International Crimes Tribunal-2

Dhaka. Bangladesh
Website: www.ict-bd.org

Memo No. Anto. Apo. Tri.- 2/1360/2026 Date: 20.09.2026

Subject: Judgment and order dated 30.06.2026 delivered in **ICT-BD (ICT-2) Case No.03 of 2025**.

As directed by the Honourable International Crimes Tribunal-2 (ICT-2), Bangladesh 01 (one) copy of the full text of the judgement and order of the Tribunal-2 in connection with the case referred to above are being sent herewith for information and necessary compliance.

By Order of the Tribunal-2

Registrar 20/09/26
(Senior District & Sessions Judge)
International crimes Tribunal
Dhaka. Bangladesh.

To

Mr. Mansurul Hoque Chowdhury
Learned Senior Advocate
For the accused Hasanul Haq Inu

Annexure:

1. 01 (one) Copy of full text of the **Judgment and Order** (500 pages)

The Chief Prosecutor

Vs

Hasanul Haq Inu

ICT-BD (ICT-2) Case No. 03 of 2025

Date of Judgment: 30th June, 2026

International Crimes Tribunal-2, Bangladesh


INTERNATIONAL CRIMES TRIBUNAL
Dhaka, Bangladesh

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International Crimes Tribunal - 2

Old High Court Building, Dhaka, Bangladesh.

ICT-BD (ICT-2) Case No. 03 of 2025

Present:

Justice Nozrul Islam Chowdhury, Chairman
Judge Md. Manjurul Basit, Member
Judge Nur Mohammad Shahriar Kabir, Member

(Charges: Murder as Crimes Against Humanity, Other Inhumane Acts as Crimes Against Humanity (Torture of Student Leaders and Civilian Protestors), Persecution on Political Grounds, Abetment, Conspiracy and Incitement, Complicity, Joint Criminal Enterprise and Command Responsibility under Sections 3(2)(a), 3(2)(g), and 3(2)(h) read with Sections 4(1), 4(2), and 4(3) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A thereof.)

The Chief Prosecutor-Vs- Hasanul Haq Inu

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Mr. Md. Mozibor Rahman, Advocate,

Date of delivery of Judgment: 30 June 2026

JUDGEMENT

[Under section 10(1)(j) read with section 20(1) of the International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973)]

I. Introduction and Constitution of the Tribunal

1. This International Crimes Tribunal has been duly constituted under the authority of the International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973), a special municipal legislation enacted to ensure the investigation, prosecution, trial, and punishment of persons responsible for crimes against humanity, genocide, war crimes, crimes against peace, and other offences recognised under international law. Although the Act was originally enacted in the aftermath of the War of Liberation of 1971 to bring to justice those responsible for atrocities committed during that conflict, its ambit is not confined to that historical period. The Act constitutes a permanent legislative framework designed to address grave international crimes committed within the territory of Bangladesh whenever such crimes fall within the jurisdiction conferred by the statute.

2. By the International Crimes (Tribunals) (Amendment) Ordinance, 2024, the statutory framework underwent significant expansion in order to address contemporary manifestations of international crimes committed through widespread or systematic attacks directed against civilian populations. The amendment reaffirmed and strengthened the Tribunal's jurisdiction to prosecute crimes against humanity and other offences recognised under

international law, thereby ensuring that the Act remains responsive to evolving international criminal jurisprudence. It is within this amended statutory framework that the present proceedings arise, relating to the incidents that occurred during the nationwide movement of July 2024, commonly known as the "July Uprising," which originated from public protests concerning, among other matters, the quota system in public service and subsequently developed into a broader mass movement.

3. In exercise of the powers conferred by section 6 of the Act, the Government of the People's Republic of Bangladesh, by Gazette Notification dated 8 May 2025, established the International Crimes Tribunal-2 comprising the undersigned as Chaiman and 2 (Two) Members, being a retired High Court Division Judge of the Supreme Court of Bangladesh and 2 (Two) persons qualified to be appointed as Judges of the Supreme Court of Bangladesh prescribed by law. Accordingly, this Tribunal has been lawfully constituted and is fully vested with jurisdiction to try and determine offences specified in section 3(2) of the Act, including crimes against humanity, genocide, war crimes, crimes against peace, and other offences recognised under customary international law.

4. The International Crimes Tribunal is a domestic court exercising a unique and sui generis jurisdiction under the Act. While administering municipal law, it simultaneously applies and interprets that law consistently with the established principles of international criminal law and customary international law. In the discharge of its judicial functions, the Tribunal derives persuasive interpretative guidance from international treaties, conventions, and the jurisprudence of international criminal tribunals,

including the Rome Statute of the International Criminal Court, which Bangladesh ratified on 23 March 2010. Significantly, section 3(2)(a) of the Act, read together with the Explanation appended thereto, expressly mandates that the definitions contained in Article 7(2) of the Rome Statute shall guide the interpretation of the constituent elements of crimes against humanity. Consequently, concepts such as "attack directed against any civilian population," "persecution," "other inhuman acts," and "enforced disappearance of persons" are to be construed consistently with the internationally accepted legal standards embodied in the Rome Statute and the evolving corpus of international criminal jurisprudence.



5. In exercising its jurisdiction under the Act, this Tribunal remains guided by the fundamental principles of legality, fairness, due process, judicial independence, and the rule of law. The Tribunal is under a solemn duty to ensure that accountability for the gravest crimes known to international law is determined exclusively upon legally admissible evidence, established facts, and the applicable principles of domestic and international law. The proceedings before this Tribunal are therefore conducted with scrupulous regard to the rights of the accused, the interests of victims, and the overarching objective of ensuring that justice is administered impartially, independently, and in accordance with law.

II. Jurisdiction of the Tribunal

6. Statutory Foundation of Jurisdiction

The jurisdiction of this Tribunal is founded upon the provisions of sections 3 and 4 of the International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973) (hereinafter referred to as "the Act"), which collectively

constitute the substantive and jurisdictional framework empowering the Tribunal to investigate, prosecute, try, and punish persons responsible for the gravest crimes recognised under international law.

Section 3(1) of the Act confers jurisdiction upon this Tribunal to try and punish any individual or group of individuals, any organisation, or any member of any disciplined force, auxiliary force, or intelligence agency, irrespective of nationality, who commits, has committed, or is alleged to have committed, whether within or beyond the territory of Bangladesh and whether before or after the commencement of the Act, any of the offences enumerated in section 3(2).

The breadth of this jurisdiction reflects one of the cardinal principles of international criminal law, namely that crimes against humanity, genocide, war crimes, crimes against peace, and other core international crimes are offences against the international community as a whole. Such crimes transcend the conventional limitations of territoriality and nationality and may therefore attract criminal responsibility irrespective of where they were committed or the nationality of the perpetrators. The Act accordingly confers upon this Tribunal jurisdiction ratione personae, ratione loci, and ratione temporis in a manner consistent with established principles of customary international law.

7. Subject-Matter Jurisdiction

Section 3(2) of the Act defines the categories of offences falling within the jurisdiction of this Tribunal. These offences constitute the core

international crimes recognised under customary international law and treaty law and attract individual criminal responsibility.

The Tribunal's subject-matter jurisdiction extends to crimes against humanity, crimes against peace, genocide, war crimes, violations of the laws and customs of war, other crimes recognised under international law, as well as inchoate and ancillary forms of criminal participation, including conspiracy, abetment, incitement, attempt, complicity, and failure to prevent the commission of such crimes.



8. Crimes Against Humanity

Section 3(2)(a) of the Act criminalises crimes against humanity, including murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, abduction, confinement, torture, rape, sexual exploitation, enforced disappearance, human trafficking, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and other inhumane acts, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of such attack, or when perpetrated by way of persecution on political, racial, ethnic, national, cultural, or religious grounds.

The Explanation appended to section 3(2)(a) expressly requires the Tribunal, for the purposes of interpretation, to apply the definitions contained in Article 7(2) of the Rome Statute of the International Criminal Court. Consequently, expressions such as "attack directed against any civilian population," "persecution," "enforced disappearance of persons," and "other inhumane acts" are to be construed consistently with the

internationally accepted standards embodied in the Rome Statute and the developing jurisprudence of international criminal courts and tribunals.

The essential legal ingredients of crimes against humanity may accordingly be summarised as follows:

(i) the commission of one or more prohibited underlying acts;

(ii) as part of a widespread or systematic attack;

(iii) directed against any civilian population; and

(iv) committed with knowledge of the attack.

Each of these constituent elements must be established beyond reasonable doubt before criminal liability under section 3(2)(a) can arise.

9. Crimes Against Peace

Section 3(2)(b) criminalises the planning, preparation, initiation, or waging of a war of aggression or a war in violation of international treaties, agreements, or assurances.

This provision reflects the principles first articulated by the International Military Tribunal at Nuremberg and subsequently affirmed as part of customary international law. It recognises that aggressive war constitutes one of the gravest violations of international law, giving rise to individual criminal responsibility for those occupying positions of political or military leadership who are responsible for its planning or execution.

10. Genocide

Section 3(2)(c) incorporates the internationally accepted definition of genocide, substantially mirroring the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

The offence consists of the commission of any of the prohibited acts, including killing members of a protected group, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group's physical destruction, imposing measures intended to prevent births within the group, or forcibly transferring children from one group to another, when committed against a national, ethnic, racial, or religious group with the specific intent (dolus specialis) to destroy that group, in whole or in part.

The existence of this special genocidal intent constitutes the defining characteristic of genocide and distinguishes it from crimes against humanity and other international crimes.

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11. War Crimes

Sections 3(2)(d) and 3(2)(e) confer jurisdiction upon the Tribunal over violations of the laws and customs of war and serious violations of the rules of international humanitarian law applicable during armed conflict, including those embodied in the Geneva Conventions and customary international humanitarian law.

Such offences include, among others, wilful killing, torture, inhuman treatment, unlawful confinement, murder or ill-treatment of civilians, killing of prisoners of war, extensive destruction and appropriation of property not justified by military necessity, pillage, and other serious violations recognised under international humanitarian law.

The statutory language is intentionally broad and inclusive, thereby permitting the Tribunal to draw upon the established principles of

customary international humanitarian law when determining the scope and content of such offences.

12. Residual and Inchoate Offences

Section 3(2)(f) extends the Tribunal's jurisdiction to encompass "any other crimes under international law," thereby enabling the domestic application of evolving principles of customary international criminal law where such principles have attained sufficient legal recognition.

Sections 3(2)(g) and 3(2)(h) further criminalise attempt, conspiracy, abetment, incitement, complicity, aiding and assisting, and failure to prevent the commission of crimes falling within the jurisdiction of the Tribunal.

These provisions ensure that criminal responsibility is not confined solely to the direct physical perpetrators of international crimes but extends equaliy to those who plan, organise, instigate, facilitate, encourage, knowingly assist, or otherwise contribute to their commission.

13. Interpretative Framework

Section 3(3) of the Act expressly directs that, while determining criminal liability under section 3(2), the Tribunal shall have regard to the Elements of Crimes adopted pursuant to Article 9 of the Rome Statute of the International Criminal Court, provided such Elements are not inconsistent with the provisions of the Act.

This statutory directive reflects the legislative intent that the Act should be interpreted harmoniously with the contemporary development of

international criminal jurisprudence while preserving the supremacy of the domestic statutory framework enacted by Parliament.

Accordingly, the Tribunal may derive persuasive interpretative assistance from the Rome Statute, the Elements of Crimes, and the jurisprudence of international criminal tribunals whenever such authorities are compatible with the provisions and objectives of the Act.

14. Individual Criminal Responsibility

Section 4 of the Act codifies the principles governing individual criminal responsibility for offences falling within the jurisdiction of the Tribunal.

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Under section 4(2)(a), criminal liability attaches to a person who commits a crime individually, jointly with another person, or through another person acting under his authority or control.

Sections 4(2)(b) and 4(2)(c) extend criminal responsibility to persons who order, solicit, induce, instigate, aid, abet, facilitate, or otherwise assist in the commission or attempted commission of a crime, including by providing the means necessary for its execution.

Section 4(2)(d) further recognises liability arising from participation in a group acting pursuant to a common criminal purpose, provided that the accused intentionally contributes to the criminal activity or acts with knowledge of the group's criminal objective.

Section 4(2)(e) criminalises attempts to commit offences within the jurisdiction of the Tribunal where an accused has taken a substantial step towards the commission of the crime, although the offence ultimately remains incomplete due to circumstances independent of his intention. A voluntary and

complete abandonment of the criminal enterprise before completion may, however, constitute a valid defence in appropriate circumstances.

Finally, section 4(2)(f) confines criminal responsibility for crimes against peace to persons who are in a position effectively to exercise control over, or direct, the political or military action of a State, thereby incorporating the internationally recognised principle of leadership responsibility.

15. Command and Superior Responsibility

Section 4(3) of the Act embodies the well-established doctrine of command or superior responsibility, a principle firmly rooted in customary international law.

Under this provision, military commanders and civilian superiors incur criminal responsibility where they order, authorise, permit, tolerate, or knowingly fail to prevent or repress the commission of crimes by their subordinates, or fail to submit the matter to the competent authorities for investigation and prosecution.

Liability arises where the superior knew, had reason to know, or consciously disregarded information clearly indicating that subordinates were committing or were about to commit crimes falling within the Tribunal's jurisdiction.

The doctrine recognises that responsibility may arise not only from direct participation but also from culpable omission, imposing upon commanders and superiors an affirmative legal duty to exercise effective authority and control over those under their command.

16. Conclusion on Jurisdiction

Upon a comprehensive and harmonious construction of sections 3 and 4 of the Act, this Tribunal is satisfied that the statutory framework confers upon it full jurisdiction ratione materiae, ratione personae, ratione temporis, and ratione loci to try, and determine the offences alleged in the present case.

The Act establishes a comprehensive legal regime for the prosecution of the gravest international crimes recognised under customary international law while ensuring that domestic adjudication remains consistent with internationally accepted legal standards through express reference to the Rome Statute, the Elements of Crimes, and the established principles of international criminal jurisprudence. Accordingly, this Tribunal is fully competent in law to exercise jurisdiction over the offences and the accused persons brought before it in the present proceedings.

III. Definition and Judicial Interpretation of the Expression "Widespread or Systematic Attack Directed Against Any Civilian Population"

17. (A) Statutory Context

Before embarking upon an examination of the factual matrix of the present case, this Tribunal considers it both necessary and appropriate to delineate the legal framework governing crimes against humanity under contemporary international criminal law. The contextual elements of crimes against humanity constitute the distinguishing feature separating such

offences from ordinary crimes under municipal law. It is, therefore, imperative to ascertain the legal content and scope of the statutory expression "committed against any civilian population" occurring in section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, in the light of internationally recognised principles governing crimes against humanity.

The concept of crimes against humanity has undergone considerable evolution since its initial recognition in the Charter of the International Military Tribunal at Nuremberg in 1945. Through subsequent developments in customary international law, the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), and ultimately the Rome Statute of the International Criminal Court, the contextual elements of the offence have attained a settled and universally recognised meaning.

Article 7(1) of the Rome Statute defines crimes against humanity as any of the enumerated prohibited acts "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." This definition recognises that crimes against humanity are not constituted merely by the commission of isolated criminal acts, however grave they may be. Rather, the prohibited conduct must form part of a broader pattern of organised violence or persecution directed against civilians.

Article 7(2)(a) of the Rome Statute further elucidates the expression **"attack directed against any civilian population"** by providing that it means "a course of conduct involving the multiple commission of acts

referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organisational policy to commit such attack."

The significance of this definition lies in its recognition that the contextual element of crimes against humanity extends beyond the commission of individual criminal acts. It requires proof that the acts complained of were committed within the framework of a larger campaign or course of conduct directed against civilians. Accordingly, isolated or sporadic offences, even though serious in themselves, ordinarily do not satisfy the threshold of crimes against humanity unless they are demonstrably linked to such a broader attack.



A conjoint and harmonious reading of Articles 7(1) and 7(2)(a) reveals that four contextual requirements emerge as indispensable components of crimes against humanity. First, there must exist an "attack" consisting of multiple prohibited acts. Secondly, such attack must be directed against a civilian population. Thirdly, the attack must be either widespread or systematic. Fourthly, the attack must be carried out pursuant to, or in furtherance of, a State or organisational policy. Additionally, the individual perpetrator must possess knowledge that his acts form part of that broader attack.

These contextual requirements distinguish crimes against humanity from ordinary offences punishable under domestic criminal law. Murder, torture, unlawful confinement, rape or enforced disappearance, when committed as isolated criminal acts for purely personal motives, remain ordinary crimes. However, when identical acts are committed as components of an organised or large-scale attack against a civilian

population, pursuant to a State or organisational policy, they assume the character of crimes against humanity attracting individual criminal responsibility under international law.

Although section 3(2)(a) of the International Crimes (Tribunals) Act, 1973 does not expressly reproduce every phrase employed in Article 7 of the Rome Statute, the Explanation appended to section 3(2)(a) expressly directs this Tribunal to apply the definitions contained in Article 7(2) of the Rome Statute while interpreting the statutory provisions. The legislative intent is thus manifest that the substantive provisions of the Act should be construed consistently with internationally accepted principles governing crimes against humanity.

The Tribunal is therefore under a statutory obligation to interpret the expression "committed against any civilian population" appearing in section 3(2)(a) in harmony with Article 7 of the Rome Statute and the established corpus of customary international criminal law. Such interpretation ensures fidelity both to the legislative mandate contained in the Act and to the universally recognised principles governing international criminal responsibility.

Accordingly, before determining whether the offences alleged in the present case constitute crimes against humanity within the meaning of section 3(2)(a), it becomes necessary to examine the legal meaning and constituent elements of the expression "widespread or systematic attack directed against any civilian population."

(B) Meaning of "Widespread or Systematic Attack"

The expression "widespread or systematic" constitutes one of the defining contextual elements of crimes against humanity. It serves as the legal criterion distinguishing organised or mass atrocities from isolated incidents of criminality. International criminal jurisprudence has consistently recognised that this requirement represents the threshold which transforms otherwise ordinary criminal conduct into crimes against humanity.

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The phrase is expressed in the disjunctive. Consequently, it is unnecessary for the Prosecution to establish that an attack is simultaneously both widespread and systematic. Proof of either characteristic is sufficient to satisfy the contextual requirement. Nevertheless, in practice, many attacks exhibit both qualities, although the existence of one does not depend upon proof of the other.

The adjective "widespread" primarily denotes the quantitative dimension of the attack. It relates to the scale, magnitude, and extensiveness of the criminal conduct. An attack may properly be characterised as widespread where it involves numerous victims, extends over a substantial geographical area, continues over an appreciable period of time, or consists of repeated acts affecting a significant segment of the civilian population.

International criminal tribunals have consistently interpreted the concept as referring to massive, frequent, large-scale action carried out collectively against multiple victims. The emphasis is not confined merely to the numerical count of victims but extends to the overall dimensions and consequences of the attack. A widespread attack therefore ordinarily

manifests itself through repeated acts of violence committed across different locations, involving substantial numbers of victims or producing extensive humanitarian consequences.

The determination whether an attack is widespread depends upon an evaluation of all surrounding circumstances. Relevant considerations include, among others, the number of victims, the geographical scope of the attack, its duration, the multiplicity of criminal incidents, the cumulative effect of the unlawful conduct, and the overall scale of the violence. No single factor is conclusive, and the assessment must be undertaken in the context of the evidence as a whole.

The expression "systematic," on the other hand, is qualitative rather than quantitative. It concerns the organised character of the attack rather than its size. A systematic attack is one that is carried out according to a preconceived plan, organised policy, or regular pattern of conduct. It is characterised by methodical execution, coordination among perpetrators, repetition of similar criminal acts, and the existence of an identifiable organisational framework within which the crimes are committed.

The jurisprudence of international criminal tribunals has consistently emphasised that systematic conduct is marked by deliberateness rather than spontaneity. The acts comprising the attack are neither random nor accidental. Instead, they reveal a discernible pattern reflecting preparation, planning, coordination, logistical support, or institutional involvement. The existence of a policy, whether formally declared or inferable from the surrounding circumstances, frequently constitutes persuasive evidence of the systematic nature of the attack.

Unlike the concept of widespread attack, systematicity does not necessarily depend upon the number of victims. An attack involving comparatively fewer victims may nevertheless satisfy the legal requirement if the criminal acts exhibit sufficient organisation, regularity, coordination, and implementation pursuant to a coherent policy or common design. Conversely, a very large number of isolated or unrelated criminal incidents may not necessarily constitute a systematic attack if they lack any organisational or coordinated character.

The Tribunal further observes that the concepts of **"widespread"** and **"systematic"** are complementary rather than mutually exclusive. Large-scale attacks are frequently organised and methodical, while systematic attacks often assume widespread dimensions. Nevertheless, international law has deliberately adopted the disjunctive formulation in order to ensure that either characteristic independently satisfies the contextual threshold.

The rationale underlying this requirement is readily apparent. Crimes against humanity are directed not merely against individual victims but against humanity itself. The law therefore requires that the prohibited acts be linked to a broader pattern of organised or large-scale violence demonstrating that the crimes were not isolated manifestations of individual criminality but components of an attack upon a civilian population.

The Tribunal is therefore of the considered view that the expression **"widespread or systematic attack"** embodies two distinct but complementary legal concepts. The term **"widespread"** refers to the extensive scale, magnitude, and multiplicity of the criminal conduct, whereas the term **"systematic"** denotes its organised, deliberate, coordinated, and methodical

character. Since the statutory requirement is expressed in the alternative, proof of either element is sufficient to establish the contextual threshold required for crimes against humanity, provided that the remaining constituent elements are also established in accordance with law.

The Tribunal shall, while appreciating the evidence adduced in the present case, examine whether the alleged acts formed part of an attack that satisfies either or both of these recognised legal characteristics, applying the foregoing principles in the light of the evidence placed before it and the governing standards of international criminal jurisprudence.

(C) Attack Directed Against Any Civilian Population

Having examined the legal meaning of the expression **"widespread or systematic"**, the Tribunal now turns to the second contextual requirement of crimes against humanity, namely that the prohibited acts must constitute an **"attack directed against any civilian population."** This requirement lies at the heart of the law relating to crimes against humanity and distinguishes such crimes from isolated acts of violence or ordinary offences punishable under municipal criminal law.

The expression **"attack directed against any civilian population"** has acquired a settled meaning in contemporary international criminal law. As explained in Article 7(2)(a) of the Rome Statute, an attack denotes a course of conduct involving the multiple commission of acts referred to in Article 7(1) against any civilian population, pursuant to or in furtherance of a State or organisational policy. The emphasis, therefore, is not upon a

single criminal incident but upon a continuing pattern of conduct comprising numerous prohibited acts committed against civilians.

The Tribunal observes that the word **"attack"** in the context of crimes against humanity is not confined to military operations or armed hostilities. Unlike the traditional law of armed conflict, crimes against humanity may be committed during peace as well as during armed conflict. Consequently, the expression **"attack"** bears a broader juridical meaning and encompasses any organised course of conduct involving repeated acts of violence, persecution, oppression, coercion, or other prohibited conduct intentionally directed against a civilian population.

International jurisprudence has consistently recognised that an attack, for the purposes of crimes against humanity, need not involve conventional military action or the deployment of armed forces in combat. Rather, it may consist of any coordinated campaign of mistreatment, repression, or violence undertaken against civilians by State authorities or by an organised group possessing the capacity to implement such a policy. Thus, the concept extends to campaigns of unlawful killings, enforced disappearances, torture, arbitrary detention, persecution, sexual violence, or other inhumane acts committed pursuant to an organised plan or policy.

The requirement that the attack be **"directed against"** a civilian population carries an important legal implication. It signifies that civilians, as a collective body, must constitute the primary object of the attack. The prohibited acts must not merely result in incidental civilian casualties arising from some other legitimate objective. Instead, the attack must intentionally target the civilian population itself or a substantial part thereof.

The phrase **"directed against"** therefore imports an element of intentionality. The prosecution must establish that the civilian population was deliberately selected as the object of the attack and that the perpetrators acted with knowledge that their conduct formed part of such attack. The civilian victims need not be individually identified in advance; it is sufficient if they were targeted because of their membership in the civilian population forming the object of the attack.

The Tribunal further observes that an attack directed against a civilian population is not constituted by isolated, random, or disconnected criminal incidents. The requirement contemplates a continuing campaign or course of conduct demonstrating sufficient connection among the underlying criminal acts. Although each prohibited act may occur at different times or places, they must collectively reveal an identifiable pattern directed towards the civilian population.

Another indispensable component of this contextual requirement is the existence of a State or organisational policy. Article 7(2)(a) of the Rome Statute expressly provides that the attack must be committed pursuant to or in furtherance of such policy. The policy requirement serves to distinguish crimes against humanity from spontaneous or purely private acts of criminality.

The Tribunal is mindful that international jurisprudence does not require proof of a formally proclaimed governmental policy or a written directive authorising the commission of crimes. Such a policy may be inferred from the totality of the surrounding circumstances. Its existence may be established by evidence demonstrating repeated commission of similar acts, coordinated operations by State agencies or organised groups,

deployment of substantial resources, systematic targeting of civilians, concerted action among different actors, or any other circumstances revealing a common design or organised plan.

The policy need not be publicly declared or reduced into writing. Indeed, those responsible for the commission of international crimes seldom promulgate formal documents authorising unlawful conduct. Consequently, tribunals have consistently recognised that policy may legitimately be inferred from the pattern, scale, repetition, coordination, and organised character of the criminal acts themselves.



Accordingly, the Tribunal holds that an **"attack directed against any civilian population"** signifies a deliberate course of conduct involving the multiple commission of prohibited acts intentionally directed against civilians, forming part of an organised campaign or operation carried out pursuant to, or in furtherance of, a State or organisational policy. It is this broader contextual framework that transforms individual criminal acts into crimes against humanity within the meaning of section 3(2)(a) of the Act.

(D) Definition of "Civilian Population"

The Tribunal next proceeds to examine the meaning and scope of the expression **"civilian population,"** which constitutes one of the indispensable contextual elements of crimes against humanity. Since the offence is predicated upon an attack directed against civilians, the legal character of the targeted population assumes fundamental importance in determining criminal liability.

Neither the International Crimes (Tribunals) Act, 1973 nor the Rome Statute provides an exhaustive definition of the expression **"civilian population."** Nevertheless, its meaning has been authoritatively developed through international humanitarian law, customary international law, and the jurisprudence of international criminal tribunals.

At its most fundamental level, the concept of a civilian is defined negatively. A civilian is any person who is not a member of the armed forces, organised combat groups, or other organised armed formations engaged in hostilities, and who is not, at the relevant time, taking a direct part in hostilities. The expression **"civilian population"** therefore encompasses the collective body of persons who enjoy protection under international humanitarian law by reason of their non-combatant status.

This understanding finds its normative foundation in the Geneva Conventions of 1949 and, more particularly, Article 50 of Additional Protocol I, which provides that any person who does not belong to the categories of combatants shall be regarded as a civilian. The same provision further embodies an important humanitarian safeguard by declaring that, in case of doubt, a person shall be considered to be a civilian. This presumption reflects one of the cardinal principles of international humanitarian law and reinforces the protective purpose underlying the law governing crimes against humanity.

International criminal jurisprudence has consistently adopted a broad and purposive interpretation of the expression "civilian population." The focus is directed not merely to the formal legal status of individuals but to the actual character of the population against whom the attack is launched.

The protective object of crimes against humanity requires that the concept be interpreted liberally rather than restrictively.

The Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia, in Prosecutor v. Kunarac et al., observed that the expression "civilian population" should be understood broadly and encompasses all persons who are not actively participating in hostilities at the relevant time. The Appeals Chamber emphasised that the decisive consideration is whether individuals are in fact participating in hostilities, rather than whether they formally belong to any particular social or occupational category.

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Likewise, in Prosecutor v. Tihomir Blaškić, the International Criminal Tribunal for the Former Yugoslavia authoritatively held that the presence within a population of certain individuals who may not strictly qualify as civilians does not deprive the population of its overall civilian character. The Tribunal observed that the legal character of the population must be determined by reference to its predominant composition rather than by the status of isolated individuals.

The same principle has subsequently been reaffirmed in the jurisprudence of the International Criminal Court. In Prosecutor v. Germain Katanga ICC-01/04-01/07, the Court recognised that a civilian population remains protected notwithstanding the incidental presence of persons having links with armed groups, provided that the population, viewed as a whole, retains its essentially civilian character.

These authorities firmly establish that the decisive legal test is the predominant character of the population rather than the status of individual

members. A population does not cease to be civilian merely because a limited number of persons within it possess military experience, maintain associations with armed elements, or otherwise fall outside the strict definition of civilians. So long as the overwhelming majority of the persons forming the object of the attack are civilians, the population retains its civilian character for the purposes of crimes against humanity.

This principle serves an important humanitarian function. Were the law otherwise, the protective regime governing crimes against humanity could easily be undermined by the mere presence of isolated non-civilians within a much larger civilian population. International law has consistently rejected such an artificial approach.

The Tribunal further considers it necessary to examine the concept of direct participation in hostilities, since civilian status may be temporarily lost where an individual actively participates in hostilities.

International humanitarian law recognises that civilians enjoy protection against attack unless and for such time as they take a direct part in hostilities. However, this exception has always been interpreted narrowly. Direct participation requires conduct which is specifically designed to cause actual harm to the military operations or military capacity of a party to the conflict and which bears a direct causal relationship to the hostilities themselves.

Mere sympathy for one side, political affiliation, ideological support, participation in public meetings, expression of political opinion, or attendance at demonstrations does not amount to direct participation in

hostilities. Likewise, participation in civil protests or public assemblies does not, without more, deprive individuals of their civilian status.

The Tribunal considers this distinction to be of particular significance in cases arising from mass civil movements or public demonstrations. Citizens exercising their constitutional or democratic rights through peaceful assembly, protest, political expression, or participation in public movements continue to enjoy the protection afforded to civilians under international law, unless they themselves engage in conduct amounting to direct participation in hostilities.



Accordingly, participation in a nationwide student movement or public protest demanding governmental reform, social justice, or redress of grievances does not, by itself, transform participants into combatants or persons directly participating in hostilities. Their legal status remains that of civilians unless the evidence establishes that they individually engaged in acts satisfying the strict legal threshold of direct participation.

Similarly, the mere carrying of ordinary objects such as sticks, bamboo poles, banners, placards, flags, or other commonplace articles during a public demonstration cannot, without additional evidence of violent use or hostile intent, justify the conclusion that the participants thereby forfeited their civilian status. Whether a particular individual has directly participated in hostilities must always depend upon the specific nature of his conduct and not upon conjecture or generalised assumptions.

The Tribunal is further of the considered view that any ambiguity concerning civilian status must be resolved in favour of civilian protection. The presumption embodied in Article 50 of Additional Protocol I represents a

fundamental humanitarian safeguard intended to prevent arbitrary or speculative classification of individuals as combatants. Consequently, where uncertainty exists, the individual concerned must be regarded as a civilian.

This presumption is entirely consistent with the underlying philosophy of crimes against humanity, which seeks to protect civilian populations against organised violence, persecution, and repression. The protective object of international criminal law would be seriously undermined if civilian status could be displaced upon doubtful or inconclusive evidence.

In view of the foregoing discussion, the Tribunal reaches the following legal conclusions:

First, the expression "civilian population" includes all persons who are not members of armed forces or organised armed groups and who are not directly participating in hostilities at the relevant time.

Secondly, the expression must receive a broad, liberal, and purposive interpretation consistent with the humanitarian objectives underlying international criminal law.

Thirdly, the civilian character of a population is determined by its predominant composition and is not altered by the incidental presence of a limited number of non-civilians.

Fourthly, participation in peaceful protests, demonstrations, student movements, civil resistance, political gatherings, or other forms of civic expression, including the carrying of ordinary objects commonly associated

with such activities, does not, without more, amount to direct participation in hostilities or deprive individuals of their civilian status.

Fifthly, where any reasonable doubt exists regarding the status of an individual, that doubt must be resolved in favour of treating the individual as a civilian.

Accordingly, the Tribunal holds that a population participating in a civilian protest movement, public demonstration, or other mass civil mobilisation retains its legal character as a civilian population so long as its members are not directly participating in hostilities within the meaning of international humanitarian law. Any organised attack intentionally directed against such a population must therefore be examined within the legal framework governing crimes against humanity under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, read together with Article 7 of the Rome Statute and the applicable principles of customary international law.

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(E) Judicial Determination

Having examined the statutory framework contained in the International Crimes (Tribunals) Act, 1973, together with the relevant principles of customary international law and the interpretative guidance furnished by the Rome Statute of the International Criminal Court, this Tribunal now proceeds to determine the true legal import of the expression "widespread or systematic attack directed against any civilian population" in the context of section 3(2)(a) of the Act.

The Tribunal has already observed that crimes against humanity possess an inherent contextual element which distinguishes them from

ordinary offences punishable under municipal criminal law. The defining characteristic of such crimes lies not merely in the gravity of the prohibited acts themselves but in the circumstances in which those acts are committed. Murder, torture, enforced disappearance, unlawful imprisonment, persecution, rape, or other inhumane acts do not, merely by reason of their commission, amount to crimes against humanity. Their international character arises because they are perpetrated as constituent parts of a broader attack directed against a civilian population.

The contextual threshold is therefore indispensable. It is this threshold which transforms individual criminal conduct into conduct offending the conscience of humanity as a whole. International criminal jurisprudence has consistently recognised that crimes against humanity are distinguished by their collective character, their organised or large-scale nature, and their connection with a broader policy or course of conduct directed against civilians.

In light of the principles discussed in the preceding sections, this Tribunal is satisfied that the expression "widespread or systematic attack" embodies two independent yet complementary legal concepts.

The term "widespread" denotes the quantitative dimension of the attack. It refers to criminal conduct that is extensive in scale, affects a substantial number of victims, extends over a considerable geographical area, or consists of repeated acts committed over a period of time. The assessment is necessarily fact-specific and must take into account the cumulative effect of the criminal conduct rather than isolated incidents viewed in isolation.

The expression **"systematic"**, on the other hand, relates to the qualitative character of the attack. It signifies an organised, methodical and deliberate course of conduct reflecting planning, coordination, repetition, or implementation pursuant to a common policy or organised design. A systematic attack is characterised by regularity rather than spontaneity and by organisation rather than randomness.

Since the statutory formulation employs the disjunctive expression **"widespread or systematic,"** proof of either characteristic is legally sufficient. Nevertheless, experience demonstrates that attacks amounting to crimes against humanity frequently exhibit both qualities simultaneously.



The Tribunal further reiterates that the expression **"attack"** is not confined to military operations or armed hostilities. For the purposes of crimes against humanity, an attack signifies a course of conduct involving the multiple commission of prohibited acts directed against civilians. Such attack may consist of organised killings, unlawful arrests, enforced disappearances, torture, persecution, suppression of civil liberties, sexual violence, or any other prohibited conduct undertaken pursuant to an organised policy. The legal concept is therefore substantially broader than its ordinary military meaning.

Likewise, the requirement that the attack be **"directed against any civilian population"** signifies that civilians, viewed collectively, constitute the principal object of the criminal conduct. The attack must intentionally target the civilian population and must not merely result in incidental civilian casualties arising from unrelated lawful activities.

The Tribunal has also concluded that the expression **"civilian population"** is to receive a broad and purposive interpretation consistent with the humanitarian objectives underlying international criminal law. A population remains civilian notwithstanding the incidental presence of a limited number of persons who may not themselves qualify as civilians. The decisive consideration is the predominant character of the population as a whole.

Furthermore, participation in public demonstrations, student movements, civil protests, political assemblies, or similar civic activities does not, without more, amount to direct participation in hostilities so as to deprive individuals of civilian protection. International humanitarian law recognises that civilians lose protection only for such time as they directly participate in hostilities, and this exception must be interpreted narrowly.

Having regard to these principles, this Tribunal holds that the expression "widespread or systematic attack directed against any civilian population" signifies an organised or large-scale course of conduct involving the repeated commission of prohibited acts intentionally directed against civilians, pursuant to or in furtherance of a State or organisational policy, and undertaken with knowledge of the broader attack.

This contextual element constitutes the indispensable legal threshold separating crimes against humanity from isolated or ordinary offences under municipal criminal law.

Judicial Interpretation Linking Article 7 of the Rome Statute with Section 3(2)(a) of the International Crimes (Tribunals) Act, 1973

Having determined the constituent elements of the contextual requirement governing crimes against humanity, the Tribunal now considers the relationship between Article 7 of the Rome Statute and section 3(2)(a) of the International Crimes (Tribunals) Act, 1973.

Section 3(2)(a) of the Act criminalises a wide range of prohibited acts including murder, extermination, enslavement, deportation, imprisonment, abduction, confinement, torture, rape, sexual exploitation, enforced disappearance, trafficking in persons, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, persecution, and other inhumane acts committed against any civilian population.



Although the statutory language differs in certain respects from the formulation employed in Article 7 of the Rome Statute, the Tribunal is of the considered opinion that both instruments embody the same fundamental conception of crimes against humanity. The difference lies principally in legislative drafting rather than in substantive legal content.

