

Declaration of 71 Organizations
Try the war criminals of '71
at a special tribunal

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Introduction

On 19 January 1992, a total of 101 eminent citizens of the country signed a joint declaration demanding that notorious war criminal and top collaborator of the Pakistani occupation forces, Golam Azam, who had adopted Pakistani citizenship in the wake of the independence of Bangladesh in 1971, be tried. Based on this declaration was formed the *Ekattorer Ghatak Dalal Nirmul Committee* (Forum for Secular Bangladesh & Trials of War Criminals of 1971), popularly known as *Nirmul Committee*.

The joint declaration also demanded the immediate expulsion of Golam Azam from Bangladesh. As a matter of fact, Jamat-e-Islami – an anti-liberation political party – made Golam Azam *Ameer* (i.e. chief) of the party on 29 December 1991 in utter defiance of the Constitution of Bangladesh. The statement issued by the *Nirmul Committee* said, ‘We, the undersigned, hereby affirm that unless the Pakistani national Golam Azam, who is illegally staying in Bangladesh now, is immediately deported from the country, he will be tried in a People’s Court comprising eminent citizens and jurists at Sohrawardy Park on 26 March (’92), the 21st anniversary of the country’s independence. Since Golam Azam has committed crimes against all the people of the country, a People’s Court is the right place to try him.... At the same time, we demand that all religion-based fundamentalist political parties of the country including Jamat-e-Islami, which actively collaborated with the Pakistani occupation army and is still engaged in activities subversive of the state and its independence and sovereignty, be banned without delay.

Nowhere in the world (except in Bangladesh) do war criminals enjoy political rights. Members belonging to Hitler’s Nazi Party are still being hunted down and put on the dock. They do not even enjoy the rights of franchise anywhere in the world. We strongly believe that as long as the enemies of our independence continue to live here in Bangladesh, we cannot stand upright as a dignified nation and none of our development efforts will bear fruit.’

Hardly were any of the successive governments formed after 1975 were concerned about the trial of war criminals. However, the family members of the three million martyrs who made supreme sacrifice for our independence, and the victims of persecution have never backtracked from their demand for the trial of war criminals. The nation has come to realize anew the need for the trial of war criminals since the formation of the *Nirmul Committee*. The issue of the trial of those responsible for the genocides, war crimes and crimes against humanity committed in Bangladesh in 1971 is now discussed in the international arena as well, thanks to the common people’s persistent demand for their trial and the civil society’s constant agitation against them. A high-powered delegate of the Amnesty International headed by the organization’s Secretary General, Irene J Khan, visited Bangladesh from 5 to 11 January 2008. During her visit, the chief of the topmost human rights watchdog of the world repeatedly urged the incumbent caretaker administration to initiate the process of the trial of war criminals and assured all concerned of all possible cooperation from the United Nations and the Amnesty International in this regard.

It is obvious that Jamat-e-Islami, the party of the war criminals, would not appreciate Amnesty International’s call for trial of the war criminals. Whenever and wherever the trial of war criminals are mentioned Jamat leaders

instantly protest with a fixed jargon that they have not committed any war crime during the liberation war, that they had never formed killing squad named 'Al Badr' and so on.

'The Economist' recently published a report on Bangladesh focusing ongoing campaign for trial of the war criminals that says, 'Talk of war-crimes trials leads inexorably to one person, Motiur Rahman Nizami, leader of the third-largest party, Jamaat-e-Islami. Shahriar Kabir, the head of the Nirmul Committee, a group campaigning for the trial of the 1971 war criminals, says he has "no doubt" that the case against Mr Nizami and his associates would stand up in a court of law, and wants the government to set up a tribunal.

'Bangladesh became independent in December 1971, after a nine-month war that pitted Bengali-dominated East Pakistan against West Pakistan. The West's army, with its appeal to Islamic unity, had the support of many of East Pakistan's fundamentalist parties. The most extreme of these was the Jamaat-e-Islami, whose student wing became the main source of a pro-army paramilitary body called Al Badr, which was led by Mr Nizami. Its members are alleged, among other atrocities, to have abducted and murdered dozens of senior journalists and academics.

'Frequent calls for war-crimes trials have been ignored. This time, however, the unelected government's hand may be forced by the new unity among the big parties, and by support for the demands among parts of the army. The army may want only to clip Jamaat's wings and cleanse it of the taint of 1971. Many civilians, however, are motivated by distrust of religion-based politics.

'Time is running out. Many witnesses, and many of the accused, have died. The head of the interim administration, Fakhruddin Ahmed, has said that the government would welcome prosecutions initiated by private citizens. But

citizens' groups insist that the state must act as prosecutor in crimes of such magnitude.' (December 6 2007)

Instantly Motiur Rahman Nizami sent a rejoinder to the editor, which reads, 'The party I lead, Jamaat-e-Islami, strongly denies any link with the atrocities committed during the war of independence in 1971. It also denies any involvement whatsoever with the abduction and murder of journalists and academics. I would also point out that I was never a member of Al Badr nor did I ever lead that organisation. Furthermore, I ceased to become the head of Jamaat's student wing from October 1971 and did not hold any post in Jamaat until long after Bangladesh's liberation. Jamaat is a moderate Islamic party that believes in democracy and human rights and is strongly committed to upholding the rule of law. Jamaat's position has always been that if any allegations made by a future war-crimes tribunal against a member of Jamaat are proved to be true in a court of law, then we are ready to face the consequences'.(The Economist, December 19, 2007)

In spite of Nizami's claim anybody could find hundreds of evidences of Jamat's collaboration with Pakistani occupation army during the liberation war as well as war crimes committed by the top leaders of Jamat in the reports and news items published in daily 'Sangram' of 1971, the party organ of Jamat. Even the Pakistani army junta was quite satisfied with Jamat's performance. A 'fortnightly secret report on the situation in East Pakistan for the second half of October 1971' published by the Home (Political) Department, Government of East Pakistan mentioned :

'15. On 17-10-71, a Conference (100) of Pakistan Islami Chhatra Sangha (ICS). Rangpur Branch was held in Rangpur town with A. T. M. Azharul Islam (ICS) in the chair. Amongst others Ali Husan (Ahsan, ed.) Md. Mujahid, Acting President, WPICS addressed the

Conference explaining the present situation of the country and urging the party workers to mobilise the youths of Islamic spirit and launch a strong movement against anti-Islami activities. He also urged them to form Al-Badar Bahini at different levels for defending the country from internal and external attack.’*

There are many similar reports on Jamat’s performance as excellent collaborator of Pakistani army junta during the liberation war, published in the Home Office report of the then Govt. of Pakistan.

It has been about 16 years since the *Nirmul Committee* was formed and as many as 71 social, professional, freedom fighters’ and human rights organizations have signed yet another historic declaration demanding the trial of the war criminals of ’71. The declaration was presented before the nation in presence of the top leaders and representatives of the 71 organizations in a press conference held in Dhaka on 29 December 2007. The political, social, historical, legal and ethical aspects of the trial of war criminals have been elucidated in the declaration and it is expected to dispel the ambiguity and confusion of certain sections regarding the trial. Those of us who, from many different platforms, are intent on putting pressure on the government by forming public opinion about the trial of the war criminals of ’71 are expected to speak in the same language and to have no differences of opinion as far as our demand for the said trial is concerned.

At the outset of the 29 December press conference, Air Vice Marshal (retired) A K Khandaker Bir Uttam, chairman of the recently floated ‘Sector Commanders’ Forum’ for the trial of war criminals, read out a written

statement explaining the background of the joint declaration. (please see page 9) Afterwards, National Professor Kabir Chowdhury, one of the Judges of the People’s Court and President of the advisory council of the *Nirmul Committee*, told the press how the signatories to the declaration had had prolonged discussions for a couple of months at his residence and reached a consensus as to various aspects of the trial of war criminals and got answers to different questions regarding this issue. Professor Chowdhury urged the leaders of all the signatory organizations to extensively publicize the declaration all over the country as early as possible, so that the grass-root level activists of the movement did not have any differences of opinion, conceptual ambiguity or confusion.

On behalf of the *Nirmul Committee*, we have decided to publish 25 thousand copies of the declaration in a booklet form at the initial stage. The signatory organizations can avail themselves of the opportunity to procure the booklet from us at half price. In case a signatory organization intends to publish this declaration in its own name, we will be pleased to help them in every possible way.

We sincerely hope that our joint efforts will compel the government to form a special tribunal and initiate the process of the trial of the war criminals of ’71.

Shahriar Kabir
Acting President
Forum for Secular Bangladesh & Trials of War Criminals
of 1971

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**The statement read out in the press
conference held on 29 December 2007
marking the publication of the joint
declaration titled
Try the war criminals of '71 in a special tribunal'**

My dear journalist friends,

A storm of protest and condemnation has swept the country since the top leaders of Jamat-e-Islami, a fundamentalist political outfit that is infested with the butchers and war criminals of '71, made snooty remarks in last October (2007) against the liberation war, freedom fighters and the independent and sovereign existence of Bangladesh. All the political parties regardless of their ideologies as well as the general people of the country who believe in the independence and sovereignty of Bangladesh have raised their voice in favour of the trial of the war criminals. The 'Sectors Commander Forum', which was formed with the sole objective of subjecting the war criminals to trial, has exchanged views with different social, cultural and professional organizations as well as associations of freedom fighters and the family members of the martyrs of '71 for the last couple of months. We have observed that some conceptual ambiguity prevails in certain sections as regards the procedure of the trial of war criminals despite the fact that everyone holds a unanimous opinion about the need for their trial. Notwithstanding the incumbent caretaker government's positive attitude towards the trial of the war criminals, we have observed much to our dismay that certain advisers to the government have expressed

opinions that are full of factual errors and legal misinterpretations.

