

International Crimes (Tribunal)-1

ICT-BD Case No. 04 of 2015

Chief Prosecutor Vs. Md. Sakhawat Hossain (Accused) and others

Order No. 01

Dated 08.09.2015

Accused 1) Md. Sakhawat Hossain, 2) Ojihar Morol @ Ojiwar Morol, and 3) Md. Akram Hossain have been produced before this Tribunal today by the prison authority. However, the prison authority did not produce accused Md. Billal Hossain.

Today is fixed for order on the formal charges.

Perused the formal charges under section 9(1) of the ICT Act of 1973 filed against 1) Md. Sakhawat Hossain and 11[eleven] others along with other documents annexed therewith filed by the prosecution and heard Mr. Zead Al-Malum, the learned prosecutor.

Mr. Abdus Sattar Palwan, the defence counsel for accused Md. Sakhawat Hossain and Md. Akram Hossain are present in the court room.

On perusal of the documents submitted by the prosecution and having heard the learned prosecutor we find a prima-facie case of offences of crimes against Humanity against accused 1) Md. Sakhawat Hossain, 2) Md. Billal Hossain Biswas, 3) Md. Ibrahim Hossain @ Ghungur Ibrahim, 4) Sheikh Mohammad Mujibur Rahman @ Mujibur Rahman, 5) Md. A. Aziz Sardar, 6) Abdul Aziz Sarder, 7) Kazi Ohidul Islam @ Kazi Ohidus Salam, 8) Md. Lutfor Morol and 9) Md. Abdul Khaleque Morol and as such we are constrained to take cognizance of offences against them under section 3(2) read with section 4(1) of the ICT Act of 1973 and accordingly cognizance of offences is taken.

Having considered the formal charges, we find no prima-facie allegations as to the involvement of accused 1. Md. Akram Hossain 2. Ojihar Morol @ Ojiwar Morol and 3. Moshiar Rahman, with the commission of any offence as specified in section 3(2) of the ICT Act, 1973, therefore, we are not inclined to take cognizance of offences of crimes against Humanity against the said accused persons.

Accordingly, accused 1. Md. Akram Hossain, 2. Ojihar Morol @ Ojiwar Morol and 3. Moshiar Rahman are hereby discharged. The jail authority is directed to release accused

1. Md. Akram Hossain and 2. Ojihar Morol @ Ojiwar Morol if they are not wanted in any other case. Warrant of arrest so far as it relates to Moshiar Rahman is hereby recalled.

Let the case be registered and numbered as ICT-BD Case.

The officer-in-charge Keshobpur Police Station, Jessore is directed to submit a report within 2[two] weeks with regard to the executing of warrant of arrest against the absconding persons of this case issued by this Tribunal earlier.

Let the case be fixed on 30.09.2015 for further order.

(M. Enayetur Rahim, Chairman)

(Jahangir Hossain, Member)

(Anwarul Haque, Member)