Unlike Article 7(1) of the Rome Statute, section 3(2)(a) does not expressly employ the words "as part of a widespread or systematic attack directed against any civilian population." Nevertheless, the omission of those precise words cannot be construed as indicating a legislative intention to dispense with the contextual requirements universally recognised as constituting crimes against humanity.

On the contrary, the legislative history of the Act demonstrates its close relationship with the development of international criminal law beginning with the Charter of the International Military Tribunal at Nuremberg, followed by Control Council Law No. 10, the jurisprudence of

the ad hoc International Criminal Tribunals for the Former Yugoslavia and Rwanda, and culminating in the comprehensive codification contained in the Rome Statute.

More importantly, Parliament has expressly incorporated into the Act an interpretative mechanism by appending an Explanation to section 3(2)(a), directing the Tribunal to apply the definitions contained in Article 7(2) of the Rome Statute. The Explanation is neither incidental nor ornamental. It constitutes an express legislative instruction requiring the Tribunal to interpret the constituent expressions occurring in section 3(2)(a) consistently with the definitions contained in the Rome Statute.

The Tribunal considers this legislative directive to be of considerable significance. Where Parliament has expressly directed the domestic court to apply internationally accepted definitions, the statutory provisions must be construed harmoniously with those definitions, provided such interpretation does not conflict with the express language of the Act.

The Tribunal is equally guided by section 3(3) of the Act, which further authorises reference to the Elements of Crimes adopted pursuant to Article 9 of the Rome Statute in determining liability under section 3(2). These provisions collectively demonstrate the clear legislative intention that the Act should be interpreted consistently with the contemporary development of international criminal law.

The Appellate Division of the Supreme Court of Bangladesh has likewise recognised this interpretative approach. In Abdul Quader Molla v. The Chief Prosecutor, International Crimes Tribunal, Dhaka, the Appellate Division authoritatively held that the provisions of section 3(2)(a) are to be

interpreted consistently with customary international law and the established jurisprudence of international criminal tribunals. The judgment recognises that international judicial decisions constitute valuable interpretative aids in determining the scope and content of crimes against humanity under the Act.

This Tribunal respectfully adopts the same approach.

Accordingly, the Tribunal holds that the expression "committed against any civilian population" occurring in section 3(2)(a) cannot be interpreted in isolation. Rather, it must be understood in the context of the internationally recognised legal framework governing crimes against humanity, including the contextual requirements embodied in Article 7 of the Rome Statute.

The Tribunal is therefore satisfied that the phrase "committed against any civilian population" necessarily presupposes that the prohibited acts form part of a broader attack directed against civilians. Such attack must possess either a widespread or systematic character and must be carried out pursuant to or in furtherance of a State or organisational policy. Without these contextual elements, the prohibited acts remain ordinary offences under municipal law and do not attain the legal character of crimes against humanity.

The Tribunal further holds that, in order to establish criminal liability under section 3(2)(a), the Prosecution must prove beyond reasonable doubt the following essential ingredients:

Firstly, that one or more prohibited acts enumerated in section 3(2)(a), such as murder, torture, rape, persecution, enforced disappearance, unlawful confinement, or other inhumane acts, were committed.

Secondly, that those prohibited acts formed part of a broader attack directed against a civilian population.

Thirdly, that the attack possessed either a widespread character, by reason of its scale, multiplicity of victims, geographical extent, or duration, or a systematic character, by reason of its organised, coordinated, deliberate, or methodical execution.

Fourthly, that the attack was carried out pursuant to or in furtherance of a State or organisational policy, whether such policy is established by direct evidence or inferred from the surrounding circumstances.

Fifthly, that the accused possessed knowledge that his conduct formed part of the broader attack and intentionally participated therein.

The Tribunal is therefore of the considered opinion that the contextual requirement embodied in Article 7 of the Rome Statute is not foreign to the International Crimes (Tribunals) Act, 1973. Rather, it is inherent in the statutory expression **"committed against any civilian population"** and is reinforced by the Explanation appended to section 3(2)(a), section 3(3) of the Act, and the consistent jurisprudence of the Appellate Division of the Supreme Court of Bangladesh.

Consequently, this Tribunal concludes that the expression "committed against any civilian population" contained in section 3(2)(a), when interpreted in accordance with the Act as a whole, the Explanation appended thereto, the Elements of Crimes, customary international law, and the authoritative jurisprudence of international criminal tribunals, is substantially equivalent in legal effect to the expression **"as part of a**

widespread or systematic attack directed against any civilian population" contained in Article 7(1) of the Rome Statute.

Both formulations embody the same indispensable contextual requirement that distinguishes crimes against humanity from ordinary offences under domestic criminal law.

The Tribunal further reiterates that:

(i) the attack contemplated by section 3(2)(a) need not be military in nature but may consist of any organised campaign of violence, persecution, repression, or other prohibited conduct directed against civilians;

(ii) the civilian population is to be interpreted broadly, consistently with international humanitarian law, and its civilian character is not lost merely because of the incidental presence of a limited number of non-civilians;

(iii) the widespread or systematic character of the attack demonstrates that the prohibited acts are not isolated criminal incidents but form part of an organised policy or coordinated course of conduct and

(iv) the accused must knowingly participate in that broader attack before individual criminal responsibility for crimes against humanity may arise.

Accordingly, the Tribunal shall assess the evidence adduced in the present case upon the foregoing legal principles. In determining whether the accused persons are criminally liable under section 3(2)(a) of the International Crimes

(Tribunals) Act, 1973, the Tribunal shall interpret and apply the statutory provisions harmoniously with the Rome Statute, the Elements of Crimes, customary international law, and the authoritative jurisprudence governing crimes against humanity, thereby ensuring that the Act is administered consistently with universally accepted principles of international criminal justice while remaining faithful to the legislative mandate enacted by Parliament.

IV. Applicable Law and Procedural Safeguards: Rights of the Accused and Victims

18. Governing Legal Framework

Before embarking upon an appreciation of the evidence and determination of the charges framed against the accused persons, this Tribunal considers it appropriate to identify the legal framework governing the present proceedings. Since the Tribunal exercises a special jurisdiction over crimes recognised under international law, the procedural and evidentiary rules applicable to these proceedings differ materially from those governing ordinary criminal trials conducted before the regular criminal courts of Bangladesh.

The proceedings before this Tribunal are governed primarily by the provisions of the International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973) (hereinafter referred to as "the Act"), together with the International Crimes Tribunal-2 Rules of Procedure, 2010 (hereinafter referred to as "the Rules of Procedure"), framed in exercise of the powers conferred by section 22 of the Act.

These two instruments constitute a comprehensive and self-contained statutory framework regulating every stage of proceedings before the Tribunal, beginning from investigation and submission of the formal charge, through framing of charges, trial, reception of evidence, adjudication of liability, and culminating in the delivery of judgment and imposition of sentence. Collectively, they provide a complete procedural code specifically designed for the prosecution and trial of offences falling within section 3(2) of the Act, including crimes against humanity, genocide, war crimes, crimes against peace, and other internationally recognised crimes.

The Tribunal observes that the Act occupies a unique position within the legal system of Bangladesh. It is neither an ordinary penal statute nor merely a procedural enactment. Rather, it establishes a specialised judicial mechanism for the adjudication of international crimes by incorporating principles derived from customary international law while preserving the authority of domestic legislation enacted by Parliament.

The statutory framework reflects a deliberate legislative policy of harmonising domestic criminal justice with internationally recognised standards governing accountability for mass atrocity crimes. Consequently, while the Tribunal remains a domestic judicial body exercising jurisdiction under municipal law, its interpretation and application of the Act are necessarily informed by the evolution of international criminal jurisprudence, wherever such guidance is consistent with the provisions of the Act.

Accordingly, the Tribunal shall determine the issues arising in the present case by applying the provisions of the Act and the Rules of Procedure as the primary governing law, interpreted consistently with the

recognised principles of international criminal law wherever the statute expressly or impliedly so requires.

19. Exclusion of the Code of Criminal Procedure and the Evidence Act

The Tribunal considers it equally necessary to clarify the distinctive procedural regime established by the Act regarding the reception of evidence and the conduct of criminal proceedings.

Section 23 of the Act expressly provides that the provisions of the Code of Criminal Procedure, 1898 and the Evidence Act, 1872 shall not apply to proceedings before this Tribunal. The exclusion is explicit, comprehensive, and leaves no room for importing the technical provisions of those enactments unless the Act itself so permits.

The legislative rationale underlying this exclusion is readily apparent. Proceedings concerning crimes against humanity, genocide, war crimes, and other international crimes frequently involve events extending over large geographical areas, numerous victims, extensive documentary materials, official records, digital evidence, media reports, expert analyses, and other forms of evidence which may not always conform to the strict technical requirements governing ordinary criminal trials.

Experience drawn from international criminal tribunals has consistently demonstrated that rigid adherence to conventional evidentiary rules may, in many instances, impede rather than advance the cause of justice in cases involving mass atrocities. Parliament has therefore consciously created a specialised procedural framework enabling this Tribunal to receive and evaluate evidence according to its relevance,

reliability, and probative value rather than its technical admissibility under ordinary evidentiary rules.

The exclusion of the Code of Criminal Procedure and the Evidence Act should not, however, be misunderstood as authorising arbitrary or unrestricted exercise of judicial discretion. On the contrary, the Tribunal remains under a continuing obligation to ensure that every stage of the proceedings conforms to the principles of fairness, judicial impartiality, natural justice, and due process embodied in the Act itself.

The Tribunal therefore observes that the statutory departure from ordinary procedural and evidentiary rules reflects neither dilution of procedural safeguards nor relaxation of the burden of proof. Rather, it represents a carefully considered legislative response to the distinctive nature of international criminal proceedings, permitting flexibility while preserving the fundamental guarantees of a fair trial.

20. Judicial Notice of Facts of Common Knowledge

Another distinctive feature of the statutory framework is the power conferred upon the Tribunal to take judicial notice of certain facts without requiring formal proof.

Section 19(4) of the Act authorises the Tribunal to take judicial notice of facts of common knowledge as well as matters capable of accurate and ready determination from sources whose authenticity cannot reasonably be questioned. This provision recognises that proceedings concerning international crimes frequently arise out of historical events or widespread occurrences whose existence is no longer open to genuine controversy.

The doctrine of judicial notice serves an important judicial function. It avoids unnecessary formal proof of matters that are either universally known, officially established, or capable of immediate verification from reliable public sources. By dispensing with proof of indisputable facts, the Tribunal is enabled to concentrate upon the genuinely disputed issues requiring adjudication.

The Tribunal is nevertheless mindful that judicial notice cannot extend to disputed facts directly bearing upon the criminal liability of an accused person. The prosecution remains under a continuing obligation to establish every essential ingredient of the offences charged beyond reasonable doubt by legally acceptable evidence. Judicial notice may appropriately be taken only in respect of background facts, historical circumstances, official records, public documents, or other matters whose authenticity is incapable of reasonable dispute.

Accordingly, while exercising its power under section 19(4), the Tribunal shall remain guided by the principle that judicial notice is an exception to the ordinary requirement of proof and must therefore be exercised cautiously, sparingly, and only where the existence of the relevant fact is beyond legitimate controversy.

21. Principles Governing the Reception and Evaluation of Evidence

The Tribunal now turns to the evidentiary principles governing proceedings under the Act.

Unlike the Evidence Act, 1872, which prescribes detailed rules concerning admissibility, exclusion, and proof, section 19(1) of the Act

adopts a broader and more pragmatic approach to the reception of evidence. The statutory test is not whether evidence satisfies technical rules of admissibility but whether, in the opinion of the Tribunal, it possesses sufficient relevance and probative value to assist in determining the truth.

The expression "probative value" assumes central importance in the statutory scheme. It requires the Tribunal to assess whether the evidence is capable of proving or disproving a fact in issue and whether, viewed in the context of the entire evidentiary record, it bears sufficient indicia of reliability and credibility to justify judicial reliance.



The Tribunal's discretion under section 19(1) is undoubtedly broad, yet it is by no means unrestrained. Every item of evidence must be evaluated upon recognised judicial principles including authenticity, reliability, internal consistency, corroboration where available, credibility of the source, surrounding circumstances, and its logical connection with the issues requiring determination.

The Tribunal therefore does not receive evidence indiscriminately merely because the statute permits procedural flexibility. The admissibility of evidence and the weight ultimately attached to such evidence constitute distinct judicial inquiries. Material may be admitted because it possesses apparent probative value, yet subsequently be accorded little or no evidentiary weight after careful judicial evaluation. Conversely, evidence demonstrating substantial reliability and consistency may legitimately be relied upon notwithstanding its unconventional form.

The Tribunal accordingly approaches every item of evidence with careful judicial scrutiny, bearing constantly in mind that criminal

responsibility may be established only upon evidence which, taken as a whole, satisfies the requisite standard of proof beyond reasonable doubt.

22. Admissibility and Evidentiary Weight of Hearsay Evidence

One of the significant features of the evidentiary regime established under the Act is its treatment of hearsay evidence.

Rule 56(2) of the Rules of Procedure expressly authorises the Tribunal to receive hearsay evidence where, in the opinion of the Tribunal, such evidence possesses sufficient probative value. The Rule departs from the traditional common law rule excluding hearsay evidence and instead adopts the more flexible approach consistently followed in modern international criminal tribunals.

The Tribunal observes that the admission of hearsay evidence does not imply its automatic acceptance as truthful or conclusive. Rather, such evidence remains subject to rigorous judicial assessment regarding its reliability, consistency, source, corroboration, and overall credibility.

In evaluating hearsay evidence, the Tribunal shall consider, among other relevant factors, the circumstances in which the statement was made, the possibility of independent verification, its consistency with other evidence on record, the absence or presence of motive for fabrication, and whether the statement finds support from contemporaneous documents, physical evidence, expert testimony, or other reliable materials.

Thus, hearsay evidence derives its evidentiary value not merely from its admission but from its ability to withstand judicial scrutiny when considered together with the entire body of evidence. Where adequately corroborated and

inherently reliable, such evidence may legitimately contribute to proof of relevant facts. Conversely, hearsay evidence lacking sufficient guarantees of trustworthiness shall receive little or no evidentiary weight.

23. Admission of Statements of Deceased or Unavailable Witnesses

Section 19(2) of the Act further enlarges the Tribunal's evidentiary jurisdiction by permitting the admission of statements previously recorded before a Magistrate or an Investigation Officer where the maker of such statement is deceased or cannot reasonably be produced before the Tribunal without undue delay, expense, or practical impossibility.



The purpose of this provision is to ensure that relevant evidence is not irretrievably lost merely because circumstances beyond the control of the parties render the witness unavailable for examination before the Tribunal.

Nevertheless, the Tribunal recognises that statements admitted under section 19(2) require particularly careful judicial evaluation because the maker is ordinarily unavailable for contemporaneous cross-examination. Consequently, such statements cannot automatically be accorded decisive evidentiary weight. Their reliability must be assessed in light of the circumstances under which they were recorded, their internal consistency, their consistency with other independent evidence, and the existence of corroborative material supporting their contents.

The Tribunal therefore considers section 19(2) to represent a carefully balanced provision reconciling the practical necessities of

international criminal proceedings with the requirements of fairness and judicial caution.

The Tribunal further observes that, in the present case, no reliance has been placed upon statements admitted under section 19(2), as all prosecution witnesses whose evidence forms the foundation of the prosecution case have appeared before the Tribunal and have been subjected to extensive cross-examination by the defence.

24. Nature and Categories of Evidence Considered by the Tribunal

Proceedings involving international crimes frequently require consideration of a wide spectrum of evidentiary materials extending well beyond the categories ordinarily encountered in conventional criminal litigation.

The Tribunal is empowered to receive and evaluate oral testimony, documentary evidence, official records, digital evidence, electronic communications, expert opinions, forensic reports, material exhibits, photographs, video recordings, satellite imagery where relevant, circumstantial evidence, admissions, scientific analyses, and all other materials possessing probative value.

In addition, sections 19(3) and 19(4) authorise the Tribunal to receive official publications, governmental records, public documents, and matters of common knowledge without insisting upon strict formal proof.

The Tribunal emphasises that no single category of evidence enjoys automatic superiority over another. The ultimate weight to be attached to any particular item depends entirely upon its authenticity, credibility, consistency, and its relationship with the totality of evidence adduced in the proceedings.

International criminal adjudication frequently depends upon cumulative evaluation of diverse evidentiary sources rather than isolated consideration of individual items. The Tribunal shall therefore assess the evidentiary record as an integrated whole, giving appropriate weight to each category of evidence according to its reliability and probative force.

25. Admission of Non-Conventional Evidentiary Materials

The Tribunal further observes that section 19(1) of the Act contemplates a flexible evidentiary approach enabling the reception of numerous forms of material that may not ordinarily satisfy the technical requirements governing admissibility under the Evidence Act.

Such materials may include official reports, governmental publications, commission reports, photographs, maps, books, newspapers, periodicals, journal articles, audio recordings, video recordings, documentary films, digital media, broadcast interviews, archived electronic materials, internet-based publications, and other forms of contemporary documentation.

The admissibility of these materials does not depend upon their formal classification but upon their apparent relevance, authenticity, reliability, and probative value. Their ultimate evidentiary weight shall depend upon the circumstances in which they were created, the credibility of their source, the possibility of independent verification, their consistency with other evidence on record, and the extent to which they assist the Tribunal in determining the facts in issue.

The Tribunal accordingly adopts a pragmatic yet cautious approach in dealing with non-conventional evidentiary materials. While procedural flexibility permits their admission where appropriate, judicial prudence requires that each item be subjected to careful scrutiny before reliance is placed upon it in determining criminal responsibility.

The Tribunal therefore reiterates that the overarching objective of the evidentiary regime established under the International Crimes (Tribunals) Act, 1973 is neither technical admissibility nor mechanical exclusion of evidence, but the discovery of truth through a fair, rational, and judicial evaluation of all relevant materials possessing genuine probative value, consistently with the requirements of justice and the fundamental guarantees of a fair trial.

26. Observance of the Adversarial Process in the Present Proceedings

Having outlined the statutory framework governing the reception of evidence, the Tribunal now considers whether the present proceedings have been conducted consistently with the adversarial system of criminal justice envisaged under the International Crimes (Tribunals) Act, 1973 and the Rules of Procedure.

The Tribunal observes that proceedings under the Act are fundamentally adversarial in nature. The burden of proving every ingredient of the offences charged rests exclusively upon the Prosecution, while the accused is afforded full opportunity to challenge the prosecution case, test the credibility of witnesses, adduce evidence in defence, and make submissions on both facts and law. The Tribunal functions as an impartial judicial arbiter, ensuring that neither party is denied a fair opportunity to present its case.

Upon careful examination of the record, the Tribunal is satisfied that the present trial has faithfully adhered to these fundamental principles. The prosecution witnesses were examined in open court in the presence of the accused and their learned defence counsel. Each witness was subjected to extensive cross-examination, and where necessary, re-examination was conducted in accordance with law. The defence availed itself of the opportunity to challenge the credibility, reliability, and consistency of the prosecution evidence through detailed cross-examination and legal submissions.

The Tribunal further notes that the prosecution has not sought to rely upon any statement admissible under section 19(2) of the Act on the ground of death or unavailability of a witness. Every witness whose testimony forms the evidentiary basis of the prosecution case appeared personally before the Tribunal and was available for cross-examination. Consequently, the accused were not deprived of the valuable right of testing the veracity of the evidence relied upon by the prosecution.

The Tribunal is therefore satisfied that the proceedings have been conducted in strict observance of the cardinal principle of audi alteram partem, which requires that no person shall be condemned without first being afforded a full and meaningful opportunity of being heard. The conduct of the trial demonstrates faithful adherence to the adversarial process and the fundamental requirements of natural justice.

27. Compliance with Statutory Procedural Safeguards

The Tribunal now turns to the procedural safeguards incorporated within the statutory framework governing proceedings under the Act.

The International Crimes (Tribunals) Act, 1973, read together with the Rules of Procedure, embodies a comprehensive procedural code designed to secure fairness, transparency, and judicial integrity in the trial of persons accused of international crimes. The safeguards contained in sections 9, 10, 12 and 17 of the Act, together with Rules 43 and 50 of the Rules of Procedure, collectively ensure that criminal responsibility is determined only after observance of the essential guarantees recognised in modern criminal jurisprudence.

These statutory safeguards include, among others, the right to receive notice of the charges, disclosure of prosecution materials, adequate opportunity for preparation of the defence, legal representation, public hearing, examination and cross-examination of witnesses, protection against self-incrimination, and adjudication upon proof beyond reasonable doubt.

The Tribunal has carefully monitored compliance with each of these statutory requirements throughout the proceedings. Every procedural step contemplated by the Act has been observed in its proper sequence, and each party has been afforded equal opportunity to participate effectively in the adjudicative process.

The Tribunal is accordingly satisfied that the proceedings have been conducted consistently with the principles of due process, procedural fairness, judicial independence, and transparency, which constitute the foundation of every criminal trial involving allegations of international crimes.

28. Fair Trial and Due Process

The right to a fair trial constitutes one of the most fundamental principles underlying both domestic constitutional law and international

criminal justice. The Tribunal is fully conscious that proceedings involving allegations of crimes against humanity must not only secure accountability for grave violations of international law but must also ensure scrupulous protection of the rights guaranteed to every accused person.

The procedural architecture established under the Act reflects a deliberate legislative balance between two equally important objectives. On the one hand, the Act seeks to facilitate effective prosecution of crimes of exceptional gravity. On the other hand, it safeguards the procedural rights indispensable to a fair criminal trial.



Sections 9 and 10 of the Act prescribe an orderly procedure governing commencement of trial, disclosure of prosecution materials, framing and reading of charges, examination of witnesses, cross-examination, re-examination, defence evidence, arguments, and pronouncement of judgment. These provisions ensure that proceedings are conducted in an orderly, transparent, and judicial manner.

The Tribunal further observes that Rule 43(2) expressly incorporates the presumption of innocence by providing that every accused charged under section 3(2) of the Act shall be presumed innocent unless and until his guilt is established according to law. This presumption constitutes a cornerstone of criminal justice and remains operative throughout the entirety of the proceedings.

Correspondingly, Rule 50 unequivocally places the burden of proving every charge upon the prosecution. The Tribunal has consistently borne in mind that conviction cannot rest upon suspicion, conjecture, public

sentiment, or moral belief. Criminal liability can arise only where the evidence, taken as a whole, establishes guilt beyond reasonable doubt.

Throughout the proceedings, the Tribunal has remained guided by these fundamental principles, ensuring that neither the seriousness of the allegations nor the public importance of the case has displaced the presumption of innocence or diminished the standard of proof required by law.

29. Statutory Rights of the Accused

The Tribunal considers it appropriate to emphasise that the International Crimes (Tribunals) Act, 1973 incorporates substantial procedural protections reflecting internationally recognised standards of criminal justice.

These safeguards substantially correspond with the guarantees recognised in the Universal Declaration of Human Rights, 1948, and the International Covenant on Civil and Political Rights, 1966, while remaining firmly rooted in the domestic statutory framework enacted by Parliament.

Section 17 of the Act expressly enumerates a series of rights guaranteed to every accused person appearing before the Tribunal. These include the right to offer explanations relevant to the charges; the right to defend personally or through counsel of one's own choosing; the right to present evidence and cross-examine prosecution witnesses; the right to be tried without undue delay; the right to adequate time and facilities for preparation of the defence and confidential communication with legal counsel; the right to the free assistance of an interpreter where necessary;

protection under the Torture and Custodial Death (Prevention) Act, 2013; and protection against arbitrary detention.

These statutory guarantees collectively ensure that proceedings before the Tribunal remain genuinely adversarial and fundamentally fair. They are neither formal declarations nor procedural technicalities but constitute substantive rights which the Tribunal is duty-bound to protect throughout every stage of the proceedings.

The Tribunal is satisfied that each of these safeguards has been respected in the present case.

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30. Right to Disclosure

The Tribunal regards disclosure of prosecution materials as an indispensable component of the right to a fair trial. Effective preparation of the defence would be impossible unless the accused is afforded timely access to the evidence intended to be relied upon by the prosecution.

Recognising this principle, section 9(3) of the Act obliges the prosecution to furnish, prior to commencement of the trial, copies of the formal charge together with the list of witnesses, recorded statements, and documents proposed to be relied upon during the proceedings.

The disclosure obligation extends beyond materials supporting the prosecution case. Section 12(2) imposes a continuing duty upon the prosecution to disclose any material capable of tending to establish innocence, mitigate criminal responsibility, or adversely affect the credibility or reliability of prosecution evidence.

These provisions reflect the principle that the prosecution acts not merely as an adversary seeking conviction but as a minister of justice under a continuing obligation to ensure fairness of the proceedings.

At the same time, the Act recognises limited exceptions to disclosure. Sections 12(3) and 12(4) preserve confidentiality regarding internal prosecutorial work product and permit temporary non-disclosure where disclosure may prejudice ongoing investigations or endanger legitimate public interests, subject always to judicial supervision by the Tribunal.

Having examined the record, the Tribunal is satisfied that the statutory obligations concerning disclosure have been duly observed throughout the present proceedings and that no prejudice has been occasioned to the defence by reason of any failure of disclosure.

31. Right to Counsel and Legal Representation

The right to legal assistance constitutes one of the essential guarantees of a fair criminal trial and occupies a central place within the procedural framework established by the Act.

Section 17(b) guarantees every accused the right to conduct his defence personally or through legal counsel of his own choosing. Complementing this safeguard, section 17(e) secures confidential communication between the accused and his legal representative, thereby preserving the integrity of legal consultation and preparation of the defence.

Furthermore, section 12(1) of the Act, read together with Rule 43(1) of the Rules of Procedure, empowers the Tribunal to appoint defence

counsel at State expense where the interests of justice so require and an accused is otherwise unrepresented.

Rule 43(4) further guarantees that every accused shall receive a fair and public hearing before an independent Tribunal and shall be entitled to be represented by counsel duly authorised to practise before the Tribunal.

The Tribunal has throughout these proceedings ensured that the accused persons enjoyed adequate opportunity to consult with their learned counsel, prepare their defence, examine the prosecution materials, and participate effectively in every stage of the trial. No restriction has been imposed upon legitimate consultation between the accused and their legal representatives.

The Tribunal is therefore satisfied that the statutory right to legal representation has been fully respected.

32. Right of Cross-Examination and Presentation of Defence

Cross-examination occupies a position of particular importance within the adversarial system of criminal justice. It remains one of the most effective judicial mechanisms for testing the truthfulness, reliability, consistency, and credibility of testimonial evidence.

Recognising its importance, sections 10(1)(e) and 10(1)(f) of the Act expressly provide for examination-in-chief, cross-examination, and re-examination of witnesses called by both the prosecution and the defence. Section 17(c) further guarantees the accused the right to adduce evidence in defence and to cross-examine every prosecution witness.

The Tribunal has scrupulously ensured observance of these rights throughout the present proceedings. The defence was afforded unrestricted opportunity to cross-examine each prosecution witness and to challenge every document, material exhibit, expert opinion, and other evidentiary material relied upon by the prosecution.

Similarly, the defence was afforded full opportunity to produce defence witnesses, tender documentary evidence, advance legal submissions, and place its case before the Tribunal without obstruction or procedural disadvantage.

The Tribunal further notes that Rule 43(6) guarantees that no accused shall be punished without first being afforded an opportunity of being heard, while Rule 43(7) expressly protects every accused against compulsion to testify or confess guilt. These provisions embody the universally recognised privilege against self-incrimination and reinforce the fairness of the proceedings.

33. Inherent Powers of the Tribunal to Secure the Ends of Justice

The Tribunal finally considers the scope of its inherent powers under Rule 46A of the Rules of Procedure.

Rule 46A recognises that proceedings involving allegations of international crimes may occasionally present unforeseen procedural questions not expressly addressed by the Act or the Rules. To meet such situations, the Rule confers upon the Tribunal inherent authority to adopt procedures not inconsistent with the Act or the Rules whenever necessary to secure the ends of justice or to prevent abuse of the judicial process.

The exercise of inherent powers is not unrestricted. Such authority must always be exercised judicially, cautiously, and consistently with the statutory framework governing the Tribunal. It cannot be invoked to override express provisions of the Act but may legitimately be employed to supplement the procedural framework where necessary to ensure fairness, efficiency, and orderly administration of justice.

Throughout the present proceedings, the Tribunal has exercised its inherent jurisdiction sparingly and only where the interests of justice so required. Appropriate adjournments were granted whenever reasonably necessary; adequate time was afforded to the parties for preparation and presentation of their respective cases; access to prosecution materials was facilitated; and appropriate procedural directions were issued to ensure orderly conduct of the trial and prevent prejudice to either party.

The Tribunal is satisfied that the exercise of its inherent powers has at all times been directed solely towards preserving the fairness, integrity, and credibility of the proceedings. The record demonstrates that such powers have been exercised with judicial restraint, consistently with the Act and the Rules of Procedure, and always in furtherance of the paramount objective of securing a fair trial for all parties concerned.

34. International Jurisprudence and the Protection of Victims' Rights

The Tribunal considers it appropriate to observe that, although it is a domestic judicial body established under the International Crimes (Tribunals) Act, 1973, it exercises a specialised jurisdiction over offences which, by their very nature, constitute crimes under international law. The

Tribunal therefore functions within the broader framework of international criminal jurisprudence while remaining firmly anchored to the statutory mandate conferred by Parliament.

The primary source of the Tribunal's authority is the Act itself. Nevertheless, where questions arise concerning the interpretation of concepts derived from international criminal law, and where the Act expressly or impliedly contemplates reference to international legal principles, the Tribunal may legitimately derive interpretative guidance from the jurisprudence developed by international criminal courts and tribunals.

Accordingly, decisions of the International Military Tribunal at Nuremberg, the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the International Criminal Court (ICC), together with the principles embodied in the Rome Statute and the Elements of Crimes, constitute persuasive authorities capable of assisting this Tribunal in resolving complex questions relating to the interpretation and application of international criminal law.

The Tribunal hastens to add, however, that such international jurisprudence is not applied mechanically nor does it override the provisions of the International Crimes (Tribunals) Act, 1973. Rather, it serves as an important interpretative aid, ensuring that the domestic statutory framework is construed consistently with the settled principles of customary international law, insofar as such principles are not inconsistent with the Act.

This interpretative approach is fully consistent with the jurisprudence of the Appellate Division of the Supreme Court of Bangladesh, which has repeatedly recognised that the provisions of the Act should, where appropriate, be interpreted harmoniously with the recognised principles of international criminal law.

At the same time, the Tribunal remains acutely conscious that proceedings involving crimes against humanity are not concerned solely with the determination of criminal responsibility. They also seek to vindicate the rights of victims and to uphold the rule of law by ensuring accountability for grave violations affecting society as a whole.



International criminal justice has progressively recognised that victims occupy a legitimate and meaningful place within the administration of justice. Their entitlement to truth, justice, accountability, and recognition constitutes an important dimension of contemporary international criminal jurisprudence. The adjudication of international crimes therefore serves not only to determine the guilt or innocence of the accused but also to acknowledge the suffering of victims, reaffirm the rule of law, and contribute to the restoration of public confidence in the administration of justice.

The Tribunal is nevertheless equally mindful that the legitimate interests of victims cannot diminish or compromise the fundamental rights guaranteed to every accused person. International criminal justice demands an equitable balance between these two complementary objectives. Justice for victims cannot be achieved at the expense of fairness to the accused, just as the protection of procedural rights cannot justify impunity for grave violations of international law.

The statutory framework embodied in the Act successfully maintains this balance by simultaneously safeguarding the procedural rights of the accused and ensuring effective adjudication of offences which affect not merely individual victims but the conscience of humanity itself.

The Tribunal has therefore approached the present proceedings upon the fundamental premise that the administration of justice requires equal fidelity both to the rights of the accused and to the legitimate expectations of victims and society for truth, accountability, and the impartial enforcement of the law.

35. Practical Measures Adopted by the Tribunal to Ensure Fairness

The Tribunal has throughout these proceedings remained vigilant to ensure that the practical conduct of the trial faithfully reflected the procedural safeguards guaranteed under the Act and the Rules of Procedure.

The mere existence of statutory rights is insufficient unless those rights are effectively implemented during the course of the proceedings. Accordingly, the Tribunal has consistently adopted appropriate procedural measures designed to secure meaningful participation by all parties while preserving the fairness, integrity, and orderly administration of the trial.

Reasonable adjournments were granted whenever the interests of justice so required, balancing the need for expeditious disposal with the equally important requirement that neither party should suffer prejudice through inadequate opportunity to prepare or present its case. Procedural timetables were managed in a manner intended to facilitate effective

participation by both the Prosecution and the Defence without occasioning unnecessary delay.

The Tribunal further ensured that the accused enjoyed adequate opportunity to consult privately with his learned counsel, examine the prosecution materials supplied pursuant to the Act, prepare his defence, and participate effectively throughout every stage of the proceedings.

Every prosecution witness was examined publicly before the Tribunal and subjected to cross-examination by the defence. Equal opportunity was afforded to the defence to challenge documentary evidence, material exhibits, expert testimony, and all other evidentiary materials relied upon by the Prosecution. Likewise, the defence was permitted to adduce its own evidence and advance legal submissions without procedural impediment.

The Tribunal also remained mindful of its statutory obligation to ensure compliance with section 17(f) concerning the provision of interpretative assistance wherever necessary. Similarly, continuous attention was paid to the safeguards embodied in sections 17(g) and 17(h) relating respectively to humane treatment of accused and protection against arbitrary detention, thereby ensuring that the dignity and legal rights of the accused was respected throughout the proceedings.

In conducting the trial, the Tribunal exercised constant supervision over the proceedings to prevent procedural unfairness, avoid unnecessary delay, ensure orderly presentation of evidence, and maintain equality between the parties. Procedural directions were issued whenever necessary

to facilitate efficient case management while preserving the substantive rights guaranteed under the Act.

The Tribunal is satisfied that these practical measures collectively demonstrate its continuing commitment to the principles of fairness, judicial impartiality, transparency, and due process which constitute the foundation of every criminal trial involving allegations of international crimes.

36. Final Findings Regarding Procedural Fairness and the Standard of Proof

Having carefully reviewed the entirety of the proceedings conducted before this Tribunal, the pleadings of the parties, the procedural orders passed during trial, the evidence adduced, and the manner in which the proceedings have been conducted, the Tribunal is fully satisfied that the statutory safeguards embodied in the International Crimes (Tribunals) Act, 1973 and the Rules of Procedure have been faithfully observed at every material stage of the trial.

The Tribunal finds that the accused was informed promptly, clearly, and in sufficient detail of the charges framed against him. He was afforded adequate time and facilities for the preparation of his defence, represented by learned counsel of his own choosing or otherwise in accordance with law, supplied with the prosecution materials required by the Act, and provided unrestricted opportunity to cross-examine prosecution witnesses, challenge documentary and material evidence, adduce evidence in defence,

offer explanations regarding the charges, and address legal and factual submissions before the Tribunal.

The proceedings were conducted publicly, independently, impartially, and in accordance with the principles of natural justice. Throughout the trial, the Tribunal maintained strict judicial neutrality, ensuring that neither the Prosecution nor the Defence was afforded any procedural advantage inconsistent with the requirements of a fair and impartial adjudication.

The Tribunal is equally satisfied that the procedural guarantees contained in sections 9, 10, 12, and 17 of the Act, read together with Rules 43, 46A, and 50 of the Rules of Procedure, have been substantially and effectively implemented throughout the proceedings. No material irregularity has been shown which could reasonably be regarded as having occasioned prejudice to the accused or undermined the fairness of the trial.

The Tribunal further reiterates that, notwithstanding the exceptional gravity of the allegations and the profound public importance of the present proceedings, the fundamental presumption of innocence has remained operative throughout the trial. The Tribunal has consistently approached the evidence upon the settled principle that suspicion, conjecture, public opinion, or moral conviction, however strong, cannot substitute for legal proof.

In accordance with Rule 50 of the Rules of Procedure and the settled principles governing criminal adjudication, the burden of proving every essential ingredient of each charge has remained exclusively upon the Prosecution from the commencement of the proceedings until their

conclusion. At no stage has any burden been shifted to the accused to establish innocence or disprove the allegations brought against him.

The applicable standard of proof remains proof beyond reasonable doubt, being the highest standard recognised in criminal law. The Tribunal has throughout its evaluation of the evidence remained acutely conscious that conviction may follow only where the entirety of the evidence, viewed cumulatively and objectively, establishes the guilt of the accused to the requisite legal standard. Wherever a reasonable doubt exists concerning any essential element of the offences charged, the benefit of that doubt must necessarily accrue to the accused.

Conversely, where the evidence establishes beyond reasonable doubt that the accused knowingly committed, participated in, ordered, facilitated, or otherwise became criminally responsible for offences falling within the jurisdiction of the Tribunal, the law imposes upon the Tribunal the solemn duty to record such findings without fear, favour, affection, or prejudice.