That the hostile attitude of Jamat leaders towards the liberation war and freedom fighters has not changed a wee bit in the last 36 years is attributable to the fact that the war criminals of '71 have not been tried yet. Genocides, war crimes, and crimes against humanity are treated as the deadliest and most savage of all crimes. Just because they have not been tried, they think that they have been absolved of their crimes and responsibilities. This has given rise to a sense of immunity, which has gradually turned us into a crime-prone state and society. The incumbent government is pledge-bound to hold a free, fair and peaceful national election by the end of 2008. It is our calculated belief that it is essential to initiate the process of the trial of the war criminals for the sake of an acceptable election.

After a series of discussions, We – the leaders of various social, cultural, professional, freedom fighters' and human rights organizations believing in the spirit of the liberation war – signed a joint declaration demanding that the war criminals be tried in a special tribunal. Besides elucidating the reasons for trying the war criminals, the declaration is intended to dispel the confusion and conceptual ambiguity of a certain section of people regarding the trial. It is high time that a strong public opinion was formed at home and abroad regarding the trial of the war criminals in a special tribunal. It is impossible to form such a strong public opinion without the joint efforts of the pro-liberation war forces.

Dear friends,

Our demand for the trial of the war criminals of Bangladesh has not been out of the blue. Right after liberation, the family members of the three million martyrs of the

liberation war, conscious citizens and the international community sought the trial of those responsible for the cruelest of all genocides in the recent history of the world, the war crimes and crimes against humanity that took place in Bangladesh during the liberation war. The government of Bangabandhu Sheikh Mujibur Rahman, which led the war of liberation, enacted relevant laws and initiated the process of their trial. After the brutal killing of Bangabandhu in 1975, General Ziaur Rahman annulled the Collaborators Order, thereby putting a stop to the trial of the war criminals, and amended the Constitution giving them the right to do politics.

Notorious war criminal Golam Azam, a Pakistani citizen and leader of Jamat-e-Islami, came to visit Bangladesh in 1979 on a three-month visa on the pretext of seeing his ailing mother. Even after his visa expired, he did not leave the country. A strong movement was launched against Golam Azam and his party at that time under the leadership of the Muktiyoddha Sangsad (freedom fighters' association). Nowhere in the country was the party allowed to carry out any activities in public.

On 29 December 1991, the much-despised war criminal was made Ameer (chief) of Jamat-e-Islami in flagrant violation of the Constitution of Bangladesh. Opposition lawmakers vehemently protested it inside the parliament and so did the freedom fighters and conscious citizens all over the country. The movement culminated in the formation of the *Ekattorer Ghatak Dalal Nirmul Committee* (Forum for Secular Bangladesh & Trials of War Criminals of 1971), under the stewardship of Martyr Mother Jahanara Imam on 19 January 1992, and the 'National Co-ordination Committee for the Implementation of the Spirit of the Liberation War and the Resisting Killers and Collaborators of 1971' comprising all pro-liberation political, social,

cultural, professional, freedom fighters', students', youths' and women's organizations only three weeks later. On 26 March 1992, Golam Azam was tried in a Peoples' Court under the auspices of the 'National Co-ordination Committee' comprising as many as 72 organizations. Defying all the regulations and threats including Section 144 enforced by the then BNP government, over half a million people congregated at Sohrawardy Park on that day to witness the symbolic trial and expressed their solidarity with the movement for the trial of the war criminals.

On 26 March 1993, eminent jurists and intellectuals of the country led by Poet Sufia Kamal launched the 'National People's Inquiry Commission' with a view to collecting evidence of crimes committed by top war criminals in 1971. The Commission published evidential reports in 1994-95 on the felonies committed by 15 leading killers, collaborators and war criminals. After the sad demise of Jahanara Imam, political parties initiated a movement demanding that the ensuing general election be held under a neutral caretaker government. This movement caused the activities of the 'National Co-ordination Committee' to stagnate. Nevertheless, different socio-politico-cultural organizations including the 'Nirmul Committee', 'Bangladesh Muktiyoddha Sangsad', 'Liberation War Museum', 'Sammilito Sangskritik Jote', 'Prajanna '71' and 'War Crimes Facts Finding Committee' have continued to collect circumstantial evidence of war crimes besides mobilizing public opinion regarding the trial of the war criminals. The movement has assumed a new dimension since the commanders of the battle fields, irrespective of any party affiliations, stood in the same podium and demanded, in unison, the trial of the war criminals. Save for a handful of killers and collaborators and their associates, the whole nation is now vociferous in its demand for the said trial. People from all walks of life have

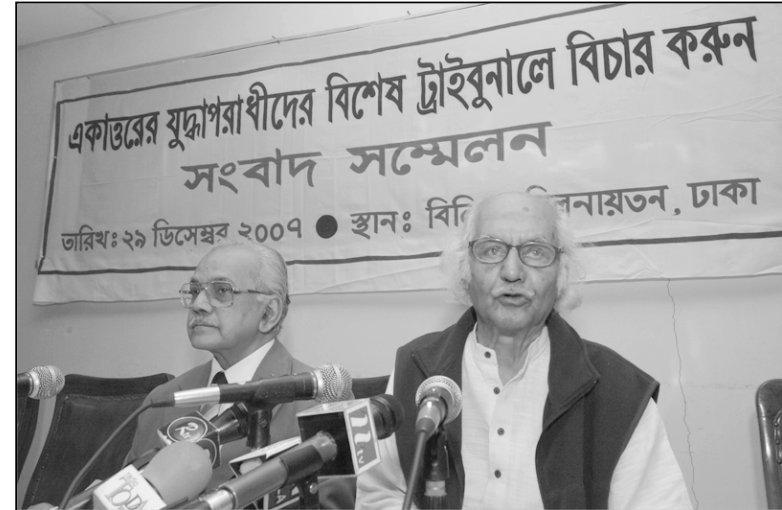
demanded that the war criminals of '71 be ostracized both socially and politically.

Dear journalist friends,

Today's press conference is being attended by leaders of 71 social, cultural, professional, human rights and freedom fighters' organizations. We fervently hope that the joint declaration from the 71 organizations will serve to dispel all the confusions and ambiguities regarding the procedure of the trial of the war criminals besides being an objective response to the propaganda circulated by Jamat-e Islami and its allies.

The important role played by our print and electronic media in forming public opinion in favour of the demand for the trial of the war criminals by publicizing the true history of the liberation war and portraying the rationales for the said trial, only goes to show how patriotic and dutiful to the nation the journalist community is. Let me take this opportunity to wholeheartedly thank you all at this moment of announcement of the joint declaration. We express our gratitude to the leaders of the signatory organizations. Our movement shall not cease until the war criminals are tried. Thank you all.

(Air Vice Marshal (retired) A K Khandaker Bir Uttam)
Chairman
Sectors Commander Forum



29 December 2007, Professor Kabir Chowdhury, President of the Advisory Committee of 'Nirmul Committee' (Forum for Secular Bangladesh and Trial of War Criminals of 1971) and 'South Asian People's Union against Fundamentalism & Communalism' addressing the press conference at BILIA Auditorium, Dhaka, organized to present the joint declaration of 71 organizations demanding trial of the war criminals of 1971. Air Vice Marshal (retd.) A K Khandaker Biruttam, Chairman of 'Sectors Commander Forum' is also seen in the picture



Leaders of the 71 socio-cultural and professional organizations are seen at the Press Conference held on 29 December 2007 with the Journalists of different electronic & print media. In the press conference 71 organization announced a 'Joint Declaration' demanding the trial of war criminals of 1971

Declaration of 71 Organizations
**Try the war criminals of '71
at a special tribunal**

Jamat-e-Islami leaders Ali Ahsan Mohammad Mujahid, Abdul Qader Molla and Jamat intellectual and former bureaucrat Shah Abdul Hannan recently remarked, 'No incidents of war crime took place in the 1971 war of liberation and there are no anti-liberation forces or war criminals in Bangladesh'. At the same time, they publicly castigated freedom fighters, having branded the liberation war as a 'civil war' and the freedom fighters as 'plunderers and a lascivious bunch of people'. Such an audacious comment, which has outraged the nation profoundly, only goes to show that Jamat stalwarts have not yet budged a wee bit from their position in '71 and that they still dare regard the country as an integral part of Pakistan. They still use the same language in chastising the freedom fighters as they did in '71.

Remarking that no genocide was committed, and neither did any incident of war crime take place in '71 and that our liberation war was actually a 'civil war' is tantamount to defying the Constitution of Bangladesh, deriding the freedom fighters, disparaging the supreme sacrifice of nearly three million martyrs, and last but not the least, denying the very existence of a sovereign Bangladesh. Both our history and our Constitution make repeated mention of genocides and war crimes committed during the liberation war. Nowhere is it mentioned that a civil war occurred in '71. The very first sentence of the

preamble to the Constitution says, 'We, the people of Bangladesh, having proclaimed our independence on the 26th day of March 1971 and through a historic war for national independence, established the independent, sovreign people's Republic of Bangladesh'. If a citizen of any country dares to flout its Constitution, s/he should be accused of sedition and tried accordingly.

Probably the most brutal genocide in the history of mankind took place in Bangladesh during the nine-month war of liberation in '71, and nowhere in the world were so many people killed during the period of war as in this country. According to official statistics, the Pakistani occupation forces as well as their homegrown collaborators killed roughly three million innocent people, sexually harassed 200 thousand women, destroyed the country's mills and factories and physical infrastructure including road networks and bridges, set fire to homes and hearths, plundered common people's wealth, and forced about 10 million hapless people to desert the country. Nearly two and a half million people were physically assaulted and tens of million were displaced inside the country. The occupation forces of Pakistan could never have committed such ruthless genocide, war crimes and crimes against humanity, had they not been abetted by the butchers of Jamat-e-Islami and the collaborators belonging to Muslim League and Nezam-e-Islam. The party which, in a well planned and organized way, actively persuaded the Pakistani army to continue committing such mayhems by morally encouraging them, forming auxiliary forces, holding meetings and bringing out processions and by persistently writing in newspapers, is none other than the heinous Jamat-e-Islami led by the likes of notorious war criminals Golam Azam and Matiur Rahman Nizami.

