

THE 23 CHARGES

Charge No 1

That on 4 or 5 April, 1971 at about 9pm in order to destroy in whole or in part the Hindu community, one of the followers of you named Abdus Sobhan informed you at your residence "Goods Hill" about the meeting of some persons held in the house of Motilal Chowdhury at Ramjay Mahajan Lane under Chittagong Sadar P.S. You being the eldest son of late Fazlul Quader Chowdhury, the President of Convention Muslim League, as well as a member of a group of individuals, gave instruction and accordingly a group of Pakistani Forces riding on 2 trucks went to the house of Motilal Chowdhury and abducted unarmed 7 civilian persons namely (1) Arabindu Sarker, son of late Dhirandra Lal Sarker, (2) Motilal Chowdhury, son of late Gagan Chandra Mahajan, 3) Arun Chowdhury, son of late Nabin Chandra Mahajan, 4) Santi Kusum Chowdhury, son of late Nagendra Mahajan, 5) Jogesh Chandra Dey, all of village Adharmanik, Police Station-Roujan, 6) Paritosh Das of village Comilla, 7) Sunil and took them to your residence "Goods Hill". Out of 7 persons Sunil was chopped by dagger but he was let off considering his tender age and the rest 6 person were inhumanly tortured to death in your presence at your house. The acts of abduction and torture fall within the purview of crimes against humanity and killing the members of religious group like Hindu community falls within the purview of genocide. You had clear presence and complicity in the aforesaid crimes against humanity and genocide.

Thus, you have committed the offences of crimes against humanity and genocide as stated in section 3(2)(a), 3(2)(c)(i) and 3(2)(h) of the Act.

Charge No 2

That on 13th April, 1971 at a bout 6.30/8.00am you along with your accomplices accompanied with Pakistani Army went to Maddhaya Gohira Hindu Para under police station-Raojan, District-Chittagong and raided the area belonging to Hindu community and brought the unarmed Hindu civilian people in the courtyard of the house of doctor Makhon Lal Sharma and then in your presence the Pakistani Army opened fire on them indiscriminately pursuant to pre-arranged plan. As a result 1) Poncha Bala Sharma, 2) Sunil Sharma, 3) Joti Lal Sharma, 4) and Dulal Sharma were killed at the spot and 5) Dr. Makhon Lal Sharma died after 3/4 days. Joyonta Kumar Sharma was seriously injured and was alive for some years as handicapped person. These acts of murder and injury were committed in order to destroy the members of Hindu religious group in whole or in part which is genocide.

Thus you have committed the offence of genocide as stated in section 3(2)(c)(i) and 3(2)(c)(ii) of the Act.

Charge No 3

That on 13th April, 1971 at about 9.30am to 10.00am after killing Hinuds at Maddhaya Gohira you led the Pakistani Army to Kundeshwari Owsadalay of Gohira and raided there and entered into the household of Sree Nuton Chandar Singh; at that time he was performing his prayer in the temple, he was drug out by you from his prayer room. You told the Pakistani Army that you had instruction from your father to kill him after hearing that the army opened fire on him and he fell down after receiving bullet injury. While Mr Singh was trumbling, at that time you again shot him to confirm his death and after that you along with the Pakistani Army left the place of occurrence. This killing of Nuton Chandra Singh was committed against an unarmed civilian population which is murder as crimes against humanity.

Thus you have committed the offence of crimes against humanity as stated in section 3(2)(a) of the Act.