Accordingly, the Tribunal concludes that the present proceedings have been conducted in full conformity with the International Crimes (Tribunals) Act, 1973, the Rules of Procedure, the principles of natural justice, and the universally recognised requirements of a fair criminal trial. The Tribunal shall therefore proceed to examine the evidence adduced in support of each charge upon the legal principles hereinbefore discussed, applying the settled standard of proof beyond reasonable doubt while ensuring equal fidelity to the rights of the accused, the interests of victims, and the due administration of international criminal justice.

V. Compatibility of the International Crimes (Tribunals) Act, 1973 and the International Crimes Tribunal–2 Rules of Procedure, 2010 with Internationally Recognised Standards of Fair Trial and Due Process under Article 14 of the ICCPR and Other International Human Rights Instruments

37. Before proceeding to evaluate the evidence and determine the culpability of the accused, this Tribunal considers it appropriate to examine whether the statutory framework governing these proceedings satisfies the internationally recognised standards of fair trial and due process. Such examination assumes particular significance because the offences falling within the jurisdiction of this Tribunal constitute crimes of the gravest character under both domestic and international law. It is therefore incumbent upon the Tribunal to ensure that the administration of justice not only complies with the provisions of the International Crimes (Tribunals) Act, 1973 and the International Crimes Tribunal–2 Rules of Procedure, 2010, but also accords with the universally accepted guarantees embodied in international human rights instruments.

A careful and comparative examination of the provisions of the Act of 1973 and the Rules of Procedure, 2010 demonstrates that the statutory safeguards incorporated therein are substantially compatible with the principles of fair trial recognised under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), the Rome Statute of the International Criminal Court, and the jurisprudence developed by the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal

Tribunal for Rwanda (ICTR), and other international criminal courts and tribunals. Although the Act of 1973 predates many modern international criminal justice instruments, its subsequent amendments together with the Rules of Procedure have ensured that the essential guarantees of due process are firmly embedded within the domestic legal framework.

At the very threshold, the right to be tried by an independent, impartial and competent tribunal, guaranteed under Article 14(1) of the ICCPR, finds explicit recognition in Section 6 of the International Crimes (Tribunals) Act, 1973. The Tribunal is required to be constituted by persons who are or have been Judges of the Supreme Court of Bangladesh or are qualified to be appointed as such. This statutory requirement secures judicial competence, independence and impartiality, which constitute the cornerstone of every criminal justice system governed by the rule of law. The institutional safeguards contained in Section 6 correspond closely with the principles reflected in Article 10 of the Universal Declaration of Human Rights, Article 67 of the Rome Statute, and the constitutive instruments governing the ICTY and ICTR, all of which emphasise that an accused person is entitled to adjudication before an independent and impartial judicial body free from external influence.

Equally fundamental is the principle of open justice. Article 14(1) of the ICCPR recognises that criminal proceedings should ordinarily be conducted publicly so as to ensure transparency, accountability and public confidence in the administration of justice. Section 10(4) of the Act of 1973 substantially embodies this guarantee by providing that proceedings shall ordinarily be held in open court, subject only to narrowly tailored

exceptions where exclusion of the public becomes necessary in the interests of justice, morality, security or public order. Such limited exceptions are fully consistent with internationally accepted standards and reflect the balance recognised by international jurisprudence between transparency and the protection of competing public interests.

The right of an accused person to be informed promptly and in detail of the nature and cause of the accusation, guaranteed under Article 14(3)(a) of the ICCPR, has likewise been comprehensively incorporated into the statutory framework governing the Tribunal. Sections 9(3) and 16(2) of the Act, read together with Rules 9(3) and 18(4) of the Rules of Procedure, require the prosecution to furnish the accused with the formal charges, statements of witnesses, documentary materials and other evidence upon which reliance is intended to be placed. Such disclosure enables the accused to understand fully the allegations brought against him and to prepare an effective defence. These provisions substantially correspond with the disclosure obligations recognised under Article 67(1)(a) of the Rome Statute and the procedural regimes of the ICTY and ICTR.

The presumption of innocence, universally recognised as one of the cardinal principles of criminal jurisprudence, is likewise firmly embedded within the procedural framework of this Tribunal. Rule 43(2) expressly preserves the presumption that every accused person shall be deemed innocent unless and until his guilt has been established beyond reasonable doubt after a fair and lawful trial. This safeguard reflects Article 14(2) of the ICCPR, Article 11(1) of the Universal Declaration of Human Rights, and Article 66 of the Rome Statute. Consequently, the burden of proving

every essential element of the charged offences remains exclusively upon the Prosecution throughout the proceedings, while the accused is entitled to the benefit of every reasonable doubt arising from the evidence.

The right to adequate time and facilities for the preparation of defence, guaranteed under Article 14(3)(b) of the ICCPR, also finds effective protection under Section 9(3) of the Act together with Rule 38(2) of the Rules of Procedure. These provisions ensure timely disclosure of prosecution materials, access to documentary evidence, reasonable opportunity to consult legal counsel, inspection of exhibits, and sufficient time for preparation of defence. The Tribunal has consistently interpreted these provisions in a practical and liberal manner by granting adjournments whenever the interests of justice so required, thereby ensuring that the right of defence is not rendered illusory by procedural rigidity. Such safeguards substantially mirror those contained in Article 67(1)(b) of the Rome Statute and the procedural rules governing other international criminal tribunals.

The right to legal representation constitutes another indispensable safeguard of a fair trial. Sections 10(3) and 17(2) of the Act expressly guarantee the accused the right to be defended by counsel of his own choosing and to communicate freely and confidentially with such counsel. Effective legal representation forms an integral component of the equality of arms between the prosecution and the defence. The Tribunal has consistently recognised the confidentiality of communications between lawyer and client and has ensured that defence counsel are afforded adequate opportunity to discharge their professional responsibilities. These

safeguards closely correspond with Article 14(3)(d) of the ICCPR and Article 67(1)(d) of the Rome Statute.

The right to confront and examine witnesses constitutes another essential guarantee of procedural fairness. Sections 10(1)(c) and 17(3) of the Act permit the accused to cross-examine prosecution witnesses fully, challenge the reliability and credibility of their testimony, and adduce oral as well as documentary evidence in defence. The defence enjoys equal opportunity to summon witnesses, subject only to lawful procedural requirements. These provisions embody the doctrine of equality of arms, which has repeatedly been recognised by international courts, including the European Court of Human Rights, the ICTY, the ICTR and the International Criminal Court, as an indispensable element of a fair adversarial process.

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The statutory framework also safeguards the right of an accused person to receive interpretation and translation whenever necessary to ensure meaningful participation in the proceedings. This protection corresponds with Article 14(3)(f) of the ICCPR and Article 67(1)(f) of the Rome Statute. The provision of competent interpretation guarantees that no accused person is prejudiced by linguistic barriers and that he fully comprehends the proceedings, the evidence adduced against him, and the submissions made before the Tribunal.

Protection against self-incrimination and compelled confession likewise occupies a central place within the procedural safeguards recognised by the Tribunal. Rule 43(7) prohibits reliance upon involuntary statements and ensures that any statement attributed to an accused must be shown to have been made voluntarily and in accordance with law before it

may be considered admissible. The Tribunal has consistently rejected any suggestion that coerced confessions or involuntary statements may form the basis of criminal liability. This safeguard reflects Article 14(3)(g) of the ICCPR, Article 55 of the Rome Statute, and the universally recognised prohibition against coercion, torture and involuntary confession under international human rights law.

The right to be tried without undue delay, recognised under Article 14(3)(c) of the ICCPR, is also reflected within the statutory framework of the Act. Section 11(3) directs the Tribunal to conduct proceedings expeditiously while preserving the requirements of fairness and justice. International criminal jurisprudence consistently recognises that undue delay undermines not only the rights of the accused but also the legitimate expectations of victims, witnesses and society in securing effective accountability for international crimes. The Tribunal has therefore consistently sought to maintain an appropriate balance between expeditious disposal and procedural fairness.

The right to appellate review constitutes another significant safeguard incorporated into the Act of 1973. Section 21 provides every convicted person with the statutory right to appeal before the Appellate Division of the Supreme Court of Bangladesh against conviction, acquittal on particular counts, sentence or any other matter authorised by law. This appellate mechanism substantially satisfies the guarantee recognised under Article 14(5) of the ICCPR by ensuring comprehensive judicial scrutiny of both factual findings and legal determinations rendered by the Tribunal.

Beyond these express statutory guarantees, the actual practice of the Tribunal demonstrates consistent adherence to internationally recognised standards of due process. Throughout its proceedings, the Tribunal has ensured timely disclosure of prosecution materials, afforded adequate opportunity for defence preparation, permitted extensive cross-examination of prosecution witnesses, facilitated confidential consultation between accused persons and their legal representatives, safeguarded humane custodial treatment during investigation and trial, and maintained transparency through open judicial proceedings. Such judicial practice illustrates that the guarantees contained within the Act and the Rules are not merely formal declarations but have been given practical and effective implementation in the conduct of proceedings.



It is equally pertinent to observe that international law does not require domestic tribunals exercising jurisdiction over international crimes to replicate verbatim the procedural rules applicable before international courts. The Human Rights Committee, while interpreting Article 14 of the ICCPR, has repeatedly emphasised that States retain a margin of appreciation in designing their criminal justice systems, provided that the essential guarantees of independence, impartiality, equality of arms, public hearing, presumption of innocence, adequate defence, legal representation, examination of witnesses, protection against self-incrimination, and appellate review are effectively secured. The procedural framework established under the International Crimes (Tribunals) Act, 1973, read together with the Rules of Procedure, substantially fulfils these internationally recognised minimum guarantees.

Furthermore, the jurisprudence of the ICTY, ICTR, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the International Criminal Court demonstrates that international criminal justice is guided not by rigid procedural uniformity but by adherence to the fundamental requirements of fairness, impartiality and due process. The procedural architecture of the International Crimes Tribunal has evolved consistently with these universally accepted principles while remaining firmly rooted within the constitutional and legal framework of Bangladesh.

This Tribunal is also mindful that accountability for crimes against humanity serves not only the interests of victims but also the broader objectives of justice, deterrence, reconciliation and the rule of law. These objectives, however, can only be legitimately achieved through proceedings that are demonstrably fair, transparent and impartial. The safeguards incorporated in the Act of 1973 and the Rules of Procedure ensure that the accused receives every reasonable opportunity to defend himself while simultaneously enabling the Tribunal to discharge its solemn obligation to adjudicate allegations of international crimes in accordance with law.

Accordingly, upon an overall comparative assessment of the statutory provisions, procedural safeguards and consistent judicial practice, this Tribunal is satisfied that the International Crimes (Tribunals) Act, 1973 and the International Crimes Tribunal–2 Rules of Procedure, 2010 substantially conform to the principles embodied in Article 14 of the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, the Rome Statute of the International

Criminal Court, and the established jurisprudence of international criminal tribunals. The legislative framework and judicial practice governing these proceedings adequately secure the internationally recognised guarantees of independence, impartiality, equality of arms, presumption of innocence, effective defence, transparency, due process and appellate review, thereby affirming Bangladesh's commitment to the administration of international criminal justice in accordance with universally accepted principles of fairness and the rule of law.

VI. Pre-Trial Proceedings

38. Commencement of Investigation

The investigation in the present case was initiated by the Investigation Agency constituted under the International Crimes (Tribunals) Act, 1973, pursuant to Complaint Register Serial No. 162 dated 25 March 2025, relating to the alleged commission of offences punishable under section 3(2) of the Act by the accused, Hasanul Haq Inu.

In exercise of the powers conferred under section 8(1) of the Act, Mr. Abdullah-Al-Mamun, Deputy Assistant Director of the Investigation Agency, was duly appointed as the Investigating Officer by the Office of the Coordinator of the Investigation Agency. Under the supervision of both the then Coordinator and the incumbent Coordinator of the Investigation Agency, he undertook a comprehensive and extensive investigation into the incidents arising out of the student-public movement of July-August 2024, popularly known as the **"July Revolution"** or the **"July Uprising."**

39. Arrest and Interrogation of the Accused

The record further reveals that, during the course of the investigation, the Investigating Officer filed an application before the learned International Crimes Tribunal-1 seeking the arrest of the accused for the purpose of investigation.

Upon consideration of the prosecution's application, the learned International Crimes Tribunal-1, by order passed in ICT-BD Miscellaneous Case No. 24 of 2025, showed the accused arrested on 17 August 2025.

Thereafter, pursuant to Order No. 02 dated 21 August 2025, the accused was taken to the designated Safe House, where he was interrogated by the Investigating Officer on 28 August 2025 in accordance with law.

40. Investigation Conducted and Collection of Evidence

During the course of the investigation, the Investigating Officer recorded the statements of 20 (twenty) witnesses, including injured victims, family members of deceased persons, eyewitnesses and other persons acquainted with the facts and circumstances of the case.

The investigation was conducted in a meticulous and systematic manner. The Investigating Officer visited the relevant places of occurrence, inspected the scenes of crime, examined physical and documentary evidence, and collected a wide range of materials relevant to the incidents under investigation.

The evidentiary materials collected included medical records, photographs, video footage, digital evidence, expert reports,

contemporaneous newspaper publications, television broadcasts, social media content, official records, governmental documents and other relevant materials possessing probative value.

41. Assistance Rendered by the Special Investigation Officer

During the investigation, Mr. Tanvir Hasan Joha, Special Investigation Officer and Prosecutor, rendered substantial assistance to the Investigating Officer.

Acting under the overall supervision and guidance of the Coordinator of the Investigation Agency, Mr. Ansar Uddin Khan Pathan, and the Co-Coordinator, Mr. Muhammad Shahidullah Chowdhury, PPM, he participated in the collection, preservation, examination and analysis of a substantial body of evidentiary materials relevant to the present case.

The investigation team systematically collected and reviewed reports, photographs, video recordings and news broadcasts disseminated through various electronic, print and digital media, including Bangladesh Television (BTV), Mirror Now, Mirror News, RTV, Channel 24, MTV, various online news portals and social media platforms relating to the events of July-August 2024.

The investigation also involved the collection and examination of statements, speeches, press briefings, interviews, written posts, comments and other electronic communications allegedly made by the accused and other persons concerning the suppression of the student movement. Copies of newspapers, video recordings and other documentary materials were formally seized in accordance with law.

The investigation team further collected reports and information from various Government, autonomous and non-governmental organisations, including reports published by the United Nations and other independent bodies relating to the incidents under investigation. Copies of the official Gazettes published by the Ministry of Liberation War Affairs concerning the martyrs and injured persons of the July Uprising were also obtained and examined. In addition, various books and publications relating to the July Uprising were collected and reviewed during the investigation.

42. Collection of Voice Samples and Forensic Examination

During the investigation, voice samples of the accused were lawfully collected from the concerned prison authorities in accordance with the prescribed procedure.

The Investigating Officer also obtained three disputed audio recordings allegedly containing intercepted telephone conversations between the accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina.

These disputed audio recordings, together with the specimen voice samples, were forwarded to the Criminal Investigation Department (CID) for forensic examination and voice comparison.

Upon completion of the forensic examination, the CID experts submitted their report expressing the opinion that the voices contained in the disputed audio recordings were similar to the specimen voice samples of the accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina. Along with the forensic opinion, transcripts of the intercepted conversations were also supplied.

According to the contents of those intercepted conversations, the investigation disclosed allegations that instructions were discussed regarding the use of lethal force against peaceful and unarmed student protesters immediately after they emerged from their homes; surveillance of demonstrators through drone technology; transportation of personnel by helicopter; deployment of the so-called "Umbrella Force"; use of helicopters in operations connected with suppression of the movement; imposition of curfew; and directions to employ maximum force for suppressing the ongoing student movement.



The evidentiary value and legal effect of the intercepted conversations, the forensic opinion, and the transcripts shall be examined by this Tribunal at the appropriate stage while evaluating the evidence on record.

43. Completion of Investigation and Submission of Investigation Report

Upon completion of the investigation, the Investigating Officer prepared a comprehensive investigation report incorporating the results of the investigation together with the statements of witnesses, documentary evidence, material exhibits, forensic reports, digital evidence and all other relevant materials collected during the investigation.

Being satisfied that sufficient materials existed to prosecute the accused, the Investigating Officer submitted the investigation report before the learned Chief Prosecutor, recommending prosecution of the accused Hasanul Haq Inu for offences punishable under sections 3(2), 4(1), 4(2), and 4(3) of the International Crimes (Tribunals) Act, 1973.

VII. Submission of the Formal Charge

44. Upon careful examination of the investigation report and the materials collected during the investigation, the learned Chief Prosecutor, being satisfied that a prima facie case had been disclosed, submitted the Formal Charge before this Tribunal under section 9(1) of the International Crimes (Tribunals) Act, 1973 read with Rule 18(1) of the Rules of Procedure.

45. Taking Cognizance of the Offences

Upon consideration of the Formal Charge together with the investigation report and the documents submitted in support thereof, this Tribunal, by its order dated 25 September 2025, applied its judicial mind to the materials placed before it and found that a prima facie case had been disclosed against the accused.

Accordingly, in exercise of the powers conferred by Rule 29(1) of the Rules of Procedure, the Tribunal took cognizance of offences punishable under sections 3(2)(a), 3(2)(g) and 3(2)(h) read with sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973, punishable under sections 20(2) and 20A of the said Act.

The Tribunal is satisfied that the initiation of the prosecution, submission of the Formal Charge, and the assumption of jurisdiction in the present case were undertaken strictly in accordance with the provisions of the International Crimes (Tribunals) Act, 1973 and the Rules of Procedure, and are fully consistent with the governing principles of domestic law and

internationally recognised standards relating to accountability for international crimes.

VIII. SCOPE OF THE PROSECUTION CASE AS SET OUT IN THE FORMAL CHARGE (brief historical background of awami league misrule and authoritarianism)

46. Following Bangladesh's independence, the Awami League under Sheikh Mujibur Rahman assumed power with promises of democracy, rule of law and good governance. However, the regime soon became associated with corruption, political repression and the establishment of the one-party BAKSAL system, culminating in the violent change of government on 15 August 1975.

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47. Under the leadership of Sheikh Hasina, the Awami League returned to power in 1996 and again in 2009 following the disputed 2008 election. Thereafter, political authority became increasingly centralized, democratic institutions were systematically weakened, and authoritarian governance was progressively entrenched.

48. During the fifteen-year period from 2009 to 2024, the regime was marked by widespread allegations of extrajudicial killings, enforced disappearances, arbitrary detention, torture, suppression of political opposition, restrictions on freedom of expression, and politicization of state institutions, including the administration, law enforcement agencies and the judiciary.

49. Electoral democracy was progressively dismantled through the disputed parliamentary elections of 2014, 2018 and 2024, which were widely criticized for the absence of meaningful political competition and credible public participation, enabling the Awami League to retain uninterrupted control of the State.

50. The period was also characterized by widespread allegations of institutional corruption, large-scale money laundering, abuse of political power, and the consolidation of authority through patronage networks involving influential political leaders, public officials and business interests.

51. Simultaneously, a pronounced personality cult developed around Sheikh Mujibur Rahman and Sheikh Hasina through constitutional, administrative and state-sponsored measures, including extensive official commemoration, compulsory display of portraits, and widespread use of public resources to promote the ruling family's political legacy, further reinforcing dynastic and authoritarian governance.

52. The Prosecution alleges that, following its return to power in 2009, the Awami League government progressively undermined judicial independence through political influence over judicial appointments, decisions, and administration. Reference has been made to the abolition of the caretaker government system, the resignation and departure of former Chief Justice S.K. Sinha following the 16th Amendment judgment, and allegations of political pressure upon members of the subordinate judiciary.

53. The Prosecution further refers to the tragic events of 25–26 February 2009 at Peelkhana, in which 74 persons, including 57 army officers, lost their lives during the BDR mutiny. It is alleged that the government's response and subsequent investigations were inadequate and gave rise to public controversy regarding accountability and the circumstances surrounding the incident.

54. The Prosecution also relies upon the events of 5 May 2013 at Shapla Chattar, Dhaka, where security forces conducted an operation to disperse demonstrators of Hefazat-e-Islam. Allegations have been made of excessive use of force, casualties, enforced disappearances, media restrictions, and subsequent actions against human rights defenders who reported on the incident.

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55. According to the Prosecution, between 2009 and 2023, numerous incidents of enforced disappearance, extrajudicial killing, arbitrary detention, and torture were committed by state agencies. Reports of domestic and international human rights organizations are relied upon to show that such practices created a climate of fear affecting political opponents, journalists, students, activists, and ordinary citizens.

56. The Prosecution contends that the Digital Security Act was widely used to suppress dissent and restrict freedom of expression. It is alleged that thousands of cases were instituted against political opponents, journalists, writers, students, and social media users, thereby creating a chilling effect on public discourse and criticism of the government.

57. The Prosecution further alleges that widespread corruption, inflation, financial irregularities, and rising costs of essential commodities caused significant economic hardship during the fifteen-year tenure of the Awami League government.

58. The Prosecution alleges that the legacy of the Liberation War was increasingly used as a political instrument to marginalize opponents and suppress dissent. Critics of the government were frequently labelled as "anti-liberation" or "Razakar," and, according to the Prosecution, such narratives were used to justify harassment, prosecution, and repression of opposition activists, students, journalists, and other dissenting voices.

59. The Prosecution alleges that the Awami League government used the term "Razakar" as a political label to stigmatize and dehumanize student protesters during the anti-discrimination movement. It is further alleged that public remarks made by then Prime Minister Sheikh Hasina on 14 July 2024 intensified public resentment and transformed the peaceful protest into a nationwide uprising.

60. According to the Prosecution, between 1 July and 5 August 2024, Bangladesh witnessed a nationwide student-led movement which culminated in the fall of the Awami League government. It is alleged that the movement resulted in extensive casualties, thousands of injuries and arrests, despite continued public participation in the face of state repression.

61. The Prosecution further states that the movement originated from opposition to the quota system in public employment. Following the reinstatement of quotas by the High Court Division on 5 June 2024, students launched nationwide demonstrations demanding equality and merit-based recruitment.

62. It is alleged that the movement remained peaceful until mid-July 2024, when ruling party leaders and affiliated organizations allegedly incited violence against demonstrators. Following the death of student Abu Sayeed and subsequent nationwide protests, the movement expanded into a mass uprising with the participation of students, workers and ordinary citizens.

63. According to the Prosecution, the government established a coordinated mechanism involving law enforcement agencies, intelligence services and ruling party affiliates to suppress the movement through the use of lethal force. It is alleged that live ammunition, heavy weapons and other coercive measures were employed against unarmed civilians, resulting in widespread deaths and injuries.

64. The Prosecution further alleges that between July and August 2024, widespread and systematic attacks were carried out against protesters, involving unlawful killings, torture and other inhumane acts, which, according to the Prosecution, constitute crimes against humanity.

65. The Prosecution finally alleges that then Prime Minister Sheikh Hasina, members of her Cabinet, senior political leaders of the Awami League, its

affiliated organizations and members of the 14-Party Alliance collectively directed, facilitated and participated in the widespread and systematic attacks committed during the July 2024 movement.

IX. Hearing on Charge Framing and Discharge Application

66. Upon conclusion of the hearing on charge framing on 23.10.2025 and 28.10.2025, the Tribunal fixed 02.11.2025 for pronouncement of its order.

We heard the learned Chief Prosecutor, the assisting prosecutors, and the learned defence counsel appearing on behalf of the sole accused, Hasanul Haq Inu. The defence filed an application under Rule 37 of the International Crimes (Tribunals-2) Rules of Procedure, 2010 seeking discharge of the accused on the ground that the materials collected during investigation did not disclose any prima facie case under section 3(2) of the International Crimes (Tribunals) Act, 1973. The prosecution opposed the prayer and sought framing of charges.

The learned Chief Prosecutor submitted that the investigation materials, witness statements, documentary evidence, audio and digital records prima facie disclose that the accused, being a senior political leader and policymaker, participated in, instigated, facilitated and conspired in the commission of crimes against humanity, namely murder, persecution on political grounds and other inhumane acts, committed during the July–August 2024 uprising. It was contended that the accused acted in concert with other senior political leaders in implementing a policy of violent

suppression against civilian protesters and thereby incurred liability under sections 3(2)(a), 3(2)(g), 3(2)(h), and sections 4(1), 4(2) and 4(3) of the Act.

The learned defence counsel, on the other hand, argued that the prosecution case was based on vague and repetitive witness statements, unauthenticated audio recordings and unreliable digital materials. It was further contended that the accused held no command authority over law enforcement agencies, that the intercepted communications were exculpatory rather than incriminating, and that the prosecution had failed to establish the essential contextual and legal elements of crimes against humanity. The defence therefore prayed for discharge of the accused.

Having considered the submissions of both sides and examined the Formal Charge, Investigation Report, witness statements and documentary and digital materials on record, we are of the view that, at the stage of framing charges, the Tribunal is only required to ascertain whether the materials disclose a prima facie case and not to undertake a detailed assessment of their evidentiary value. The materials before us prima facie indicate the existence of a widespread and systematic attack directed against a civilian population during the relevant period and further disclose the alleged involvement of the accused through acts of participation, instigation, conspiracy, abetment and complicity.

The objections raised by the defence regarding the authenticity, admissibility and probative value of the digital materials, the credibility of witnesses, and reliance upon external reports are matters to be examined during trial and do not, at this stage, negate the existence of a prima facie case. The materials also prima facie indicate that the accused occupied a

position of political authority capable of influencing or directing the perpetrators of the alleged crimes.

Accordingly, we found sufficient grounds to presume that the accused Hasanul Haq Inu committed, or was responsible for, crimes against humanity including murder, persecution on political grounds, other inhumane acts, as well as abetment, conspiracy, incitement and complicity in such crimes within the meaning of sections 3(2)(a), 3(2)(g), 3(2)(h) read with sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973. Consequently, the application for discharge under Rule 37 was rejected and charges were framed against the accused. The charges were read over and explained to him, to which he pleaded not guilty and claimed to be tried in accordance with law.

Charge No. 1 - Murder as Crime Against Humanity

It was alleged that on or about 18 July 2024, during the nationwide student-public movement against discrimination, Hasanul Haq Inu, then President of Jatiya Samajtantrik Dal (JSD) and a component leader of the ruling 14-Party Alliance, publicly described the protesters as "BNP," "terrorists," "Jamaat," and "communal elements" in a statement broadcast on MIRROR NOW television. The prosecution case was that by making and disseminating such statements, he intentionally incited, abetted, and facilitated the use of lethal force against unarmed student protesters, thereby contributing to the killing of more than 1,400 persons across Bangladesh between 1 July and 5 August 2024. These acts were alleged to constitute murder as a crime against humanity committed as part of a widespread and systematic attack directed against a civilian population

under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973 punishable under Sections 20(2) and 20A of the said Act.

Charge No. 2-Order to Commit Murder as a Crime Against Humanity

It was alleged that on or about 19 July 2024, Hasanul Haq Inu attended a meeting at Ganabhaban chaired by then Prime Minister Sheikh Hasina, where a decision was taken to suppress the ongoing student-public movement by extreme measures, including the imposition of curfew and the issuance of a "shoot-at-sight" order. The prosecution alleged that by participating in, endorsing, and approving that collective decision, he ordered, instigated, abetted, and facilitated the commission of murder, resulting in the deaths of more than 1,400 civilians and serious injuries to over 25,000 others throughout Bangladesh. The charge was framed as murder as a crime against humanity under section 3(2)(a) of the Act, read in the light of article 7(1)(a) of the Rome Statute, punishable under Sections 20(2) and 20A of the said Act.

Charge No. 3 -Murder as a Crime Against Humanity (Kushtia)

The prosecution alleged that on or about 20 July 2024 at about 12:14:57 PM, Hasanul Haq Inu, being a leader of the ruling 14-Party Alliance and a former Member of Parliament from Kushtia-2, communicated with the Superintendent of Police, Kushtia, after viewing footage of the anti-discrimination movement and directed the arrest, detention, torture, and killing of protesting students and civilians. Pursuant to that order, police and armed cadres allegedly opened indiscriminate fire at various locations in Kushtia, resulting in the deaths of several identified

victims, including Ashraful Islam, Suruj Ali Babu, Abdullah Al Mustaqin, Md. Usama, Bablu Faraji, and Yusuf Sheikh, and causing severe injuries to numerous others. These acts were alleged to amount to murder as a crime against humanity under section 3(2)(a) read with section 4(1) of the Act, punishable under Sections 20(2) and 20A of the said Act.

Charge No. 4- Murder as a Crime Against Humanity through Planning and Instigation

It was alleged that on or about 20 July 2024 at about 14:02:56 hours, Hasanul Haq Inu, as an influential leader of the ruling alliance and close associate of Sheikh Hasina, conspired, planned, and instigated the use of lethal weapons, aerial bombings, and armed assaults to suppress the nationwide student-public movement. Acting pursuant to that plan, law enforcement agencies and armed members of the 14-Party Alliance allegedly surrounded, attacked, bombed, and fired upon unarmed protesters in Dhaka and other districts, resulting in the deaths of more than 1,400 civilians and serious injuries to over 25,000 persons. The charge was framed as murder as a crime against humanity under section 3(2)(a) of the Act, punishable under Sections 20(2) and 20A of the said Act.

Charge No. 5 -Incitement to Murder as a Crime Against Humanity

The prosecution alleged that on or about 27 July 2024, while appearing in a televised broadcast from the News24 studio in Dhaka, Hasanul Haq Inu made provocative statements describing unarmed student protesters as "BNP," "Jamaat," "terrorists," and "militants." It was alleged that these statements were intended to incite law enforcement agencies,

party cadres, and armed wings of the ruling coalition to treat the protesters as enemies and to attack, torture, and kill them. The prosecution further alleged that, despite having influence and authority within the ruling alliance and JSD, he failed to prevent or punish those responsible for killings, disappearances, and torture, thereby incurring liability under the doctrine of command responsibility. The charge was framed under sections 3(2)(a), (g), and (h) read with sections 4(1) and 4(3) of the Act, punishable under Sections 20(2) and 20A of the said Act.

Charge No. 6 - Conspiracy, Instigation, and Complicity in Crimes Against Humanity

It was alleged that on or about 29 July 2024, Hasanul Haq Inu attended a meeting of the 14-Party Alliance at Ganabhaban under the chairmanship of Sheikh Hasina and participated in discussions to suppress the anti-discrimination movement. The prosecution alleged that he approved and endorsed a plan to ban Bangladesh Jamaat-e-Islami and to portray the protesters as "BNP," "Jamaat," "terrorists," and "communal" elements, thereby discrediting the movement and facilitating large-scale killings, torture, persecution, and other inhumane acts committed by law enforcement agencies and armed cadres across the country. His conduct was alleged to constitute conspiracy, instigation, and complicity in crimes against humanity under sections 3(2)(a), (g), and (h) read with sections 4(1), 4(2), and 4(3) of the Act, punishable under Sections 20(2) and 20A of the said Act.

Charge No. 7 - Conspiracy and Agreement to Commit Crimes Against Humanity

The prosecution alleged that on or about 4 August 2024 at about 16:29:07 hours, Hasanul Haq Inu maintained constant communication with Sheikh Hasina and, together with others, conspired and agreed to suppress the peaceful student-public movement by unlawful and violent means. It was alleged that he approved and supported the imposition of a nationwide curfew, the labeling of protesters as militants, and the use of lethal force against unarmed civilians with the intention of crushing the movement. These acts were alleged to amount to conspiracy and incitement to commit murder, persecution, torture, and other inhumane acts as crimes against humanity under sections 3(2)(a), (g), and (h) of the Act, punishable under Sections 20(2) and 20A of the said Act.

Charge No. 8 - Murder as Crime Against Humanity (Individual Victims)

Under Charge No. 8, six separate counts of murder as crimes against humanity were framed in relation to events that allegedly occurred on 5 August 2024 in Kushtia between 13:30 and 16:00 hours. The prosecution alleged that Hasanul Haq Inu, as a senior leader of the ruling 14-Party Alliance and President of JSD, acting in collaboration with Sheikh Hasina, Obaidul Quader, Asaduzzaman Khan Kamal, Md. Mahbubul Alam Hanif, and others, exercised superior political authority, instigated, ordered, abetted, and facilitated the use of lethal force by police and ruling party cadres against unarmed protesters. As a result, Md. Abdullah Al Mustaqin (aged 16), Md. Suruj Ali Babu (aged 41), Md. Ashraful Islam (aged 37), Md. Bablu Farazi (aged 58), Md. Yusuf Sheikh (aged

56), and Md. Usama (aged 18) were shot and killed at different locations within Kushtia Sadar. The prosecution further alleged that Hasanul Haq Inu was individually liable and also liable on the basis of superior and command responsibility under sections 4(2) and 4(3) of the Act, as the killings formed part of a widespread and systematic attack directed against the civilian population during the July-August 2024 movement and committed offence of murder as crime against humanity under Sections 3(2)(a), (g),(h), 4(1), 4(2), 4(3) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A of the said Act.



Reading of Charges

The charges were thereafter read over and explained to the accused Hasanul Haq Inu in open Tribunal in a language understood by him. Upon being asked whether he pleaded guilty or not guilty to the charges brought against him, the accused pleaded not guilty and claimed to be tried according to law.

67. Here it may profitably mentioned that an application for review of Order No. 06 dated 02.11.2025 was filed on behalf of the sole accused under Rule 26(3) of the International Crimes (Tribunal-2) Rules of Procedure, 2010, by which the Tribunal rejected the application filed by the accused praying for discharge under role 37. Upon hearing the parties and considering the application, the same was rejected by the Tribunal vide Order No. 09 dated 30.11.2025.

X. Points for Determination

Having considered the Formal Charge, the pleadings of the parties, the evidence adduced by the Prosecution, the cross-examination conducted

by the Defence, the documentary and material exhibits, and the submissions advanced by the learned Prosecutor and the learned Defence Counsel, this Tribunal is of the considered opinion that the following questions arise for determination in the present case:

(i) Whether the incidents alleged by the Prosecution, arising out of the July–August 2024 student-public uprising, occurred in the manner alleged and whether the evidence on record establishes the factual matrix of those incidents beyond reasonable doubt.

(ii) Whether the prosecution has been able to establish that the acts alleged in the Formal Charge formed part of a widespread or systematic attack directed against a civilian population, pursuant to or in furtherance of a State or organisational policy, thereby satisfying the contextual elements of crimes against humanity under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, read with Article 7 of the Rome Statute.

(iii) Whether the victims allegedly killed, injured, detained, persecuted or otherwise subjected to violence during the July-August 2024 movement constituted a civilian population within the meaning of section 3(2)(a) of the Act and the applicable principles of international criminal law.

(iv) Whether the prosecution has proved beyond reasonable doubt that the accused Hasanul Haq Inu, either individually or jointly with others, or through his acts, omissions, orders, instigation, encouragement, facilitation, conspiracy, abetment or other forms of participation, committed, contributed to, or was otherwise criminally responsible for the offences alleged under sections 3(2)(a), 3(2)(g) and 3(2)(h), read with sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973.

(v) Whether the accused is liable to be convicted and punished as alleged by the Prosecution?

The above issues are interrelated and, to some extent, overlap with one another. Nevertheless, for the sake of convenience and clarity, this Tribunal proposes to examine and determine them in the course of its appreciation of the oral, documentary, electronic, forensic and circumstantial evidence adduced before it, together with the applicable principles of domestic and international criminal law.

The Tribunal shall now proceed to examine the evidence adduced in support of each charge against the sole accused in order to determine whether the prosecution has proved the charges beyond reasonable doubt, in accordance with the provisions of the International Crimes (Tribunals) Act, 1973 and the applicable Rules of Procedure.

In order to prove the charges, the Prosecution examined a total of 10 (ten) witnesses and produced various documents and materials, which were admitted into evidence and marked as exhibits and material exhibits, respectively.

XI. Testimonies of prosecution witnesses (P.W: 01-10)

68. Deposition of Prosecution Witness No. 1 (PW-1) Md. Raisul Haque, aged about 26 years

Examination-in-Chief

PW-1, Md. Raisul Haque, stated that at the relevant time he was residing in a mess situated in the Kali Shankarpur area of Kushtia.

He deposed that on 14 July 2024, following remarks allegedly made by Sheikh Hasina referring to the quota reform protesters as "Rajakarer Chhele" and "Rajakarer Nati-Natni", he and other students organized and participated in a protest procession around Kushtia Government College between approximately 11:00 p.m. and 12:00 midnight.

He further stated that on 16 July 2024, after the death of Abu Sayeed, who became a symbol of the student movement, several thousand students participated in a procession that proceeded from Kushtia Shapla Chattar towards Mazampur. During that procession, the participants allegedly encountered resistance and obstruction from members of the police force as well as activists of the Awami League and Bangladesh Chhatra League. Despite such obstruction, the procession was completed successfully.

According to PW-1, on 18 July 2024, approximately 300 to 400 protesters gathered at the intersection in front of the Deputy Commissioner's Court in Kushtia. At that time, members of the Detective Branch (DB) Police, along with activists of the Awami League and Chhatra League, allegedly attacked the assembled protesters, causing them to disperse in different directions. He stated that when the protesters regrouped and resumed their demonstration, law enforcement personnel fired tear gas shells towards them.