A deluge of condemnation and protest swept across the world in the wake of the genocide initiated on 25 March

('71) at the instance of Pakistani rulers General Tikka Khan and General Niazi. With a view to strengthening the hands of the infamous foreign rulers, Golam Azam, the then chief of Jamat-e-Islami, met with them and assured them of all possible cooperation. (The Daily Purbodesh, 5 April 1971)

Golam Azam and his cohort formed the Peace Committee on 10 April 1971 as the first step towards assisting the Pakistani invaders. The rationale for its formation was two-fold: to frustrate the liberation war and to annihilate freedom fighters. In the very first meeting of the Committee, all concerned expressed their satisfaction over the successful carrying out of bloodbaths by the invaders and dubbed the freedom fighters as well as the freedom-seeking common people 'Enemies of Islam'. In fact, Golam Azam and his likes regard Pakistan, Jamat-e-Islami and Islam as synonymous. By the same token, to stand against Pakistan or Jamat is to stand against Islam, for them. This is how Jamat has always sought to turn Islam, a religion of peace, into a religion of killers, terrorists and rapists.

On 12 April, Golam Azam led a procession of the 'Peace Committee' in Dhaka and prayed to the Almighty for the success of the Pakistani army after the procession was over. (The Daily Sangram, 13 April 1971). General Tikka Khan raved about the activities of the Committee for offering all possible cooperation to the Pakistani armed forces. In a meeting marking the independence day of Pakistan on 14 August, the Jamat leader stressed the need for a strong link between the army and the Committee and said, 'The Peace Committee is playing important role in saving the country from the hands of secessionists. If the Peace Committee was not to inform the outside world that the general people would like the integrity of East Pakistan to remain unaffected, the situation might take a different

turn. It is the duty of the army to defend the country, and the Peace Committee must take it upon itself to so convince the common people of the country.' Besides, he put a strong emphasis on the need to hunt down all the enemies of the country. (The Daily Pakistan, 16 August 1971)

In addition to scaling up the activities of the 'Peace Committee', Golam Azam played a pioneering role in forming an armed force with the object of assisting the Pakistani army. It was at his instance that Jamat stalwart A K M Yusuf formed a group christened 'Rajakars' (i.e. Collaborators) with 96 Jamat activists in an Ansar (paramilitary) camp located on Khan Jahan Ali Road in Khulna in May 1971. At the initial stage, 'Rajakars' used to be led by the 'Peace Committee'. On 1 June 1971, General Tikka Khan issued the 'East Pakistan Rajakar Ordinance 1971', abolished Ansar and changed it to the Rajakar, even though it was under the direct control of Jamat-e-Islami. The defence ministry of Pakistan issued an ordinance to the effect of delegating to the 'Rajakars' the same power as enjoyed by the regular army on 7 September. (No. 4852/543 P S – 1/A/3659/ D-A)

After a brief stint of military training, the 'Rajakars' would be dispatched to different villages and would establish a reign of looting, kill innocent villagers and violate their women. The Pak generals extolled the 'Rajakars' for guiding Pak invaders and playing a pioneering role in the war. In a gathering of Jamat activists held at Hotel Empire in Dhaka on 25 September, Golam Azam said, 'Jamat-e-Islami has joined the 'Peace Committee' and the 'Rajakars' with the sole objective of protecting the integrity of Pakistan... By embracing martyrdom, Jamat activists have proved to the enemies of Pakistan that they (Jamat activists) would rather die than allow Pakistan to split' (The Daily Pakistan, 26 September 1971)

Yet another instance of savagery committed by Jamat-e-Islami in 1971 was the formation of such killing squads as 'Al-Badr', 'Al-Shams' after the model of Hitler's Gestapo and S.S. forces for premeditated killing of prominent intellectuals and professionals. Jamat leader Quamruzzaman played the role of a catalyst in the formation of such groups, which comprised educated Jamat men as well as the activists of 'Islamic Chatra Sangha', the then student wing of Jamat-e-Islami. The leaders of these groups were entrusted with the responsibility of meeting with Pakistani General Rao Forman Ali and designing a blueprint for annihilating top intellectuals. To single out the freedom seeking Bengalis and kill them, to convert Hindus into Islam under duress, to propagate the thoughts and beliefs of Pakistan and Jamat-e-Islami through seminars and leaflets, and to fight against the freedom fighters were but a few aspects of the planned ferocity of 'Al-Badr'.

Unprecedented in the history of the world is the brutal manner in which this blood-thirsty clique, led by Motiur Rahman Nizami, Ali Ahsan Mohammad Mujahid, Quamruzzaman, Mir Kashem Ali and other Jamat leaders, killed the best sons of the nation on the eve of the Pak forces' defeat. It is this 'Al-Badr' gang that is responsible for the mindless murder of hundreds of intellectuals of the country including prominent writers, journalists, professors, physicians, engineers, scientists, lawyers, sportspersons and social workers. On 14 September ('71), Jamat's mouthpiece 'Daily Sangram' published an article captioned 'Al Badr' saying, 'Al Badr is a name! A wonder! Al Badr is a pledge! Al Badr is wherever the so-called freedom fighters are. Al Badr is wherever criminals are. Al Badr is *Ajrail* himself (i.e. the angel who takes away life) for Indian agents or other culprits.'

In a meeting held on the premises of the Baitul Mukarram mosque on 7 November 1971 in connection with

the observance of the 'Badr Day' under the auspices of the Islamic Chatra Sangha, Jamat leader Ali Ahsan Muhammad Mujahid made a four-point declaration and said, 'We will not take rest until and unless the name Hindustan is erased from the world map... From tomorrow, no one shall be allowed to publish or sell any books authored either by Hindu writers or by anyone else advancing the cause of the Hindus... In case someone tries to do so, the volunteers believing in the integrity of Pakistan will set everything on fire... Following in the footsteps of holy warriors, we resolve to move ahead upright holding the Holy Koran on our chest. If need be, we will advance up to New Delhi and hoist the flag of the united Pakistan there.' Underscoring the significance of the 'Badr Day', the then General Secretary of 'East Pakistan Islamic Chatra Sangha', Mir Kashem Ali, declared, 'We shall (a) counter Indian attacks, (b) slaughter the homegrown culprits, and (c) establish an Islamic society, come what may.' (The Daily Pakistan, 8 November 1971)

The Commander-in-Chief of the Badr clique, Motiur Rahman Nizami, wrote in the Daily Sangram on 14 November, 'It is not too far away when the youths belonging to Al Badr will fight shoulder to shoulder with the armed forces of Pakistan, overpower the Hindu forces, exterminate Hindustan and hoist the victorious flag of Islam all over the world.' In a statement issued on 23 November, two other top Al Badr leaders, Ali Ahsan Muhammad Mujahid and Mir Kashem Ali, urged their activists to prepare themselves as combatants. An 'Al Badr' pamphlet published around that time said, 'You must not forget that you are fighting not just to defend the sovereignty of Pakistan, but to safeguard Islam as well. You are asked to strictly abide by the instructions of our chief (i.e. Golam Azam) in order to save the motherland from the hands of infidels.'

Those who were christened ‘culprits’, ‘agents of India’, ‘infidels’ and ‘bastards’ by Jamat-e-Islami in 1971 are none other than the best sons of this soil, the valiant freedom fighters, for whose relentless struggle, sacrifice and bloodletting an independent, sovereign Bangladesh emerged.

Jamat mouthpiece Daily Sangram played a pivotal role in cheering up the Pak army, creating a war mania in them and coaxing them into carrying out genocides during the liberation war in 1971. The 14 April issue of the daily published a report saying that all ‘infiltrating’ freedom fighters had been exterminated and their bases wiped out. The 15 April issue encouraged the anti-liberation forces to move to the countryside to attack the ‘culprits’. The 23 April issue urged them to carry out a door-to-door search to catch pro-liberation forces. On 30 April, the daily said, ‘Those who aspired to turn East Pakistan into Bangladesh will have nowhere to go or live in Pakistan’. On 8 May, it commented, ‘Sheikh Mujib was planning on founding an independent Bangladesh through an armed revolt on 26 March. Aware of it beforehand, the army thwarted the design by launching a sudden attack on 25 March, thereby saving our beloved Pakistan.’ On 27 May, the daily announced a (cash) reward for anyone who could capture freedom fighters. On the same day, it implored the Pak army to try Awami League leaders in a special court. On 28 May, the daily demanded supply of more arms to them in order to annihilate freedom fighters. The 15 June issue of the daily urged people to tread the path of pro-Pakistan forces rather than just counting on the army. On 16 July, the daily wrote, ‘Never shall the pro-Pakistan forces forgive those who have participated in the liberation war.’ On 17 July, it dubbed freedom fighters ‘secessionists’ and urged people to eliminate them.

Against the liberation war and freedom fighters, the Jamat mouthpiece published hundreds of such malevolent write-ups which enticed not only the Pak army but also their homegrown collaborators to carry out genocide, plunder, violation of women and many other terrorist activities.

Whenever the issue of the trial of the war criminals of ’71 crops up, Jamat men and their patrons oppose it by saying that 1) Jamat was never involved in war crimes, 2) there is no scope to try the war criminals especially after the granting of amnesty by Sheikh Mujib, and 3) the allegation of war crimes against them is baseless as no government in the 36 years of the existence of Bangladesh ever tried them or filed a lawsuit against them.

The newspapers of 1971 including the Daily Sangram stand testimony to the fact that such assertions of the war criminals of ’71 are absolutely untenable, politically motivated, and utterly mendacious. Never did the government of Bangabandhu Sheikh Mujib absolve the war criminals. On top of that, laws were enacted and even the Constitution was amended then to try them.

On 24 January 1972, Bangabandhu issued the Collaborators (Special Tribunals) Order* to try the war criminals. After a series of amendments effected on 6 February, 1 June and 29 August (’72), the Order was finalized. More than 37 thousand people were arrested under the purview of this order and their trial started in different courts of law. It is worth mentioning that the Collaborators Order provided for the trial of genocides, war crimes, and crimes against humanity and other sorts of crime that took place during the liberation war.

