1967 Graduated from the University of Dhaka as a private student.

1971 President of Pakistan Islami Chhatra Sangha and chief of Al-Badar.

1978-82 Joined Jamaat-e-Islami and was Ameer of Dhaka city unit, as well as member of central executive committee.

1983-88 Assistant Secretary General of Jamaat-e-Islami

1988 Secretary general of Jamaat-e-Islami.

1991 Member of Parliament in 1991 and was the leader of parliamentary party of Jamaat-e-Islami till December 1994.

2000 Ameer of Jamaat-e-Islami - continues to hold the post.

2001 Elected a member of parliament.

2001-3 Minister of Agriculture.

2003-6 Minister of Industries.

Charges:

1. That in June 1971 he was involved in torture and murder.
2. Involvement in the planning of an attack in which 450 villagers were killed and 30-40 women raped.
3. Frequently visited a torture and detention centre in Mohammadpur, Dhaka and was involved in planning attacks.
4. Involvement in incident in Karamja village, where one person was killed for helping the freedom fighters in April 1971; on May 10 people were detained and shot at but one escaped. Three Muslim women were raped and houses looted.
5. In April 1971 was involved in attacks on villagers and killing of 21 civilians.
6. Involved in incidents in Nov 1971 when the house of Dr Abdul Awal was raided and then 30 people shot while 22 others taken to a riverbank and bayoneted.
7. Involved in a 3 December incident in which a man was abducted, tortured and then killed in front of his wife and children.
8. Before an amnesty set in, told the Pakistan army to kill 5 people - subsequently all but one were killed.
9. On Brishalikka village on 3 Dec 1971 killed about 70 Hindus and set on fire 72 houses.
10. Destroyed the house of a refugee returning from India - and other houses.

11. Exploited religion and incitement by stating Pakistan was the House of Allah in a speech.
12. In August 1971, at a meeting to commemorate Al Madani, committed incitement.
13. Committed incitement in another speech.
14. September 1971 in Jessore committed incitement in a speech.
15. Complicit in offences committed by Razakars in Sathia.
16. Involvement of his organisation in the killing of Intellectuals on 14 Dec 1971, which amounts to genocide.



**7. Abdul Quader Mollah (In prison. Convicted by tribunal: awarded life term)
Accused of forming Al-Badar force.**

Profile:

1948: Born in Faridpur

1966: At Rajendra College, Faridpur, he joined Islami Chhatra Sangha and was president of the organisation. While at Dhaka University, he became the president of Islami Chhatra Sangha of Shahidullah Hall unit.

Proven Charges:

1. As a prominent Islami Chhatra Sangha leader as well as Al-Badar leader, he was convicted of substantially facilitating and contributing to the murder of a non-combatant civilian.
2. Contributed to the brutal murder of the pro-liberation poet Meherun Nesa, her mother and two brothers.
3. Attack and murder of an unarmed civilian
5. Actively participated in indiscriminate gunfire that caused the killing of 344 civilians.
6. Accomplices under your leadership and on your order shot and killed Hazrat Ali, his wife Amina and slaughtered their two young daughters and their two-year-old son, who was killed by dashing him to the ground violently. Twelve accomplices gang raped an eleven-year-old girl.

Charges Not Proven:

4. Murder by bayonet of two freedom fighters. Then attacked with indiscriminate gunfire two villages, causing the death of hundreds of unarmed villagers (24 names given of dead).



8. Delwar Hussain Sayadee (death sentence awarded)

Profile:

Nayeb-e-Ameer (Vice President) of Jamaat-e-Islami

1940: born in Pirojpur; his father was a Maulana. Now he is married with four sons.

1957: graduated from Darns Sunnat Madrasa Sarsina; passed the Alim Examination in 1960 from Barroipara Madrasa. 1996 elected as an MP

1996: elected as MP

2001: elected as an MP

The prosecution has alleged that he's not legally entitled to use the title 'Maulana' or 'Allama' because he never obtained a higher degree of doctorate in a religious subject; however, a profile from parliament said he obtained the *fajil* and *kamil* certification from Khulna Madrasa.

A writer of 40 books on Islamic subjects and orator by profession, during 1971 he ran a small grocery shop and was not well off. The prosecution alleged he became rich through illegal means. His parliamentary profile says he has served as an adviser to Rabeta-Alam Al Islami, was a member of the Trust Board of International Islamic University, member of the Sharia Council of Islami Bank Bangladesh Ltd, chairman of the Khulna Darul Quran Kamil Madrasa, advisor of Far-East Islami Insurance, chairman of Alilul Quran Trust, chairman of Tongi Jameya Diniya and chairman of Jameya Kasemiya, Norsingdi. His profile says he set up almost 100 educational institutions, Islamic libraries, hospitals and technical schools. He received a 'Grand Marshal' Award from the Islamic Circle of North America in 1992 and 'Allama' title from Muslim Ummah in America in 1993.