PW-1 further testified that during the course of the said incident, he was struck by a shotgun pellet in the middle of his forehead. At this stage of his testimony, he showed the Tribunal the visible mark on his forehead allegedly caused by the pellet injury.

He stated that after sustaining the injury, he was taken to a hospital for treatment. While being transported to the hospital, he repeatedly uttered the words: "Brother, my body should go in the victory procession; my body should not be buried." According to him, this statement subsequently became widely circulated on various social media platforms and was also broadcast by MTV Online News.

PW-1 further stated that after the events of 18 July 2024, the protesters were unable to regroup effectively for some time. However, they subsequently organized larger demonstrations in Kushtia on 03 August, 04 August, and 05 August 2024.

Regarding the events of 03 August 2024, PW-1 testified that at approximately 11:00 a.m., a procession comprising around 2,000 to 3,000 students commenced from in front of Kushtia Sadar Hospital and proceeded towards Mazampur. During the procession, activists of the Awami League, Chhatra League, and Jubo League allegedly attempted to obstruct the march. Despite such obstruction, the procession was successfully completed.

With regard to 04 August 2024, PW-1 stated that approximately 300 to 400 protesters initially assembled in front of Kushtia Sadar Hospital at about 11:00 a.m. As the procession moved towards Mazampur, its size increased to approximately 4,000 to 5,000 participants. He alleged that the procession again faced obstruction from law enforcement agencies and activists of the Awami League. Nevertheless, the demonstrators continued their movement and completed the programme successfully.

PW-1 further alleged that on that day activists of the Chhatra League and Jubo League launched attacks upon the protesters. According to him,

those attacks were carried out under the direct orders and instigation of Hasanul Haq Inu, Member of Parliament from Kushtia-2 Constituency and President of Jatiya Samajtantrik Dal (JSD), together with Mahbub-ul-Alam Hanif, the then Joint General Secretary of the Awami League, and Ataur Rahman Ata, the Chairman of Kushtia Sadar Upazila.

PW-1 then described the events of 05 August 2024. He stated that in order to make the "March to Dhaka" programme successful, approximately 5,000 to 6,000 students and protesters gathered in front of Kushtia Sadar Hospital at about 11:00 a.m. and commenced a procession towards Mazampur.

According to him, law enforcement personnel fired tear gas shells towards the procession, while activists of the Awami League attacked the protesters. Despite such actions, the demonstrators continued their movement. He stated that subsequently approximately 2,000 to 3,000 protesters assembled and took position from Kushtia Bak Chattar up to the Six-Road Intersection area.

PW-1 further testified that law enforcement personnel again fired tear gas shells at the protesters. He alleged that armed attacks were simultaneously carried out by activists of the Awami League, Jubo League, and Chhatra League.

He stated that sometime after noon, one Babu, the brother of a fellow protester, sustained a gunshot injury near Bak Chattar. When Babu was taken to the hospital, the attending doctor declared him dead. PW-1 further stated that on the same day several other protesters, namely Suruj Ali Babu, Babul Farazi, Abdullah Mustaqin, and Usama, among others, were also killed in the vicinity of Bak Chattar. According to him, a total of six persons

lost their lives in the incidents occurring near Bak Chattar and the surrounding areas.

PW-1 further deposed that after 05 August 2024 he saw various materials circulated on social media platforms indicating that Hasanul Haq Inu had communicated with Sheikh Hasina over telephone and had allegedly advised, encouraged, and instigated the suppression of the student movement by any means necessary, including the use of gunfire and explosive devices.



According to PW-1, Hasanul Haq Inu was one of the principal instigators of the attacks carried out against the student protesters in Kushtia during the July-August 2024 movement. He therefore demanded the maximum punishment for Hasanul Haq Inu.

PW-1 stated that he had previously been examined by the Investigating Officer and that the present testimony represented his statement regarding the incidents in question.

Cross-Examination by the Learned Counsel for Accused Hasanul Haq Inu

During cross-examination, PW-1 stated that Hasanul Haq Inu had been elected as a Member of Parliament from Kushtia-2 Constituency in the 2024 parliamentary election.

He admitted that Hasanul Haq Inu was not physically present in Kushtia at the time of the incidents referred to in his testimony.

PW-1 further stated that he had sustained a pellet injury in the middle of his forehead. He stated that the pellet was subsequently removed from his forehead during medical treatment. He also stated that Bamundi Central Hospital did not possess facilities for such treatment.

He stated that he had seen a video published by MTV Online News showing him being transported to the hospital after sustaining the injury.

PW-1 further confirmed that on 18 July 2024, at approximately 4:00 p.m., while he was being taken to the hospital, he had uttered the words: "Brother, my body should go in the victory procession; my body should not be buried."

He stated that six persons were killed in the areas of Bak Chattar, Mazampur, and the Six-Road Intersection in Kushtia.

He further stated that many other persons sustained injuries during the incidents and that some of the injured persons were later declared dead by doctors after being taken to hospital for treatment.

PW-1 admitted that he did not become aware of the deaths of all six victims immediately upon their occurrence. Rather, he learned about the deaths gradually and at different times during the course of the movement.

A suggestion was put to him that Hasanul Haq Inu had neither directly ordered nor instigated any suppression of the movement. PW-1 denied the suggestion.

A further suggestion was put to him that the alleged pellet injury to his forehead was not genuine and that he had not participated in the movement. PW-1 categorically denied both suggestions and maintained

that he had actively participated in the movement and had indeed sustained the pellet injury described in his testimony.

Deposition of Prosecution Witness No. 2 (PW-2) Tanvir Hassan Zoha (Prosecutor and Special Investigation Officer, International Crimes Tribunal, Dhaka)

Examination-in-Chief



PW-2, Tanvir Hassan Zoha, testified that he is presently serving as a Prosecutor and Special Investigation Officer attached to the International Crimes Tribunal, Dhaka. In the course of his official duties, he assists investigating officers in the identification, seizure, collection, preservation, examination and presentation of digital evidence relevant to investigations conducted under the International Crimes (Tribunals) Act, 1973.

The witness stated that during the course of the present investigation, digital materials and electronic records were collected from various lawful sources and preserved in accordance with the established procedures followed by the Investigation Agency of the Tribunal.

PW-2 further deposed that, in connection with the investigation of the instant case, he obtained and submitted three audio recordings containing telephone conversations allegedly exchanged between the accused Hasanul Haq Inu, President of the Jatiya Samajtantrik Dal (JASAD), and the former Prime Minister Sheikh Hasina.

According to the witness, the said audio recordings formed part of the digital evidence preserved within a compressed digital storage file

designated as "Green_File.zip", which was listed as Item No. 01 in the relevant seizure list prepared during the course of the investigation.

PW-2 stated that the digital materials were supplied and formally handed over by Mr. Sadi Mohammad Rifat, Instructor (Assistant Engineer), at Conference Room No. 103, Ground Floor, National Telecommunication Monitoring Center (NTMC), Bir Uttam Major General Azizur Rahman Road, Tejgaon, Dhaka-1215, on 23 December 2024 at approximately 2:30 p.m.

He testified that after obtaining the relevant digital materials, the audio recordings were preserved and saved on a DVD identified as "16x | 120 min High Quality Digital Movie Disc DV-R, 4.7 GB Data Recordable Disc." Thereafter, the said DVD, together with the seizure list and accompanying documents, was formally transmitted and handed over to the Co-Coordinator of the Investigation Agency of the International Crimes Tribunal under official cover and through a forwarding letter.

PW-2 identified the three audio recordings submitted by him and provided the following descriptions thereof:

1. 8801711819526_2024-07-20_140256

2. 8801711819526_2024-08-04_162907

3. 8801711819526_2024-08-05_122856

The witness stated that the aforementioned audio recordings were extracted, preserved and produced as part of the digital evidence collected during the investigation and that he had submitted the same before the appropriate authority in accordance with the applicable procedures.

He further stated that the facts narrated by him represented the activities undertaken by him in relation to the collection, preservation and transmission of the aforesaid digital evidence.

This was his statement before the Tribunal.

Cross-Examination by the Learned Counsel for the Accused Hasanul Haq Inu

During cross-examination, PW-2 stated that whenever the Investigation Agency required information or electronic records from the National Telecommunication Monitoring Center (NTMC), the orders of the Tribunal were communicated through the appropriate official channel and were submitted directly to the office of the Director General of NTMC.

The witness further stated that after receipt of the Tribunal's order, the Director General of NTMC would issue necessary directions to the concerned officers for compliance with the order and for taking appropriate steps regarding the collection and transmission of the requested information.

PW-2 testified that, in the present case, Mr. Sadi Mohammad Rifat, Instructor (Assistant Engineer) of NTMC, informed him that the Director of NTMC had instructed him to provide the information and materials sought by the Investigation Agency pursuant to the directions issued by the competent authority.

The witness maintained that the digital materials and audio recordings referred to in his testimony were collected through the prescribed institutional process and were subsequently preserved and transmitted in accordance with the procedures followed by the Investigation Agency.

A suggestion was put to the witness that he had neither applied to the Director General of NTMC for the collection of the relevant information nor had the Director General issued any direction to the concerned officers regarding the supply of such information. The witness denied the suggestion and reaffirmed that the necessary institutional process had been followed for obtaining the materials.

Another suggestion was put to him that the information had not been collected and preserved in accordance with the applicable rules and procedures. PW-2 categorically denied the suggestion and asserted that the collection, preservation and transmission of the digital evidence were conducted strictly in accordance with the established procedures followed by the Investigation Agency and the concerned authorities.

A further suggestion was put to the witness that the information and digital materials collected by him were fabricated or manipulated. PW-2 emphatically denied the suggestion and maintained that the materials produced by him were genuine materials obtained from the concerned authority and preserved in the ordinary course of the investigation.

The witness remained firm throughout his cross-examination and denied all suggestions challenging the authenticity, lawful collection, preservation and transmission of the digital evidence referred to in his testimony.

Deposition of Prosecution Witness No. 3 (PW-3) SI Md. Kamrul Hossain (Sub-Inspector, Records Branch, Investigation Agency, International Crimes Tribunal, Dhaka)

Examination-in-Chief

PW-3, SI Md. Kamrul Hossain, testified that he is presently serving as a Sub-Inspector attached to the Records Branch of the Investigation Agency of the International Crimes Tribunal, Dhaka. His duties include receiving, preserving, maintaining custody of, and producing documentary, electronic and material evidence received by the Investigation Agency in connection with investigations conducted under the International Crimes (Tribunals) Act, 1973.



The witness stated that in connection with Complaint Register Serial No. 162 of the Investigation Agency of the International Crimes Tribunal, dated 25.03.2025, various documents, electronic records, publications, video recordings and official records were seized by the Investigating Officer, Mr. Abdullah Al Mamun, from the Records Branch of the Investigation Agency and were thereafter entrusted to his custody under duly executed seizure lists and bonds.

PW-3 first testified regarding a seizure effected on 31.07.2025 at approximately 10:30 a.m. According to him, the Investigating Officer seized the following electronic materials from the Records Branch:

1. A video recording of 05 minutes and 15 seconds duration titled "quota-protest-communal-forces-are-pushing-student-movement-ex-information-min-hasanul-Haq-on-anti", broadcast on 18.07.2024 by an India-based media outlet known as Mirror Now.

2. A video recording of 21 minutes and 01 second duration titled "Interview with JSD President Hasanul Haq Inu on Quota Movement_Special

Interview_N", broadcast on News24 on 27.07.2024, wherein, according to the witness, JSD President Hasanul Haq Inu allegedly described participants in the quota reform and anti-discrimination movement as BNP, Jamaat, terrorist and communal elements.

3. A video recording of 04 minutes and 35 seconds duration titled "What the 14-party partners said about the ban on Jamaat camps_Awami League RTV News", broadcast on RTV on 29.07.2024, containing statements made by Hasanul Haq Inu to journalists concerning the proposed prohibition of Jamaat and Shibir.

PW-3 stated that the original seizure list was prepared in respect of the aforesaid materials. He identified the seizure list and his signature appearing thereon. The seizure list was marked as Exhibit-01, while his signature thereon was marked as Exhibit-01(ka).

He further testified that Constable Md. Muhaiminul Haq had also signed the seizure list. Having become familiar with the said constable's signature in the course of official duties, he identified the signature, which was marked as Exhibit-01(kha).

The witness further stated that the seized materials were entrusted to him for safe custody on the same date. He executed the custody bond as bailee. The bond was marked as Exhibit-02, and his signature appearing thereon was marked as Exhibit-02(ka).

PW-3 next testified regarding another seizure conducted by the Investigating Officer on 31.07.2025 at approximately 2:30 p.m. The following newspaper publications were seized from the Records Branch:

1. Daily Manab Zamin dated 20.07.2024 carrying the headline "Curfew Army Deployed".

2. The Daily Star Bangla dated 29.07.2024 carrying the headline "Decision to Ban Jamaat-Shibir at 14-Party Meeting".

3. Daily Prothom Alo dated 30.07.2024 carrying the headline "Jamaat and Shibir Are Being Banned, Decision of the 14-Party Meeting".

4. Daily Jugantor dated 30.07.2024 carrying the headline "Unanimous Decision to Ban Jamaat-Shibir at the Prime Minister's 14-Party Meeting".



5. Daily Bangladesh Pratidin dated 30.07.2024 and 03.08.2024 containing news items entitled "BNP-Jamaat Militants Are Extending Their Claws: Sheikh Hasina", **"14 Parties Agree on Banning Jamaat-Shibir"** and **"Urgent Meeting at Ganabhaban".**

The witness identified the seizure list prepared in respect of those publications. The seizure list was marked as Exhibit-03, and his signature thereon was marked as Exhibit-03(ka). He also identified the signature of Constable Md. Muhaiminul Haq appearing thereon, which was marked as Exhibit-03(kha).

PW-3 stated that the original publications were entrusted to him in custody and that he executed the corresponding bond. The bond was marked as Exhibit-04, while his signature thereon was marked as Exhibit-04(ka).

The witness further testified regarding a seizure conducted on 03.08.2025 at approximately 10:30 a.m. The following Gazette Notifications issued by the Ministry of Liberation War Affairs were seized:

1. Gazette Notification dated 15.01.2025 containing the list of martyrs of the July Uprising 2024.

2. Gazette Notification dated 27.02.2025 containing the list of Category-A seriously injured "July Fighters".

3. Gazette Notification dated 23.07.2025 containing the list of Category-B seriously injured "July Fighters".

4. Gazette Notification dated 04.03.2025 containing the list of Category-C injured "July Fighters".

The witness identified the seizure list prepared in respect of those Gazette Notifications, which was marked as Exhibit-05, while his signature thereon was marked as Exhibit-05(ka). He further identified the signature of Constable Md. Muhaiminul Haq appearing on the seizure list, which was marked as Exhibit-05(kha).

According to PW-3, the original Gazette Notifications were handed over to him in custody. The corresponding custody bond was marked as Exhibit-06, and his signature thereon was marked as Exhibit-06(ka).

The witness then testified regarding a further seizure conducted on 03.08.2025 at approximately 2:30 p.m., consisting of Gazette Notifications relating to Category-C injured "July Fighters" from various divisions, including Rajshahi, Khulna, Kushtia, Mymensingh, Rangpur and Chattogram Divisions.

The seizure list prepared in relation thereto was identified by the witness and marked as Exhibit-07, while his signature thereon was marked

as Exhibit-07(ka). The signature of Constable Md. Muhaiminul Haq appearing thereon was identified and marked as Exhibit-07(kha).

The custody bond executed in relation to those materials was marked as Exhibit-08, and his signature thereon was marked as Exhibit-08(ka).

PW-3 further testified regarding a seizure conducted on 04.08.2025 at approximately 10:30 a.m. The following materials were seized:

1. Original video footage supplied by Bangladesh Television (BTV) concerning a press conference of the then Prime Minister Sheikh Hasina held on 14.07.2024, having a duration of 01 hour 23 minutes and 05 seconds.
2. A video clip titled "July Anirban" released by the Ministry of Cultural Affairs concerning the July Uprising 2024.
3. A video clip of 02 minutes and 15 seconds duration broadcast by MTV Online on 08.09.2024.
4. A 114-page report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) concerning alleged crimes committed during the July-August 2024 movement.
5. A report entitled "Bloodshed in Bangladesh" published by the TechGlobal Institute and International Truth and Justice Project in January 2025.
6. Relevant extracts from Human Rights Watch World Report 2025 relating to events in Bangladesh during 2024.
7. An annual human rights report published by Odhikar on 10.02.2025.

8. A memorandum issued by the Ministry of Home Affairs on 19.07.2024 concerning the imposition of curfew.

9. A publication titled "List of Persons Killed in the Anti-Discrimination Student Movement (July Revolution 2024)" containing information relating to persons reported killed during the movement.

The witness identified the seizure list prepared in respect of the aforesaid materials, which was marked as Exhibit-09, while his signature thereon was marked as Exhibit-09(ka). He also identified the signature of Constable Md. Muhaiminul Haq appearing thereon, which was marked as Exhibit-09(kha).

PW-3 stated that the seized materials were subsequently entrusted to him in safe custody and that he executed the corresponding custody bond. The bond was marked as Exhibit-10, while his signature thereon was marked as Exhibit-10(ka).

The witness stated that the facts narrated above constituted his statement before the Tribunal.

Cross-Examination by the Learned Counsel for the Accused Hasanul Haq Inu

During cross-examination, PW-3 stated that he was serving as the Officer-in-Charge of the Library and Records Branch of the Investigation Agency of the International Crimes Tribunal and that he had joined the said position on 14.07.2025.

He testified that his primary responsibility was to preserve and maintain custody of evidence deposited in the Records Branch. According

to him, a register was maintained for recording and preserving evidence, and each item of evidence was assigned a separate serial number for identification and record-keeping purposes.

The witness, however, stated that he was unable to recall from memory the specific serial number assigned to any particular item of evidence at the time of his testimony. He clarified that the relevant information could be ascertained by consulting the official register maintained in the ordinary course of business.



He further stated that serial numbers assigned in the evidence register were not ordinarily reflected in the seizure lists themselves.

PW-3 admitted that he could not, without consulting the register, state on which exact date a particular item of evidence had been registered or under what specific registration number it had been entered.

The witness further stated that the five sets of seized materials referred to in his testimony had been produced before the Investigating Officer through him. He signed the relevant seizure lists as a witness, and after seizure the Investigating Officer entrusted the seized materials to him for custody and preservation.

PW-3 clarified that his role was confined to the preservation and custody of the materials and that he was not in a position to testify regarding the substantive contents, accuracy or truthfulness of the materials contained in the seized documents, publications, reports or electronic records.

A suggestion was put to the witness that the preservation, production, seizure, preparation of seizure lists and custody of the materials referred to

in the five seizure lists had not been carried out in a transparent or proper manner. PW-3 denied the suggestion and maintained that all procedures had been conducted in accordance with the established practices of the Investigation Agency.

A further suggestion was put to him that he had given false evidence before the Tribunal. The witness categorically denied the suggestion and reaffirmed the truthfulness of his testimony.

The witness remained consistent throughout his cross-examination and maintained that the materials referred to in his testimony had been preserved, produced and handed over in the ordinary course of his official duties as custodian of records and evidence maintained by the Investigation Agency.

Deposition of Prosecution Witness No. 5 (PW-5) Md. Sakhawat Hossain (Former Deputy Jailor, Kashimpur Central Jail-2)

Examination-in-Chief

PW-5, Md. Sakhawat Hossain, testified that on 29.05.2025 he was serving as Deputy Jailor at Kashimpur Central Jail-2. In the course of his official duties, he was responsible for carrying out lawful directions issued by competent authorities concerning inmates confined within the correctional facility.

The witness stated that on the aforesaid date, pursuant to an order issued by the Hon'ble International Crimes Tribunal-1, a team of officers from the Criminal Investigation Department (CID), led by Officer Md.

Rukunuzzaman and accompanied by two other officials, visited Kashimpur Central Jail-2 for the purpose of collecting a specimen voice sample from the accused Hasanul Haq Inu, who was then detained in the prison.

According to PW-5, upon receiving information regarding the purpose of the CID officers' visit, he informed his superior authorities of the matter and sought the necessary approval for carrying out the directions contained in the Tribunal's order.

The witness testified that after obtaining permission from the competent prison authorities, he made the necessary arrangements for the collection of the voice sample of Hasanul Haq Inu.

PW-5 further stated that the CID officials thereafter proceeded to collect the specimen voice sample of Hasanul Haq Inu in his presence. According to him, the voice recording was preserved on a DVD-R storage medium described as a "DVD-R (4.7 GB / 120 MIN)".

The witness testified that after the recording process had been completed, he signed upon the DVD-R used for preserving the voice sample in order to identify and authenticate the material collected in his presence.

PW-5 identified the DVD-R containing the specimen voice sample and stated that the same had been produced before the Tribunal. The said DVD-R was marked as Material Exhibit-I.

The witness further identified his signature appearing on the DVD-R. His signature was marked as Exhibit-12.

According to PW-5, the voice sample was collected in his presence pursuant to the order of the Tribunal and in the course of the official process undertaken by the CID officers.

The witness stated that the facts narrated by him constituted his statement before the Tribunal.

Cross-Examination by the Learned Counsel for the Accused Hasanul Haq Inu

During cross-examination, PW-5 stated that at the relevant time his immediate superior officer was the Senior Jail Superintendent, Mr. Al Mamun.

He testified that after being informed of the CID officers' request to collect a specimen voice sample from Hasanul Haq Inu, the Senior Jail Superintendent verbally instructed him to take appropriate action in accordance with the requirements of the situation.

The witness further stated that at the relevant time Hasanul Haq Inu was being detained in Surma Bhaban of Kashimpur Central Jail-2 as a classified prisoner.

According to PW-5, after receiving the necessary instructions, he caused a prison slip to be issued for producing the prisoner. He further stated that he subsequently went personally to ensure that the accused was brought from his place of confinement.

PW-5 testified that Hasanul Haq Inu was initially brought to his office room. He described his office room as having one entrance door and six windows.

The witness clarified, however, that the voice sample was not collected inside his office room.

According to him, the specimen voice was collected in another room situated nearby, which had been selected because it was comparatively quiet and free from surrounding noise that might interfere with the recording process.

PW-5 further stated that the room where the recording took place also contained doors and windows. He testified that at the time of the recording the door of the room remained closed in order to maintain a suitable environment for collecting the voice sample.

The witness stated that he personally remained present throughout the recording process.

According to his testimony, only four persons were present in the room during the collection of the specimen voice sample, namely himself, two CID officers and Hasanul Haq Inu.

The witness thus confirmed that the collection of the voice sample was carried out in a controlled environment and in his direct presence.

A suggestion was put to the witness that the specimen voice sample had been collected forcibly from Hasanul Haq Inu and that the collection process had not been conducted in accordance with the applicable rules and procedures.

PW-5 categorically denied the suggestion and maintained that the specimen voice sample was collected pursuant to the order of the Tribunal and through the procedure followed by the concerned authorities.

A further suggestion was put to him that he had given false evidence before the Tribunal regarding the collection of the specimen voice sample.

The witness emphatically denied the suggestion and reaffirmed the truthfulness of his testimony.

Throughout his cross-examination, PW-5 remained consistent in his account that the specimen voice sample of Hasanul Haq Inu was collected pursuant to lawful authority, in his presence, within the prison premises, and that the DVD-R containing the recorded sample was duly identified and authenticated by his signature.

Deposition of Prosecution Witness No. 6 (PW-6) Md. Forhad Hossain

Examination-in-Chief

PW-6, Md. Forhad Hossain, testified that he is a motorcycle mechanic by profession and also a participant in the July 2024 movement. He stated that he was a "July warrior" belonging to Category "A" as recorded in Gazette No. 272.

The witness stated that on 04.08.2024 at about 10.00 a.m., he joined the protest movement at Majampur. According to him, the protestors proceeded in a procession towards Chowrhas intersection, later returned to Majampur, and thereafter marched towards the Bora Bazar area. He stated that during the movement large numbers of students and protestors participated in the procession.

PW-6 further stated that at about 01.00 p.m., when the procession reached the Bak Chattar Police Station intersection area, the police

allegedly ambushed the protestors. He stated that during the incident he sustained multiple gunshot injuries, including injuries to his right eye, right hand, right leg, back, and right side of the chest.

The witness stated that after receiving initial treatment at Ad-Din Hospital, he returned home but remained unwell and confined due to injuries. He further stated that on the following day he learned that six fellow protestors had been killed in the incident. He named the deceased as Abdullah, Ashraful, Faraji Bablu, Babu, Yusuf, and Osama. He alleged that the attack was carried out on the advice or instigation of political leaders, including Inu, Hanif, and Ata, and that members of the Chhatra League and police were involved in the firing and killing of protestors.

PW-6 further stated that he later sought medical treatment at Aga Yusuf Eye Hospital, from where he was referred to Dhaka for further treatment. He stated that he subsequently travelled to Dhaka, received treatment, and was prescribed medication for approximately two weeks.

The witness further stated that he underwent continued treatment, including hospital admission and surgery on his right eye on 18.08.2024, during which pellets were removed. He stated that he was discharged from the hospital on 08.09.2024, but continued to suffer from impaired vision in his right eye and was advised further surgery due to residual complications.

PW-6 further stated that he still suffers from medical complications in his eye, including the presence of internal damage requiring further treatment.

The witness also stated that he came to know through social media and news channels that certain political leaders, including Inu, Hanif, and

others, were allegedly involved in discussions or directives relating to the suppression of the protest movement. He stated that he seeks justice for the killings and injuries sustained during the movement.

He stated that his statement was recorded by the investigating officer.

Cross-Examination by Learned Counsel for the Accused Hasanul Haq Inu

During cross-examination, PW-6 stated that he is employed at Shafiqul's Motorcycle Servicing Center and has been working there for approximately five years. Prior to that, he worked at Mamun's workshop, and before that at Otbi Furniture Shop for about ten years.

He stated that he had studied up to Class Eight.

The witness stated that although the movement began in July 2024, he could not recall the exact date of its commencement.

He stated that at the time of the rally at Majampur, approximately 400 to 500 persons were initially present, and the number increased thereafter. He further stated that he could not specify who was leading the movement at Majampur.

He stated that the distance between Majampur and Chaudhary intersection is approximately 4 to 5 kilometres, and that about 1000 to 1500 persons were present when the procession reached Chaudhary intersection. He further stated that the distance between Chaudhary intersection and Bora Bazar is approximately 3 kilometres.

PW-6 stated that during the march from Majampur to Chaudhary intersection and from Chaudhary intersection to Bora Bazar, no police attack occurred.

He further stated that at the Bak Chattar Police Station area, approximately 3000 to 4000 protestors had gathered. He stated that firing took place both from the street and from inside the police station, and that protestors sustained injuries as a result of such firing.

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Dhaka, Bangladesh

He stated that police personnel positioned on the street were not injured as a result of firing from inside the police station. He denied the suggestion that on 04.08.2024 the protestors attacked the police station with 4000 to 5000 armed persons.

He further denied the suggestion that the police acted in self-defence in response to any such alleged attack.

PW-6 stated that during medical examination at Aga Yusuf Eye Hospital, he was informed that his retina had been torn and that he required treatment in Dhaka. He confirmed that he underwent surgery at a hospital in Dhaka Eye Hospital.

He stated that he could not clearly recall whether the investigating officer had examined him on 17.06.2025, but confirmed that he provided medical documents to the investigating officer.

PW-6 further stated that after 05.08.2024, he came to know through social media platforms that Inu and former Prime Minister Sheikh Hasina had allegedly discussed suppression of the movement through force. He stated that he viewed such information on Mirror TV, RTV, and News24, and heard similar statements broadcast in Bengali.

He further stated that those media reports contained statements that protestors were to be suppressed by bombing, shooting, or other means.

The witness denied the suggestion that he did not participate in the procession on 04.08.2024.

He also denied the suggestion that his statement regarding media reports and alleged phone conversations was false or fabricated.

He further denied the suggestion that he was giving false testimony at the instance of others.

Throughout cross-examination, PW-6 maintained his position regarding his participation in the protest, the injuries sustained by him, and the circumstances of the alleged incident on 04.08.2024.

Deposition of Prosecution Witness No. 7 (PW-7) Sujan Mahmud

Examination-in-Chief

PW-7, Sujan Mahmud, testified that he is the son of deceased Bablu Farazi, who is alleged to have been killed during the events of 05.08.2024 in connection with the anti-discrimination quota reform movement.

The witness stated that on 05.08.2024, his father, along with many other persons from the locality, participated in the said movement. He alleged that during the course of the movement, at the instigation and upon the instructions of certain political leaders, including Mahbubul Alam Hanif, leaders of the District Awami League, and other affiliated political actors, a contingent comprising former Kushtia District Superintendent of

Police Palash Kant Roy, Sub-Inspector Saheb Ali, and others opened indiscriminate fire upon the protesting crowd. According to the witness, as a result of such firing, a total of six persons, including his father Bablu Farazi, were killed.

PW-7 further stated that on 05.08.2024 at approximately 3:45 p.m., he received a phone call on his mobile phone from an unknown caller using his father's mobile number. He stated that upon answering, he inquired about the caller's identity, and the caller informed him that his father had been shot and was being taken to Kushtia Sadar Hospital, requesting him to immediately proceed to the hospital.

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The witness stated that upon receiving this information, he rushed to the hospital, where he saw his father lying with bullet injuries. He further stated that thereafter, with assistance from anti-discrimination student activists, he transported his father's body to their residence.

PW-7 also stated that three persons from their locality had died in the incident and that the funeral of the deceased persons was conducted collectively at Hatash Haripur Central Cemetery.

He further stated that he later came to know the names of the accused persons through social media platforms, newspapers, and other media reports.

The witness concluded his deposition by stating that he seeks a proper investigation and justice from the Tribunal regarding the killing of his father.

This was his statement before the Tribunal.

Cross-Examination by Learned Counsel for the Accused Hasanul Haq Inu

The defence declined to cross-examine PW-7.

Accordingly, the witness was not subjected to cross-examination.

Deposition of Prosecution Witness No. 8 (PW-8) Towkir Ahammed

Examination-in-Chief

PW-8, Towkir Ahammed, testified that he is a graduate, having completed his Master's degree from Kushtia Government College. He further stated that he was one of the coordinators of the Kushtia District Anti-Discrimination Student Movement.

The witness deposed that the quota system, which had earlier been abolished in 2018 following a reform movement, was subsequently reinstated by the government, which led to renewed protests by students in Dhaka. He stated that this movement gradually spread throughout the country, including Kushtia.

PW-8 stated that on 14.07.2024, he, along with students from Kushtia Islamic University, staged a protest procession from Chowdhas to the Deputy Commissioner's office and submitted a memorandum to the DC. He stated that after concluding the programme with the national anthem, a small group of 8–10 persons remained seated at Saddam Bazar passenger shed.

He further stated that on the same day, following remarks made by the then Head of Government describing protesters as "children of

Razakars" and "grandchildren of Razakars", a protest march was organized in Kushtia city during the night. He stated that slogans were raised during the procession, and at one stage they received information that local Chhatra League and Jubo League activists were approaching to confront them, after which the programme was concluded peacefully.

PW-8 further stated that on the following day, a preparatory meeting was held in front of the Government Women's College Hostel, where he was selected as a coordinator on the basis of his academic seniority. He stated that he engaged in discussions with student groups and communicated with coordinators of the movement, and that a programme was announced via Facebook press release to commence on 16.07.2024 at 3:00 p.m. from Panchrasta intersection.

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The witness stated that on 16.07.2024, at about 3:10 p.m., approximately 200–300 students assembled at Panchrasta intersection. He stated that Additional Superintendent of Police Palash Kanti Roy approached and inquired about leadership of the procession, and upon being informed, questioned the route of the procession. PW-8 stated that upon police objection regarding the Bora Bazar route due to a local fair, the procession was redirected towards Chaudhas intersection and subsequently returned to Majampur, where it concluded peacefully. He further stated that during this time Chhatra League and Jubo League activists were present, carrying sticks and delivering provocative remarks, though no violent confrontation occurred.

PW-8 further stated that on 17.07.2024, during another procession, he witnessed attacks involving brickbats allegedly thrown by Chhatra

League and Jubo League activists from the direction of Mahbubul Alam Hanif's bus building on PTI Road. He further stated that unidentified persons on motorcycles were heard shouting "fire, fire" near the stadium area. The procession thereafter moved towards Chaudhas intersection and concluded at Majampur in the evening. He stated that police officials provided escort protection during the procession.

The witness further stated that on 18.07.2024, while a gathering was taking place in front of the DC office, members of the DB police allegedly initiated a lathi-charge along with Chhatra League activists. He stated that tear gas and rubber bullets were fired, causing dispersion of the crowd. He claimed that he saw Raisul being shot in the forehead and another protestor, Sabbir, being shot in the leg. He further stated that he arranged transportation for the injured to hospital. He also stated that several female protestors were injured and faced obstruction in receiving hospital treatment.

PW-8 further stated that after the incident, police cases were filed against protestors, including false cases against him. He stated that due to safety concerns, protest activities were temporarily suspended on 19.07.2024.

He further stated that thereafter, coordination continued through a WhatsApp group, and the movement was reorganized. He stated that on 03.08.2024 and 04.08.2024, protests resumed in Kushtia, during which he alleged attacks by Jubo League activists and obstruction of injured persons from receiving treatment at Kushtia Sadar Hospital.

PW-8 further stated that on 05.08.2024, a large-scale mobilisation took place under the "March to Dhaka" programme. He stated that during the day,

violent clashes occurred involving BGB personnel, police, and political activists, including firing, explosions of cocktails, and widespread chaos. He claimed that multiple persons were killed during the incident, including Abdullah, Babul Farazi, Yusuf, Suruj Ali Babu, Ashraful, and Usama, and that many others sustained injuries, including eye and limb injuries.

PW-8 stated that he later came to know through media reports and social media that certain political leaders, including Hasanul Haq Inu and Mahbubul Alam Hanif, were allegedly involved in directing or supporting suppression of the movement. He also stated that he had seen video clips and television talk shows in which the accused were allegedly making statements against the student movement.

PW-8 concluded his testimony by stating that he seeks exemplary punishment for all those responsible for the alleged killings and violence.

Cross-Examination by Learned Counsel for the Accused Hasanul Haq Inu

During cross-examination, PW-8 stated that he completed his Master's degree in 2023 from the 2021 batch, majoring in Botany, and that he has not enrolled in any other educational institution thereafter.

He stated that the 2024 anti-discrimination movement was a student-led movement concerning the quota system and that he participated in the movement as a job seeker after completion of his education.

He stated that his permanent residence is at Daulatpur Police Station, Kushtia, and that he has been residing in a mess in Kushtia city since 2012.

The witness stated that he saw certain video clips on social media after the conclusion of the movement, in which Hasanul Haq Inu was allegedly giving instructions to the then Prime Minister Sheikh Hasina, though he could not recall the exact date of viewing such content. He further stated that he also saw clips of Sheikh Hasina and Hasanul Haq Inu on various social media platforms, including YouTube and television channels such as Mirror Now, News24, and RTV.

He stated that he heard references in online media regarding alleged use of helicopters and bombing in connection with suppression of the movement.

He admitted that he could not recall the precise dates on which he viewed such media content.

The witness denied the defence suggestion that his statement regarding alleged media clips showing instructions for violent suppression of the movement was false or fabricated.

He further denied the suggestion that the quota issue had been resolved prior to 05.08.2024, or that no anti-discrimination movement existed on that date.

He also denied the suggestion that he was giving false testimony or that he had infiltrated or prolonged the movement as a non-student participant.

He further stated that he had been questioned by the investigating officer, though he could not recall the exact date of such questioning.

Throughout cross-examination, PW-8 maintained his position regarding his participation in the movement, his role as coordinator, and his account of the alleged incidents during the relevant period.

Deposition of Prosecution Witness No. 9 (PW-9) Constable No. 8680 Md. Masud Rana

Examination-in-Chief

PW-9, Constable No. 8680 Md. Masud Rana, stated that he is approximately 35 years of age and resides at Village Hindukandi, Police Station Sariakandi, District Bogra. At the relevant time, he was serving as an assistant in the Library and Records Branch of the Investigation Agency of the International Crimes Tribunal.

He testified that on 12.06.2025 at about 10:05 a.m., the Investigating Officer of the case, Mr. Abdullah Al Mamun, visited the Library and Records Branch of the Tribunal's Investigation Agency and received three categories of evidentiary materials from SI Md. Anisur Rahman, who was the In-charge of the Library and Records Branch.

PW-9 stated that the materials handed over included:

1. Three audio recordings of conversations between JSD President Hasanul Haq Inu and the former Prime Minister;
2. Three audio recordings containing the authenticated voice sample of Hasanul Haq Inu, President of JSD;
3. A video recording of a 03 minutes 15 seconds speech of Sheikh Hasina broadcast on Bangladesh Television (BTV), preserved in the Library and Records Branch of the Investigation Agency.