Charge No 4

That on 13th April, 1971 at about 10.30 to 11.00am after killing the Hindus of Maddhya Gohira Hindu Para, in order to destroy member of Hindu religious group you led a team of your accomplices along with Pakistani Army and raided the area of Jogot Mollo Para belonging to Hindu community. Earlier in the morning two of your accomplices went there and told the minority Hindu people to attend in a peace meeting and putting belief in them, those people assembled there in the courtyard of Kiron Bikash Chowdhury and at that time those two accomplices of you brought you and your associates and also the Pakistani Army to that place and in your presence one of the Military men used filthy languages upon them and opened fire to the innocent village people in your presence resulting death of 32 Hindu people. Those killed were (1) Tejendra Lal Nandi, (2) Samir Kanti Chowdhury, (3) Ashok Chowdhury, (4) Sitangshu Bimol Chowdhury, (5) Premangshu Bimol Chowdhury, (6) Kiron Bikash Chowdhury, (7) Surendra Bijoy Chowdhury, (8) Charu Bala Chowdhurani, (9) Nero Bala Chowdhury, (10) Provati Chowdhury, (11) Raj Lakshmi Chowdhurani, (12) Kusum Bala Chowdhurani, (13) Jotindra Lal Sarkar, (14) Hirendra Lal Sarkar, (15) Provati Sarkar, (16) Debendra Lal Chowdhury, (17) Rajendra Lal Chowdhury, (18) Ajit Kumar Chowdhury, (19) Poritosh Chowdhury, (20) Bhabotosh Chowdhury, (21) Gopal Chowdhury, (22) Rani Bala Chowdhurani, (23) Monju Chowdhury, (24) Jheenu Chowdhury, (25) Runu Chowdhury, (26) Debu Chowdhury, (27) Shapon Chowdhury, (38) Fanibhushan Chowdhury, (29) Modhushudan Chowdhury, (30) Bipin Chowdhury, (31) Kamini Rudhura, (32) Annanta Bala Paul. Besides, Amalendra Bikash Chowdhury, Jotsna Bala Chowdhury and Chobi Rani Das were seriously injured. The houses were looted and destroyed by fire. They had to deport India as refugee to take shelter there. This act was committed with intent to destroy in whole or in part members of Hindu religious group which is genocide. The act of looting and destroying houses by fire is considered as persecutions as crimes against humanity and also you conspired to commit the said offence and also you had complicity in that offence and you failed to defend the commission of such offence.

Thus you have committed the offence of genocide as stated in section 3(2)(c)(i), 3(2)(c)(ii), 3(2)(g) and 3(2)(h) of the Act and also persecution of religious ground and deportation as crimes against humanity as stated in section 3(2)(a) of the Act.

Charge No 5

That on 13th April 1971 at about 1.00pm, you and your accomplices led the Pakistani army to attack Bonic para belonging to Hinuds of village Sultanpur in the police station Raujan. Before that you through your followers chanted slogans and told the people of Bonic para not to leave their houses but the local people and the female members and children went to different places. As a result your accomplices and the Pakistani army

under the leadership of you and your father entered Bonic para and opened fire upon the unarmed civilian Hindu people pursuant to pre-arranged plan and thereby killed (1) Napal Chandra Dhar, (2) Monindra Lal Dhar, (3) Upendro Lal Dhar and (4) Onil Boron Dhar. Later on the houses were put on fire and you left the place. Later on Sonaton Biswas and his family who were hiding at that time left the place and went to India as refugee. All these actions were done with intent to destroy in whole or in part the members of Hindu religious group which amounts to genocide and the act of destruction of houses by fire is considered as crime of persecution as crimes against humanity.

Thus you have committed the offence of genocide as mentioned in section 3(2) (c) (i) and persecution as crimes against humanity under section 3(2) (a) of the Act.