With a view to scrutinizing the possible involvement of any government employees in collaboration or war crimes,

* Appenix-1

the government, on 13 June 1972, issued an order, which was published through a gazette notification. On 20 July 1973, the International Crimes (Tribunal) Act 1973* was passed in the national assembly with the object of trying Pakistani war criminals and their local abettors.

On 30 November 1973, the government granted clemency to a section of those detained under the Collaborators Order against whom there were no specific charges of war crimes. However, the press note issued in the wake of the granting of the amnesty unequivocally mentioned, 'clemency shall not apply to those who are accused of rape, murder or arson'. Of more than 37 thousand people detained under the Collaborators Order, nearly 26 thousand were released after the amnesty was granted. Eventually, more than 11,000 people remained imprisoned for these crimes and their trial was underway. After assuming power following Bangabandhu's brutal clemency, General Zia rescinded the Collaborators Order on 31 December 1975, thereby putting a stop to the process of trial of the war criminals.

Despite the annulment of the Collaborators Order, it is very much possible, by dint of the 'International Crimes (Tribunals) Act, 1973', to try the local collaborators of Pakistani invaders, namely 'Rajakars', 'Al Badr', 'Al Shams', who were actively involved in the genocide of '71. There are clear and detailed guidelines in this law as to the formation of this tribunal, the requisites for being its judges and lawyers, and the types of war crimes and crimes against humanity that are under the purview of this law. The Constitution of Bangladesh had to be amended just to formulate it. On 25 July '73, the first amendment was made to the Constitution [Article 47(3)]. It said, 'Notwithstanding

* Appenix-2

anything contained in this Constitution, no law nor any provision thereof providing for detention, prosecution or punishment of any person, who is a member of any armed or defence or auxiliary forces or who is a prisoner of war, for genocide, crimes against humanity or war crimes and other crimes under international law shall be deemed void or unlawful, or even to have become void or unlawful, on the ground that such law or provision of any such law is inconsistent with, or repugnant to, any of the provisions of the Constitution.'* This article of the Constitution still remains valid.

To be absolved of their involvement in war crimes, Jamat leaders often use the Simla Treaty of '72 and the subsequent tripartite agreement as an excuse. The Simla Treaty** was signed by India and Pakistan on 2 July '72, and nothing was mentioned in it about the trial of war criminals. On 9 April '74, a tripartite agreement was signed in New Delhi by India, Pakistan and Bangladesh.

* While introducing the bill (B.P. Bill No. 20 of 1973) the then law minister Mr. Manoranjan Dhar concluded with the following statements of objects and reasons :

'Pakistan armed or defence forces and their auxiliaries committed atrocities and barbarous and inhuman acts on the soil of Bangladesh in 1971 on a scale and of a nature that have outraged the conscience of mankind. Such acts in utter disregard of human rights and fundamental freedoms and of the rule of law constitute crimes against humanity, genocide, war and other crimes prohibited under international law and domestic laws of every State including Bangladesh, whenever or wherever committed. It is the duty of every State to prosecute and punish all persons responsible for such crimes.

'This Bill seeks to provide for the detention, prosecution and punishment of persons who, being members of any armed, defence or auxiliary forces, commit or has committed such crimes in the territory of Bangladesh'. (editor)

** Appenix-3

According to Article 15 of the agreement, in response to the Pak premier's request, the foreign minister of Bangladesh informed that a total of 195 Pak prisoners of war could return to Pakistan as the government of Bangladesh had granted them clemency.*

Against the backdrop of the forthcoming general elections, we are demanding that the Bangladeshi war criminals be tried and their right of franchise revoked. The Pak war criminals have never come to Bangladesh to cast their votes. It is the homespun war criminals that have either cast their votes or contested in elections. Regarding the amnesty granted to Pak war criminals, the then foreign minister of Bangladesh and signatory to the tripartite treaty, Dr. Kamal Hossain said, since Pakistan pledged to try its war criminals in its own land, Bangladesh let them loose without trying them with the greater objective of creating an atmosphere of peace and understanding in the subcontinent. This, however, has nothing to do with the trial of the Bangladeshi war criminals. Even after the tripartite agreement was signed, the trial of local war criminals continued under the Collaborators Order, and the International Crimes (Tribunals) Act 1973 was not repealed either. That is why the issue of the trial of Bangladeshi war criminals and those from Pakistan must be treated in isolation. As regards the granting of amnesty, the law as well as the Constitutional provision is that the head of state can only pardon any sentence issued by the court, and not the offence. Once raised in any court of law, the issue of amnesty granted to the Pak war criminals without their being tried in a court of law shall be declared void.

It is very unfortunate for the nation that none of the successive governments that have been formed since the brutal killing of Bangabandhu have ever taken any

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initiatives to try the war criminals of '71. But just because no such initiatives have ever been taken it does not mean that the trial can never take place or that the country is bereft of war criminals. There is no legal time bar or limitation against initiating or trying any criminal offence including murder, rape, arson, war crimes and crimes against humanity. As a matter of fact, those who were involved in various war crimes during World War II are still being hunted and put in the dock even though a period of 60 to 65 years has elapsed since the occurrence of the crimes. Top Jamat leaders could not be nabbed and tried right after liberation because they deserted the country or went into hiding. After Bangabandhu was killed, General Ziaur Rahman abolished the Collaborators Order* and amended the Constitution, thereby paving the way for their return to the country. Since they are now trying to materialize their evil design as regards the country's politics and have continued to make speeches and issue statements disparaging the independence, sovereignty and Constitution of the country, it is high time that they should be tried for the crimes they had committed in '71.

In a meeting with editors held on 31 October 2007, the honourable chief adviser Dr. Fakhruddin Ahmed said, 'Participation of war criminals in any election would be undesirable'. The 1 November issue of almost all national dailies published this comment of his with due importance. Even before that, army chief General Moeen U Ahmed sounded a positive note about the trial of the war criminals of '71. Besides, the Election Commission has urged the government to try the war criminals and questioned their eligibility to participate in elections. Jamat leaders' audacious remarks about the glorious liberation war have perturbed the peace-loving people of Bangladesh and the

* Appendix-5

whole nation is now vigorously demanding that the war criminals be tried. The fury of the general people only compares with the initial stage of movement for trial of the war criminals under the leadership of Martyr Mother Jahanara Imam in 1992. All sections of the society are now vocal in their demand for a moratorium on the fundamentalist and communalist politics of the Jamat-Shibir clique vis-à-vis the trial of war criminals. Political parties of the country have urged the Election Commission not to register Jamat-e-Islami, a party infested with war criminals and religion mongers. In the face of mounting public wrath, Jamat leaders are acting like a crazy herd of cattle.

At a time when the whole nation has been relentlessly demanding the trial of war criminals, discussions are going on in concerned circles as to how the trial could be initiated. Commentaries, editorials and post editorials on this issue are appearing in both print and electronic media on a daily basis. Some misleading comments have also been made. A section of lawyers are of the opinion that the trial of war criminals can be initiated in two different ways. First, the government may become the plaintiff and initiate the process of trial in a special court. Second, any victims or aggrieved persons can go to the court with necessary evidence. Even though the second option may be correct from the point of view of law, it is not appropriate from the standpoint of the gravity of the crime. It is rather an impediment to justice.

Crimes such as 'genocide', 'war crimes' and 'crimes against humanity' committed during a war are far too grave to be taken lightly. The ultimate victim of such crimes is the nation itself as well as its government and citizens. One of the main objectives of genocide is to annihilate a nation or ethnic group either partially or wholly. Attacks on, and killing of, individuals during a war are akin to annihilation

of a nation or an ethnic group. By the same token, destroying human habitats and compelling a huge number of people to leave their homes and hearths and become refugees by carrying out extensive killings and terrorist activities, constitute war crimes and crimes against humanity. Even though individuals seem to be the apparent victims, the ultimate victims are the nation and its government. With the proclamation of independence on 26 March 1971 and the approval thereof by the first government of Bangladesh on 10 April 1971, the rule and the Constitution and the sovereignty of Pakistan had all come to an end. This underlies the reason that the representatives of the Pak military junta who stayed in Bangladesh even after 26 March were looked upon as occupation forces and invaders. A section of the people of Bangladesh who extended all possible cooperation to such Pak representatives were dubbed 'collaborators'. The activities of collaborators in any war are regarded as war crimes as well as crimes against humanity. Jamat-e-Islami thugs were not only collaborators. Indeed, they comprised an integral part of the Pak military junta. It is worth mentioning that two of their leaders were members of the cabinet.

Besides abetting the Pak invaders in all sorts of mayhem including genocide and rapes, Jamat men formed such infamous killing squads as Rajakars, 'Al Badr' and 'Al Shams' and were responsible for countless murders and rapes and many other crimes. Inasmuch as they were citizens of this country, they were even more responsible than the Pakistani occupation forces. The butchers of Jamat-e-Islami singled out hundreds of eminent personalities of the country including writer-journalist Shahidullah Kaiser, journalist Sirajuddin Hossain, Dr. Alim Chowdhury and Professor Munir Chowdhury, took them to

killing fields and slaughtered them mercilessly. There was no personal enmity whatsoever between Jamat killers such as Khaleq Majumder, Ashrafuzzaman Khan and Chowdhury Moyeenuddin and the innocent victims like Shahidullah Kaiser and Munir Chowdhury. They were killed just because they were in favour of the independence of Bangladesh. The leaders of 'Al Badr' had meetings with Pak generals, blacklisted distinguished intellectuals and professionals of the country and eliminated them in a premeditated manner. It unquestionably constituted war crimes and crimes against humanity. The killers actually carried out this massacre with a view to leaving the nation devoid of talents and intellects. That is why the state, and not individuals, should be the plaintiff in case of trial for such crimes. The victims and eyewitnesses will go to the court only to testify. The International Crimes (Tribunals) Act 1973 entrusted the government with the responsibility of forming tribunals and appointing judges and prosecutors.