He further stated that the said evidentiary materials were formally seized by the Investigating Officer, and thereafter a seizure list was

prepared in the Library. PW-9 stated that he signed the seizure list along with SI Md. Anisur Rahman, In-charge of the Records Branch.

He identified the seizure list contained in pages 01–02 of the Seizure List, Bond and Documentary Evidence Book, and his signature thereon, which was marked as Exhibit-13 and Exhibit-13(ka).

PW-9 further stated that he recognized the signature of SI Md. Anisur Rahman on the seizure list, which was marked as Exhibit-13(kha).

He affirmed the correctness of his statement before the Tribunal.

Cross-Examination by Learned Counsel for the Accused Hasanul Haq Inu

During cross-examination, PW-9 stated that it took approximately one and a half to two hours to complete the entire process, including preparation and printing of the seizure list.

He admitted that he had no knowledge regarding the contents or subject matter of the seized materials.

He denied the suggestion that SI Md. Anisur Rahman did not sign the seizure list or that his signature was not present thereon.

He further denied the suggestion that SI Md. Anisur Rahman did not produce the seized materials before the Investigating Officer at the date and time mentioned in the seizure list.

PW-9 also denied the suggestion that the seizure list was prepared in an improper or irregular manner from within the Library and Records Branch without lawful presentation of the materials.

He further denied the suggestion that he gave false evidence before the Tribunal.

He maintained that the seizure and documentation process was carried out in accordance with procedure as recorded in the seizure list.

Deposition of Prosecution Witness No. 10 - Abdullah-Al-Mamun

Prosecution Witness No. 10, Abdullah-Al-Mamun, deposed that at the relevant time he had been serving as a Deputy Assistant Director of the Investigation Agency of the International Crimes Tribunal. He stated that upon the referral of Complaint Register Serial No. 162 of the Investigation Agency, dated 25 March 2025, by the Co-Coordinator of the Investigation Agency, he was entrusted with the responsibility of conducting the investigation. During the course of the investigation, he was assisted by Mr. Tanvir Hasan Joha, Special Investigation Officer and Prosecutor. He further stated that the investigation was conducted under the overall supervision, cooperation and guidance of the Coordinator of the Investigation Agency, Mr. Ansar Uddin Khan Pathan, and the Co-Coordinator, Mr. Muhammad Shahidullah Chowdhury, PPM.

The witness deposed that after assuming charge of the investigation, he undertook extensive investigative activities. These included the collection and examination of all relevant information and materials relating to the case, particularly reports, news items and audio-visual materials published or broadcast during the events of July 2024 through various electronic, print and social media platforms. He specifically referred to materials obtained from Bangladesh Television (BTV), MIRROR NOW, MIRROR NEWS, RTV, Channel 24, MTV and numerous other electronic and print media outlets. He

further collected and reviewed video recordings, newspaper reports, social media posts, comments, written statements, directives, instructions and provocative speeches allegedly issued for the suppression of the movement of unarmed students during the July Uprising. These materials had either been preserved by the Investigation Agency or were collected during the course of the investigation.

According to the witness, statements of family members and relatives of those who had been martyred during the July Uprising, injured participants in the movement and other relevant witnesses were recorded. Newspapers, video recordings and other documentary materials were seized as evidence. Reports containing information and data were collected from various government, autonomous and non-governmental institutions. The collected materials were forwarded to forensic experts for examination, and expert opinions were subsequently obtained. He further stated that he personally visited the relevant places of occurrence, collected copies of reports published by various national and international organizations, including the United Nations, obtained copies of gazette notifications published by the Ministry of Liberation War Affairs concerning the recognition of martyrs and injured July Fighters, and also collected and reviewed books and publications relating to the July Uprising.

The witness further stated that during the course of the investigation, accused Hasanul Haq Inu, President of the Jatiya Samajtantrik Dal (JSD) and leader of the 14-Party Alliance, was arrested in the present case and was interrogated pursuant to an order passed by Tribunal-1. The information disclosed during such interrogation was subsequently verified and analysed in conjunction with the materials independently collected during the investigation.

The witness further deposed that on 12 June 2025 at 10:05 a.m., he formally seized certain materials preserved in the Records Branch of the Investigation Agency. Copies of those materials were retained for the purpose of investigation, while the originals were handed over for safe custody. The materials so seized comprised:

(i) three audio clips containing telephone conversations between accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina;

(ii) three authentic voice samples of accused Hasanul Haq Inu collected by Mr. Mohiuddin, Police Inspector of the Information Technology Forensic Branch of the Criminal Investigation Department (CID), Dhaka, pursuant to an order of Tribunal-1 and forwarded to the Co-Coordinator of the Investigation Agency and

(iii) a video recording of a speech of former Prime Minister Sheikh Hasina of three minutes and fifteen seconds in duration, broadcast by Bangladesh Television (BTV).

The witness identified the seizure list relating to the said seizure, contained at pages 1–2 of Volume I of the Seizure Lists, Bonds and Documentary Evidence, and proved his signature appearing thereon as the preparing officer. The seizure list was marked as Exhibit-13(ga). He also identified the corresponding surety bond appearing at page 3 of Volume I, bearing his signature as surety, which was marked as Exhibits-14 and 14(ka).

The witness further identified the DVD (DVD 16x, 120 Minutes, High Quality Digital Movie Disc, DVD-R, 4.7 GB Data Recordable Disc)

containing the three seized audio clips, which was marked as Exhibit-II. He also identified another DVD of the same description containing the three-minute and fifteen-second video recording of the speech of former Prime Minister Sheikh Hasina broadcast on Bangladesh Television (BTV), which was marked as Exhibit-III.

The witness further stated that the three disputed audio recordings containing the telephone conversations between accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina were subsequently forwarded to the Criminal Investigation Department (CID) for forensic examination. Upon receipt of the forensic report, it was found that the voices appearing in the recorded conversations corresponded with and were similar to the authentic voice samples of accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina. Thereafter, transcripts of the recorded conversations, together with the opinion of the Investigation Agency, were prepared and submitted.

According to the witness, the contents of the intercepted conversations disclosed discussions to the effect that peaceful and unarmed student protesters were to be fired upon immediately after they came out of their homes; that drones were to be used to identify and photograph the protesters; that helicopters would be employed to apprehend and transport them away; that armed forces were to be deployed under the so-called "umbrella operation"; that helicopters would be used for bombing operations; that curfew would be imposed; and that the maximum permissible force should be employed for suppressing the movement.

The witness further deposed that on 31 July 2025 at 10:30 a.m., he seized additional electronic evidence preserved in the Records Branch of

the Investigation Agency. Copies were collected and the original materials were deposited for safe custody. The seized materials consisted of:

(i) a video clip of five minutes and fifteen seconds broadcast on 18 July 2024 by the India-based media outlet MIRROR NOW;

(ii) a video clip of twenty-one minutes and one second broadcast on News 24 on 27 July 2024 and

(iii) a video clip of four minutes and thirty-five seconds broadcast on RTV on 29 July 2024.

The witness identified the corresponding seizure list contained at pages 19–20 of Volume I of the Seizure Lists, Bonds and Documentary Evidence and proved his signature appearing thereon as the preparing officer. The same was marked as Exhibit-01(ga). He also identified the corresponding DVD containing the three video clips, which was marked as Exhibit-IV, and the relevant surety bond appearing at page 21 of Volume I bearing his signature, which was marked as Exhibit-2(kha).

The witness further stated that transcripts of the broadcasts aired by MIRROR NOW, News 24 and RTV were prepared and submitted before the Tribunal, and the same were marked collectively as Exhibit-15 (Series).

He further deposed that on 31 July 2025 at 2:30 p.m., he seized six newspaper reports published under different titles on various dates, which had been preserved in the Investigation Agency. Copies thereof were collected while the originals were deposited for safe custody. The witness identified the seizure list contained at page 22 of Volume I and proved his signature appearing thereon as the preparing officer. The seizure list was marked as Exhibit-03(ga).

He also identified the corresponding surety bond appearing at page 23 of Volume I, bearing his signature as surety, which was marked as Exhibit-4(kha).

The newspaper publications seized during the said process included:

1. Daily Manab Zamin dated 20 July 2024;

2. The Daily Star Bangla Online dated 29 July 2024;

3. Daily Prothom Alo Online dated 30 July 2024;

4. Daily Jugantor dated 30 July 2024; and

5. Daily Bangladesh Pratidin dated 3 August 2024.

The witness stated that the relevant newspaper cuttings and printed copies, contained at pages 24–28 of Volume I of the Seizure Lists, Bonds and Documentary Evidence, were submitted before the Tribunal and were marked collectively as Exhibit-16 (Series).

The witness further deposed that on 3 August 2025 at 10:30 a.m., he seized additional documentary materials preserved in the Records Branch of the Investigation Agency, collected copies thereof and deposited the originals for safe custody. The seized materials consisted of:

(i) the Gazette Notification issued by the Ministry of Liberation War Affairs recognising the martyrs Md. Abdullah Al Mostaqin, Md. Yusuf Sheikh, Ashraful Islam, Md. Osama, Md. Bablu Faraji and Suruj Ali Gong;

(ii) the Gazette Notification relating to Category-A ("Very Seriously Injured") July Fighter containing the name of Md. Farhad Hossain of Kushtia District;

(iii) the Gazette Notification relating to Category-B ("Seriously Injured") July Fighter containing the name of Md. Shariful Islam of Kushtia District and

(iv) the Gazette Notification relating to Category-C ("Injured") July Fighters published by the Ministry of Liberation War Affairs concerning injured persons of Dhaka Division.

The witness identified the seizure list contained at pages 29–30 of Volume I and proved his signature thereon as the preparing officer. The seizure list was marked as Exhibit-05(ga). He also identified the corresponding surety bond appearing at page 31 of Volume I, bearing his signature as surety, which was marked as Exhibit-6(kha).

The witness identified the original Gazette Notifications published by the Ministry of Liberation War Affairs recognising the aforementioned martyrs and injured July Fighters, contained at pages 32–480 of Volume I of the Seizure Lists, Bonds and Documentary Evidence. Those Gazette Notifications were admitted into evidence and marked collectively as Exhibit-17 (Series).

The witness further deposed that during the course of the investigation, on 03 August 2025 at about 2:30 p.m., he seized additional documentary evidence preserved in the Records Branch of the Investigation Agency. Copies of the seized documents were retained for the purpose of investigation, while the original documents were deposited for safe custody. The documents so seized consisted of the following Gazette Notifications issued by the Government of the People's Republic of Bangladesh through the Ministry of Liberation War Affairs, Gazette Branch:

(i) the Gazette Notification relating to Category-C ("Injured") July Fighters of Rajshahi Division;

(ii) the Gazette Notification relating to Category-C ("Injured") July Fighters of Khulna Division, containing, among others, the names of injured persons of Kushtia District;

(iii) the Gazette Notification relating to Category-C ("Injured") July Fighters of Mymensingh Division;

(iv) the Gazette Notification relating to Category-C ("Injured") July Fighters of Rangpur Division and

(v) the Gazette Notification relating to Category-C ("Injured") July Fighters of Chattogram Division.

The witness identified the seizure list relating to the aforesaid seizure, contained at pages 481-482 of Volume II of the Seizure Lists, Bonds and Documentary Evidence, and proved his signature appearing thereon as the preparing officer. The said seizure list was marked as Exhibit-07(ga).

He also identified the corresponding surety bond appearing at page 483 of Volume II, bearing his signature as surety, which was marked as Exhibit-8(kha).

The witness further identified the aforesaid Gazette Notifications relating to the Category-C ("Injured") July Fighters of Rajshahi, Khulna, Mymensingh, Rangpur and Chattogram Divisions, preserved at pages 484-1009 of Volume II of the Seizure Lists, Bonds and Documentary Evidence.

The said Gazette Notifications were collectively admitted into evidence and marked as Exhibit-18 (Series).

The witness further deposed that on 04 August 2025 at about 10:30 a.m., he seized further documentary and electronic evidence preserved in the Records Branch of the Investigation Agency. Copies thereof were collected while the original materials were deposited for safe custody. The materials so seized comprised:

(i) a video recording of one hour, twenty-three minutes and five seconds in duration relating to a press conference held by the then Prime Minister Sheikh Hasina on 14 July 2024 following her visit to China, wherein she allegedly referred to the protesters by the expressions "Rajakarer Baccha" ("children of Razakars") and "Rajakarer Natiputi" ("grandchildren of Razakars");

(ii) a video recording of eight minutes and twenty-four seconds entitled "July Anirban", published by the Ministry of Cultural Affairs of the Government of the People's Republic of Bangladesh concerning the July Uprising of 2024;

(iii) a video recording of two minutes and fifteen seconds broadcast on the MTV Online Channel on 08 September 2024;

(iv) the Fact-Finding Report published on 12 February 2025 by the Office of the United Nations High Commissioner for Human Rights (OHCHR), comprising 114 pages including the cover page;

(v) a report entitled "Bloodshed in Bangladesh", published in January 2025 by the TechGlobal Institute and the International

Truth and Justice Project, consisting of 72 pages including the cover page;

(vi) relevant extracts from Human Rights Watch – World Report 2025: Events of 2024, consisting of the cover page, pages 1-9 and pages 55-59, totalling 22 pages;

(vii) a report entitled "Annual Human Rights Report", published on 10 February 2025 by Odhikar, comprising 54 pages including the cover page, concerning alleged human rights violations committed during the period from 06 January 2009 to 05 August 2024;

(viii) copies of official orders issued by the Ministry of Home Affairs, Public Security Division, Political Branch-2, addressed to all District Magistrates and Police Commissioners regarding the promulgation and implementation of curfew and

(ix) a publication entitled "List of Persons Killed in the Anti-Discrimination Student Movement (July Revolution 2024)", containing information relating to the martyrs of the July Revolution and comprising 102 pages including the cover page.

The witness identified the seizure list relating to the aforesaid seizure, contained at pages 1010-1011 of Volume III of the Seizure Lists, Bonds and Documentary Evidence, and proved his signature appearing thereon as the preparing officer. The said seizure list was marked as Exhibit-09(ga).

He also identified the corresponding surety bond contained at pages 1012-1013 of Volume III, bearing his signature as surety, which was marked as Exhibit-10(kha).

The witness further stated that the electronic materials described at serial numbers (i) to (iii), namely the three video recordings, were copied onto and preserved in a TwinMOS X3 128 GB Ultra Pen Drive (Serial No. H410). The said pen drive was produced before the Tribunal and marked as Exhibit-V.

He further identified the documentary materials described at serial numbers (iv) to (ix), namely the OHCHR Fact-Finding Report dated 12 February 2025, the report entitled Bloodshed in Bangladesh published by the TechGlobal Institute and the International Truth and Justice Project, the relevant extracts of the Human Rights Watch World Report 2025, the Annual Human Rights Report published by Odhikar, the copies of the curfew orders issued by the Ministry of Home Affairs, and the publication entitled List of Persons Killed in the Anti-Discrimination Student Movement (July Revolution 2024). These documents, preserved at pages 1014-1377 of Volume III of the Seizure Lists, Bonds and Documentary Evidence, were collectively admitted into evidence and marked as Exhibit-19 (Series).

The witness further deposed that he also submitted before the Tribunal the documentary materials received during the investigation in the form of official correspondence, letters, e-mails and memoranda, contained in Volume IV of the Documentary Evidence Book at pages 1378-1452; the Call Detail Records (CDR) relating to mobile number 01711-819526 alleged used by accused Hasanul Haq Inu, contained at pages 1454-1462; the death certificates of persons who were martyred during the July Mass Movement in Kushtia District; and documentary materials relating to the

ammunition allegedly used by police forces throughout Bangladesh, preserved at pages 1464-1679. The said documents were collectively marked as Exhibit-20 (Series).

The witness further deposed that, upon completion of the investigation, and after examining the statements of witnesses, incident videos, forensic analysis of audio recordings, call detail records and the documentary evidence collected during the investigation, he arrived at certain findings.

According to the witness, the investigation disclosed that accused Hasanul Haq Inu, being the President of the Jatiya Samajtantrik Dal (JSD) and one of the principal leaders of the Awami League-led 14-Party Alliance, had, through an interview broadcast by the India-based television channel MIRROR NOW on 18 July 2024, allegedly attempted to divert the student movement by portraying the protesters as members of Jamaat-e-Islami, terrorists and communal elements, thereby, according to the witness, encouraging the use of force against the protesters.

The witness further stated that the investigation revealed that during the nationwide quota reform and anti-discrimination movement, the accused supported the deployment of the Bangladesh Army throughout the country on 19 July 2024, endorsed the imposition of curfew and the implementation of a "shoot-at-sight" policy, and thereby allegedly played an active role as one of the influential leaders of the 14-Party Alliance in suppressing the movement.

According to the witness, the investigation further revealed that on 20 July 2024 at 12:14:57 hours, accused Hasanul Haq Inu allegedly

communicated with the Superintendent of Police of Kushtia District and, referring to the directions of former Prime Minister Sheikh Hasina, instructed that participants in the student movement should be identified through video footage and thereafter arrested, subjected to torture and killed in order to suppress the movement.

The witness further stated that the investigation disclosed that accused Hasanul Haq Inu maintained regular communication with former Prime Minister Sheikh Hasina in his capacity as President of JSD and a leading member of the 14-Party Alliance. According to the witness, on 20 July 2024 at 14:02:56 hours, the accused allegedly commended the steps taken by Sheikh Hasina to suppress the movement, including the use of lethal weapons, the deployment of armed forces to surround the protesters, the use of helicopters in operations against the demonstrators and the use of firearms, while also suggesting additional strategies for the application of maximum force.

The witness further stated that the investigation revealed that on 27 July 2024, during a special interview broadcast on News 24, the accused allegedly described the protesters as members of BNP, Jamaat, terrorists and militants with the object of portraying the movement as communal and violent and thereby justifying measures for its suppression.

The witness further deposed that the investigation disclosed that on 29 July 2024, accused Hasanul Haq Inu attended a meeting of the 14-Party Alliance and, according to the witness, participated in the implementation of the decision to ban Bangladesh Jamaat-e-Islami after repeatedly

portraying the protesters as members of Jamaat and terrorist elements in order to suppress and divert the movement.

According to the witness, the investigation further revealed that on 04 August 2024 at 16:29:07 hours, accused Hasanul Haq Inu allegedly characterised the peaceful student movement as a militant movement during a telephonic conversation with Sheikh Hasina, advised that strict measures including curfew and firing should be adopted, and thereby supported the decision to suppress the movement through lethal force.

The witness further deposed that the investigation disclosed that on 18 July 2024 at about 3:00 p.m., approximately 300 to 400 unarmed students assembled in front of the Deputy Commissioner's Court premises at Kushtia during the nationwide quota reform movement. According to the investigation, the peaceful procession was attacked by local Awami League activists and police personnel pursuant to the instructions and plan allegedly formulated by the accused, resulting in injuries to numerous persons, including Raisul Haque. The witness further stated that the investigation revealed that when the injured persons sought treatment at Kushtia Sadar Hospital, they were allegedly prevented from obtaining treatment by Awami League and 14-Party Alliance activists acting upon the direct instructions of the accused, compelling them to obtain treatment at nearby private hospitals.

The witness further stated that the investigation revealed that on 04 August 2024 at about 11:00 a.m., unarmed student protesters proceeded from the road in front of Kushtia Sadar Hospital towards Majampur via Saddam Intersection. At approximately 12:30 p.m., the procession was

allegedly attacked by police personnel together with members of the Awami League and the 14-Party Alliance, causing injuries to numerous students.

The witness further deposed that the investigation disclosed that on 05 August 2024, workers Ashraful Islam and Suruj Ali Babu, students Abdullah Al Mostaqin and Md. Usama, businessman Bablu Faraji, employee Yusuf Sheikh, together with numerous other citizens, participated in the "March to Dhaka" programme in support of the one-point demand for the resignation of former Prime Minister Sheikh Hasina. According to the witness, the investigation revealed that between approximately 1:30 p.m. and 4:00 p.m., under the alleged instigation, encouragement and directions of accused Hasanul Haq Inu, members of the Awami League, the 14-Party Alliance, Chhatra League, Jubo League, Swechchhasebak League and certain members of the law enforcement agencies opened indiscriminate fire upon the protesters at various locations, including Bak Chattar, the area in front of Kushtia Sadar Model Police Station, the Fire Service Office, Burmese Lane, Tulapatti Lane, the Haripur Road near Aarong, and adjoining areas. The witness stated that, according to the investigation, Ashraful Islam, Suruj Ali Babu, Abdullah Al Mostaqin, Md. Usama, Bablu Faraji and Yusuf Sheikh sustained fatal gunshot injuries and were martyred, while numerous other protesters received serious injuries.

The witness finally deposed that, on the basis of the evidence collected during the investigation, he concluded that in furtherance of the policy allegedly adopted by former Prime Minister Sheikh Hasina for suppressing the nationwide quota reform and anti-discrimination movement through the use of lethal force, accused Hasanul Haq Inu, being

President of the JSD and one of the principal leaders of the Awami League-led 14-Party Alliance, had, through his alleged directions, instigation and encouragement, facilitated the commission of crimes by armed members of the Awami League-led 14-Party Alliance and certain members of the law enforcement agencies, resulting in the killing and serious injury of unarmed student protesters in Kushtia and other parts of Bangladesh.

The witness stated that, upon completion of the investigation, he found prima facie materials disclosing offences punishable under Sections 3(2)(a), 3(2)(g), 3(2)(h), 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973 against accused Hasanul Haq Inu. Accordingly, on 11 September 2025, he submitted the Investigation Report to the learned Chief Prosecutor for the purpose of prosecution. Along with the Investigation Report, he also submitted the statements of witnesses, seizure lists, surety bonds, documentary evidence and the documentary materials received through official correspondence, letters, e-mails and memoranda in separate volumes before the learned Chief Prosecutor.

The witness concluded by affirming that the foregoing constituted his evidence before the Tribunal.

Cross-Examination of PW-10 (Abdullah-Al-Mamun)

During cross-examination, PW-10 stated that he had completed his graduation (BSS Pass Course) from Dhaka College. He took over the investigation of the present case on 25 March 2025. He clarified that his investigation concerned the course of events relating to the July–August

2024 mass uprising; however, he did not investigate every incident that occurred throughout the country during that period.

The witness testified that he joined Bangladesh Police on 11 November 2004 and thereafter underwent one year of basic police training at the Police Academy, Sardah, Rajshahi. He received specialized training in criminal investigation. Following completion of his training, he served as a Sub-Inspector in the Special Branch, Dhaka, for approximately seven years. He also served in Munshiganj District for about two years and in Rajshahi District for approximately ten months. Before joining the Investigation Agency of the International Crimes Tribunal as Deputy Assistant Director (Investigating Officer), he worked as Inspector (Investigation) at Lalpur Police Station in Natore District for approximately eight months.

The witness further stated that from 01 July 2024 to 05 August 2024 he was serving in the Investigation Agency of the International Crimes Tribunal, Dhaka, as Deputy Assistant Director (Investigating Officer). Prior to joining the Tribunal's Investigation Agency, he had not received any formal training on the International Crimes (Tribunals) Act, 1973. However, after joining the Investigation Agency, he received training on the Act at different times. According to him, the training was conducted by experienced investigators, local legal experts and foreign legal practitioners. Although he could not recall the precise duration of such training, he confirmed that he had received training on several occasions.

PW-10 further testified that before investigating the present case, he had investigated numerous criminal cases, including several cases under

the International Crimes (Tribunals) Act, 1973. He also stated that he had previously testified as an Investigating Officer before the International Crimes Tribunal.

The witness stated that he could not recall the date on which Special Investigation Officer and Prosecutor Mr. Tanvir Hasan Joha joined the Tribunal. He further stated that Mr. Ansar Uddin Khan Pathan joined the Investigation Agency as Coordinator on 20 April 2025, whereas he could not remember the exact date when Mr. Muhammad Shahidullah Chowdhury joined as Co-Coordinator. According to him, the Coordinator and Co-Coordinator maintained the Complaint Register of the Investigation Agency. At the time when the present complaint was registered, Mr. Muhammad Shahidullah Chowdhury was serving as Coordinator.

PW-10 testified that he commenced the investigation based upon the complaint registered before the Investigation Agency. He maintained a case diary throughout the investigation. After receiving the order assigning him the investigation, he collected documents from the Records Branch of the Investigation Agency. Those documents included information previously gathered regarding accused Hasanul Haq Inu from Kushtia District, information supplied by City Special Branch, Dhaka, passport-related information, PCPR-related information, and details relating to movable and immovable properties of the accused. He stated that all such information had been preserved in the Records Branch of the Investigation Agency and that records existed showing who had collected and deposited the respective information.

According to the witness, investigative activities commenced at 10:30 a.m. on 25 March 2025 and continued until 3:05 p.m. on the same day. He further stated that the Investigation Agency did not maintain a register known as a "PR Register", although a receipt register was maintained for information received. He acknowledged that he had not brought the receipt register with him to the Tribunal.

The witness testified that he visited various alleged crime scenes in Kushtia District. On 16 June 2025, accompanied by a team from the Investigation Agency, he travelled to Kushtia to inspect relevant locations. He first inspected Bakchattar and its surrounding areas under Kushtia Sadar Police Station and prepared a sketch map and index thereof. Although he did not question persons who happened to be present during the inspection, he questioned persons who had participated in the movement and identified those who had been involved.

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PW-10 further stated that he visited the road in front of the Fire Service Office, which was situated within approximately one hundred yards of Bakchattar. He then inspected Burmese Goli (Burmese Alley), prepared a sketch map and index, and questioned certain local residents. He specifically mentioned recording the statement of one Fahima Khatun; however, her name was not included in the witness list submitted with the investigation report.

The witness further testified that he inspected Tula Patti Goli and prepared a sketch map and index of that location. He questioned one Naeem Hossain, whose statement was recorded, but whose name was likewise not included in the witness list. He also visited the area in front of Aarong,

prepared a sketch map and index thereof, but did not question any local resident there.

PW-10 stated that he interrogated injured witness Md. Farhad Hossain on 17 June 2025. During the investigation he collected medical papers relating to Farhad. He acknowledged that Farhad had initially received treatment at Addin Hospital and Agha Yusuf Eye Hospital in Kushtia, but admitted that he had not personally visited those hospitals and had not collected any records directly from them. He stated that Farhad himself had produced a pellet before him during questioning.

The witness testified that he visited Kushtia Sadar Model Police Station. He denied the defence suggestion that he had found the police station vandalized, burned, or looted. He acknowledged that he did not visit Kushtia General Hospital and that he obtained death certificates through official correspondence.

Referring to documentary evidence contained in Volume 4, he confirmed that the death certificates of martyrs Usama, Yusuf Sheikh, Abdullah Al Mostaqin, Ashraful Islam and Suruj Ali Babu recorded that each had been brought to hospital after sustaining gunshot injuries. He further acknowledged that admission registration numbers were reflected in the respective hospital records, although such registration numbers were not mentioned in certain forwarding letters contained in the documentary evidence.

PW-10 confirmed that the information concerning ammunition used by Kushtia District Police between 17 July and 05 August 2024 had been supplied by the Superintendent of Police, Kushtia. When asked regarding

the reference to cartridges in those records, he stated that cartridges constituted one category of ammunition.

The witness further stated that he had not personally gone to Kushtia Hospital. He received the post-mortem report relating to deceased Bablu Farazi from the Superintendent of the 250-Bed General Hospital, Kushtia. According to him, the autopsy had been conducted on 29 September 2024 and the report noted that the body was decomposed. He further stated that a PBI Constable named Abdul Rahim had produced the body for autopsy. He admitted that he neither requested nor directed the performance of the autopsy.

PW-10 acknowledged that he did not know whether separate criminal cases had been instituted concerning the deaths of Bablu Farazi, Usama, Yusuf Sheikh, Suruj Ali, Abdullah Al Mostaqin, or Ashraful Islam, nor could he state whether accused Hasanul Haq Inu had been named as an accused in those cases.

The witness stated that during his visit to Kushtia he spoke with members of Usama's family. However, none of Usama's family members were cited as prosecution witnesses in the present case. He explained that two family members had instead been included as witnesses in ICT-BD (ICT-2) Case No. 04 of 2025. He also acknowledged that no neighbours of Usama had been cited as witnesses in the present case.

PW-10 admitted that he did not seize bloodstained clothing belonging to Usama, nor did he obtain or seize photographs or video recordings depicting Usama's injured condition. He further admitted that he had not recovered any video recording showing Usama being shot and that he had not visited Usama's grave.

The witness then described his inspection of the locations where Yusuf Sheikh, Suruj Ali Babu, Abdullah Al Mostaqin and Ashraful Islam were allegedly shot. He prepared sketch maps of those places and described their surroundings. He acknowledged, however, that he did not recover CCTV footage from nearby establishments, markets, houses or shops, despite their presence in the vicinity. He also admitted that he did not obtain any mobile-phone video footage of the shootings. Although he questioned certain individuals, including Naeem Hossain and relatives of the deceased victims, several such persons were not included in the witness list accompanying the investigation report.

The witness further admitted that he did not seize bloodstained clothes, photographs, videos, bullets, or other physical exhibits connected with the deceased victims. Nor did he visit the graves of several of the deceased persons.

With regard to documentary and digital evidence, PW-10 testified that the seizure list dated 12 June 2025 had been properly prepared. He denied defence suggestions that witness SI Md. Anisur Rahman had not been present during the seizure process or that signatures appearing on the seizure documents had been fabricated later.

The witness stated that witness statements of Tauqir Ahmed, Shakil Ahmed, Md. Faisal and Sheikh Mohammad Ali had been recorded on the dates reflected in the investigation record.

Regarding the three audio recordings allegedly containing conversations between accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina, PW-10 stated that those recordings had not been

obtained from media or social media sources. Rather, according to him, Special Investigation Officer and Prosecutor Mr. Tanvir Hasan Joha had collected and seized them and subsequently forwarded them to the Investigation Agency. He acknowledged that the recordings had originally been collected from the National Telecommunication Monitoring Centre (NTMC) and supplied on DVD. He stated that Mr. Joha had applied to the Director General of NTMC for those recordings. He further testified that the Director General of NTMC and Assistant Engineer Sadi Mohammad Rifat had been cited as witnesses in the case. The recordings were subsequently sent to the CID for forensic examination on 14 June 2025.

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PW-10 acknowledged that he had not visited the offices of Mirror Now, RTV or News24, nor had he questioned their owners, editors, producers or presenters. He stated that the video recordings from those media outlets had been collected from the Library and Records Branch of the Investigation Agency. He could not explain the precise method by which the Library and Records Branch had originally obtained those recordings, nor had he received independent verification documents concerning them.

The witness denied the defence suggestion that the audio and video materials relied upon by the prosecution contained no provocative statements attributable to accused Hasanul Haq Inu. He further denied suggestions that the gazettes relating to deceased persons contained incorrect information or that some of the persons listed therein had returned alive.

PW-10 acknowledged that the Government had abolished the quota system in 2018 and that subsequent litigation had led to restoration of the

quota system by the High Court Division. He stated, however, that he did not know whether the Appellate Division later overturned that judgment. He rejected the defence proposition that the movement had ended following the Appellate Division's decision or that the movement from 21 July to 05 August 2024 constituted merely a political movement aimed at overthrowing the Government.

The witness admitted that accused Hasanul Haq Inu was not elected a Member of Parliament in the 2024 parliamentary election and did not hold any constitutional or administrative office between 01 July and 05 August 2024. Nevertheless, he asserted that the accused was an influential policy-maker within the 14-party alliance and denied the defence suggestion that the alliance possessed no practical administrative influence.

Regarding the reports relied upon during the investigation, PW-10 confirmed that the Fact-Finding Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) had been prepared at the request of the Interim Government concerning events occurring between 01 July and 15 August 2024. He acknowledged several passages of the report referring to violence, destruction of police stations, attacks on public institutions, and incidents occurring after 05 August 2024. He further acknowledged that only selected pages of the Human Rights Watch report had been included in the documentary evidence.

The witness denied defence suggestions that the Human Rights Watch report, the TechGlobal Institute report, the OHCHR Fact-Finding Report, or the Odhikar report were incomplete, selectively presented, or failed to implicate accused Hasanul Haq Inu. He maintained that he had

reviewed those reports and considered the incidents described therein during the course of his investigation.

PW-10 further acknowledged that he had not questioned any RAB personnel or helicopter crew members regarding allegations of aerial attacks. Nonetheless, he rejected the defence suggestion that the OHCHR report established that RAB helicopters neither fired bullets nor dropped explosives during the relevant period.

Finally, the witness maintained that the five newspaper reports seized during the investigation contained statements demonstrating that accused Hasanul Haq Inu had incited, advised, or encouraged violence against student protesters. He denied all defence suggestions that no evidence had been found linking the accused to the alleged crimes, that the investigation report was politically motivated or fabricated, or that he had given false testimony before the Tribunal. According to him, the investigation report was prepared after consideration of witness testimony, documentary evidence, expert opinions, surrounding circumstances, and information obtained through both open and confidential investigative processes.

XII. List of documents admitted in evidence on behalf of Prosecution

69. Description of documents:

Exhibit No. 1: Seized list prepared on31.07.2025 of 03 videos broadcast on MIRROR NOW, News24 and Rtv News.

Exhibit No. 2: Bond regarding taking into custody of P.W-03 the seized " alamat "on 31/07/2025.

Exhibit No. 3: Seized list prepared on 31.07.2025 of 05 daily newspapers cutting on 31/07/2025.

Exhibit No. 4: Bond regarding taking into custody of P.W-03 the seized "alamat" on 31/07/2025.

Exhibit No. 5: List of published gazettes listing the names of July fighters in the notification issued by the Ministry of Liberation War Affairs, Gazette Branch, dated 03/08/2025.

Exhibit No. 6: Bond regarding the delivery of the gazettes of the list of names of July warriors in the custody of P.W-03 on 03/08/2025.

Exhibit No.7: Names of the injured persons in the mass uprising of 2024 in Rajshahi Division, Kushtia District, Khulna Division, Mymensingh Division, Rangpur Division, Chittagong Division, published by the Ministry of Liberation War Affairs, Gazette Branch on 03/08/2025

Exhibit No. 8: List of Notices of Seizure List. Notices of List of Names of Injured Persons of Mass Uprising, 2024. Bond dated 03/08/2025 regarding the surrender of P.W-03.

Exhibit No. 9: List of seized reports prepared on 04.08.2025 including 03 videos and cover pages by the then Prime Minister Sheikh Hasina.

Exhibit No. 10: Bond executed on 04.08.2025 regarding the taking into custody of 03 videos and various reports including cover pages by the then Prime Minister Sheikh Hasina by P.W-03.

Exhibit No. 11 (series): Forensic report including transcript of conversation between former Prime Minister Sheikh Hasina and Hasanul Haq Inu.

Exhibit No. 12: Signature of P.W-05 on the DVD-R (4.7 GB/120 MIN) containing the sample voice of Hasanul Haq Inu.

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Exhibit No. 13: Seized list of three audio clips of the conversation between Hasanul Haq Inu and the former Prime Minister, three audio clips of Hasanul Haq Inu's authentic voice, and a 3-minute 15-second short speech of Sheikh Hasina broadcast on BTV.

Exhibit No. 14: Bond regarding A warrant of three audio clips of the conversation between Hasanul Haq Inu and the former Prime Minister, three audio clips of Hasanul Haq Inu's authentic voice, and 3 minutes and 15 seconds of Sheikh Hasina's short speech broadcast on BTV.

Exhibit No. 15(series): Transcripts of videos broadcast on MIRROR NOW, NEWS 24 channel and Rtv channel.

Exhibit No. 16 (series): Cutting and print copies of Daily Manab Zamin dated July 20, 2024, The Daily Star Bangla Online dated July 29, 2024, Daily Prothom Alo Online dated July 30, 2024, Daily Jugantor dated July 30, 2024, and Daily Bangladesh Pratidin dated August 3, 2024.

Exhibit No. 17 (series): Gazette of the martyrs of the mass uprising of 2024 and the gazettes of the list of names of persons belonging to categories "A", "B" and "C" of 2024.

Exhibit No. 18 (series): "July Warrior" Class-C Gazettes published by the Government of the People's Republic of Bangladesh, Ministry of Liberation War Affairs, Gazette Branch (Division-Rajshahi, Kushtia District including Khulna Division, Mymensingh Division, Rangpur Division, Chittagong Division)

Exhibit No. 19 (series): Fact Findings Report, 114 pages including cover page, a 72-page report including cover page published under the title "BLOODSHED IN BANGLADESH", 07 pages including cover page of 546-page report published under WORLD REPORT 2025 EVENTS OF 2024, a 54-page report including cover page on various crimes committed by Sheikh Hasina government from 06/01/2009 to 05/08/2024 published by Odhikar, a copy of the necessary order regarding the issuance of the Evening Act and a list of persons killed in the "Anti-discrimination Student Movement" published by July Revolution Publication

Exhibit No. 20 (series): Documents received in the form of letters, emails/memoranda Volume 4 of the book from page 1378 to page 1452 CDR of mobile number 01711819526 of accused Hasanul Haq Inu, page no. 1454 to page 1462 Death certificate of martyrs in July mass movement in Kushtia district, page no. 1464 to page 1679 Information on ammunition used by the police throughout Bangladesh

XIII. List of Articles Admitted in Evidence on behalf of the Prosecution

70. The following material exhibits were seized, produced, and admitted in evidence:

Material Exhibit–I: 2 DVD-R (4.7 GB/120 MIN) containing Hasanul Haq Inu's sample voice.