Charge No 6

That on 13th April 1971 at about 4.00pm to 5.00pm you along with some of your accomplices led the Pakistani army and attacked Unsattar para under police station Rowjan, being Hindu populated area and brought the local Hindu people to the bank of pond behind the house of Khitish Mohajan telling them to attend a peace meeting and after that in your presence, they brush fired upon them indiscriminately pursuant to pre-arranged plan and thereby killed 1) Chandra Kumer Paul, 2) Tara Charan Paul, 3) Babul Mali, 4) Gopal Mali, 5) Shantosh Mali, 6) Balam Mali, 7) Avimonn Paul, 8) Pakhi Bala Paul, 9) Beni Madhab Paul, 10) Dhirandra Paul 11) Biroja Bala Paul, 12) Hemangshu Paul, 13) Shatish Chandra, 14) Shuprio Paul, 15) Durga Chandra Paul, 16) Shanti Bala Paul, 17) Nikunja Behari Paul, 18) Balam Paul, 19) Sreeram Paul, 20) Fanindra Paul, 21) Tarapada Paul, 22) Pulin Behari Paul, 23) Nikunja Paul, 24) Hemanta Kumar Paul, 25) Shapon Kumar Sen, 26) Dharendra Lal Chowdhury, 27) Nirmol Chowdhury, 28) Madhushudhan Chowdhury, 29) Santipada Chowdhury, 30) Nironjon Chowdhury, 31) Monindra Chowdhury, 32) Josna Bala Chowdhury, 33) Pritikana Chowdhury, 34) Monikuntala Chowdhury, 35) Kishna Rani Chowdhury, 36), Sree Pati Chowdhury, 37) Milon Dey, 38) Upendra Lal Gosh, 39) Monoranjon Gosh, 40) Babul Chowdhury, 41) Krishna Chowdhury, 42) Ranjit Mohajan, 43) Jogesh Mohajan, 44) Khetran Mohan Rudra, 45) Upendran Chandra Rudra, 46) Panjit Kumar Rudra, 47) Nakul Paul, 48) Protima Das, 49) Junu Gosh and 50) Badal Chowdhury and unknown 19/20 unarmed civilian persons. From the said occurrence Januti Bala Paul got gun shot injuries in her waist and the general Hindu people in order to protect their life took shelter in India as refugee. This act was committed with intent to destroy in whole or in part by killing members of Hindu religious group which amounts to genocide by killing and causing serious bodily harm to members of Hindu religious group and deportation by forcing the people to take shelter in foreign state India as refugee which is deportation as crimes against humanity.

Thus you have committed offence of genocide under section 3(2) (c) (i), 3(2) (c) (ii) and deportation as crimes against humanity under section 3(2) (a) of the Act.

Charge No 7

That on 14th April, 1971 at about 12.00 noon you along with Pakistani Army entered into the house of Satish Chandra Palit of Rowjan Powrasava. Satish Chandra Palit at that time came out of the house and while was talking with the Pakistani Army you told the Army personnel that he is a dangerous man and should be killed, hearing this the Pakistani Army asked Palit to go inside the house and while he was about to enter into the house, the Pakistani Army shot him to death and burnt the house along with the dead body. You then left the place along with the Pakistani Army. After that the members of the family of Satish Chandra Palit to protect their lives went to India as refugee and took shelter there. You had complicity in the murder of Satish as well as burning his house and his dead body which is offence of crimes against humanity and also in the matter of deportation of the family members of Satish to India as refugee which is also crimes against humanity.

Thus you have committed offence of crimes against humanity under section 3(2) (a) and 3(2) (h) of the Act.

Charge No 8

That on 17th April, 1971 at about 11.00am, the founder of Chittagong Awami League Sheikh Mozaffar Ahmed along with his family members while was coming from Roujan to Chittagong town, reached Khagrachory, Rangamati corner of 3 roads and on the showing of you the army persons present there surrounded the private car of him and brought down him and his son Sheikh Alamgir from the car and took them to the nearby army camp. The relatives of them then went to your father Fazlul Qader Chowdhury and requested him to arrange for release of Sheikh Mozaffar Ahmed and his son Sheikh Alamgir to which Fazlul Qader Chowdhury replied that he will look into the matter but the matter was solely at your disposal. Several times Fazlul Qader Chowdhury was contacted but similar reply he gave but the said victims did not return as they were subsequently killed. So it is clear that you had direct complicity in abduction and murder as crimes against humanity by killing the said 2 (two) persons.

Thus you have committed an offence of section 3(2) (a) and 3(2) (h) of the Act.

Charge No 9

In the middle of April, 1971 Pakistani Army came with big trucks to Boalkhali and you in a jeep also came to the Razakar camp of Boalkhali C.O. office at the same time and the said two trucks while were going to Kodur Khali caught hold of Santi Deb of Munsirhat and killed him at Bonic Para, northern side of the police station while you were staying in the nearby Razakar camp. At that time the Pakistani Army and Razakars looted the house of Ram Babu of Bonic para and Hindu para of Kodurkhali and put fire in the houses and destroyed them resulting deportation of the Hindus from the area and they took shelter in India as refugee you had led the whole operation sitting in the Boalkhali C.O office and also you abetted the said offences.