Convicted on these charges but in total there were 20 charges. On 28 February he was sentenced to death by hanging.

1. May 7, 1971: looting Hindu shops.
2. 8 May 1971: - identifying two men as freedom fighters and handing them over to the Pakistan army.
3. Involved in abduction, torture and murder.
4. Men under his command burned 25 Hindu houses and killed one man.
5. Detained and tortured one man and looted his belongings.

6. Attacked the Hindu-dominated neighbourhood of Hoglabunia in Pirojpur and failed to prevent his men from raping women.
7. Led a team that abducted 3 women and handed them over to the Pakistani army, who raped them.
8. Forced 100-150 Hindus of Parerhat and other villages to convert to Islam.



9. Salauddin Quader Chowdhury

Profile:

Born in Chittagong in 1949. His father was Muslim League President, former speaker of the Pakistan National Assembly and a former cabinet minister. Educated at school in Pakistan, he later studied at Notre Dame college, Dhaka College and did a degree in political science from Punjab University in Pakistan. He studied law at London University but couldn't complete his studies because of his father's death. He is described as an industrialist who has done social work. At 36, Chowdhury became the youngest member of the cabinet. He served as the minister of Food and Rehabilitation, Housing and Public Works, Health and Family Welfare. He was elected as an MP in the general elections in 1979 as a candidate for the Muslim League, in 1986 as a candidate of the Jatiya Party and in 1991 as a candidate for the N.D.P. In June 1996 he was elected as an MP for the Bangladesh Nationalist Party. He was again elected as an MP in 2001 for the

Bangladesh Nationalist Party and served as an advisor to the Prime Minister.

Charges:

1. Complicit in crimes against humanity and genocide when 7 Hindus were taken to his house and 6 were tortured to death, but one cut by a dagger was let off because he was so young.
2. Murder of unarmed Hindu civilians on 13 April, 1971.
3. Murder of Nutun Chandra Singh later on the same day.
4. Murder of 32 Hindus in another area on the same day.
5. With his father he is accused of leading the Pakistani army to Bonic para, where they opened fire upon unarmed Hindu civilians.
6. On the same day he led the Pakistani army to Unsattar para where Hindus had been told to gather. The army fired at civilians, killing 50 named people and 19 or 20 unknown people.
7. On 14 April 1971 he told the Pakistani army to kill Satish Chandra Palit of Rowjan Pourasava.
8. He is complicit in the murder and abduction of the founder of Chittagong Awami League, Sheikh Mozaffar Ahmed, along with his family members on 17 April 1971.
9. Aided and abetted other killings of Hindus in April 1971 and the looting of houses.
10. Involvement in the looting of the house of Manik Dhar of Dabua village.
11. On 20 April 1971 the Pakistani army and Razakars, on the orders of Salahuddin Quader Chowdhury and his father, attacked Sakhapura village and killed 76 people.
12. Led the Pakistani army to a village on 5 May 1971 where they killed 3 people.
13. Gave orders resulting in the killing of 6 people and the rape of 5 women and injury of 2 people on 10 May 1971.
14. Abduction, confinement, torture and murder of an Awami League man on 20 May 1971.
15. Involvement in the abduction, confinement and torture of a man in mid-May 1971.
16. Gave the order for the killing of Omar Faruk on 7 June, 1971.
17. On 5 July 1971 took 3 men to Goods Hill torture centre and then into the drawing room where his father was sitting. The men were abused and, on his direction, beaten with rubber canes and then tortured and kept in the garage of the house where they were also tortured.
18. The army kidnapped Md. Salahuddin and took him to the Goods Hill torture centre, where in the accused's presence he was tortured until he lost consciousness. "He...fell in front of you and you asked in front of the Pakistani military that no water came out from his eyes what type of torture has been done and then you tortured him and then he was kept in a room where in other tortured people were also there and one of them told that he will be taken out soon for murder and then you told that he will now get the result. Then you asked the Pakistani army to take him out and kill him." [sic]
19. On 27 July 1971: murder, abduction, confinement and torture.
20. On 27/8 July 1971 a man was taken to Goods Hill torture centre under the accused's control, where he was tortured to death.
21. Torture of the union parishad chairman of Binajuri in August 1971; he died of his injuries later.
22. Abduction, confinement and torture of a man in August 1971.
23. In September 1971 the accused tortured a man who complained a Hindu employee had been tortured.