At a time when the entire nation has been strongly demanding the trial of the war criminals of '71 in the backdrop of audacious remarks made by some top Jamat leaders against the liberation war and freedom fighters, when none other than the chief adviser himself has expressed his dismay at the participation of war criminals in any elections, when the army chief has stressed the need for trying the war criminals, a handful of advisers of the present caretaker administration are hell bent on saving the war criminals by ruling out the possibility of their trial, on the pretext that no past government took any initiatives in this regard and that the caretaker government's main task is to hold general elections as per the roadmap.

However, we strongly believe that the trial of war criminals constitutes an integral part of the political reforms that the incumbent government has planned to carry out for

the sake of a free, fair and acceptable election. The caretaker government of Dr. Fakhruddin Ahmed has accomplished some praiseworthy tasks which none of the past government ever dared to do. It has accorded Bangabandhu his due recognition, as the Father of the Nation and taken a commendable initiative to correct the distorted history of the liberation war in textbooks. The government move to separate the judiciary from the executive has earned it accolade at home and abroad. The trial of war criminals as well as their disfranchisement has been demanded not only by political parties or the *Nirmul* Committee (Forum for Secular Bangladesh and Trial of War Criminals of 1971) but also by people from all walks of life.

The sector commanders of the liberation war, after 36 years of independence, have once again demanded in unison that the war criminals be tried. In a recent press conference, the newly formed 'Sectors' Commander Forum' has informed that about 53 types of crime were committed during the liberation war, 17 of which constituted war crimes, 13 crimes against humanity and four genocides. We strongly recommend that the incumbent government try the war criminals of '71 just the way it has arranged for the trial and punishment of persons involved in corruption. War crimes are regarded as the most severe and heinous of all crimes. These are even more serious crimes than bribery, terrorism, smuggling, killing or bombing. When war crimes are committed, the entire nation and the state and the humanity are victimized. In view of the gravity of war crimes, a large number of countries including Bangladesh have legal provisions for the trial of these crimes in special tribunals.

It is only because the war criminals of '71 have not been tried that Jamat leaders dare show the audacity to sneer at the liberation war, freedom fighters and the very

existence of an independent and sovereign Bangladesh. Jamat leaders' conceited remarks that are contrary to i) the provisions of the Constitution, ii) the history and spirit of the liberation war, and iii) the aspirations of the nation and the very existence of the state, constitute nothing short of treason, and they should be tried accordingly sooner than later. To save or content Jamat-e-Islami and war criminals simply cannot comprise part of the agenda of this government. Should the government arrange to list the war criminals of '71 and try them in a special tribunal besides putting Jamat leaders in the dock for their sarcastic comments against the liberation war, the nation and the state, it will definitely add to its (caretaker government's) image at home and abroad and garner support of the countrymen.

It is our fervent hope that the incumbent government will initiate the process of the trial of war criminals before the next general elections, thereby absolving the entire nation of 36 years of collective shame and moral responsibility. Not to try criminals accused of genocides and crimes against humanity or to strive to prevent their trial is no lesser an evil. As an exultant nation that triumphed in the liberation war, we are no longer inclined to carry the burden of these crimes.

We, therefore, demand that the incumbent caretaker government:

- 1) Form a probe commission with a view to ensuring trial of those involved in war crimes, genocides and crimes against humanity in '71 as per the provision of Article of 47(3) of the country's Constitution; announce terms of reference according to international criminal laws so that the activities of the commission remain above any controversy; plead to the United Nations General Assembly to expedite this process; and engage some

international jurists for the smooth functioning of the commission.

- 2) Take initiatives for the holding of trial of the war criminals in a special tribunal as per the provisions of the International Crimes (Tribunals) Act, 1973; ensure harmonization between the functions of both the commission and the tribunal; and issue an ordinance pledging trial for the crimes (genocides, looting, rape, arson and premeditated murder etc) committed during the liberation war.

Signatories—

1. Sectors Commander Forum
2. Ekattorer Ghatak Dalal Nirmul Committee (Forum for Secular Bangladesh and Trial of War Criminals of '71)
3. Sammilito Sangskritik Jote (Federation of Cultural Organizations)
4. Peshajibi Samannya Parishad (Federation of Professionals' Organizations)
5. Bangladesh Mohila Parishad (Organization of Women)
6. Bangladesh Democratic Lawyers' Association
7. Sammilito Ainjibi Samannya Parishad (Federation of Lawyers' Organizations)
8. Combined Citizens Movement
9. Prajanmo '71 (Organization of the children of martyrs' of '71)
10. Bangladesh Udichi Shilpigoshthi (Cultural organization)
11. Bangladesh Federal Union of Journalists (BFUJ)
12. Combined Social Movement
13. War Crimes Facts Finding Committee
14. Bangladesh Muktiyoddha Sangsad (Freedom Fighters' Organization)
15. Muktiyoddha Oikya Parishad (Freedom Fighters' Organization)

16. Muktijoddha Sanghati Parishad (Freedom Fighters' Organization)
17. Bangladesh Collage-University Teachers' Association
18. Bangladesh Economics Society
19. National Teachers' Employees' Front
20. Bangladesh Group Theatre Federation
21. Bangladesh Gram Theatre (Theatre Groups of rural areas)
22. Bangladesh Pathanatak Parishad (Organization of street theatre groups)
23. Jatiyo Kabita Parishad (National Poetry Society)
24. Bangladesh Abriti Samannya Parishad (Federation of Recitation groups)
25. Bangladesh Charushilpi Sangsad (Organization of Painters)
26. Rabindrasangeet Shilpi Sangstha (Organization of Singers of Tagore Songs)
27. Bangladesh Gana Shilpi Sangstha (Organization of mass performer)
28. Nrityanchal (Organization of dance performers)
29. Trade Union Centre
30. South Asian People's Union against Fundamentalism & Communalism
31. Dhaka Journalist Union
32. Bangabondhu Parishad (Organization of Followers of Bangabondhu)
33. Khelaghar (Children's organization)
34. Combined Professionals Association
35. Bangladesh Architect Institute
36. Joy Bangla Sangskritik Oikya Jote (Federation of Cultural organizations)
37. Bangladesh Hindu Buddhist Christian Unity Council
38. Bangladesh Adibashi (Indigenous) Forum
39. Ain-O-Salish Kendra ASK (Human rights organization)

40. Sammilito Nari Samaj (Federation of women's organizations)
41. Progressive Journalists Forum
42. Mukijoddha (Freedom Fighter) Foundation
43. Bangabondhu Prakowshali Parishad (Organization of Engineers)
44. Bangbondhu Diploma Prakowshali Parishad (Organization of Diploma Engineers)
45. Bangabondhu Krishibid Parishad (Organization of Agriculturists)
46. Shadhinata Chikitshak Parishad (Organization of Doctors)
47. Muktijoddha (Freedom Fighter) Union
48. Peshajibi Nari Samaj (organization of professional women)
49. Muktijoddha Smritiraksha Parishad (Freedom fighters' Forum)
50. Mohila Muktijoddha Sangsad (Women freedom fighters' Association)
51. Muktijoddha Samannya Parishad (Freedom Fighters' Association)
52. Muktijoddha Nou Commando Association (Organization of Freedom Fighter Naval Commando)
53. Muktijoddha Sangram Parishad (Freedom Fighters' Forum)
54. Muktijoddha Ainjibi Parishad (Freedom Fighter Lawyers' Association)
55. Muktijoddha Oikya Jote (Freedom Fighters Unity Forum)
56. BCS Freedom Fighters' Welfare Association
57. Photo Journalists' Forum
58. Bangladesh Short Film Forum
59. Bangladesh Documentary Film Centre
60. Bangladesh Federation of Film Societies
61. Muktijuddher Smriti Sangrakshan Kendra (Centre for preserving memories of the Liberation War)

62. Human Rights Congress for Bangladesh Minorities (HRCBM)
63. Siksha Andolan Mancha (Centre for Education Movement)
64. Sampriti Mancha (Centre for Communal Harmony)
65. Amra Muktijoddar Santan (Forum for Children of Freedom Fighters)
66. Sammilito Torun Peshajib Parishad (Combined forum of Young Professionals)
67. Karmajibi Nari (Working Women's Forum)
68. Women's Voice
69. Citizens' Voice
70. Citizen Rights Movement
71. Bangladesh Muktijuddho Projanmo (Generation of Liberation War)



Corpses of eminent intellectuals and professionals at the killing field of Rayer Bazar of Dhaka, killed by Al Badr just before the surrender of Pakistani occupation army on 16 December 1971. The Al Badr, killing squad of Jamat-e Islami killed several hundred intellectuals during the Bangladesh liberation war of 1971

Appendix-1 Summery of the Bangladesh Collaborators (Special Tribunals) Order, 1972

The Bangladesh Collaborators (Special Tribunals) Order, 1972 was promulgated on January 24, 1972 for trial of those who were accused of murder, rape, plunder and different types of crimes as collaborators of the Pakistan Armed forces. Till August 29 of 1972 this Order was amended three times.

A total of 37,471 were arrested for specific charges till November 30 of 1973 under this Order. Bangabandhu government formed 73 tribunals for the speedy trial of the arrested persons. Among the cases filed 848 cases were disposed of till October 2 of 1973. Among the accused 752 were convicted and 2096 released. (Professor Abu Syed, Sadharon Khama Ghosona Prekkhit O Golam Azam, P. 55). The Bangladesh Collaborators (Special Tribunals) Order, 1972 was repealed on December 31, 1975.