Thus you have committed the offence of genocide as killing members of a religious group under section 3(2) (c) (i), persecution on religious ground as crimes against humanity and deportation as crimes against humanity under section 3(2) (a) and abetment under section 3(2) (g) of the Act.

Charge No 10

After 13th April, 1971 on one day you with Pakistani Army came to the house of Manik Dhar of village Dabua under Rowjan police station and looted one jeep and rice machine and put fire in the house of local chairman Shadon Dhar. Thus you have committed an offence of persecution as crimes against humanity under section 3(2) (a) of the Act.

Charge No 11

One 20th April, 1971 the Pakistani Army and the Razakars being supporters of Muslim League on the direction of you and your father Fazlul Qader Chowdhury jointly made arms attack in Sakhapura village being Hindu populated area under Boalkhali police station and indiscriminately fired and

used bayonet in order to kill the people who had political and religious difference with you and they took shelter in the nearby jungle and paddy field and were killed. Later on it was found that names of 76 deceased persons could be identified who are 1) Foez Ahmed, 2) Jalal Ahmed, 3) Habildar Sekandar Ali, 4) Amir Hamja, 5) Abdul Hashim, 6) Abdul Matin, 7) Habibur Rahman, 8) Ahammad Safa, 9) Arobindo Roy, 10) Nikingo Roy, 11) Derandra Lal Dey, 12) Fanindra Lal Shil, 13) Nikunja Shil, 14) Pranhari Shil, 15) Nogendra Lal Shil, 16) Dibesh Chowdhury, 17) Gouranga Prashad Chowdhury, 18) Bishu Chowdhury, 19) Gouranga Nondi, 20) Topan Nondi, 21) Doctor Modushudon Chowdhury, 22) Ragu Nondon Chowdhury, 23) Neronjon Chowdhury, 24) Shukhendra Bikash Nag, 25) Rabindra Lal Chowdhury, 26) Upendra Lal Chowdhury, 27) Neronjon Chowdhury, 28) Bishsheswar Acharjo, 29) Doyal Hori Acharjo, 30) Kamini Shuklo Das, 31) Jogandra Lala Shuklo Das, 32) Debendra Sharma, 33) Jotindra Lal Sen, 34) Durzzati Boruya, 35) Pondit Romesh Chandra Boruya, 36) Raton Chowdhury, 37) Priotosh Chowdhury, 38) Chandon Chowdhury, 39) Nironjon Chowdhury, 40) Horiranjon Chowdhury, 41) Dilip Chowdhury, 42) Milon Biswas, 43) Shubol Biswas, 44) Brojendra Lal Chowdhury, 45) Gopal Chowdhury, 46) Derendra Chowdhury, 47) Ramoni Chowdhury, 48) Gournago Chowdhury, 49) Dayal Nath, 50) Rakhai Shingho, 51) Monmohan Chakraborti, 52) Shashanko Gosh, 53) Shukhendru Biswas Chowdhury, 54) Derandra Lal Chowdhury, 55) Borda Charan Chowdhury, 56) Monindra Lal Khastagir, 57) Bonkin Chandra Sen, 58) Shadon Gosh, 59) Gourango Chowdhury, 60) Dononjoy Koibarto, 61) Nolini Koibarto, 62) Natan Koibarti, 63) Shumit Ranjon Boruya, 64) Narayan Chowdhury, 65) Jotindra Lal Das, 66) Monindra Lal Das, 67) Romesh Chowdhury, 68) Doctor Shukhendru Bikash Datta, 69) Pradip Kanti Das, 70) Roy Mohan Chowdhury, 71) Lal Mohan Chowdhury, 72) Haripada Chowdhury, 73) Amot Chowdhury, 74) Amulya Chowdhury, 75) Doctor Purno Charan, 76) Modon Kumer Das and many others. As a result of this killing, the remaining people in order to protect their lives went to different places and many of them deported to India as refugee.

Thus you have committed an offence of genocide as killing members of a political and religious group under section 3(2)(c)(i) and deportation being crimes against humanity under section 3(2)(a) of the Act.