Material Exhibit–II: DVD 16x|120 min High Quality Digital Movie Disc DVD-R 4.7 GB Data Recordable Disc containing 03 audio clips of phone conversations between Hasanul Haq Inu and former Prime Minister Sheikh Hasina.

Material Exhibit–III: DVD 16x 120 min High Quality Digital Movie Disc DVD-R 4.7 GB Data Recordable Disc containing a video clip of a 03 minute 15 second speech of former Prime Minister Sheikh Hasina broadcast on BTV.

Material Exhibit–IV: DVD 16x 120 min High Quality Digital Movie Disc DVD-R 4.7 GB Data Recordable Disc containing 03 video clips broadcast on MIRROR NOW, NEWS 24 channels and Rtv channel.

Material Exhibit–V: TwinMOS X3 128 GB ULTRA SL NO. H410 pen drive containing the video clip of the press conference organized by the then Prime Minister Sheikh Hasina after her visit to China, the video clip released by the Ministry of Cultural Affairs of the Government of the People's Republic of Bangladesh under the title "July Anirban" regarding the July Uprising 2024, and the video clip broadcast on the MTV online channel.

XIV. Defence invoked the provisions of sections 9(5), 9(6) of the International Crimes (Tribunals) Act, 1973

Upon the close of the prosecution case, the accused was called upon to enter upon his defence in accordance with the provisions of the International Crimes (Tribunals) Act, 1973. In exercise of the statutory right conferred by section 9(5) of the Act, the defence submitted a list of witnesses proposed to be examined on behalf of the accused together with a schedule of documents and other materials upon which it intended to place reliance in support of the defence case.

Subsequently, invoking the provisions of section 9(6) of the International Crimes (Tribunals) Act, 1973, the defence sought leave of the Tribunal to produce additional evidence by examining an additional witness and by bringing on record further documentary materials not included in the original list. The Tribunal considered the prayer in accordance with law and permitted the defence to adduce such additional evidence to the extent considered necessary for the just determination of the issues involved in the case.

In pursuance of the aforesaid provisions, the defence ultimately examined two (2) witnesses in support of its case. Both witnesses were examined-in-chief by the defence and were thereafter subjected to detailed cross-examination by the Prosecution in exercise of its statutory right under section 10(f) of the International Crimes (Tribunals) Act, 1973. Their testimonies have accordingly become part of the evidentiary record of this case and have been considered together with the entire body of evidence on record.

The documentary materials produced by the defence during the course of the defence case were also received in evidence after compliance with the

applicable procedural requirements. Those documents were formally admitted into evidence and were marked as exhibits. The evidentiary value, relevance and probative force of those exhibits have been assessed by the Tribunal in conjunction with the oral evidence of the defence witnesses and in the light of the prosecution evidence as a whole.

It is, however, significant to note that the accused did not elect to enter the witness box as a defence witness. The accused, therefore, did not subject himself to examination or cross-examination before the Tribunal. Instead, he submitted a written explanation setting out his version of the allegations and his defence to the charges framed against him.

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The Tribunal observes that such written explanation cannot, by itself, be treated as evidence within the meaning of Rule 2(9) of the International Crimes (Tribunal-2) Rules of Procedure, 2010. It does not possess the evidentiary status of sworn testimony tested through cross-examination and, therefore, cannot be relied upon as substantive evidence to rebut the prosecution case.

Nevertheless, the written explanation is not altogether devoid of relevance. Although it does not constitute evidence in the strict legal sense, it may legitimately be looked into for the limited purpose of appreciating the defence case, identifying the stand taken by the accused in answer to the charges, and evaluating the prosecution evidence in its proper factual and legal context. Such explanation may also provide guidance in assessing whether the prosecution has discharged its burden of proving the charges beyond reasonable doubt. Accordingly, while the written explanation has not been treated as substantive evidence, the Tribunal has considered it only to the

limited extent permissible under law while appreciating the entire body of oral and documentary evidence adduced before it.

XV. Testimonies of Defence witnesses (D.W: 01-02)

71. Defence Witness No. 1 (DW-1), Mr. Shoriful Kobir Shopon, introduced himself as the Public Relations Secretary of the Central Committee of the Jatiya Samajtantrik Dal (JSD). He stated that, being a politically conscious person and an office-bearer of the party, he had closely observed the developments surrounding the government service quota reform movement and the subsequent anti-discrimination movement that unfolded in Bangladesh during the period from 01 July 2024 to 05 August 2024. According to him, he followed the various events that occurred during that period through electronic, print and online media and remained engaged in safeguarding and preserving the party office. He claimed that he had regularly read news reports and observed media coverage concerning the movement and the incidents associated therewith.

The witness stated that on 17 August 2025 he first came to know, through social media, that journalist Zulkarnain Saer of Al Jazeera had published on his Facebook account an alleged telephone conversation between former Prime Minister Sheikh Hasina and JSD President Hasanul Haq Inu. He further stated that after its appearance on social media, the matter was subsequently reported and reproduced by various newspapers and media outlets.

DW-1 testified that he collected and preserved a number of newspaper reports, online publications and video materials relating to the position, speeches and public statements made by JSD President Hasanul Haq Inu

concerning the events that occurred between 01 July 2024 and 05 August 2024. According to the witness, these materials also related to attacks carried out on various government establishments, public buildings and law enforcement agencies by persons whom he described as saboteurs concealed among the protesters. He stated that he had personally read all the newspaper reports and online publications submitted before the Tribunal and had also watched the accompanying video materials.

The witness produced before the Tribunal a pen drive containing two video clips having durations of approximately five minutes and two seconds and one minute and twenty-three seconds respectively. The said pen drive was marked as Material Exhibit-I(A).

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DW-1 thereafter identified and tendered a number of documents which were marked as exhibits. He produced a copy downloaded from the online edition of the Daily Jugantor published on 10 July 2024, which was marked as Exhibit-A. He submitted an online copy of Bangladesh Pratidin dated 17 July 2024, which was marked as Exhibit-B. He produced a downloaded report from Deutsche Welle (DW) published on 18 July 2024, which was marked as Exhibit-C. He also submitted an online report from Banik Barta dated 25 July 2024, marked as Exhibit-D, and an online report from Daily Inqilab dated 24 July 2024, marked as Exhibit-E.

The witness further submitted a report from The Daily Star dated 21 July 2024, marked as Exhibit-F, an online report from Samakal dated 27 July 2024, marked as Exhibit-G, and an online report from Bhorer Kagoj dated 23 July 2024, marked as Exhibit-H. He tendered a report from bdnews24.com dated 29 July 2024, which was marked as Exhibit-I, and a report from Dhaka

Tribune dated 25 July 2024, which was marked as Exhibit-J. He also produced a report from bdnews24.com dated 04 August 2024, marked as Exhibit-K, a report from Prothom Alo dated 06 August 2024, marked as Exhibit-L, a report from Daily Jugantor dated 05 August 2024, marked as Exhibit-M, and a report from The Daily Star dated 06 August 2024, marked as Exhibit-N.

The witness further produced a report from Desh Rupantor dated 26 July 2024, marked as Exhibit-O, a report from News24 dated 27 October 2024, marked as Exhibit-P, a report from The Daily Star dated 12 August 2024, marked as Exhibit-Q, and a report from BBC News Bangla dated 30 July 2025, marked as Exhibit-R. He also submitted a report from Prothom Alo dated 06 August 2024, marked as Exhibit-S, a report from Desh Rupantor dated 07 August 2024, marked as Exhibit-T, and a report from Daily Jugantor dated 17 August 2025 concerning the alleged telephone conversation between Sheikh Hasina and Hasanul Haq Inu, which was marked as Exhibit-U.

Upon completion of his examination-in-chief, the witness affirmed that the documents and video materials had been collected and preserved pursuant to a decision of his political party and that the materials reflected the public position adopted by JSD and its President during the relevant period.

Cross-examination by the prosecution

During cross-examination, DW-1 stated that the documents and video materials had been collected and preserved pursuant to a party decision. He admitted that he did not know whether approximately thirty to forty thousand workers of JSD had been killed during the period between 1973 and 1975. He

further stated that although he occasionally viewed Al Jazeera reports and the Facebook posts of journalist Zulkarnain Saer, he did not regularly follow them.

When questioned regarding Exhibit-U, namely the newspaper report relating to the alleged conversation between accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina, the witness admitted that he could not say what the total duration of the conversation was. He further stated that he had never attempted to ascertain from the accused how long the conversation had lasted, how many times the accused had spoken with Sheikh Hasina during the period from 01 July 2024 to 05 August 2024, or what subjects had been discussed during those conversations.



The witness stated that he had heard generally about alleged counter-insurgency operations and reports of killings but did not know the actual facts relating thereto. He further stated that he did not know whether the omitted portions of the conversation referred to in Exhibit-U contained discussions relating to portraying the events internationally as terrorist activities or the use of a so-called terrorist narrative.

DW-1 acknowledged that a statement attributed to Hasanul Haq Inu in Exhibit-U referred to breaking the backbone of a political party and its student organization. However, he stated that he did not know whether the remaining portions of the conversation involved discussions concerning the use of force for that purpose. He also admitted that he did not know whether accused Hasanul Haq Inu had endorsed all measures adopted by Sheikh Hasina for suppressing the movement. Likewise, he stated that he did not know whether the conversation of 20 July 2024 contained discussions regarding deployment

of forces from helicopters, surrounding protesters, bombing them from helicopters or using RAB helicopters against protesters.

The witness denied the suggestion that Hasanul Haq Inu had selectively quoted only a portion of the slogan "Ke tumi, ke ami, Razakar Razakar" while omitting the latter part of the slogan. He further stated that he did not know whether accused Hasanul Haq Inu had given any interview to the Indian media outlet Mirror Now. He also stated that he did not know whether Naimul Islam Khan, who served as Press Secretary to Sheikh Hasina, was the owner or editor of Banik Barta.

The witness admitted that he had no knowledge regarding any conversations between Sheikh Hasina and Sheikh Fazle Noor Taposh concerning the burning of public establishments or related matters. He further stated that he did not know whether any unofficial restrictions had been imposed upon the media during the relevant period. Significantly, he acknowledged that he possessed no personal knowledge regarding the contents of the twenty-one newspaper reports and online publications that he had submitted before the Tribunal and that his knowledge was derived solely from what he had read therein.

DW-1 further stated that he did not know whether there had been a coordinator named Hasib in the movement. He was also unaware whether the incident at Enayetpur Police Station in Sirajganj occurred after Sheikh Hasina had left office. Similarly, he stated that he did not know whether any decision had been taken at Ganabhaban on 19 July 2024, in the presence of accused Hasanul Haq Inu, to impose a curfew and implement shoot-at-sight measures against protesters.

The witness denied the suggestion that accused Hasanul Haq Inu had publicly expressed support for the protesters while secretly supporting their suppression through the use of lethal force. He likewise denied the suggestion that more than 1,400 persons had been killed and over 25,000 persons injured by law enforcement agencies and armed cadres of the 14-party alliance during the mass uprising.

At one stage, the witness voluntarily stated that many saboteurs had infiltrated the protesters and that determining who was responsible for particular incidents remained a matter requiring investigation. He admitted that he had seen television footage, both domestic and international, including broadcasts of Al Jazeera, showing law enforcement personnel firing at protesters. Nevertheless, he stated that he had not personally seen anyone being killed by such gunfire. He further stated that he had not seen members of the 14-party alliance firing alongside law enforcement agencies.

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The witness voluntarily asserted that JSD had not opposed the movement. He denied the suggestion that JSD activists had participated in armed suppression of the movement under the instructions of accused Hasanul Haq Inu. Finally, he denied the defence suggestion that his testimony was false and maintained that the evidence given by him before the Tribunal was true to the best of his knowledge and belief.

DEFENCE WITNESS NO. 02 (DW-2): Joydeb kumar biswas

Examination-in-Chief

DW-2, Joydeb Kumar Biswas, introduced himself as an Advocate practising before the Courts at Kushtia. He stated that during the period

relevant to the anti-discrimination movement of 2024, he was actively engaged in legal practice at the Kushtia Judges' Court.

The witness deposed that six persons lost their lives in incidents which occurred in Kushtia on 5 August 2024 during the anti-discrimination movement. According to him, following those incidents, separate criminal cases were instituted either at Kushtia Sadar Police Station or before the competent Magistrate's Court by family members, relatives, or persons closely connected with the deceased victims.

The witness stated that in respect of the death of Suruj Ali Babu, a case was lodged by one Raisul Islam, described as a close friend and relative of the deceased. The case was registered as Kushtia Sadar Police Station Case No. 12 dated 15 August 2024, corresponding to G.R. No. 314 of 2024. According to the witness, numerous persons were named as accused in that case. He produced before the Tribunal copies of the First Information Report and the complaint petition relating to the said case. Those documents were admitted into evidence and marked as Exhibit-V (Series).

DW-2 further testified that following the death of Abdullah Al Mustaqin, his father, Md. Lokman Hossain, instituted a criminal case at Kushtia Sadar Police Station. The case was registered as Case No. 13 dated 16 August 2024, corresponding to G.R. No. 315 of 2024. The witness stated that a number of accused persons were named therein. He produced copies of the First Information Report and the complaint petition relating to that case, which were marked as Exhibit-W (Series).

The witness next referred to the case instituted following the death of Yusuf Sheikh. According to him, the case was filed by the daughter of the

deceased, namely Ms. Seema. The case was registered as Kushtia Sadar Police Station Case No. 17 dated 19 August 2024, corresponding to G.R. No. 319 of 2024. The witness produced copies of the First Information Report and complaint petition relating to that case, which were admitted in evidence and marked as Exhibit-X (Series).

DW-2 further stated that after the death of Ashraful Islam, his wife, Laboni Akhter, filed a criminal case at Kushtia Sadar Police Station. The case was registered as Case No. 21 dated 20 August 2024, corresponding to G.R. No. 323 of 2024. According to the witness, numerous accused persons were named therein. Copies of the First Information Report and complaint petition were produced before the Tribunal and were marked as Exhibit-Y (Series).



The witness then testified that in relation to the death of Usama, his father, Zainul Abedin, instituted a criminal case at Kushtia Sadar Police Station. The case was registered as Case No. 24 dated 24 August 2024, corresponding to G.R. No. 326 of 2024. The witness produced photocopies of the First Information Report and complaint petition relating to the said case. The documents were admitted subject to objection and marked as Exhibit-Z (Series).

DW-2 also referred to proceedings initiated concerning the death of Bablu Faraji. According to him, Md. Sujan Mahmud, son of the deceased, instituted Complaint Case No. CR-1151 of 2024 on 19 September 2024 before the competent Court. The complaint allegedly named as many as 126 accused persons. The witness produced a photocopy of the complaint petition, which was admitted subject to objection and marked as Exhibit-AA (Series).

Having referred to the aforesaid six criminal cases, the witness specifically asserted that the name of accused Hasanul Haq Inu, who is

presently standing trial before this Tribunal, did not appear as an accused person in any of those six cases.

This was the substance of his examination-in-chief.

Cross-Examination by the Prosecution

During cross-examination, DW-2 acknowledged an important principle of criminal investigation and prosecution. He admitted that the absence of a person's name from the First Information Report or complaint petition does not necessarily preclude such person from subsequently being made an accused if evidence gathered during investigation reveals his involvement in the commission of the offence. The witness accepted that a person may lawfully be implicated and included as an accused during the course of investigation notwithstanding the fact that his name was not originally mentioned in the complaint or First Information Report.

The witness further stated that he possessed some general knowledge regarding the activities and role of accused Hasanul Haq Inu during the anti-discrimination movement that took place between 1 July 2024 and 5 August 2024.

However, the witness candidly admitted that he had no knowledge whatsoever regarding the contents of the telephone conversations allegedly held between accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina on 20 July 2024 and 4 August 2024. He stated that he was unaware of what was discussed between them during those communications.

The witness was also confronted with a suggestion that the documents produced by him had been tendered before the Tribunal for a malicious

purpose. He unequivocally denied the suggestion and maintained that the allegation was untrue.

This concluded the cross-examination of DW-2.

Here it may be noted that upon the close of the prosecution case, the accused was called upon to enter upon his defence in accordance with the provisions of the International Crimes (Tribunals) Act, 1973. In exercise of the statutory right conferred by section 9(5) of the Act, the defence submitted a list of witnesses proposed to be examined on behalf of the accused together with a schedule of documents and other materials upon which it intended to place reliance in support of the defence case.

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Subsequently, invoking the provisions of section 9(6) of the International Crimes (Tribunals) Act, 1973, the defence sought leave of the Tribunal to produce additional evidence by examining an additional witness and by bringing on record further documentary materials not included in the original list. The Tribunal considered the prayer in accordance with law and permitted the defence to adduce such additional evidence to the extent considered necessary for the just determination of the issues involved in the case.

In pursuance of the aforesaid provisions, the defence ultimately examined two (2) witnesses in support of its case. Both witnesses were examined-in-chief by the defence and were thereafter subjected to detailed cross-examination by the Prosecution in exercise of its statutory right under section 10(f) of the International Crimes (Tribunals) Act, 1973. Their testimonies have accordingly become part of the evidentiary record of this case and have been considered together with the entire body of evidence on record.

The documentary materials produced by the defence during the course of the defence case were also received in evidence after compliance with the applicable procedural requirements. Those documents were formally admitted into evidence and were marked as exhibits. The evidentiary value, relevance and probative force of those exhibits have been assessed by the Tribunal in conjunction with the oral evidence of the defence witnesses and in the light of the prosecution evidence as a whole.

It is, however, significant to note that the accused did not elect to enter the witness box as a defence witness. The accused, therefore, did not subject himself to examination or cross-examination before the Tribunal. Instead, he submitted a written explanation setting out his version of the allegations and his defence to the charges framed against him.

The Tribunal observes that such written explanation cannot, by itself, be treated as evidence within the meaning of Rule 2(9) of the International Crimes Tribunal-2 Rules of Procedure, 2010. It does not possess the evidentiary status of sworn testimony tested through cross-examination and, therefore, cannot be relied upon as substantive evidence to rebut the prosecution case.

Nevertheless, the written explanation is not altogether devoid of relevance. Although it does not constitute evidence in the strict legal sense, it may legitimately be looked into for the limited purpose of appreciating the defence case, identifying the stand taken by the accused in answer to the charges, and evaluating the prosecution evidence in its proper factual and legal context. Such explanation may also provide guidance in assessing whether the prosecution has discharged its burden of proving the charges beyond

reasonable doubt. Accordingly, while the written explanation has not been treated as substantive evidence, the Tribunal has considered it only to the limited extent permissible under law while appreciating the entire body of oral and documentary evidence adduced before it.

XVI. Discussions and Decision as to the guilt of Accused Hasanul Haq Inu

72. Governing Principles for Appreciation of Evidence and Standard of Proof

Before entering into an evaluation of the evidence adduced by the prosecution and the defence, this Tribunal considers it necessary to restate the well-settled principles governing appreciation of evidence in proceedings under the International Crimes (Tribunals) Act, 1973 (hereinafter referred to as "the Act"). These principles are rooted in the Act itself, the International Crimes (Tribunal-2) Rules of Procedure,2010, the jurisprudence of this Tribunal, and the established practice of international criminal tribunals, including the International Military Tribunal at Nuremberg, the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the International Criminal Court (ICC).

The offences with which the accused has been charged are among the gravest crimes known to international law. Crimes against humanity are seldom committed in public view or documented through formal written orders. Those who conceive, plan, instigate or facilitate such crimes ordinarily operate through confidential meetings, coded communications, informal instructions, political

influence, and coordinated conduct rather than express documentary directives. Consequently, international criminal jurisprudence has consistently recognised that these crimes must frequently be established through a combination of direct evidence, circumstantial evidence, documentary materials, digital records, contemporaneous publications, forensic evidence and reasonable inferences drawn from the totality of proved facts.

It is now firmly established that the Tribunal must assess the evidence not in isolated fragments but as an integrated whole. Individual pieces of evidence, which when viewed separately may appear inconclusive, may collectively establish guilt beyond reasonable doubt when considered in their proper factual and legal context. The evidence must therefore be appreciated cumulatively rather than compartmentally. As repeatedly observed by the ICTY and the ICTR, the totality of the evidence often provides a more reliable basis for judicial determination than any single item considered in isolation.

The Tribunal is equally mindful that there exists no hierarchy of evidence in international criminal proceedings. Oral testimony, documentary evidence, electronic communications, audio and video recordings, newspaper reports admitted in evidence, contemporaneous governmental records, expert opinions, forensic examinations, official gazette notifications and authenticated digital materials are all capable of possessing probative value. The weight to be attached to each category of evidence depends upon its authenticity, reliability, consistency, corroborative support and overall credibility rather than upon its form alone.

Proceedings under the International Crimes (Tribunals) Act, 1973 are governed by a statutory framework which departs in certain respects from

ordinary criminal trials. Section 19 of the Act expressly authorises the Tribunal to adopt procedures that are not restricted by the technical rules of evidence ordinarily applicable before municipal criminal courts. The Tribunal may receive any evidence which it considers to possess probative value and which assists in discovering the truth concerning the commission of international crimes. This statutory flexibility reflects the distinctive nature of international crimes, where conventional evidentiary standards often prove inadequate because perpetrators seldom leave behind formal records of their criminal designs.

The Tribunal nevertheless reiterates that flexibility in admissibility does not diminish the requirement of careful judicial scrutiny. Every piece of evidence must be examined for authenticity, credibility, reliability, relevance and consistency before any reliance is placed upon it. The Tribunal must remain vigilant to ensure that findings of criminal responsibility rest upon credible evidence subjected to judicial evaluation rather than conjecture, suspicion or speculation.



The Tribunal further reiterates that circumstantial evidence occupies an important place in international criminal adjudication. International jurisprudence has consistently recognised that criminal intent, participation in a common criminal plan, conspiracy, instigation, abetment and superior responsibility are ordinarily proved through circumstantial evidence because direct proof is rarely available. Inferences drawn from circumstantial evidence must, however, be reasonable, logical and consistent with the established facts. Where the cumulative circumstances point irresistibly towards the guilt of the accused and exclude any other reasonable explanation consistent with innocence, conviction may properly follow.

Similarly, the Tribunal may legitimately draw inferences from the conduct of the accused before, during and after the commission of the alleged crimes. The accused's public statements, private communications, meetings, contemporaneous actions, political activities, omissions where a duty existed, and subsequent conduct may all constitute relevant circumstances from which knowledge, intent, participation or common purpose may be inferred.

The Tribunal also recognises that documentary and electronic evidence have acquired increasing importance in modern international criminal litigation. Advances in technology frequently provide contemporaneous records of communications, telephone conversations, digital messaging, social media activities, audio recordings, video footage, geolocation data and electronic documents capable of illuminating the state of mind and conduct of the accused. Once the authenticity and integrity of such materials are established through lawful means and appropriate forensic examination, they constitute substantive evidence whose probative value is to be assessed together with the remaining evidence on record.

The Tribunal further notes that admissions made by an accused person, whether express or implied, constitute among the strongest forms of evidence recognised by law. Statements voluntarily made by an accused during interviews, media appearances, recorded conversations or public addresses may be relied upon where their authenticity is established and where they are evaluated in their proper factual context.

With regard to contemporaneous newspaper reports and media publications, the Tribunal observes that newspapers ordinarily do not constitute proof of the truth of every fact reported therein. However, where such reports are

contemporaneous with the events, originate from multiple independent sources, are admitted in evidence without legal objection, and receive substantial corroboration from witness testimony, official records, digital evidence, forensic materials and other documentary exhibits, they may legitimately be considered as corroborative evidence illustrating the chronology, public context and surrounding circumstances of the events under investigation.

The Tribunal adopts the same approach concerning reports prepared by international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), governmental commissions of inquiry and other reputable international institutions. Such reports do not themselves determine criminal liability. Nevertheless, where they are based upon systematic investigations, multiple interviews, documentary verification and objective methodologies, they may possess considerable persuasive and corroborative value regarding the general context, scale and pattern of the alleged crimes. The Tribunal must independently evaluate such materials in conjunction with the evidence properly adduced before it and may rely upon them only to the extent that they are corroborated by admissible evidence on record.

The Tribunal further considers that official Gazette Notifications issued by the Government possess particular evidentiary significance regarding matters officially recorded therein. Although such notifications may not necessarily represent exhaustive or final accounts of all victims, they nevertheless constitute official governmental recognition of deaths, injuries or other relevant facts and may accordingly be considered as reliable documentary evidence subject to judicial appreciation along with the remaining evidence.

The Tribunal is equally conscious that the testimony of every witness must be assessed individually and collectively. Minor discrepancies, omissions or variations concerning peripheral matters are natural features of truthful testimony, particularly where witnesses recount traumatic events occurring amidst widespread violence. Such discrepancies do not necessarily impair credibility unless they concern material particulars going to the root of the prosecution case. The Tribunal must distinguish between normal variations arising from human memory and contradictions that fundamentally undermine reliability.

The evidence of investigating officers likewise requires careful consideration. Although an investigating officer is not ordinarily an eyewitness to the crimes, his evidence frequently provides the chain connecting witness statements, documentary exhibits, seizure lists, forensic reports, digital evidence and other investigative materials. The credibility of such evidence depends upon the fairness of the investigation, compliance with legal procedures, consistency with documentary materials and the extent to which it withstands cross-examination.

The Tribunal further reiterates that international criminal responsibility is fundamentally individual in character. Criminal liability cannot be imposed solely because an accused belonged to a political party, governmental institution or other organisation. Equally, however, formal governmental office is not an indispensable prerequisite for criminal responsibility. International criminal law recognises that individuals occupying positions of political influence or organisational authority may incur liability where the evidence establishes that they ordered, instigated, planned, aided, abetted, facilitated, conspired in, or otherwise intentionally contributed to the

commission of international crimes. Accordingly, the Tribunal must examine the actual role played by the accused rather than merely his formal designation.

The burden of proving every essential element of the offences charged rests throughout upon the prosecution. The accused is presumed innocent until proven guilty in accordance with law. The accused bears no obligation to prove his innocence or to establish any alternative version of events. Where two reasonable interpretations of the evidence remain equally probable after full evaluation, the interpretation favourable to the accused must prevail.

The standard of proof applicable to the final determination of guilt is proof beyond reasonable doubt. This standard does not require absolute certainty or mathematical precision. Nor does it require the elimination of every theoretical or speculative possibility of innocence. Rather, it requires that upon an objective and comprehensive assessment of the entire body of evidence, the Tribunal be satisfied that the only reasonable conclusion supported by the evidence is the guilt of the accused. Doubts founded upon speculation, conjecture or remote possibilities do not constitute reasonable doubt. Only doubts arising rationally from the evidence itself may operate in favour of the accused.

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The Tribunal also emphasises that each element of each charge must independently satisfy the requisite standard of proof. The contextual elements of crimes against humanity, the existence of a widespread or systematic attack directed against a civilian population, the accused's knowledge of that attack, his individual participation, the applicable mode of liability under sections 4(1), 4(2) or 4(3) of the Act, and the requisite mental element must each be

established beyond reasonable doubt before a conviction can lawfully be recorded.

Accordingly, guided by the aforesaid principles, the statutory provisions of the International Crimes (Tribunals) Act, 1973, the Rules of Procedure, the applicable principles of international criminal law, international humanitarian law and international human rights law, together with the persuasive jurisprudence of international criminal tribunals, this Tribunal shall now proceed to examine the entirety of the oral, documentary, digital, electronic and circumstantial evidence adduced in the present case. The evidence of each prosecution witness, the documentary exhibits, intercepted telephone conversations, audio and video recordings, media interviews, newspaper reports, international reports, Gazette Notifications and the defence evidence shall be assessed both individually and cumulatively to determine whether the prosecution has succeeded in proving the guilt of the accused beyond reasonable doubt.

XVII. Summing Up of the Defence Case

73. The learned Senior Counsel appearing for the accused Hasanul Haq Inu has, with considerable industry and elaborate reference to international criminal jurisprudence, urged the Tribunal to hold that the prosecution has failed to establish the essential legal and factual ingredients necessary to sustain any of the charges brought against the accused under the International Crimes (Tribunals) Act, 1973.

The defence has principally contended that the events of July–August 2024 did not constitute a widespread or systematic attack directed against a

civilian population within the meaning of section 3(2) of the Act. Rather, according to the defence, the situation had escalated into a Non-International Armed Conflict (NIAC), marked by organized armed violence, attacks upon State institutions, looting of firearms from police establishments, destruction of public infrastructure, and participation of unidentified armed groups. It is argued that the prosecution has deliberately ignored this factual context and has instead sought to portray the entire movement through the lens of international human rights law while disregarding the applicable principles of international humanitarian law.

Proceeding on that premise, the defence submits that the prosecution has failed to establish the contextual elements of crimes against humanity. It is argued that many participants in the violence had ceased to enjoy civilian protection by directly participating in hostilities and that, consequently, the prosecution has erroneously characterised all casualties as victims forming part of a civilian population.

The learned Senior Counsel has further argued that the accused occupied no constitutional, executive or military office during the relevant period. He was neither a Member of Parliament nor a Minister and possessed no statutory authority over the police, the armed forces, the Rapid Action Battalion or any governmental security agency. According to the defence, the accused was merely the President of a comparatively small coalition political party and was entirely outside the formal command structure of the State. Consequently, he neither exercised effective control over the alleged perpetrators nor possessed the material ability to prevent or punish the commission of any alleged crimes.

The defence has further maintained that the prosecution has failed to establish the requisite mens rea prescribed under section 4(3) of the International Crimes (Tribunals) Act, 1973, as amended, and Article 28 of the Rome Statute. Reliance has been placed upon international authorities, including Bemba, Čelebići, Bagilishema, Aleksovski, and Nahimana, to contend that criminal responsibility of a civilian superior requires proof of actual knowledge or conscious disregard of clear information indicating the commission of crimes together with effective control over the perpetrators. According to the defence, no such evidence exists in the present case.

It has further been argued that none of the prosecution witnesses has testified that the accused attended operational meetings relating to the deployment of security forces, received intelligence reports, issued operational directives, or otherwise participated in decisions concerning the use of force. The absence of insider testimony, documentary records or official communications linking the accused to operational decision-making has been emphasised as demonstrating a complete absence of evidentiary foundation for the prosecution's allegations.

The defence has also challenged the prosecution's reliance upon the intercepted telephonic conversations between the accused and the then Prime Minister Sheikh Hasina. According to the defence, the conversations merely reflect political consultation between coalition partners during a period of national crisis and cannot reasonably be interpreted as evidence of conspiracy, abetment or incitement. It is submitted that discussions concerning maintenance of public order, curfew, political mobilisation and governmental

strategy are matters of legitimate political discourse and do not establish participation in any criminal enterprise.

Likewise, the defence submits that the accused's public speeches, media interviews and televised statements constituted protected political expression rather than criminal conduct. The descriptions of the movement as involving terrorists, militants, communal forces or extremist elements are said to have reflected the accused's genuine political assessment of the prevailing security situation and not an intention to encourage unlawful violence. According to the defence, criticism of violent activities or support for restoration of public order cannot, without more, amount to incitement under international criminal law.



The learned Senior Counsel has further argued that the prosecution has failed to establish the essential causal nexus or proximity between the accused's words and the commission of the alleged crimes. Reliance has been placed upon international jurisprudence requiring a substantial contribution or sufficiently close connection between the accused's conduct and the underlying offences. It is submitted that the prosecution has failed to demonstrate that any alleged statements of the accused substantially influenced the operational decisions of the police, armed forces or any other alleged perpetrators.

The defence has further contended that the prosecution has failed to establish any common criminal plan or agreement involving the accused. According to the defence, mere attendance at political meetings or participation in discussions concerning the prevailing political crisis cannot justify an inference of conspiracy or joint criminal enterprise. It is argued that

there exists no evidence demonstrating any agreement to commit crimes against humanity or any participation by the accused in planning unlawful attacks against civilians.

It has also been argued that the prosecution has improperly sought to impose liability upon the accused solely because of his political association with the then ruling alliance. Such an approach, according to the defence, amounts to guilt by association and is fundamentally inconsistent with the principle of individual criminal responsibility recognised both under the International Crimes (Tribunals) Act, 1973 and international criminal law.

The defence has further questioned the prosecution's assessment of the scale of the alleged crimes, pointing out that while the prosecution referred to approximately 1,400 deaths and 25,000 injuries, the Bangladesh Gazette relied upon by the prosecution itself records significantly lower figures. According to the defence, such discrepancies undermine the reliability of the prosecution's narrative concerning the existence of a widespread or systematic attack.

Finally, the learned Senior Counsel has urged the Tribunal to apply the general principles embodied in Article 30 of the Rome Statute relating to intent and knowledge, submitting that the prosecution has failed to prove beyond reasonable doubt that the accused intended the commission of crimes against humanity, desired the alleged consequences, or knew that such consequences would occur in the ordinary course of events. It is therefore submitted that neither the actus reus nor the mens rea of the offences charged has been established. On the cumulative assessment of the entire evidence, the defence accordingly prays that the prosecution has failed to prove the charges beyond

reasonable doubt and that the accused Hasanul Haq Inu is entitled to an honourable acquittal on all counts.

XVIII. Summing Up of the Prosecution Case

74. The learned Chief Prosecutor, assisted by the learned prosecutors, has submitted that the prosecution has succeeded in establishing, through oral testimony, documentary evidence, digital materials, authenticated audio recordings, video footage, official documents and surrounding circumstances, every essential ingredient of the offences charged against the accused under the International Crimes (Tribunals) Act, 1973.

At the inception of submissions, the prosecution contends that the evidence demonstrates that between 1 July and 5 August 2024, a widespread and systematic attack was launched against the civilian population throughout Bangladesh with the object of suppressing the nationwide student-public movement against discrimination. According to the prosecution, the attack was neither spontaneous nor isolated, but formed part of a coordinated State policy implemented through political direction, executive decisions, deployment of law enforcement agencies, armed forces, intelligence agencies and armed political cadres acting in concert. It is submitted that the contextual elements of crimes against humanity under section 3(2) of the Act have therefore been fully established.

The learned Chief Prosecutor submits that although approximately 1,400 persons were reported to have been killed and about 25,000 injured during the relevant period, the Bangladesh Gazette presently records 846 deaths and approximately 13,800 injured persons. It is argued that the Gazette does not represent the final or exhaustive account of casualties and that the

discrepancy in numbers does not diminish the overwhelming evidence demonstrating widespread killings, serious injuries, arbitrary arrests, torture and persecution committed throughout the country. According to the prosecution, the legal determination of a widespread or systematic attack depends upon the nature, pattern and scale of the attack rather than any precise numerical threshold.

The prosecution has further argued that the accused Hasanul Haq Inu occupied a position of exceptional political influence as President of the Jatiya Samajtantrik Dal (JSD), a principal component of the then ruling Fourteen-Party Alliance, and was one of the closest political associates of the then Prime Minister Sheikh Hasina. Although he did not hold ministerial office during the relevant period, the prosecution submits that international criminal responsibility is determined by the actual authority, influence and contribution exercised by an accused rather than by formal constitutional designation. It is argued that the accused actively participated in policy deliberations, strategic meetings, and continuous consultations concerning the suppression of the movement, thereby assuming criminal responsibility under sections 4(1), 4(2) and 4(3) of the Act.

The learned Chief Prosecutor has strongly refuted the defence contention that the Fourteen-Party Alliance was merely a loose political arrangement incapable of constituting an "organization" within the meaning of international criminal law. It is submitted that a political alliance may, depending upon its structure, continuity, hierarchy and coordinated functioning, constitute an organization capable of formulating and implementing common policies. In support of this proposition, the

prosecution argues that political alliances are formed through cooperation among members pursuing common political, strategic and organizational objectives under established leadership and decision-making mechanisms.

The prosecution illustrates this proposition by reference to the North Atlantic Treaty Organization (NATO), which, although originating as a political and military alliance among sovereign States under the North Atlantic Treaty of 1949, functions as an organized institution possessing permanent organs, established headquarters, standing committees, integrated command structures and coordinated operational mechanisms. Likewise, the evolution of the European Union from successive political and economic alliances into a highly institutionalized organization demonstrates that a political alliance may, by virtue of its organization, continuity and coordinated decision-making, acquire the character of an organization in law. It is therefore submitted that the Fourteen-Party Alliance possessed sufficient organizational characteristics, including identifiable leadership, coordinated policy formulation, collective decision-making and implementation through constituent political parties and affiliated organizations, to satisfy the organizational requirement recognised in international criminal jurisprudence concerning crimes against humanity.