Summery of the Bangladesh Collaborators (Special Tribunals) Order, 1972 has been presented here:

WHEREAS certain persons, individually or as members of organizations, directly or indirectly, have been collaborators of the Pakistan Armed forces, which had illegally occupied Bangladesh by brute force, and have aided or abetted the Pakistan Armed forces of occupation in committing genocide and crimes against humanity and in committing atrocities against men, women and children and against the person, property and honour of the civilian population of Bangladesh and have otherwise aided or cooperated with or acted in the interest of the Pakistan Armed forces of occupation or contributed by any act, word or sign towards maintaining, sustaining, strengthening, supporting or furthering the illegal occupation of Bangladesh by the Pakistan Armed forces or have waged war or aided or abetted in waging war against the People's Republic of Bangladesh;

AND WHEREAS such collaborators contributed towards the perpetuation of a reign of terror and the commission of crimes against humanity on a scale which has horrified the moral conscience of the

people of Bangladesh and of right thinking people throughout the world;

AND WHEREAS it is imperative that such persons should be dealt with effectively and be adequately punished in accordance with the due process of law;

AND WHEREAS it is expedient to provide for the setting up to Special Tribunals for expeditious and fair trial of the offences committed by such persons;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972 and in exercise of all powers enabling him in that behalf, the President is pleased to promulgate the Bangladesh Collaborators (Special Tribunals) Order, 1972, which will extend to the whole of Bangladesh and it shall come into force at once and shall be deemed to have taken effect on the 26th day of March, 1971. (**Preamble and Section 1.**)

The term collaborator, namely Razakars, Al-Badr and Al-Sams, who assisted the Pakistan Armed forces, was defined in section 2 of the Order. According to this section: collaborator means a person who has—

1. participated with or aided, or abetted the occupation army in maintaining, sustaining, strengthening, supporting or furthering the illegal occupation of Bangladesh by such army;
2. rendered material assistance in any way whatsoever to the occupation army by any act, whether by words, signs or conduct;
3. waged war or abetted in waging war against the People's Republic of Bangladesh;
4. actively resisted or sabotaged the efforts of the people and the liberation forces of Bangladesh in their liberation struggle against the occupation army;
5. by a public statement or by voluntary participation in propagandas within and outside Bangladesh or by association in any delegation or committee or by participation in purported bye elections attempted to aid or aided the occupation army in furthering its design of perpetrating its forcible occupation of Bangladesh.

The government may set up as many Special Tribunals as it deem necessary and appoint as many Special Magistrates as required for the trial of the collaborators who assisted the Pakistan Armed forces and

against whom specific charges of murder, rape, plunder, fire, trespass, threat etc. have been brought under the Penal Code. No other Court shall have any jurisdiction to take cognizance of any such offence. No person shall be qualified to be appointed a member of a Special Tribunal unless he is or has been a Sessions Judge or as Additional Sessions Judge or an Assistant Sessions Judge. Any Police Officer or person empowered by the Government in that behalf may, without a warrant, arrest any person who may reasonably be suspected of having been a collaborator. The Government may by order in writing direct such person to be detained for an initial period of six months for the purpose of inquiry into the case. A Special Tribunal shall not take cognizance of any offence punishable under this Order except upon a report in writing by an officer-in-charge of a police station. (**Sections 3, 4, 5, and 7.**)

Notwithstanding anything contained in this Order, any person may make a written complaint to a subdivisional Magistrate of an offence punishable under this Order. Upon receipt of a complaint, the Subdivisional Magistrate may direct an inquiry or investigation to be made by any Magistrate subordinate to him, or by a Police officer not below the rank of Sub Inspector, or by any other person as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint. After getting the report from the investigating Magistrate, or Police Officer, if the Subdivisional Magistrate is of the opinion that there is no sufficient ground for proceeding against any person, he shall dismiss the complaint, and if he consider that there is sufficient ground for proceeding against any person, he shall direct a Police Officer to cause the arrest of such person and produce the arrested person before him. The Subdivisional Magistrate shall commit the person to jail custody and simultaneously forward all relevant papers to the Special Tribunal, or the Special Magistrate, as the case may be, having jurisdiction for trial of the case. The complainant may produce evidence before the Special Tribunal or the Special Magistrate, as the case may be, at the time of trial of the case and the Special Tribunal or the Special Magistrate shall issue summons to such witnesses as it or he may consider necessary for the trial. (**Section 3A.**)

In a trial of an offence punishable under this Order,--

1. no fact shall be deemed to be disproved or not proved merely on the ground that there is no post-mortem report, medical report or report of any Chemical Examiner or Assistant Chemical Examiner to the Government or of any other expert

or that there is delay in giving information to the Police or in making a complaint or that the dead body was not found;

2. whenever any official document is produced by any officer having the custody of such document in the ordinary course of official duty before the Special Tribunal or a Special Magistrate purporting to contain any names of members of any force raised to assist the occupation army or members or office bearers of any committee, the Special Tribunal or the Special Magistrate shall, unless the contrary is shown, presume that the names contained in the document are truly and duly written by the person or the authority and at that time and place by whom or at which they purport to have been written;
3. judicial notice may be taken by a Special Tribunal or a Special Magistrate of any facts of common knowledge or of any official document produced by any officer having the custody of such document in the ordinary course of official duty or of reports or photographs published in any newspaper, periodical or magazine. (Section 10A)

Notwithstanding anything contained in the Code of Criminal Procedure no person who is in custody, accused or convicted of an offence punishable under this Order shall be released on bail. Except in the interest of the justice, a Special Tribunal shall not adjourn its trial. No trial shall be adjourned by reason of the absence of any accused person, if such accused persons is represented by counsel has been brought about by the accused person himself, and the Special Tribunal shall proceed with the trial after taking necessary steps to appoint an advocate to defend and accused who is not represented by counsel. Any collaborator who is convicted for any of the offences specified in Part I, II, III, and IV of the Schedule shall be punished with death or transportation for life or rigorous imprisonment for a term not exceeding ten years and shall also be liable to a fine. The Government may forfeit the property, immovable or movable or any portion thereof, of any collaborator on his conviction. (Sections 9, 11, 12 and 14.)

A person convicted of any offence by a Special Tribunal may appeal to the High Court within 30 days from the date of sentence. The Government may direct a Public Prosecutor to present an appeal to the High Court within 30 days from an order of acquittal passed by a Special Tribunal. (Section 16.)

If the Government has reasons to believe that a person, who is required for investigation or enquiry, is absconding or is otherwise concealing himself or remaining abroad to avoid appearance, the Government, may, by a written proclamation published in the official Gazette or in such other manner as may be considered suitable to make it widely known: a) direct the person named in the proclamation to appear at a specified place at a specified time; b) direct attachment of any property, movable or immovable, or both, belonging to the proclaimed person.



In mid-June 1995 Jamaat-e Islami, a religious fundamentalist political party of Bangladesh announced their decision to demolish the Complex of Ahmadya Muslim Jammah at Bakshi Bazar in Dhaka. Nirmul Committee strongly condemned that announcement and declared its pledge to resist the fanatic and terrorist act of Jamaat-e-Islami. According to the declaration Nirmul Committee organised a protest rally at Central Shaheed Minar which is near the Ahmadya Complex on 29 June 1995. After holding the rally Nirmul Committee brought out a procession and marched towards Ahmadya Complex. Leaders and workders of Nirmul Commtee then took position in front of Ahmadya Complex to protect it from the attack of Jamaat-e-Islami. (from right) Maulana Abdul Awal, Taher Ahmed, journalist Kamal Lohani, poet Shamsur Rahman, Professor Kabir Chowdhury, journalist Faiz Ahmed, writer journalist Shahriar Kabir, Barrister Shawkat Ali Khan, Justice K M Sobhan, Advocate Gaziul Haque and other leaders are seen in front of the rally

Appendix-2
**Summery of the International Crimes
(Tribunals) Act, 1973**

The International Crimes (Tribunals) Act, 1973 came into force on July 20 of 1973.

According to section 3 of the Act, a Tribunal, set up by the Government, shall have the power to try and punish any person irrespective of his nationality who, being a member of any armed, defence or auxiliary forces commits or has committed, in the territory of Bangladesh, whether before or after the commencement of this Act, Crimes against Humanity, Crimes against Peace, Genocide, War Crimes or any other crimes under international law.

Crimes against Humanity mean murder, extermination, enslavement, deportation, imprisonment, abduction, confinement, torture, rape or other inhumane acts committed against any civilian population or persecutions on political, racial, ethnic or religious grounds, whether or not in violation of the domestic law of the country where perpetrated. Crimes against Peace mean planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances.

Genocide means and includes any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, religious or political group, such as:

- I) killing members of the group;
- II) causing serious bodily or mental harm to members of the group;
- III) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- IV) imposing measures intended to prevent births within the group;
- V) forcibly transferring children of the group to another group.

War Crimes mean violation of laws or customs of war which include but are not limited to murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population in the territory of Bangladesh; murder or ill-treatment of prisoners of war or

persons on the seas, killing of hostages and detenues, plunder of public or private property, wanton destruction of cities, towns or villages or devastations not justified by military necessity. **(Section 3.)**

The Government may, by notification in the official Gazette, set up one or more Tribunals, each consisting of a Chairman and not less than two and not more than four other members. Any person who is or is qualified to be a Judge of the Supreme Court of Bangladesh or has been a Judge of any High Court or Supreme Court which at any time was in existence in the territory of Bangladesh or who is qualified to be a member of General Court Martial under any service law of Bangladesh may be appointed as a Chairman or member of a Tribunal. The permanent seat of a Tribunal shall be in Dhaka: Provided that a Tribunal may hold its sitting at such other place or places as it deems fit. **(Section 6.)**

The Government may appoint one or more persons to conduct the prosecution before a Tribunal among whom one will be designated as the Chief Prosecutor. The Government may establish an Agency for investigating into the Crimes against Humanity, Crimes against Peace, Genocide and War Crimes. Any person appointed as a Prosecutor is competent to act as an Investigating Officer. The proceedings before a Tribunal shall commence upon submission by the Chief Prosecutor, or a Prosecutor authorized by the Chief Prosecutor in this behalf, of formal charges of crimes alleged to have been committed by each of the accused persons. The Tribunal shall thereafter fix a date for the trial of such accused person. **(Sections 7, 8 and 9.)**