Charge No 12

That on 5th May, 1971 at about 10.30am to 11.00am you led Pakistani Army in the village Jagot Mollo Para under police station Rowjan. In your presence the Pakistani Army opened fire and killed Bijoy Krishna Chowdhury Rakhai, Bhebotibushion Chowdhury and Harandra Lal Chowdhury with intent to destroy in whole or in part members of Hindu religious group which is genocide.

Thus you have committed the offence of section 3(2)(c)(i) of the Act.

Charge No 13

On 10th May, 1971 at about evening on the direction of you and your father, your associates Oli Ahmed a peace committee member with Pakistani Army arrived at Ghashi Majhirpar area as the people of that area were supporters of Awami League entered and looted the houses thereat being politically enigmatic, killed 6 (six) persons by gun shots and 2 (two) were seriously injured and at least five females were raped. The deceased persons were Nurul Alam, Abul Kalam, Jane Alam, Mia Kha, Ayeasa Khatun, Saleh Jahur and injured were Munshi Mia and Khairul Bashar. Many others while were being taken, on hearing a sound of gun shot, the army left and those persons were escaped.

Thus you have committed an offence of genocide as killing members of political or religious group under section 3(2)(c)(i), genocide as causing serious bodily harm to members of a political group under section 3(2)(c)(ii), persecution on political grounds and rape as crimes against humanity under section 3(2)(a) of the Act.

Charge No 14

On 20th May, 1971 at about 4.00pm you along with your accomplice Razakar members and Pakistani Army went to the house of Md. Hanif, a supporter of Awami League at the bank of Karta Digi of Patherhat under Roujan police station, and abducted him and took him to Goods Hill which was under your control. The wife of Md. Hanif and others tried to get release of Hanif with the assistance of Nazma Khatun, a relative of you but she informed that you have demanded Tk. 1,000/- for his release which could not be paid. She also informed that Md. Hanif was being tortured by you. Ultimately Hanif did not return and was killed.

Thus you have committed an offence of abduction, confinement, torture and murder of said Hanif which is crimes against humanity under section 3(2)(a) of the Act.

Charge No 15

In the middle of May, 1971 Sheikh Maimum Ali Chowdhury while was in the house of captain Boktiar at Chandonpur and gossiping with his friends at about 3.00 to 3.30pm you along with Pakistani Army and some unknown persons in civilian dress came in 2 (two) trucks and surrounded the said house and arrested everybody present there. You then wanted to know who is Babu and as Sheikh Maimum Ali Chowdhury's nick name was Babu, he was taken to the nearby car and was taken to Goods Hill torture centre which was under the control of you and on your and your father's direction he was undressed and hands were tightened and he was severely beaten resulting his unconsciousness. Getting this news, his friends contacted the leaders of Razakars and peace committee and he was released.

Thus you have committed an offence of abduction, confinement and torture as crimes against humanity under section 3(2)(a) of the Act.

Charge No 16

That on 7th June, 1971 Omar Faruk was kidnapped by Razakar Maksudur Rahman, you and your father Fazlul Qader Chowdhury with the help of Pakistani Army from Jamal Khan Road and was taken to Goods Hill torture centre which was under the control of you and your father and later on he was killed on your order.

Thus you have committed as offence of abduction, confinement, torture and murder as crimes against humanity under section 3(2)(a) of the Act.

Charge No 17

On 5th July, 1971 at about 7.00/7.30pm you along with 2/3 accomplices and members of Pakistani Army abducted Nizamuddin Ahmed, Shiraj and Wahid @ Junu Pagla from the house of Jahangir Alam Chowdhury of Hajari Lane, Kotowali Police Station and took them to Goods Hill torture centre under your control and they were taken to the drawing room of that house where your father was sitting. They were abused and on his direction, you

and your accomplices started beating them with robber clotted cane and then tortured them for 2/3 hours and then kept them in the garage of the house and they were also tortured there and interrogated. They were kept there up to 8.00 to 9.00pm and then they were taken to Chittagong stadium. Where they found more 10/12 persons. Victim Wahid @ Junu was released at one time and the remaining Nazimuddin and Shiraj were kept in cantonment and interrogated. They were kept till independence.