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The prosecution further submits that the defence has unsuccessfully attempted to portray the July-August 2024 events as a Non-International Armed Conflict. According to the prosecution, neither the factual evidence nor the applicable law supports such characterization. The overwhelming majority of victims consisted of unarmed students, civilians, pedestrians, journalists and ordinary citizens participating in or associated with peaceful

demonstrations. Isolated incidents of violence, attacks upon governmental property or criminal conduct by unidentified individuals cannot, according to the prosecution, transform an essentially civilian protest movement into an armed conflict governed by international humanitarian law. Consequently, the prosecution maintains that international human rights law and the law governing crimes against humanity remain the applicable legal framework.

The learned Chief Prosecutor has further argued that the accused's criminal responsibility does not depend upon proof that he personally pulled the trigger or exercised direct operational command over security forces. Relying upon well-established principles of international criminal law, it is submitted that persons occupying positions of political leadership incur criminal responsibility where they knowingly participate in a common criminal plan, encourage, facilitate, instigate or otherwise substantially contribute to the commission of crimes by others. According to the prosecution, the accused's contribution was political, strategic and organizational rather than operational, yet was no less indispensable to the execution of the criminal enterprise.

Particular reliance has been placed upon the authenticated telephonic conversations between the accused and Sheikh Hasina. The prosecution submits that the authenticity of the conversations has been established and remains substantially undisputed. It is argued that the conversations reveal far more than ordinary political consultation. Rather, they demonstrate the accused's contemporaneous knowledge of the nationwide operations, his approval of the measures already undertaken, his repeated recommendations concerning identification and arrest of protest leaders, preparation of lists of

participants, mobilization of political cadres, maintenance of coercive pressure, dissemination of narratives portraying protesters as terrorists, and coordination between political leaders and law enforcement agencies. According to the prosecution, these conversations constitute compelling evidence of knowledge, participation, encouragement, conspiracy, abetment and incitement within the meaning of section 3(2)(g) of the Act.

The prosecution further contends that the accused's repeated public speeches, televised interviews and media appearances were not innocent political rhetoric but formed part of a deliberate campaign to stigmatize the protesters as terrorists, militants, communal elements, Jamaat and BNP operatives. It is submitted that such repeated characterization dehumanized the targeted civilian population, legitimized the use of extraordinary force against them and materially contributed to the atmosphere in which widespread killings, torture and persecution were subsequently committed. According to the prosecution, international criminal jurisprudence has consistently recognised that public statements capable of encouraging or legitimizing violence may constitute incitement or persecution when made in the context of a widespread or systematic attack against civilians.

The learned Chief Prosecutor has also argued that the prosecution has adduced sufficient evidence establishing conspiracy and common purpose. The repeated meetings at Ganabhaban, communications among senior political leaders, coordinated public messaging, mobilization of political cadres, planning of curfew implementation and discussions reflected in the audio recordings collectively demonstrate the existence of a common design directed towards suppressing the movement through unlawful means. It is

submitted that conspiracy, by its very nature, is ordinarily proved through circumstantial evidence, communications, conduct and surrounding circumstances rather than direct documentary proof.

The prosecution has further submitted that the accused exercised effective political authority over members of his own political party and enjoyed substantial influence within the broader Fourteen-Party Alliance. Such influence, according to the prosecution, satisfies the concept of effective authority contemplated under section 4(3) of the Act and recognised in international criminal jurisprudence concerning civilian superiors. It is argued that effective authority is a factual question depending upon the ability to influence conduct and decision-making rather than merely formal legal office.

The learned Chief Prosecutor has rejected the defence contention that the accused's statements represented protected political speech. According to the prosecution, freedom of expression does not extend to speech intentionally encouraging or facilitating crimes against humanity. Where political speech forms an integral component of a broader criminal campaign directed against civilians, it loses its protected character and may constitute evidence of incitement, persecution or participation in a criminal enterprise.

Finally, the prosecution submits that when the entirety of the evidence is considered cumulatively including eyewitness testimony, documentary materials, authenticated audio recordings, digital evidence, contemporaneous public statements, meeting records, surrounding circumstances and the conduct of the accused before, during and after the relevant events, the only reasonable conclusion is that the accused knowingly participated in, encouraged, facilitated, approved and

substantially contributed to the widespread and systematic attack directed against the civilian population during the July–August 2024 uprising. It is therefore prayed that the Tribunal find the accused guilty of the offences charged under sections 3(2)(a), 3(2)(g), 3(2)(h), read with sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973, and impose appropriate punishment in accordance with law.

XIX. Tribunal's Consideration and Determination on the Defence Submissions Relating to Jurisdiction, Temporal Scope, and Applicability of the International Crimes (Tribunals) Act, 1973

Tribunal's Consideration and Determination on the Defence Submissions Relating to Jurisdiction, Temporal Scope, and Applicability of the International Crimes (Tribunals) Act, 1973

75. Defence Submissions on Lack of Jurisdiction

1. As a preliminary matter, the learned Counsels appearing on behalf of the Defence challenged the jurisdictional competence of this Tribunal by contending that the International Crimes (Tribunals) Act, 1973 (hereinafter referred to as "the Act of 1973" or "the Act") was enacted with a specific, limited, and historically defined objective, namely, to provide for the investigation, prosecution, and punishment of persons responsible for genocide, crimes against humanity, war crimes, and other offences recognised under international law committed during the 1971 War of Independence of Bangladesh.

2. Elaborating the aforesaid contention, the learned defence counsels submitted that the Act was never intended to function as a permanent criminal tribunal of general jurisdiction for adjudicating offences arising out of subsequent internal disturbances, political unrest, civil disorder, or law-enforcement operations occurring decades after the Liberation War. According to the defence, the historical context, legislative background, and object underlying the enactment unmistakably establish that the Act was designed exclusively to address atrocities committed during the Liberation War of 1971 and, therefore, cannot lawfully be invoked in respect of incidents alleged to have occurred during July–August 2024.

3. The learned defence counsels further argued that, although the operative provisions of the Act do not expressly confine its application to offences committed in the year 1971, the statute must be interpreted purposively rather than by adopting a purely literal approach. It was contended that a legislation enacted to address a specific historical situation cannot subsequently be expanded by judicial interpretation so as to encompass fundamentally different political events and circumstances which were never contemplated by the legislature at the time of its enactment.

4. It was further submitted that the alleged incidents forming the subject matter of the present proceedings occurred during peacetime and arose out of political demonstrations, public protests, and law-enforcement operations conducted within the territory of a sovereign State. Accordingly, the defence contended that, even assuming the allegations to be true, such incidents, if constituting offences at all, are triable under the ordinary criminal laws of

the country and not under a special legislation enacted for the prosecution of international crimes.

5. The learned defence counsels further advanced the contention that the offences contemplated under Sections 3(2), 4(1), 4(2), and 4(3) of the Act necessarily presuppose either:

(i) the involvement of more than one State or nation; or

(ii) the existence of hostility or conflict between distinct racial, ethnic, national, or religious groups.

6. Proceeding on the above premise, the defence argued that the alleged occurrences of July–August 2024 involved only Bangladeshi nationals within the territorial boundaries of Bangladesh and lacked any inter-State, racial, ethnic, national, or religious dimension. Consequently, it was submitted that the allegations, even if accepted at their face value, do not satisfy the essential legal ingredients of crimes against humanity, war crimes, or other international crimes as contemplated under the Act of 1973.

76. Prosecution Submissions on the Question of Jurisdiction

1. In reply, the learned Chief Prosecutor, assisted by the learned Prosecutors appearing on behalf of the Prosecution, emphatically opposed the preliminary objection raised by the Defence regarding the alleged absence of jurisdiction of this Tribunal. It was submitted that the defence arguments are wholly misconceived, contrary to the express provisions of the International Crimes (Tribunals) Act, 1973 (hereinafter referred to as "the Act"), and founded upon an erroneous understanding of both domestic and international criminal law.

2. The learned Chief Prosecutor contended that neither the preamble nor any substantive provision of the Act confines its operation exclusively to offences committed during the Liberation War of 1971. Although the historical circumstances leading to the enactment of the Act are closely connected with the atrocities perpetrated during the War of Independence, the legislature, in its wisdom, deliberately refrained from incorporating any temporal limitation restricting the applicability of the Act to crimes committed in the year 1971 alone. According to the Prosecution, where the language of a statute is plain, clear, and unambiguous, the Court is not at liberty to read into the legislation words or limitations which the legislature itself has consciously omitted.

3. It was further submitted that the jurisdiction of this Tribunal is derived directly from the Act itself, read in conjunction with the Constitution of the People's Republic of Bangladesh, and not from the historical background that prompted the enactment of the legislation. The Prosecution argued that the legislative history may explain the reasons for the enactment of a statute, but it cannot override or curtail the plain meaning of the statutory provisions enacted by Parliament.

4. The learned Chief Prosecutor further argued that the defence has erroneously assumed that crimes against humanity and other offences enumerated in Section 3(2) of the Act can only arise in the context of an international armed conflict or a war between sovereign States. Such a proposition, according to the Prosecution, is inconsistent with the development of customary international law, the jurisprudence of international criminal tribunals, and the accepted principles governing crimes against humanity. It was contended that, under contemporary

international criminal law, crimes against humanity may be committed in times of peace as well as during armed conflict, provided that the legal elements constituting such offences are otherwise established.

5. The learned Chief Prosecutor further submitted that the contention that the offences under Sections 3 and 4 of the Act necessarily require the involvement of more than one State, or the existence of racial, ethnic, national, or religious hostility between distinct groups, has no foundation either in the language of the Act or in customary international law. According to the Prosecution, the statutory provisions contain no such jurisdictional limitation, and the Tribunal ought not to import into the Act additional requirements which Parliament has not enacted.

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6. It was also argued that the allegations contained in the present case disclose offences which, if proved by legally admissible evidence, squarely fall within the definition of crimes against humanity as embodied in Section 3(2) of the Act. The determination as to whether the essential ingredients of those offences have, in fact, been established is a matter to be decided upon appreciation of the evidence adduced during trial and not at the stage of deciding the Tribunal's jurisdiction.

7. The learned Chief Prosecutor further submitted that the defence has failed to identify any express provision of the Act excluding offences committed after 1971 from the jurisdiction of this Tribunal. In the absence of any such statutory exclusion, it was argued that the jurisdiction conferred by Parliament continues to operate in accordance with the plain language of the Act, subject only to the fulfilment of the statutory ingredients of the offences alleged.

8. Summing up his submissions, the learned Chief Prosecutor contended that the objections raised by the Defence are contrary to:

(i) the plain and unambiguous language of the International Crimes (Tribunals) Act, 1973;

(ii) the constitutional framework of the People's Republic of Bangladesh, under which Parliament validly enacted the legislation and established this Tribunal;

(iii) the established principles of customary international law governing genocide, crimes against humanity, war crimes, and other recognised international crimes and

(iv) the consistent jurisprudence developed by international criminal tribunals and other competent judicial authorities recognising that crimes against humanity may be committed in times of peace as well as during armed conflict, provided the requisite legal elements are satisfied.

77. Statutory Language and the Continuing Temporal Jurisdiction of the International Crimes (Tribunals) Act, 1973

The Tribunal has given its anxious and careful consideration to the rival submissions advanced by the learned Chief Prosecutor and the learned Defence Counsels, examined the relevant provisions of the International Crimes (Tribunals) Act, 1973, the Constitution of the People's Republic of Bangladesh, and the applicable principles of international criminal law. The Tribunal now proceeds to examine and determine the jurisdictional objections raised by the Defence in the light of the statutory provisions, the legislative

intent, the constitutional framework, and the settled principles of international criminal jurisprudence.

1. Having given anxious consideration to the rival submissions advanced by the learned Chief Prosecutor and the learned Defence Counsels, the Tribunal now proceeds to examine the question whether the International Crimes (Tribunals) Act, 1973 (hereinafter referred to as "the Act") is confined in its operation solely to offences committed during the Liberation War of 1971, or whether its jurisdiction extends to international crimes committed thereafter, provided such offences fall within the ambit of the Act.

2. At the outset, it is necessary to observe that the Act of 1973 is a special domestic legislation of an exceptional and sui generis character, enacted by the sovereign Parliament of Bangladesh to establish a judicial mechanism for the investigation, prosecution, trial, and punishment of persons responsible for genocide, crimes against humanity, war crimes, and other offences recognised under international law. Although the enactment of the Act was undoubtedly inspired by the atrocities committed during the Liberation War of 1971, the scope of its operation must ultimately be determined by the language employed by Parliament in the statute itself and not merely by the historical circumstances that occasioned its enactment.

3. It is a well-settled principle of statutory interpretation that where the words of a statute are plain, clear, and unambiguous, the Court is bound to give effect to the ordinary and natural meaning of those words. The legislative intention is to be gathered primarily from the language enacted by Parliament. Neither the Court nor the parties are entitled to introduce words,

qualifications, or limitations which the legislature has consciously chosen not to incorporate.

4. A careful examination of the Preamble, read together with Sections 3(1) and 3(2) of the Act, unmistakably reveals that Parliament enacted the legislation "to provide for the detention, prosecution and punishment of persons for crimes against humanity, genocide, war crimes and other crimes under international law." The legislative focus, therefore, is directed towards the nature and character of the offences constituting international crimes rather than the particular historical event during which they were committed.

5. Significantly, neither the Preamble nor any operative provision of the Act contains language restricting its application exclusively to offences committed during the Liberation War of 1971. Equally significant is the absence of any provision prescribing a terminal date beyond which the jurisdiction of the Tribunal would cease to operate. Had Parliament intended to impose such a limitation, nothing prevented it from doing so in clear and express terms. The omission of any such restriction cannot be regarded as accidental or inadvertent.

6. On the contrary, Section 3(1) expressly provides that the Tribunal shall have jurisdiction to try and punish any individual or group of individuals accused of committing any of the offences specified in Section 3(2), **"whether before or after the commencement of this Act."** The language employed is comprehensive, unqualified, and deliberately expansive. By using the expression **"before or after the commencement of this Act,"** Parliament unmistakably recognised that the jurisdiction of the Tribunal was not intended to be confined solely to offences committed prior to the enactment of the

legislation, but was capable of extending to offences committed thereafter, provided the statutory ingredients of the offences are satisfied.

7. The Tribunal is therefore unable to accept the submission advanced by the Defence that the Act is temporally frozen in the year 1971. Such an interpretation would require the Tribunal to read into the statute words of limitation which are conspicuously absent. Courts are not at liberty to rewrite legislation under the guise of interpretation. To import into the Act the words **"committed during the Liberation War of 1971"** would amount to judicial legislation rather than judicial interpretation, an exercise wholly impermissible within the constitutional framework governing the separation of powers.



8. The Tribunal is equally unable to accept the contention that the doctrine of purposive interpretation authorises the Court to disregard the plain statutory language. Purposive interpretation is undoubtedly a recognised principle of statutory construction; however, its function is to ascertain and give effect to the legislative intention as expressed in the statute, not to substitute judicial preferences for legislative choices. Where Parliament has employed clear and unambiguous language, purposive interpretation cannot be invoked to curtail, override, or contradict the plain meaning of the statutory text.

9. The Tribunal further observes that the omission of any reference in the operative provisions to the year 1971 or to the Liberation War is of considerable legal significance. The legislature was fully conscious of the historical circumstances surrounding the enactment of the Act. Nevertheless, while referring in the Preamble to offences recognised under international law, Parliament deliberately refrained from confining the jurisdiction of the Tribunal to a particular historical

period. Such legislative silence, viewed in the context of the statutory scheme as a whole, manifests a conscious legislative choice to create a continuing judicial mechanism for the prosecution of international crimes falling within the jurisdiction conferred by the Act.

10. Accordingly, the Tribunal holds that neither the text, structure, nor scheme of the International Crimes (Tribunals) Act, 1973 supports the proposition that its operation is confined exclusively to offences committed during the Liberation War of 1971. The jurisdiction conferred by Parliament continues to subsist and remains exercisable in respect of any offence falling within Section 3(2) of the Act, irrespective of the date of its commission, subject always to proof of the statutory ingredients of the offence alleged.

78. Object and Purpose of the Act: A Continuing Legislative Instrument and Not a Historically Frozen Statute

1. The Tribunal readily acknowledges that the immediate historical background leading to the enactment of the International Crimes (Tribunals) Act, 1973 was the unprecedented atrocities committed during the Liberation War of Bangladesh. That historical reality is neither disputed nor capable of being ignored. However, the historical circumstances giving rise to a statute do not necessarily delimit or exhaust its legal operation where the legislature has chosen to employ language of wider application.

2. The object and purpose of the Act are to establish a legal framework for ensuring accountability for crimes against humanity, genocide, war crimes, and other internationally recognised crimes which, by reason of their exceptional gravity, offend not merely the municipal law of a particular State but the conscience of

humanity as a whole. The legislation is directed towards the suppression of impunity for such offences and the vindication of the rule of law through judicial process.

3. The offences enumerated in Section 3(2) of the Act are defined not by reference to any particular year, political movement, or historical episode, but by reference to their essential legal ingredients. Their character depends upon the prohibited acts constituting the offence, the contextual circumstances in which those acts are committed, and the requisite mental element attributable to the perpetrators. These constituent elements, rather than the date of commission, determine whether particular conduct amounts to genocide, crimes against humanity, war crimes, or any other offence within the contemplation of the Act.

4. International crimes derive their distinctive legal character from their organised, widespread, or systematic nature and from the magnitude of the assault they constitute upon fundamental human values protected by international law. They are recognised because of their intrinsic gravity and not because they occurred during any single historical conflict. Consequently, the applicability of the Act cannot be made dependent upon the occurrence of one particular historical event unless Parliament has expressly so provided.

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5. Acceptance of the construction proposed by the Defence would inevitably lead to an anomalous and manifestly unreasonable consequence. It would mean that, notwithstanding the continued existence of the Act on the statute book, any genocide or crime against humanity committed after 1973 would fall entirely outside its jurisdiction solely because such crimes were not committed during the Liberation War of 1971. Such an interpretation would render substantial portions of the statute practically redundant and create an unwarranted legal vacuum in respect of the prosecution of the gravest

crimes recognised by international law. Courts must, wherever reasonably possible, avoid an interpretation that produces absurdity, defeats the object of the legislation, or renders statutory provisions ineffective.

6. The Tribunal further observes that offences recognised under customary international law, particularly those attaining the status of jus cogens norms, are not ordinarily confined to a single historical period unless the legislature expressly imposes such a limitation. No such express limitation is discernible anywhere in the International Crimes (Tribunals) Act, 1973.

7. For all the reasons discussed above, the Tribunal is firmly of the view that the International Crimes (Tribunals) Act, 1973 was enacted not merely as a historical response to the atrocities of 1971, but as a continuing legislative instrument establishing a permanent legal framework for the prosecution and punishment of crimes against humanity, genocide, war crimes, and other internationally recognised crimes falling within its statutory jurisdiction. The Tribunal, therefore, unequivocally rejects the defence contention that the Act ceased to have operative relevance after the events of the Liberation War or that its jurisdiction is legally confined to offences committed during that period alone.

79. Constitutional Entrenchment and Continuing Validity of the International Crimes (Tribunals) Act, 1973

1. The constitutional framework of the People's Republic of Bangladesh furnishes a complete answer to the contention advanced by the Defence that the International Crimes (Tribunals) Act, 1973 has become exhausted by the historical circumstances surrounding the Liberation War of 1971. The Constitution itself accords a distinct and exceptional constitutional status to legislation enacted for the investigation, prosecution, trial, and punishment

of crimes against humanity, genocide, war crimes, and other crimes recognised under international law.

2. Articles 47(3) and 47A of the Constitution constitute a special constitutional regime governing laws enacted for the prosecution of international crimes. Article 47(3) expressly provides constitutional protection to such legislation notwithstanding any inconsistency with the fundamental rights guaranteed under Part III of the Constitution. Correspondingly, Article 47A excludes the application of specified constitutional safeguards, including Articles 31, 35(1), 35(3), and 44, in relation to persons accused of offences under such legislation.

3. What is particularly significant is that neither Article 47(3) nor Article 47A contains any language limiting their operation to offences committed during the Liberation War of 1971 or to any particular historical period. Had the Constitution intended to confine these exceptional provisions exclusively to the events of 1971, appropriate words of limitation could readily have been incorporated. The absence of any such limitation is both deliberate and legally significant.

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4. The Tribunal is of the considered opinion that constitutional provisions must be construed harmoniously with the statutory framework which they recognise and protect. Articles 47(3) and 47A demonstrate the constitutional determination that legislation dealing with international crimes should enjoy continuing constitutional recognition and remain available as a permanent mechanism for ensuring accountability for offences recognised under international law.

5. The constitutional architecture thus reinforces, rather than restricts, the continuing operation of the International Crimes (Tribunals) Act, 1973. The Constitution neither expressly nor by necessary implication suggests that the Act would become inoperative upon the conclusion of the Liberation War or that its jurisdiction would thereafter lapse. On the contrary, the constitutional provisions recognise the enduring legitimacy of legislation enacted to prosecute international crimes.

6. The Tribunal is, therefore, unable to accept the defence contention that the constitutional protection accorded to the Act is historically exhausted or that the constitutional scheme confines its operation exclusively to atrocities committed during the Liberation War of 1971. Such a construction finds no support either in the text of the Constitution or in the legislative scheme embodied in the Act.

80. Comparative International Jurisprudence and the Governing Principles of International Criminal Law

1. The Tribunal further considers it appropriate to examine the relevant principles of customary international law and the jurisprudence of international criminal tribunals, as the International Crimes (Tribunals) Act, 1973 expressly incorporates offences recognised under international law. The interpretation of the Act must therefore be informed, where appropriate, by the established principles governing international criminal responsibility.

2. The offences enumerated in Section 3(2) of the Act reflect principles of international criminal law that had attained recognition long before the enactment of the statute. Those principles emerged from the jurisprudence of the International

Military Tribunals at Nuremberg and Tokyo following the Second World War and subsequently developed into established norms of customary international law.

3. The Tribunal further observes that these principles have consistently been reaffirmed and elaborated through the jurisprudence of subsequent international criminal tribunals, including the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and, more recently, the International Criminal Court (ICC). Collectively, these judicial authorities have significantly contributed to the clarification of the constituent elements of genocide, crimes against humanity, war crimes, command responsibility, and individual criminal responsibility under international law.

4. The consistent thread running through this body of jurisprudence is that international crimes are defined by the nature of the prohibited conduct and the contextual circumstances in which such conduct occurs, rather than by the existence of any particular historical conflict or by the date on which the offences were committed. The temporal application of these principles has never been confined to a single war or a particular historical episode.

5. In Prosecutor v. Tadić (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, ICTY Appeals Chamber, 1995), the Appeals Chamber authoritatively recognised that serious violations of international humanitarian law may arise not only in international armed conflicts but also in non-international armed conflicts. The decision marked a significant development in modern international criminal jurisprudence by affirming that international criminal responsibility is not dependent upon the participation of more than one sovereign State.

6. Likewise, in Prosecutor v. Kunarac et al. (Judgment, ICTY, 2001), the Tribunal clarified that crimes against humanity do not require the existence of a formally declared war. Rather, the decisive legal requirement is that the prohibited acts form part of a widespread or systematic attack directed against a civilian population, with the requisite knowledge on the part of the accused. The judgment thereby reaffirmed that crimes against humanity may be committed during periods of peace as well as during armed conflict.

7. In Prosecutor v. Akayesu (Judgment, ICTR, 1998), the Tribunal reaffirmed the universal character of genocide and crimes against humanity, recognising them as offences prohibited by peremptory norms (jus cogens) of international law that impose obligations upon all States and attract individual criminal responsibility irrespective of domestic legal classifications.

8. Similarly, in Prosecutor v. Erdemović (Sentencing Judgment, ICTY, 1997), the Tribunal reaffirmed the fundamental principle that individuals bear personal criminal responsibility for the commission of international crimes and that obedience to superior orders or the existence of political authority does not, in itself, absolve perpetrators of criminal liability.

9. The Tribunal further recalls the decision in Prosecutor v. Delalić et al. (Čelebići Case, ICTY, Judgment, 1998), wherein the doctrine of command or superior responsibility was comprehensively articulated. The Tribunal held that military commanders and civilian superiors incur criminal responsibility where they knew, or had reason to know, that their subordinates were committing or were about to commit international crimes and failed to take the necessary and reasonable measures to prevent the commission of such crimes or to punish those responsible.

10. The cumulative effect of the foregoing authorities clearly demonstrates that contemporary international criminal law recognises that:

(i) international crimes are not confined to any particular historical conflict or geographical region;

(ii) crimes against humanity may be committed during times of peace as well as during armed conflict, provided the requisite legal elements are established;

(iii) such crimes may occur entirely within the territory of a single sovereign State without involving any inter-State conflict and

(iv) State authorities and public officials may incur individual criminal responsibility where they participate in, order, facilitate, or otherwise contribute to widespread or systematic attacks directed against their own civilian population.

In light of the foregoing principles, the Tribunal finds no support in either customary international law or the settled jurisprudence of international criminal tribunals for the defence contention that crimes against humanity necessarily require the involvement of more than one State or the existence of racial, ethnic, national, or religious hostility between distinct groups. Such requirements do not form part of the legal definition of crimes against humanity under contemporary international criminal law, nor are they incorporated in the International Crimes (Tribunals) Act, 1973.

81. Peacetime Atrocities and Crimes Against Humanity

1. The Tribunal now turns to the defence contention that the alleged incidents of July–August 2024 occurred during a period of peace and, therefore, fall outside

the ambit of the International Crimes (Tribunals) Act, 1973. Having carefully considered the submission, the Tribunal is unable to accept the same.

2. The argument advanced by the Defence proceeds upon the erroneous assumption that crimes against humanity can only be committed in the course of a declared war or an international armed conflict. Such a proposition no longer reflects the settled position of contemporary international criminal law. The historical development of the law since the Nuremberg Trials, reinforced by the jurisprudence of subsequent international criminal tribunals, has firmly established that crimes against humanity may be perpetrated in times of peace as well as during armed conflict.

3. The legal character of crimes against humanity does not depend upon the existence of a state of war. Rather, the offence derives its international character from the nature of the prohibited conduct and the context in which that conduct occurs. The essential inquiry is not whether the alleged acts were committed during wartime or peacetime, but whether the conduct satisfies the constituent elements prescribed by law.

4. Broadly stated, the constituent elements of crimes against humanity comprise:

(i) the commission of one or more prohibited acts recognised under the Act;

(ii) such acts forming part of a widespread or systematic attack;

(iii) the attack being directed against a civilian population; and

(iv) the acts being committed pursuant to, or in furtherance of, a State or organisational policy, where such requirement is applicable under the governing legal framework.

5. Where these constituent elements are established by legally admissible evidence, the offence does not cease to constitute a crime against humanity merely because it occurred in the absence of a formally declared war or an international armed conflict. The distinction sought to be drawn by the Defence between wartime atrocities and peacetime atrocities has no support in the contemporary law governing crimes against humanity.

6. The Tribunal is, therefore, unable to accept the submission that the alleged incidents are, by reason only of their occurrence during peacetime, necessarily excluded from the jurisdiction of this Tribunal. Whether the alleged acts ultimately satisfy the legal ingredients of crimes against humanity is a matter to be determined upon a full appreciation of the evidence adduced during trial. However, the existence or absence of a state of war is not, by itself, determinative of the Tribunal's jurisdiction.

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7. The Tribunal further observes that the mere existence of ordinary penal legislation does not, in itself, exclude the operation of the International Crimes (Tribunals) Act, 1973. The same factual transaction may, depending upon its legal character, constitute offences under the ordinary criminal law as well as offences recognised as international crimes. Where the allegations disclose the constituent elements of offences falling within Sections 3(2), 4(1), 4(2), 4(3), 20(2), and 20A of the Act, the jurisdiction of this Tribunal cannot be displaced merely because the conduct may also attract liability under the ordinary penal laws of the country.

8. The Tribunal accordingly rejects the defence contention that the alleged events fall exclusively within the domain of ordinary domestic criminal law solely because they occurred during peacetime.

82. Absence of Any Requirement of Inter-State Conflict or Ethnic Hostility

1. The Tribunal also finds no merit in the defence contention that the offences alleged in the present case cannot constitute international crimes because they neither involve more than one sovereign State nor arise out of racial, ethnic, national, or religious hostility. This submission, in the considered opinion of the Tribunal, proceeds upon a misunderstanding of both the statutory provisions of the Act and the governing principles of international criminal law.

2. The Defence appears to have conflated the distinct legal elements of genocide with those of crimes against humanity. While the offence of genocide, as recognised under Section 3(2)(c) of the Act and under customary international law, requires proof of the specific intent (dolus specialis) to destroy, in whole or in part, a national, ethnic, racial, or religious group, no such element forms part of the legal definition of crimes against humanity.

3. Crimes against humanity are constituted by the commission of specified prohibited acts when committed as part of a widespread or systematic attack directed against a civilian population, together with the requisite contextual and mental elements prescribed by law. The offence is not dependent upon the existence of racial, ethnic, national, or religious animosity, nor does it require proof that the victims belonged to any protected group recognised for the purposes of genocide.

4. The Tribunal is further of the view that the motive underlying the commission of crimes against humanity whether political, ideological, military, economic, or otherwise is not, by itself, determinative of the legal character of the offence. What the law requires is proof of the constituent elements prescribed by the

statute. Consequently, the absence of racial or ethnic hostility cannot, in itself, negate the existence of crimes against humanity where the remaining legal ingredients are otherwise established.

5. Equally devoid of legal foundation is the contention that international crimes necessarily require the participation of more than one sovereign State. Neither the International Crimes (Tribunals) Act, 1973 nor customary international law imposes any such jurisdictional requirement. Modern international criminal jurisprudence has consistently recognised that crimes against humanity and, in appropriate circumstances, war crimes may be committed entirely within the territory of a single State.



6. It is now firmly established that State officials, public authorities, organised groups, or other individuals may incur individual criminal responsibility for international crimes committed against their own civilian population within the territorial boundaries of a single sovereign State. The international character of such crimes arises not from the nationality of the perpetrators or victims, nor from the involvement of multiple States, but from the exceptional gravity of the prohibited conduct, its widespread or systematic nature where required by law, and the profound assault it constitutes upon fundamental values protected by international law.

7. The Tribunal, therefore, finds no support in either the International Crimes (Tribunals) Act, 1973 or the settled jurisprudence of international criminal law for the proposition advanced by the Defence that crimes against humanity require either an inter-State conflict or hostility between racial, ethnic, national, or religious groups. The defence submission is accordingly rejected.

83. Nature and Scope of Sections 4(1), 4(2), and 4(3) of the International Crimes (Tribunals) Act, 1973

1. The Tribunal next proceeds to examine the true nature and legal effect of Sections 4(1), 4(2), and 4(3) of the International Crimes (Tribunals) Act, 1973, as considerable reliance has been placed upon these provisions by both the Prosecution and the Defence.

2. A careful reading of the statutory scheme makes it abundantly clear that Sections 4(1), 4(2), and 4(3) do not create or define any independent substantive offence. The substantive offences triable by this Tribunal are exhaustively enumerated in Section 3(2) of the Act. Section 4, on the other hand, prescribes the circumstances in which individual criminal responsibility may attach to persons connected with the commission of those offences.

3. These provisions embody the well-established principles of individual criminal responsibility recognised in both domestic criminal jurisprudence and contemporary international criminal law. Their principal object is to ensure that criminal liability is not confined solely to the physical perpetrator of an international crime but extends to all persons who, by their acts or omissions, knowingly participate in, contribute to, facilitate, or bear legal responsibility for its commission.

4. Properly construed, Sections 4(1), 4(2), and 4(3) encompass, inter alia, various recognised modes of criminal responsibility, including:

(i) direct commission of the offence;

(ii) participation in the commission of the offence;

(iii) aiding or abetting the commission of the offence;

(iv) conspiracy to commit the offence;

(v) planning or preparation for the commission of the offence;

(vi) ordering the commission of the offence;

(vii) instigating or otherwise inducing the commission of the offence; and

(viii) command or superior responsibility arising from a failure to prevent or punish the commission of international crimes in circumstances recognised by law.

5. The legislative purpose underlying these provisions is to ensure that accountability extends to every individual who bears criminal responsibility for the commission of an offence falling within Section 3(2), irrespective of official position, rank, political authority, military status, or physical presence at the scene where the prohibited acts were perpetrated.



6. The Tribunal further observes that Sections 4(1), 4(2), and 4(3) neither enlarge nor restrict the substantive ingredients of the offences defined in Section 3(2). They merely regulate the attribution of criminal responsibility once the constituent elements of the substantive offence have been established by legally admissible evidence.

7. Consequently, the Tribunal finds no basis for the defence contention that these provisions implicitly require proof of inter-State conflict, racial hostility, ethnic antagonism, or any other jurisdictional element beyond those expressly incorporated in the substantive offences defined under the Act. No such additional requirements can be imported into Section 4 by judicial interpretation.

84. Transitional Justice, Criminal Accountability, and the Role of Prosecution under the International Crimes (Tribunals) Act, 1973

1. The Tribunal considers it appropriate to address the broader principles underlying criminal accountability for international crimes, as the issues raised by the Defence necessarily engage the objectives of transitional justice and the role of criminal prosecution in addressing allegations of atrocity crimes.

2. It is now firmly established in international law that criminal prosecution constitutes the principal judicial mechanism through which individual responsibility for crimes against humanity, genocide , war crimes, and other serious violations of international law is determined. The prosecution of such offences serves not merely to impose criminal sanctions upon those found guilty according to law but also to vindicate the rule of law and reaffirm the principle that no individual is above the law.

3. The jurisprudence of the International Military Tribunal at Nuremberg laid the foundation for the modern doctrine of individual criminal responsibility by affirming that crimes under international law are committed by individuals and that it is through the prosecution and punishment of those individuals that the mandates of international law are effectively enforced. That principle has since become an established norm of contemporary international criminal jurisprudence.

4. The Tribunal further observes that international criminal justice serves several interrelated objectives. These include, among others:

(i) ensuring accountability for those who bear individual criminal responsibility for the gravest offences known to international law;

(ii) recognising the suffering of victims through an impartial judicial process;

(iii) contributing to the establishment of an authoritative judicial record based upon legally admissible evidence and

(iv) strengthening respect for the rule of law and reinforcing public confidence in the administration of justice.

5. Comparative international practice demonstrates that States have adopted different institutional models for the prosecution of international crimes, including international criminal tribunals, mixed tribunals, and domestic courts exercising jurisdiction under national legislation incorporating principles of international criminal law. Each model reflects the sovereign choice of the State concerned, provided that the proceedings conform to applicable constitutional and legal standards.



6. The experiences of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, together with domestic accountability mechanisms established in various jurisdictions, demonstrate that domestic courts may legitimately exercise jurisdiction over international crimes committed within their own territories where national legislation so provides.

7. The Tribunal also recognises that transitional justice is a multifaceted process. Depending upon the constitutional and political circumstances of a particular State, it may include truth-seeking mechanisms, reparations programmes, institutional reforms, memorialisation initiatives, and other

measures intended to promote reconciliation and the restoration of democratic governance. These measures, however, complement rather than displace criminal accountability for those who bear individual responsibility for serious international crimes.

8. In the present case, the Tribunal is concerned solely with the judicial determination of criminal responsibility under the International Crimes (Tribunals) Act, 1973. Whether the allegations relating to the events of July-August 2024 ultimately satisfy the statutory requirements of the offences charged is a matter that must be determined exclusively upon the evidence adduced before the Tribunal and in accordance with law.

9. The existence of public concern, political transition, or demands for accountability cannot, by themselves, determine either the jurisdiction of the Tribunal or the guilt of any accused person. Equally, such considerations cannot justify declining to exercise jurisdiction where Parliament has validly conferred that jurisdiction and where the allegations, if proved, are capable of constituting offences under the Act.

10. The Tribunal is therefore of the considered view that the International Crimes (Tribunals) Act, 1973 represents a lawful exercise of the sovereign legislative authority of Bangladesh to provide a judicial mechanism for the prosecution of crimes against humanity, genocide, war crimes, and other recognised international crimes. Where the statutory conditions prescribed by the Act are fulfilled and the allegations are supported by legally admissible evidence, prosecution under the Act constitutes a legitimate and lawful means of enforcing individual criminal responsibility in accordance with the Constitution and the applicable principles of international criminal law.

85. Application of the Above Principles to the Present Case

1. Having determined that the International Crimes (Tribunals) Act, 1973 confers continuing jurisdiction upon this Tribunal over offences falling within its ambit, irrespective of the date of their commission, the Tribunal now proceeds to examine whether the materials placed before it disclose a legally sustainable basis for the charges framed against the sole accused. At this stage, the Tribunal is concerned not with conjecture or public perception, but with the evidence adduced before it and its legal effect.

2. In support of its case, the Prosecution has adduced a substantial body of evidence comprising oral testimony of prosecution witnesses, documentary exhibits, official records, gazette notifications, video footage, photographic materials, authenticated digital and electronic records, audio recordings, intercepted telephone conversations, contemporaneous reports, newspaper publications, expert reports, metadata analyses, and other materials admitted into evidence in accordance with law.