The Tribunal shall read out the charges and ask each accused person whether he pleads guilty or not-guilty. If the accused person pleads guilty, the Tribunal shall record the plea, and may, in its discretion, convict him thereon. If the accused person claims that he is innocent, the witnesses of the prosecution and defence will be examined, cross-examined and re-examined. The Tribunal may, in order to discover or obtain proof of relevant facts, ask any witness any question it pleases, in any form and at any time about any fact; and may order production of any document or thing or summon any witness. The prosecution shall first sum up its case, and thereafter the defence shall sum up its case. All proceedings before the Tribunal shall be in English. The proceedings of the Tribunal shall be in public: Provided that the Tribunal may, if it thinks fit, take proceedings in camera. The Tribunal shall deliver its judgment and pronounce its verdict. **(Section 10.)**

A Tribunal shall not be bound by technical rules of evidence; and it shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and may admit any evidence, including reports and photographs published in newspapers, periodicals, and magazines, films and tape-recording and other materials as may be tendered before it, which it deems to have probative value. A Tribunal shall take judicial notice of official governmental documents and reports of the United Nations and its subsidiary agencies or other international bodies including non-governmental organizations. A Tribunal may regulate its own procedure. The provisions of the Criminal Procedure Code, 1898 and the Evidence Act, 1872 shall not apply in any proceedings under this Act. **(Sections 19, 22 and 23.)**

The Judgment of a Tribunal as to the guilt or the innocence of any accused person shall give the reasons on which it is based. Upon conviction of an accused person, the Tribunal shall award sentence of death or such other punishment proportionate to the gravity of the crime as appears to the Tribunal to be just and proper. A person convicted of any crime shall have the right of appeal to the Appellate Division of the Supreme Court of Bangladesh within 60 days of the date of order of conviction and sentence. No suit, prosecution or other legal proceedings shall lie against the Government or any person for anything, in good faith, done or purporting to have been done under this Act. **(Sections 20, 21 and 25.)***

* Summery prepared by Sheikh Hafizur Rahman Karzon, Assistant Professor, Law Department, Dhaka University

Appendix-3 Simla Agreement

Simla Agreement on Bilateral Relations between India and Pakistan signed by Prime Minister Indira Gandhi, and President of Pakistan, Z. A. Bhutto, in Simla on July 3, 1972.

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

- (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.
- (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations.
- (iii) That the prerequisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful coexistence respect for each other's territorial integrity and sovereignty and noninterference in each other's internal affairs, on the basis of equality and mutual benefit.
- (iv) That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means.
- (v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.
- (vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

In order progressively to restore and normalise relations between the two countries step by step, it was agreed that:

- (i) Steps shall be taken to resume communications, postal, telegraphic, sea, land, including border posts, and air links, including over flights.
- (ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.
- (iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.
- (iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishment of durable peace, both the governments agree that:

- (i) Indian and Pakistani forces shall be withdrawn to their side of the international border.
- (ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of December 17, 1971, shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.
- (iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

Both governments agree that their respective heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Appendix-4

Tripartite Agreement between India, Bangladesh and Pakistan for Normalisation of Relations in the Sub-Continent

New Delhi, April 9, 1974

1. On July 2, 1972, the President of Pakistan and the Prime Minister of India signed an historic agreement at Simla under which they resolved that the two countries put to an end the conflict and confrontation that has hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of a durable peace in the sub-continent. The Agreement also provided for the settlement of "their difference by peaceful means by bilateral negotiations or by any other peaceful means mutually agreed upon.

2. Bangladesh welcomed the Simla Agreement. The Prime Minister of Bangladesh strongly supported its objective of reconciliation, good neighborliness' and establishment of durable peace in the sub-continent.

3. The humanitarian problem arising in the wake of the tragic events of 1971 constituted a major obstacle in the way of reconciliation and normalization among the countries of the sub-continent. In the absence of reconciliation, it was not possible to have tripartite talks to settle the humanitarian problems, as Bangladesh could not participate in such meeting on the basis of sovereign equality.

4. On April 17, 1973, India and Bangladesh took a major step forward to break the deadlock on the humanitarian issues by setting aside the political problems of recognition. In a Declaration issued on the date they said that they "are resolved to continue their efforts to reduce tension, promote friendly and harmonious relationship in the sub-continent and work together towards the establishment of a durable peace ". Inspired by the vision and "in the larger interest of reconciliation, peace and stability in the sub-continent" they jointly proposed that the problem of the detained and stranded persons should be resolved on humanitarian considerations through simultaneous

repatriation of all such persons except those Pakistani prisoners of war who might be required by the Government of Bangladesh for trial on certain charges.

5. Following the Declaration there were a series of talks between India and Bangladesh and India and Pakistan. These talks resulted in an agreement at Delhi on August 28, 1973 between India and Pakistan with the concurrence of Bangladesh, which provided for a solution of the outstanding humanitarian problems.

6. In pursuance of the Agreement, the process of three-way repatriation commenced on September 19, 1973. So far nearly 300,000 persons have been repatriated which has generated an atmosphere of reconciliation and paved the way for normalization of relations in the sub-continent.

7. In February 1974, recognition took place thus facilitating the participation of Bangladesh in the tripartite meeting envisaged in the Delhi Agreement, on the basis of sovereign equality. Accordingly His Excellency Dr. Kamal Hossain, Foreign Minister of the Government of Bangladesh, His Excellency Sardar Swaran Singh, Minister of External Affairs, Government of India and His Excellency Mr. Aziz Ahmed, the Minister of State for Defense and Foreign Affairs of the Government of Pakistan met in New Delhi from April 5 to April 9, 1974 and discussed the various issues mentioned in the Delhi Agreement in particular the question of the 195 prisoners of war and the completion of the three-way process of repatriation involving Bangalees in Pakistan, Pakistanis in Bangladesh and Pakistani prisoners of war in India.

8. The Ministries reviewed the progress of the three-way repatriation under the Delhi Agreement of August 28, 1973. They were gratified that such a large number of persons detained or stranded in the three countries had since reached their destinations.

9. The Ministers also considered steps that needed to be taken in order expeditiously to bring the process of the three-way repatriation to a satisfactory conclusion.

10. The Indian side stated that the remaining Pakistani prisoners of war and civilians internees in India to be repatriated under the Delhi Agreement, numbering approximately 6,500, would be repatriated at the usual pace of train on alternate days and the likely short-fall [text illegible] ..to April 10, 1974 on account of Kumb Mela, would be made up by running additional trains after April 19. It was thus hoped that the repatriation of prisoners of war would be completed by the end of April 1974.

11. The Pakistani side stated that the repatriation of Bangladesh nationals from Pakistan was approaching completion. The remaining Bangladesh nationals in Pakistan would also be repatriated without let or hindrance.

12. In respect of non-Bangalees in Bangladesh, the Pakistan side stated that the Government of Pakistan had already issued clearances for movement to Pakistan in favor of those non-Bangalees who were either domiciled in former West Pakistan, were employees of the Central Government and their families or were members of the divided families, irrespective of their original domicile. The issuance of the clearance to 25,000 persons who constitute hardship cases was also in progress. The Pakistan side reiterated that all those who fall under the first three categories would be received by Pakistan without any limits to numbers. In respect of persons whose applications had been rejected, the Government of Pakistan would upon request, provide reasons why any particular case was rejected. Any aggrieved applicant could, at any time, seek a review of his application provided he was able to supply new facts or further information to the Government of Pakistan in support of his contention that he qualified in one or other of the three categories. The claims of such persons would not be time-barred. In the event of the decision of the review of a case being adverse, the Government of Pakistan and Bangladesh might seek to resolve it by mutual consultation.

13. The question of 195 Pakistani prisoners of war was discussed by the three Ministers, in the context of the earnest desire of the Governments for reconciliation, peace and friendship in the sub-continent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by these prisoners of war constituted according to the relevant provisions of the U.N General Assembly Resolutions and International Law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as the 195 Pakistani prisoners of war should be held to account and subjected to the due process of Law. The Minister of State for Defense and Foreign Affairs of the Government of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed.

14. In this connection the three Ministers noted that the matter should be viewed in the context of the determination of the three countries to continue resolutely to work for reconciliation. The Minister further noted that following recognition, the Prime Minister of Pakistan

declared that he would visit Bangladesh in response to the invitation of the Prime Minister of Bangladesh and appeal to the people of Bangladesh, to forgive and forget the mistakes of the past. Similarly, the Prime Minister of Bangladesh had declared with regard to the atrocities and destruction committed in Bangladesh in 1971 that he wanted the people to forget the past and to make a fresh start, stating that the people of Bangladesh knew how to forgive.

15. In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh has decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war now in process of repatriation under the Delhi Agreement.

16. The Minister expressed their convictions that the above agreements provide a firm basis for the resolution of the humanitarian problems arising out of the conflict of 1971. They reaffirmed the vital stake of seven hundred million people of the three countries have in peace and progress and reiterated the resolve of their Governments to work for the promotion of normalization of relations and the establishment of durable peace in the sub-continent.

Signed in New Delhi on April 9, 1974 in three original, each of which is equally authentic.

Sd/-

Dr.Kamal Hossain, Foreign Minister of the Government of Bangladesh,

Sd/-

Sardar Swaran Singh, Minister of External Affairs, Government of India

Sd/-

Mr.Aziz Ahmed, the Minister of State for Defense and Foreign Affairs of the Government of Pakistan

Appendix-5

**The Bangladesh Collaborators (Special Tribunals)
(Repeal) Ordinance, 1975**

Justice F K M A Munim

Secretary

**Bangladesh Gazette
Extraordinary
Published by Authority**

WEDNESDAY, DECEMBER 31, 1975

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS AND
JUSTICE
(Law and Parliamentary Affairs Division)**

NOTIFICATION

Dacca, the 31st December 1975

No. 871-Pub. —The following Ordinance and Proclamation Order made by the President of the People's Republic of Bangladesh on the 31st December, 1975, is hereby published for general information: —

**THE BANGLADESH COLLABORATORS (SPECIAL TRIBUNALS)
(REPEAL) ORDINANCE, 1975
Ordinance No. LXIII of 1975
AN
ORDINANCE**

to repeal the Bangladesh Collaborators (Special Tribunals) Order, 1972.