Thus you have committed an offence of abduction, confinement and torture as crimes against humanity under section 3(2)(a) of the Act.

Charge No 18

In the 3rd week of July, 1971 on one morning at about 5.30am a close associate of the father of you and Muslim League leader and chairman of Shikarpur Union Parishad late Shamsu Mia with 3 (three) accomplices went to the house of Abdul Motaleb Chowdhury in village Mohara under police station Chandgoan and kidnapped Md. Salahuddin and took him to the Goods Hill torture by a car of Pakistan Army and in presence of you he was brought down from the car and was taken to the first floor of the garage of the adjacent house by Pakistan Army and was interrogated and tortured and he became senseless and he was thrown out by the wooden shelf and 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 and he was taken out. Later, on giving bond, he was released.

Thus you have committed an offence of confinement, abduction and torture as crimes against humanity under section 3 (2) (a) of the Act.

Charge No 19

That on 27 July, 1971 at about 8.30pm the Pakistani Army arrested Nur Mohammad and Nur Alam from Mia Bari of Liakot Ali road under police station Hathajari and took them to Goods Hill torture centre after fastening their body with rope and got information as regards their another brother Mahabub Alam by torturing them and on that date at about 10.00 pm took the said Mahub Alam from the tea stall of Saheb Mia to Goods Hill and tortured all the 3 (three) brothers. You took Tk. 10,000 (ten thousand) and released Nur Mohammad and Nur Alam from that torture centre on the next date but when they asked about their brother you told them that he is sick and can not go by walking. Later on Nur Mohammad came with a car and got information that his brother has been killed.

Thus you have committed an offence of murder, abduction, confinement and torture as crimes against humanity under section 3(2)(a) of the Act.

Charge No 20

That on 27/28 July, 1971 at about 3/4 pm the Razakars arrested Aklash Mia from in front of shop of Khoka of village Kadur Khali under police station Boalkhali and took him to Boalkhali CO office Razakar camp from there and he was taken to Goods Hill torture centre under control of you and he was tortured to death from there.

Thus you have committed an offence of confinement, torture and murder as crimes against humanity under section 3 (2) (a) of the Act.

Charge No 21

In the first week of August, 1971 Fazlul Haque Chowdhury the union parishad chairman of Binajuri under Rowjan police station was arrested by you and Pakistan Army and took him to the circuit house torture centre and he was tortured and then he was taken to the Goods Hill torture centre and tortured there and at one point after 3/4 days of torture, he was handed over to Rowjan police station and later on he was released and he became crippled and died on 10 September, 1987. During his life time he told many people regarding the occurrence and also his witnessing of torture and murder at Goods Hills torture centre.

Thus you have committed an offence of abduction, confinement and torture as crimes against humanity under section 3(2) (a) of the Act.

Charge No 22

That in the 2nd week of August, 1971 at about 9.00 pm you and your accomplices of Al-Shams Bahini abducted Md. Nuru Chowdhury from the house of Abdul Hakim Chowdhury of Sadar Ghat, police station Double Morning and took him to Goods Hill and he was tortured there and he lost his conscious. On the next date he was taken to Chittagong Commerce College centre under your leadership to appear in the HSC examination but the college authority denied to allow him to sit in the examination as being injured and you admitted him into Chittagong medical college hospital for treatment. You collected Tk. 6,500/- from the father of Nur Alam Chowdhury and then released him.

Thus you have committed an offence of abduction, confinement and torture as crimes against humanity under section 3 (2) (a) of the Act.

Charge No 23

That on 2nd September, 1971 at about 6.15 to 6.30 pm., the accomplices of you tortured on Hindu employee of M. Salimullah to which M. Salimullah objected and he was threatened for that then they came with a team of Sindhi Police and took M Salimullah to the Goods Hill torture centre under your control and tortured him. After torturing for the whole night, he was released on the next morning.

Thus, you have committed an offence of abduction, confinement and torture as crimes against humanity as mentioned in section 3(2)(a) of the Act.

Thus you have committed the offences, under different provisions of section 3(2) of the Act, punishable under section 20(2) of the Act and within the cognisance 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.