WHEREAS it is expedient to repeal the Bangladesh Collaborators (Special Tribunals) Order 1972, (P. O. No. 8 of 1972), and to provide for certain matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: —

1. **Short title.** — This Ordinance may be called the Bangladesh Collaborators (Special Tribunals) (Repeal) Ordinance, 1975.
2. **Repeal of P.O. No. 8 of 1972.** — (1) The Bangladesh Collaborators (Special Tribunals) Order, 1972 (P O. No. 8 of 1972), hereinafter referred to as the said Order, is hereby repealed.
(2) Upon the repeal of the said Order under sub-section (1), all trials or other proceedings thereunder pending immediately before such repeal before any Tribunal, magistrate or Court, and all investigations or other proceedings by or before any Police Officer or other authority under that Order, shall abate and shall not be proceeded with.
- (3) Nothing in sub section (2) shall be deemed to affect—
 - (a) the continuance of any appeal against any conviction or sentence by any Tribunals, Magistrate or Court under the said order; or
 - (b) except to the extent provided in that sub-section, the operation of section 6 of the General Clauses Act, 1897 (X of 1897).

Abusadat Mohammad Sayem
President

Dacca;
The 31st December, 1975

A K Talukdar
Deputy Secretary

Appendix-6
**Nirmul Committee's Letter to the Heads
of the Diplomatic Missions in Dhaka**

**Subject: Request for refusing visa to the Bangladesh war criminals
of 1971**

Excellency,

We, as a non-political organization engaged in organizing opinion for trial of the war criminals of 1971, would like to take the privilege of drawing your kind attention to the following issues for your necessary intervention.

It is an established fact that rapid rise of religious militancy and fanaticism followed by terrorist activities have now become a serious threat to world peace and stability. Unfortunately Bangladesh also has become a fertile ground for the spread of terrorism. The dimension of terrorist activities is evident from the series bombings all over the country in 2005. Such activities of the militants brought about reigns of terror in Bangladesh. But then who are these militant terrorists? They mostly belong to **Jamat-e-Islami**. It is a political party which not only opposed our war of liberation in 1971, but also aided and abetted the Pakistani occupation army. They had provided 40,000 **Razakars** and had also set-up notorious **Al Badr** and **Al Shams** as the fifth columns of Pakistani occupation force in Bangladesh. Their atrocities have caused killings of millions of innocent civilians including women and children. They have also indiscriminately burnt the dwelling houses of the people, looted their wealth & belongings, raped thousands of our young girls and women. So, these local forces are equally responsible for committing genocide, war crimes and crimes against humanity in 1971.

After the end of the war on 16 December, 1971, some special Tribunals were set-up for the trial of these war criminals. But with the tragic assassination of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman on 15 August, 1975, all the criminal cases instituted against the war criminals were stopped by an Ordinance. As a result, all the war criminals including the hardened ones could escape trial. Being

relieved of the war crime charges, they started re-organizing under the banner of Jamat-e-Islami. This time Jamat surreptitiously adopted the strategy of forming their militant wings with different names like Harkatul Jihad, JMB, JMJB, and so on having links with other terrorist groups in Afghanistan, Pakistan and the Middle-East. It is widely believed that most of these terrorist groups are operating in Bangladesh under the umbrella of Jamat-e-Islami. We believe that if the war criminals of 1971 were prosecuted and punished, terrorism in its present form and magnitude would not have flourished in Bangladesh.

With the understanding that the war criminals belonging to Jamat-e-Islami are responsible for terrorist activities in Bangladesh, a general consensus and awareness has been created in the country that they should be tried. Almost all the political parties like A.L. B.N.P, J.P, NAP, L.D.P, P.D.P, C.P.B and J.S.D have also strongly demanded the trial of the war criminals. Even the Chief Adviser of the Care-Taker Govt. the Chief Election Commissioner and the Army Chief have publicly expressed their solidarity with the people's demand for the trial of the war criminals. Therefore, we believe that time has come again to put the war criminals on trial. We also believe that the leading war criminals should be prosecuted immediately. This is the only option left before us to free the country from the clutches of terrorism and make our contribution in the global war against these menace, as well as ensure justice.

In this connection, we would like to mention that we consider the following individuals are the leading war criminals as identified by the 'National people's Inquiry Commission' which was set up in 1993 by the eminent intellectuals and jurists headed by Poet Sufia Kamal—

1) Mr. Golam Azam 2) Mr. Motiur Rahman Nizami 3) Mr. Abdus Sobhan, 4) Mr. Ali Ahsan Mohammad Mujahid, 5) Mr. A.B.M Khaleq Majumder, 6) Mr. Delwar Hossain Sayeedi, 7), Mr. Salahuddin Kader Chowdhury, 8) Mr. Qamruzzaman, 9) Mir Kashim Ali and 10) Mr. Abdul Quader Molla. These persons frequently undertake travels abroad. The main objectives of their such travels are to propagate and spread hatred against the western world, liberal democracy, human rights, freedom of expression and to raise funds for their terrorist organizations. They are also reported to avail the opportunities of attending different functions hosted by the Foreign Missions in Bangladesh with a view to focusing themselves as a true democratic political party giving them respectability and legitimacy in the society.

In view of these facts, our humble request to your Excellency is to refuse issuing any visa or grant them political asylum to any of the

above listed war criminals and to exclude their names from the list of the invitees to your Mission.

Yours sincerely,



(Kabir Chowdhury)

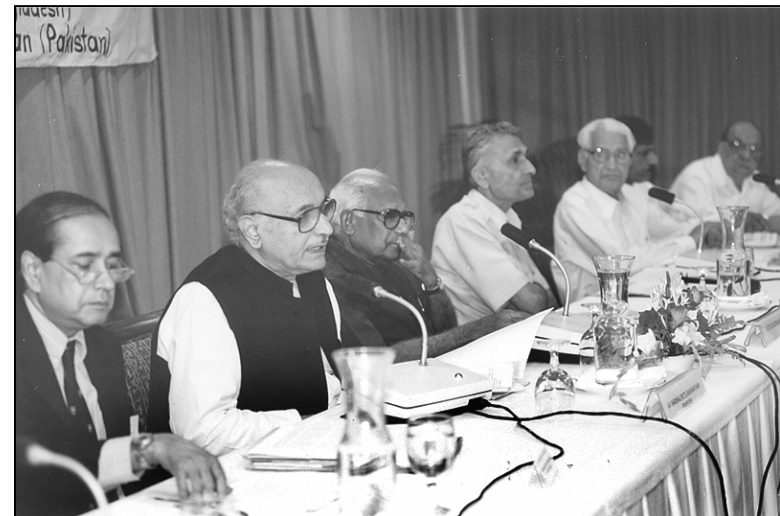
Chairman

Advisory Committee



(Shahriar Kabir)

Acting President



Air Marshal (Retd.) Asghar Khan of Pakistan delivering presidential address at South Asian conference on fundamentalism and communalism held in Dhaka on 2 June 2001. Theme of the session was 'Fundamentalism and War Crimes'. (from left) ambassador Waliur Rahman and Justice K M Sobhan (Bangladesh), Major General (Retd.) Vinod Saighal (India), Journalist MB Naqvi and Advocate Alamdar Raja of Pakistan. The conference was organized by Nirmul Committee and attended by the civil society leaders of five South Asian countries

Appendix-7
An official evidence of Jamat's link with Al Badr

10 NOV 1971
No. 730(158)-Poll./S(I).
GOVERNMENT OF EAST PAKISTAN
HOME (POLITICAL) DEPARTMENT
Section I

DKG
SS
SS II
Fortnightly Secret Report on the Situation in East Pakistan for the Second Half of October, 1971

I—POLITICAL

SS
SS/SC
SS/PS
The six rightist political parties, namely; PDP, three factions of ML, JI and NI forged an alliance among themselves to contest the ensuing bye-elections and put up mutually agreed candidates in several constituencies. Some candidates have since been declared provisionally elected unopposed to the National Assembly. The Pakistan People's Party has also secured a few seats.

SS/Pan
SS/ES
60R
26/11/71
Mr Zahiruddin, MNA-elect of the defunct AL is reported to have expressed his desire to form an independent group in the National Assembly with the qualified MNAs of the party. He disclosed that there was no possibility of the defunct AL to put up any candidate in the ensuing bye-elections.

3. A Bengali-printed document, reportedly published from Azad Press, Rajshahi, by East Pakistan Communist Party (Marxist-Leninist) was found recently in secret circulation amongst the party workers in Dacca. It is said to be a translation from the 'Liberation' dated 15-6-71, a mouthpiece of the Communist Party of India (Marxist-Leninist). The document, *inter alia*, says that the gambling on the East Pakistan issue by USA, USSR and India has failed because the Peoples' Republic of China has not offered full support to the Government of Pakistan for

A front page of 'Fortnightly Secret Report on the Situation in East Pakistan' published by Home (Political) Department of Govt. of East Pakistan. Jamat-e-Islami's link with Al Badr was mentioned in the report



The historical photograph of the People's Tribunal. Chairperson of the People's Tribunal Shaheed Janani Jahanara Imam showing 'Victory' sign to the public. Other judges of the Tribunal and leaders of the National Coordination Committee (from right) Abdur Razzak, Kazi Aref Ahmed, Advocate Gaziul Hauque, Syed Hasan Imam, Professor Ahmed Sharif and Principal Abdul Ahad Chowdhury are seen there



The report of the People's Inquiry Commission about war crimes of 8 war criminals was released at a huge public gathering on 26 March 1994 at the premises of the Engineer's Institute (from left) the members of the People's Inquiry Commission advocate Salauddin Yusuf, Barrister Shafiq Ahmed, Professor Abdul Khalek, Professor Anupam Sen, Justice K M Sobhan, Poet Shamsur Rahman and Air vice Marshal (retd.) Sadruddin are seen on the stage