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3. The Tribunal has undertaken a careful and cumulative examination of the aforesaid materials. It is a settled principle that, in cases involving allegations of crimes against humanity, the evidence is not to be assessed in isolated compartments but in its totality, so as to determine whether the individual pieces of evidence, when read together, disclose a coherent and reliable account of the events alleged.

4. Upon such cumulative consideration, the materials on record prima facie disclose allegations that, during the events of July–August 2024, acts of violence were committed against sections of the civilian population, including students and other participants in the protest movement. The

Prosecution case is that such acts were not isolated or sporadic incidents but formed part of a wider pattern of conduct. Whether that allegation is ultimately proved beyond reasonable doubt is a matter that falls to be determined after a complete appreciation of all the evidence adduced during the trial.

5. The prosecution evidence, viewed as a whole, includes allegations relating, inter alia, to unlawful killings, enforced disappearances, torture, persecution, arbitrary detention, and other inhumane acts. The Prosecution further alleges that these acts were committed pursuant to an organised course of conduct involving various State agencies and associated actors. These allegations require careful judicial scrutiny in light of the statutory ingredients of the offences charged.

6. The Tribunal notes that several prosecution witnesses have given evidence regarding:

(i) alleged coordinated attacks upon civilians;

(ii) alleged operations conducted by members of law-enforcement agencies and other associated groups;

(iii) alleged use of lethal weapons against unarmed assemblies and

(iv) alleged arrest, detention, and torture of persons perceived to have supported the protest movement.

7. The credibility, reliability, and probative value of those witnesses have been examined in the light of the documentary and electronic evidence produced before the Tribunal. The extent to which their testimony is corroborated by

other admissible evidence is a matter which has been considered while evaluating the prosecution case.

8. The Tribunal further observes that the prosecution has relied upon authenticated video recordings, photographic evidence, intercepted telephone conversations, audio recordings, gazette notifications, metadata analyses, contemporaneous documents, newspaper reports, and expert testimony in an effort to corroborate the oral evidence. Where such materials have been duly proved in accordance with law and independently corroborate the testimony of witnesses, they constitute relevant evidentiary material capable of being considered by the Tribunal in determining the issues before it.

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9. Upon an overall evaluation of the evidence presently on record, the Tribunal finds that the prosecution has adduced evidence which, if accepted upon final judicial assessment, is capable of supporting the allegation that the acts complained of were not merely isolated instances of excessive use of force but may have formed part of a coordinated and organised course of conduct directed against sections of the civilian population. Whether those acts satisfy all the legal elements of crimes against humanity under Section 3(2) of the Act must necessarily be determined upon application of the law to the facts ultimately found proved.

10. The Tribunal further notes that the Prosecution has relied upon international criminal jurisprudence, including Prosecutor v. Kunarac et al. and Prosecutor v. Akayesu, in support of its submission that the evidence discloses the contextual elements of crimes against humanity. The

applicability of those principles has been considered by the Tribunal while interpreting the provisions of the Act.

11. The Prosecution has also contended that certain incidents occurred in circumstances amounting to a non-international armed conflict and has placed reliance upon the decision of the ICTY Appeals Chamber in Prosecutor v. Tadić. The Tribunal shall examine that submission in the context of the evidence and the applicable legal principles to determine whether the factual requirements of such a characterisation have been established.

12. Likewise, the Prosecution has alleged that certain accused, by virtue of the position he occupied, exercised authority over subordinate personnel and either knew, or had reason to know, of the commission of the alleged offences but failed to take necessary and reasonable measures to prevent their commission or to punish those responsible. Those allegations directly engage the doctrine of superior responsibility embodied in Section 4 of the Act and interpreted in international criminal jurisprudence, including Prosecutor v. Delalić et al. (Čelebići Case).

13. The Tribunal is equally mindful of Rule 56(2) of the International Crimes Tribunal Rules of Procedure, which permits the admission of evidence possessing probative value. Consequently, authenticated electronic and digital materials including video recordings, photographs, audio recordings, electronic communications, and other digital records may properly be taken into consideration where their authenticity, integrity, and reliability are established through witness testimony, expert evidence, metadata analysis, or other legally admissible means.

14. Upon a cumulative assessment of the oral, documentary, digital, electronic, and expert evidence adduced by the Prosecution, the Tribunal is satisfied that the prosecution has succeeded in placing before the Tribunal a legally sufficient evidentiary foundation requiring judicial determination of the charges framed against the accused. The ultimate question whether the prosecution has established the guilt of the accused beyond reasonable doubt shall be determined separately upon evaluation of the evidence relating to the accused and each charge.

86. Individual Criminal Responsibility in Respect of Crimes Against Humanity

1. The Tribunal now proceeds to examine the principles governing individual criminal responsibility for crimes against humanity under the International Crimes (Tribunals) Act, 1973.

2. In every criminal proceeding, two distinct but interrelated questions necessarily arise. The first concerns whether the alleged offence has been proved in accordance with law. The second concerns whether the accused person sought to be held liable bears individual criminal responsibility for the commission of that offence. These inquiries are analytically distinct and each must be independently established upon the evidence.

3. Crimes against humanity differ fundamentally from ordinary offences prosecuted under the general criminal law. They are ordinarily characterised by organised, collective, or institutional criminality and are frequently perpetrated through governmental, military, political, administrative, or

other organised structures acting in concert rather than through isolated individual conduct.

4. For that reason, international criminal law has long recognised that responsibility for such crimes cannot be confined exclusively to those who physically execute the prohibited acts. Limiting criminal liability to the immediate perpetrators would defeat the very purpose of international criminal justice by immunising those who conceived, organised, directed, facilitated, or enabled the commission of the crimes.

5. Accordingly, the Tribunal's inquiry must extend beyond identifying the physical perpetrators and must determine whether any accused person, by reason of his acts, omissions, authority, position, planning, orders, encouragement, approval, assistance, or failure to discharge a legal duty, made a legally significant contribution to the commission of the offences alleged.

6. A person may therefore incur individual criminal responsibility even in the absence of direct physical participation, provided that the prosecution establishes, in accordance with the provisions of the Act, that his conduct bears the requisite legal and factual nexus with the commission of the crime and satisfies the applicable mode of liability prescribed under Section 4.

7. Depending upon the facts proved in a particular case, such responsibility may arise from, inter alia:

(i) formulating, approving, or implementing a criminal policy;

(ii) planning, directing, authorising, or ordering the commission of the offences;

(iii) instigating, aiding, abetting, facilitating, or otherwise substantially contributing to their commission;

(iv) providing logistical, operational, financial, administrative, or moral support with knowledge of the criminal purpose;

(v) exercising command or superior authority while knowingly failing to take necessary and reasonable measures to prevent the commission of the offences or to punish those responsible.

8. These principles are firmly embedded in contemporary international criminal jurisprudence and are reflected in the scheme of the International Crimes (Tribunals) Act, 1973. The doctrine of individual criminal responsibility recognises that those who orchestrate, direct, facilitate, enable, or consciously sustain the commission of crimes against humanity may bear criminal responsibility commensurate with their own participation and culpability, even though they may not themselves have physically perpetrated the prohibited acts.

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9. The Tribunal shall, therefore, examine the evidence relating to the accused separately in order to determine whether the prosecution has established, beyond reasonable doubt, not only the commission of the alleged offences but also the particular mode of liability attributable to accused under the provisions of the Act.

87. Tribunal's Findings and Determination on Jurisdiction, Temporal Scope, and Applicability of the International Crimes (Tribunals) Act, 1973

1. Having carefully examined the rival submissions advanced by the learned Chief Prosecutor and the learned Defence Counsels, the relevant provisions of the International Crimes (Tribunals) Act, 1973, the constitutional framework of the People's Republic of Bangladesh, the applicable principles of customary

international law, and the persuasive jurisprudence of international criminal tribunals, the Tribunal has arrived at its considered determination on the jurisdictional objections raised by the Defence.

2. For the reasons discussed in the preceding paragraphs, the Tribunal is unable to accept the contention that the International Crimes (Tribunals) Act, 1973 is confined exclusively to offences committed during the Liberation War of 1971 or that its operation became exhausted upon the conclusion of that historical conflict. Neither the language of the Act nor the constitutional provisions recognising and protecting it support such an interpretation.

3. The Tribunal holds that the Act of 1973 is a continuing legislative instrument enacted by Parliament to provide a judicial mechanism for the prosecution and punishment of genocide, crimes against humanity, war crimes, and other offences recognised under international law. The jurisdiction conferred by the Act is to be determined by its express provisions and not by limitations which are neither expressed nor necessarily implied.

4. The Tribunal further holds that:

(i) the Act contains no express or implied temporal limitation confining its operation to offences committed during the year 1971;

(ii) crimes against humanity are capable of being committed during periods of peace as well as during armed conflict, provided the statutory and legal elements of the offence are established;

(iii) neither the Act nor customary international law requires the existence of an inter-State conflict or hostility between racial, ethnic, national, or religious groups as an essential ingredient of crimes against humanity;

(iv) international crimes may, in appropriate circumstances, be committed entirely within the territory of a single sovereign State against its own civilian population and

(v) Sections 4(1), 4(2), and 4(3) of the Act lawfully extend individual criminal responsibility to recognised modes of participation, including direct commission, planning, ordering, instigation, abetment, conspiracy, and superior or command responsibility, in accordance with the statutory scheme of the Act.

5. The Tribunal accordingly concludes that, where the allegations disclosed in a particular case, if proved by legally admissible evidence, satisfy the constituent elements of the offences defined under Sections 3(2), 4(1), 4(2), 4(3), 20(2), and 20A of the Act, such allegations fall within the lawful jurisdiction and competence of this Tribunal, irrespective of the date on which the alleged offences were committed.

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6. The Tribunal is satisfied that this conclusion accords with:

(i) the plain and unambiguous language of the International Crimes (Tribunals) Act, 1973;

(ii) the constitutional framework embodied in Articles 47(3) and 47A of the Constitution of the People's Republic of Bangladesh;

(iii) the established principles of customary international law governing genocide, crimes against humanity, war crimes, and other recognised international crimes and

(iv) the persuasive and consistent jurisprudence developed by international criminal tribunals concerning the interpretation and application of international criminal law.

7. Consequently, the Tribunal rejects the jurisdictional objections advanced by the learned Defence Counsels insofar as they contend that:

(i) the jurisdiction of the Tribunal is confined exclusively to offences committed during the Liberation War of 1971;

(ii) crimes allegedly committed during peacetime are, by reason of that circumstance alone, excluded from the operation of the Act;

(iii) the existence of an inter-State conflict is an indispensable prerequisite for the exercise of jurisdiction under the Act; or

(iv) crimes against humanity necessarily require proof of racial, ethnic, national, or religious hostility.

8. The Tribunal accordingly affirms that the International Crimes (Tribunals) Act, 1973 remains a valid, operative, and continuing legislative instrument capable of governing the investigation, prosecution, trial, and punishment of offences falling within its statutory ambit whenever the legal requirements prescribed by the Act are satisfied.

9. The Tribunal further holds that the application of the Act to allegations relating to the events of July–August 2024, if those allegations disclose offences recognised under the Act and are ultimately established by legally admissible evidence, does not amount to retroactive or ex post facto criminalisation. The offences enumerated in the Act are offences recognised under international law, and the Act provides the domestic legal framework through which Parliament has authorised their prosecution in accordance with the Constitution and the applicable principles of international criminal law.

10. The Tribunal is equally mindful that one of the fundamental objectives of international criminal justice is to ensure that persons responsible for the gravest crimes known to law are held individually accountable through a fair, independent, and impartial judicial process conducted in accordance with the Constitution and the governing statute. The prosecution of such offences serves the rule of law by combating impunity, affirming the equal application of the law, recognising the rights of victims through judicial process, and contributing to the preservation of constitutional governance and public confidence in the administration of justice.

11. For all the foregoing reasons, the Tribunal concludes that the institution and continuation of the present proceedings under the International Crimes (Tribunals) Act, 1973 are within the lawful jurisdiction of this Tribunal. The preliminary objections raised by the Defence concerning the Tribunal's jurisdiction, the temporal applicability of the Act, the alleged exclusion of peacetime offences, the requirement of inter-State conflict, and the necessity of racial or ethnic hostility are, accordingly, rejected.

12. The Tribunal shall now proceed to examine the evidence adduced in support of each charge against the sole accused in order to determine whether the prosecution has proved the charges beyond reasonable doubt, in accordance with the provisions of the International Crimes (Tribunals) Act, 1973 and the applicable Rules of Procedure.

XX. Scanning, Marshalling and Appreciation of the Evidence of PW Nos:1-10

88. PW-1 (Md. Raisul Haque)

PW-1, Md. Raisul Haque, is a participant-victim witness who personally took part in the anti-discrimination student movement in Kushtia

during July-August 2024. His evidence primarily relates to the circumstances surrounding the student protests, the response of law enforcement agencies and political activists to those protests, the injuries sustained by him during the movement, the deaths of several protesters in Kushtia, and the alleged role of the accused Hasanul Haq Inu in the suppression of the movement.

The witness testified that following the remarks made by Sheikh Hasina concerning the quota reform protesters on 14 July 2024, he participated in protest processions organized by students in Kushtia. He further stated that after the death of Abu Sayeed on 16 July 2024, a large procession comprising several thousand students marched from Kushtia Shapla Chattar towards Mazampur and encountered resistance from members of law enforcement agencies as well as activists of the Awami League and Chhatra League. According to him, despite such resistance, the procession was completed successfully.

PW-1 further deposed regarding the events of 18 July 2024 when a gathering of approximately 300 to 400 protesters assembled in front of the Deputy Commissioner's Court in Kushtia. According to his testimony, members of the Detective Branch Police, together with activists of the Awami League and Chhatra League, attacked the protesters, causing them to disperse. He stated that when the protesters regrouped and resumed their movement, law enforcement personnel fired tear gas shells towards them and that he himself sustained a shotgun pellet injury on the forehead. During his testimony, he exhibited the injury mark before the Tribunal. He further narrated that while being taken to the hospital he uttered a statement expressing his determination towards the movement, which subsequently

gained considerable circulation on social media platforms and was broadcast through online news media.

The witness also described the renewed and intensified phase of the movement in Kushtia during the period from 03 August 2024 to 05 August 2024. He testified that thousands of students and protesters participated in processions originating from Kushtia Sadar Hospital and proceeding towards Mazampur. According to him, these demonstrations repeatedly encountered obstruction from law enforcement agencies and activists of the Awami League, Chhatra League, and Jubo League. He alleged that attacks upon protesters on 04 August 2024 were carried out under the direct orders and instigation of Hasanul Haq Inu, Mahbub-ul-Alam Hanif and Ataur Rahman Ata.

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Regarding the events of 05 August 2024, PW-1 testified that a large procession of approximately 5,000 to 6,000 protesters was formed in support of the "March to Dhaka" programme. He stated that law enforcement personnel fired tear gas shells and that armed attacks were launched by activists of the Awami League, Jubo League and Chhatra League. According to him, several protesters were killed in the vicinity of Bak Chattar, Mazampur and the Six-Road Intersection, including Suruj Ali Babu, Babul Farazi, Abdullah Mustaqin and Usama, and that a total of six persons lost their lives during those incidents.

The witness further testified that after 05 August 2024 he observed on social media certain materials indicating that the accused Hasanul Haq Inu had allegedly communicated with Sheikh Hasina and had advised and encouraged the suppression of the movement by any means necessary. Based upon such information and his overall perception of the events, he described the accused

as one of the principal instigators behind the attacks upon the protesters and demanded his maximum punishment.

Upon careful scrutiny, it appears that the testimony of PW-1 consists of two distinct categories of evidence. The first category relates to facts personally seen, experienced and suffered by him. These include his participation in the protests, the processions held in Kushtia, the actions of law enforcement agencies and political activists encountered during those demonstrations, the injury sustained by him on 18 July 2024, and the general atmosphere prevailing during the movement. In respect of these matters, PW-1 is a direct witness and his testimony carries substantial evidentiary value. His account regarding his participation in the movement and the pellet injury sustained by him remained substantially unshaken during cross-examination. Rather, the defence suggestions disputing his participation and injury were categorically denied by him. Significantly, the defence elicited no material contradiction or inconsistency capable of undermining his credibility concerning those events personally witnessed and experienced by him.

The second category of evidence concerns the alleged role of the accused Hasanul Haq Inu. In this regard, it is noteworthy that PW-1 candidly admitted during cross-examination that the accused was not physically present in Kushtia at the time of the incidents. His allegation that the attacks were carried out under the direct orders and instigation of the accused was not based upon any conversation, meeting, communication or act personally witnessed by him. Similarly, his assertion that the accused advised Sheikh Hasina to suppress the movement through the use of force was admittedly derived from materials which he claimed to have seen on social media after 05 August 2024.

Therefore, to that extent, his testimony is not based upon direct personal knowledge but rather upon information obtained from external sources.

The Tribunal is mindful that evidence founded upon direct perception and personal observation possesses a different evidentiary value from information acquired through media reports, social media content or information communicated by others. Accordingly, while the testimony of PW-1 is highly relevant and reliable in establishing the occurrence of the demonstrations, the violent response directed against protesters, the injury sustained by him, and the deaths occurring during the movement in Kushtia, his statements concerning the specific role, instructions or communications allegedly made by the accused require independent corroboration from other reliable oral, documentary, electronic or circumstantial evidence available on record.

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Nevertheless, the testimony of PW-1 remains significant in portraying the nature, scale and intensity of the attacks directed against the protesters in Kushtia and in establishing the factual context within which the alleged crimes were committed. His evidence further demonstrates that the attacks were not isolated occurrences but formed part of a broader pattern of violence directed against participants in the anti-discrimination student movement.

Upon an overall assessment, the Tribunal finds PW-1 to be a natural witness whose presence at the relevant places and participation in the movement stand firmly established. His testimony concerning the events personally witnessed by him, including the attacks upon protesters, the use of force by law enforcement agencies, his own injury, and the deaths and injuries suffered by protesters in Kushtia, inspires confidence and is worthy of credence. However, his assertions implicating the accused Hasanul Haq Inu

through alleged instructions, advice or instigation derived from social media sources are required to be evaluated in conjunction with other evidence on record before any definitive conclusion may be drawn regarding the criminal responsibility of the accused.

PW-2 (Tanvir Hassan Zoha)

PW-2, Tanvir Hassan Zoha, is a formal and technical witness. At the relevant time, he was serving as a Prosecutor and Special Investigation Officer attached to the International Crimes Tribunal, Dhaka. His evidence does not relate to the occurrence of the crimes alleged in the case. Rather, his testimony is directed towards establishing the manner in which certain electronic and digital materials, particularly three audio recordings allegedly containing telephone conversations between the accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina, were collected, preserved, and transmitted to the Investigation Agency during the course of the investigation.

The witness testified that one of his official responsibilities was to assist investigating officers in the seizure, collection, preservation and handling of digital evidence. According to him, during the investigation of the present case, certain electronic materials were obtained from the National Telecommunication Monitoring Center (NTMC) and preserved as part of the evidentiary record.

PW-2 specifically deposed that he submitted three audio recordings which formed part of the digital materials contained in a compressed file designated as "Green_File.zip", listed as Item No. 01 in the seizure list. According to his testimony, those materials were formally handed over by Mr.

Sadi Mohammad Rifat, Instructor (Assistant Engineer) of NTMC, at Conference Room No. 103 of the NTMC premises on 23 December 2024 at approximately 2:30 p.m. He further testified that the recordings were preserved on a DVD described as a "16x | 120 min High Quality Digital Movie Disc DV-R, 4.7 GB Data Recordable Disc" and were subsequently handed over to the Co-Coordinator of the Investigation Agency together with the seizure list and a forwarding letter.

PW-2 identified the three audio files produced through him, namely:

(i) 8801711819526_2024-07-20_140256;

(ii) 8801711819526_2024-08-04_162907; and

(iii) 8801711819526_2024-08-05_122856.

His evidence, therefore, primarily concerns the provenance, collection, preservation and transmission of the aforesaid electronic records.

During cross-examination, the witness explained the institutional process through which information was obtained from NTMC. He stated that whenever information was required by the Investigation Agency, the order of the Tribunal was submitted through the appropriate channel to the office of the Director General of NTMC, who would thereafter issue necessary directions to the concerned officers for compliance. He further stated that Mr. Sadi Mohammad Rifat informed him that the Director of NTMC had instructed him to provide the requested information pursuant to such directions.

The defence challenged the authenticity and legality of the process through which the electronic materials were obtained. Suggestions were put to the witness that no application had been made to the Director General of NTMC, that no

directions had been issued by the competent authority, that the information had not been collected and preserved in accordance with the applicable procedures, and that the materials themselves were fabricated. PW-2 categorically denied each of those suggestions and maintained that the materials were collected, preserved and transmitted through the prescribed institutional process.

Upon careful examination of the evidence of PW-2, the Tribunal finds that his testimony is confined to the procedural and technical aspects of obtaining and preserving electronic evidence. He does not claim to have participated in, overheard or personally witnessed any of the conversations allegedly contained in the audio recordings. Nor does he claim any personal knowledge regarding the identity of the speakers beyond what is reflected in the materials received during the investigation. Consequently, his evidence is not substantive proof of the truth or correctness of the contents of the recorded conversations.

Nevertheless, the testimony of PW-2 assumes importance in establishing the chain of custody and provenance of the electronic records. His evidence demonstrates the source from which the recordings were obtained, the manner in which they were received by the Investigation Agency, the process by which they were preserved, and the steps taken to transmit them to the appropriate authority. Such evidence is relevant in assessing the authenticity, integrity and admissibility of the electronic materials relied upon by the prosecution.

It is significant that, despite extensive cross-examination, no material contradiction, inconsistency or infirmity could be elicited from the witness regarding the fact that he received the digital materials from NTMC through official channels and preserved them as part of the investigation process. The defence suggestions challenging the authenticity of the materials remained mere suggestions,

unsupported by any evidence placed before the Tribunal through this witness. Equally, no evidence was adduced during his cross-examination to demonstrate any break in the chain of custody, manipulation of the recordings, or procedural irregularity in their preservation after receipt by the Investigation Agency.

The Tribunal is, however, mindful that proof of collection and preservation of an electronic record is distinct from proof of its contents and authorship. While the testimony of PW-2 may satisfactorily establish the source and chain of custody of the recordings, the evidentiary weight to be attached to the contents of those recordings, the identity of the speakers, the accuracy of any transcript prepared therefrom, and the relevance of the conversations to the charges under consideration must necessarily be determined upon a cumulative assessment of all other relevant evidence on record, including forensic, documentary, electronic and oral evidence.



Accordingly, the Tribunal finds that PW-2 is a reliable formal witness whose testimony successfully establishes the procedural history, collection, preservation and transmission of the three audio recordings relied upon by the prosecution. His evidence lends support to the continuity and integrity of the chain of custody relating to those electronic records. However, the probative value of the contents of the recordings themselves remains a matter to be assessed independently in light of the entirety of the evidence adduced in this case.

PW-3 (SI Md. Kamrul Hossain)

PW-3, SI Md. Kamrul Hossain, is a formal witness who, at the relevant time, was serving as a Sub-Inspector attached to the Records Branch of the Investigation Agency of the International Crimes Tribunal, Dhaka. His evidence does not concern

the commission of the alleged crimes forming the subject matter of the present case. Rather, his testimony is directed towards proving the custody, preservation, production, seizure and documentation of various electronic records, video recordings, newspaper publications, government gazettes, official documents, reports and other materials collected during the course of the investigation.

The witness testified that, in connection with Complaint Register Serial No. 162 dated 25.03.2025, various materials preserved in the Records Branch were produced before the Investigating Officer, Mr. Abdullah Al Mamun, and were formally seized under several seizure lists on different dates. He further testified that after seizure, those materials were entrusted to his custody as bailee under duly executed bonds.

From the evidence of PW-3, it appears that the materials produced through him may broadly be classified into four categories.

The first category consists of electronic and audiovisual materials relating to public statements and media appearances of the accused Hasanul Haq Inu and other relevant public figures during the period of the anti-discrimination student movement. These included, among others, a video broadcast by Mirror Now on 18.07.2024, an interview of Hasanul Haq Inu aired by News24 on 27.07.2024, and a video broadcast by RTV on 29.07.2024 concerning discussions relating to the proposed ban on Jamaat-Shibir. The witness identified the seizure list relating to those materials, which was marked as Exhibit-01, and the corresponding custody bond, which was marked as Exhibit-02.

The second category comprises various newspaper publications seized on 31.07.2025, including issues of Daily Manab Zamin, The Daily Star Bangla, Daily Prothom Alo, Daily Jugantor and Daily Bangladesh Pratidin. According to the

witness, those publications contained reports relating to the declaration of curfew, meetings of the 14-party alliance, discussions concerning the proposed ban on Jamaat-Shibir, and statements attributed to political leaders during the relevant period. The witness identified the corresponding seizure list and custody bond marked as Exhibits-03 and 04 respectively.

The third category consists of official Gazette Notifications issued by the Ministry of Liberation War Affairs concerning the July Mass Uprising of 2024. These notifications included lists of persons recognized as martyrs and injured participants categorized as "July Fighters" under Categories A, B and C. The witness identified the seizure lists and bonds relating to those materials, which were marked as Exhibits-05, 06, 07 and 08.



The fourth category comprises a substantial body of documentary and electronic materials seized on 04.08.2025. These included original video footage supplied by Bangladesh Television relating to a press conference of Sheikh Hasina held on 14.07.2024; a video documentary titled "July Anirban"; a video broadcast by MTV Online; reports prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights Watch, Odhikar, and other organizations; a memorandum issued by the Ministry of Home Affairs concerning the imposition of curfew; and a publication containing information relating to persons reported killed during the July Revolution. The seizure list and bond relating to those materials were marked as Exhibits-09 and 10 respectively.

The testimony of PW-3 further establishes that all the aforementioned materials were produced before the Investigating Officer from the Records Branch, that seizure lists were prepared in the ordinary course of investigation,

that the witness signed those documents, and that after seizure the materials were formally entrusted to him in custody under duly executed bonds. He also identified the signatures of Constable Md. Muhaiminul Haq appearing on the relevant seizure lists as a witness thereto.

During cross-examination, PW-3 stated that he had assumed charge as Officer-in-Charge of the Library and Records Branch of the Investigation Agency on 14.07.2025. He explained that his principal responsibility was the preservation and maintenance of evidentiary materials deposited with the Records Branch. He further stated that a register was maintained for recording such materials and that each item of evidence was assigned a separate serial number.

Although the witness admitted that he could not immediately recall from memory the individual serial numbers assigned to particular items of evidence, he clarified that such information could readily be verified from the official register. He also explained that those serial numbers were not ordinarily reproduced on the face of the seizure lists themselves.

Importantly, PW-3 candidly acknowledged that his role was confined to the custody and preservation of the seized materials. He expressly stated that he could not testify regarding the substantive contents of the materials preserved under the seizure lists. Thus, the witness did not seek to prove the truth, accuracy or evidentiary value of any statement, report, publication or audiovisual recording contained within the seized materials.

Upon a careful analysis of his testimony, the Tribunal finds that PW-3 is essentially a chain-of-custody witness. His evidence is relevant not for establishing the occurrence of the alleged crimes or the criminal responsibility of the accused,

but for proving the existence, preservation, identification and custody of the documentary and electronic materials relied upon by the prosecution.

The Tribunal notes that the defence was unable to elicit any material contradiction, inconsistency or infirmity affecting the credibility of the witness in relation to the custody and preservation of the seized materials. The witness remained consistent in asserting that the materials were received, preserved and produced in the ordinary course of his official duties. Although he was unable to recollect certain registration particulars from memory, such inability does not detract from the reliability of his testimony, particularly when he explained that the relevant information was recorded in the official register maintained for that purpose.

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The Tribunal further observes that the defence suggestion that the seizure, preservation and custody process was opaque or irregular remained a mere suggestion. No material was brought on record through this witness to demonstrate any break in custody, tampering, substitution, fabrication or procedural impropriety in relation to the seized materials. Likewise, the suggestion that the witness had deposed falsely was categorically denied and remained unsupported by any contrary evidence.

Nevertheless, the Tribunal is mindful that proof of custody and preservation is distinct from proof of the truth and reliability of the contents of the documents or electronic materials themselves. The evidence of PW-3 establishes that the materials referred to in the seizure lists were in fact preserved by the Investigation Agency and were produced before the Investigating Officer in the manner stated by him. However, the evidentiary value, authenticity, relevance and probative force of the contents of those

materials must be assessed independently in light of the applicable law and the entirety of the evidence on record.

Accordingly, the Tribunal finds that PW-3 is a credible and reliable formal witness whose testimony satisfactorily establishes the chain of custody, preservation and production of the documentary and electronic materials marked as Exhibits-01 to 10 and their corresponding signatures. His evidence provides assurance regarding the continuity and integrity of the custodial process relating to those materials. However, his testimony does not constitute substantive proof of the facts asserted within the contents of the documents, publications, reports or audiovisual materials themselves, which must be evaluated separately on their own evidentiary merits.

PW-4 (SI Md. Shahed Jobair Lawrence)

PW-4, SI Md. Shahed Jobair Lawrence, is an expert witness. At the relevant time, he was serving as a Sub-Inspector attached to the Digital Forensic Laboratory of the Criminal Investigation Department (CID), Dhaka. His evidence has been adduced by the prosecution for the purpose of establishing the forensic examination and voice comparison analysis conducted on certain disputed audio recordings allegedly containing telephone conversations between former Prime Minister Sheikh Hasina and the accused Hasanul Haq Inu.

The testimony of PW-4 reveals that on 01.06.2025 the Digital Forensic Laboratory of CID received three DVDs from the Investigation Agency of the International Crimes Tribunal for forensic examination. According to the witness, one DVD contained three audio files allegedly comprising

conversations between Sheikh Hasina and Hasanul Haq Inu, while the remaining two DVDs contained specimen voice recordings of Sheikh Hasina and Hasanul Haq Inu respectively for the purpose of comparative analysis.

The witness testified that upon examination of the materials it was found that one of the three disputed audio files contained no conversation and therefore could not be subjected to meaningful voice comparison. The remaining recordings were analyzed using audio forensic tools and techniques.

According to PW-4, the disputed recordings contained both male and female voices. During the forensic process, the voices were isolated through segmentation techniques, enabling separate comparative examination of the male and female speakers. The witness stated that the female voice extracted from the disputed recordings was compared with the specimen voice of Sheikh Hasina, while the male voice was compared with the specimen voice of Hasanul Haq Inu.

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The witness further testified that the comparative analysis of the female voice generated Likelihood Ratio values of 1025.99574 and 432.88127. According to him, those values provided support for the proposition that the disputed female voice and the specimen voice originated from the same speaker. Consequently, he expressed the opinion that the disputed female voice was that of Sheikh Hasina.

Similarly, the witness testified that the comparison between the disputed male voice and the specimen voice of Hasanul Haq Inu yielded Likelihood Ratio values of 19.1274 and 1.18064. Upon evaluation of those

values, he concluded that the disputed male voice corresponded to the voice of Hasanul Haq Inu.

PW-4 identified the forensic report prepared by him together with the transcripts of the relevant conversations. The report was marked as Exhibit-11 (Series), while his signatures thereon were marked as Exhibit-11(Ka) (Series).

The evidence of PW-4 is therefore directed towards proving two principal facts: firstly, the forensic examination of the disputed recordings; and secondly, the expert opinion identifying the speakers appearing in those recordings.

During cross-examination, the witness stated that he had received forensic training on various occasions after joining CID and that his most recent training was conducted between February and May 2025. He further stated that no formal grading system existed in that particular training programme.

The witness acknowledged that one of the audio files contained no dialogue. He also stated that the examination was conducted using internationally recognized audio forensic software. However, he admitted that certain forensic methodologies and technologies, namely GMM (Gaussian Mixture Model), UBM (Universal Background Model), I-Vector and DNN (Deep Neural Network), were not utilized in the software packages employed by him during the examination.

PW-4 further stated that the forensic analysis was performed at his workstation within the Digital Forensic Laboratory. He explained that although a Wi-Fi connection was available in the office environment, an internet connection was not required for conducting the examination. He also stated that he repeatedly listened to the recordings during the analytical process.

The defence challenged the scientific reliability of the examination and suggested that the Likelihood Ratio values, particularly those relating to the male voice comparison, were based on assumptions rather than scientific analysis. The defence further suggested that the examination had not been conducted according to accepted forensic procedures and that the witness had given evidence based on conjecture. PW-4 denied all such suggestions and maintained that the examination had been conducted according to the accepted procedures employed by the Digital Forensic Laboratory and that the conclusions reflected in the report were based on the results generated during the forensic process.



Upon a careful analysis of the testimony of PW-4, the Tribunal finds that he is an expert witness whose opinion evidence falls within the realm of scientific and technical expertise. Unlike an ordinary witness who testifies to facts perceived through his senses, PW-4 was called to assist the Tribunal in understanding technical matters relating to voice identification and forensic audio analysis.

The Tribunal observes that the evidence of PW-4 establishes that a scientific examination was in fact conducted upon the disputed recordings and that the examination generated measurable analytical results expressed in terms of Likelihood Ratios. The witness has explained the process adopted by him and has identified the report prepared in the ordinary course of his professional duties.

It is significant that the defence did not challenge the authenticity of the forensic report itself, nor did it produce any contrary expert evidence to demonstrate that the methodology employed by the witness was scientifically

unsound or that the conclusions recorded therein were erroneous. No independent expert was examined on behalf of the defence to refute the findings contained in Exhibit-11 (Series). Likewise, no technical material was placed before the Tribunal to establish that the software used by the witness was unreliable or incapable of producing valid comparative results.

At the same time, the Tribunal is mindful that expert opinion evidence is advisory in nature and is not conclusive by itself. The function of an expert witness is to furnish the Tribunal with scientific assistance; the ultimate determination regarding the identity of the speakers and the evidentiary value of the recordings remains a judicial function. Accordingly, the opinion expressed by PW-4 must be evaluated in conjunction with the entirety of the evidence on record, including the source of the recordings, the chain of custody, the contents of the conversations, surrounding circumstances and any corroborative oral or documentary evidence.

The Tribunal further notes that the strength of the Likelihood Ratio values relating to the female voice comparison appears substantially greater than those generated in relation to the male voice comparison. Nevertheless, the witness consistently maintained that both sets of values supported the identification recorded in the forensic report. The significance and weight to be attached to those numerical values are matters that must be assessed in the context of the expert report as a whole and in conjunction with the totality of the evidence available in the case.

The testimony of PW-4 also derives support from the evidence relating to the collection, preservation and production of the disputed recordings as established through the formal witnesses examined earlier. His evidence

therefore forms an important link in the evidentiary chain connecting the disputed recordings with the persons alleged to be speaking therein.

Having considered the entirety of his testimony, the Tribunal finds no reason to doubt the bona fides of PW-4 or the fact that he conducted the forensic examination and prepared the report in the discharge of his official duties. His evidence appears to be consistent, coherent and substantially unshaken in cross-examination. The defence was unable to elicit any material contradiction affecting the credibility of the witness or the integrity of the forensic process undertaken by him.



Accordingly, the Tribunal finds that the evidence of PW-4 reliably establishes that a forensic voice comparison examination was conducted upon the disputed recordings and that, according to the expert opinion recorded in Exhibit-11 (Series), the female voice was identified as that of Sheikh Hasina and the male voice as that of the accused Hasanul Haq Inu. The precise evidentiary weight to be attached to those conclusions, however, shall be determined upon a cumulative assessment of all oral, documentary, electronic and circumstantial evidence adduced in the case.

PW-5 (Md. Sakhawat Hossain)

PW-5, Md. Sakhawat Hossain, is a formal witness whose testimony has been adduced by the prosecution to establish the circumstances under which the specimen voice sample of the accused Hasanul Haq Inu was collected and preserved for the purpose of forensic examination. At the relevant time, he was serving as Deputy Jailor at Kashimpur Central Jail-2, where the accused was confined as a prisoner.

The evidence of PW-5 reveals that on 29.05.2025, pursuant to an order issued by the Hon'ble International Crimes Tribunal-1, a team of officers from the Criminal Investigation Department (CID), led by Officer Md. Rukunuzzaman and accompanied by two other officials, visited Kashimpur Central Jail-2 for the purpose of collecting a specimen voice sample from the accused Hasanul Haq Inu.

According to the witness, upon receiving the request from the CID officers, he informed his superior authority, namely the Senior Jail Superintendent, Mr. Al Mamun, and obtained the necessary permission to facilitate the collection process. Thereafter, arrangements were made for producing the accused before the concerned officials so that the specimen voice sample could be collected in accordance with the direction of the Tribunal.

PW-5 testified that the specimen voice sample was recorded and preserved on a DVD-R (4.7 GB/120 MIN) in his presence. He further stated that after the recording process was completed, he affixed his signature upon the DVD-R for the purpose of identification and authentication. He identified the DVD-R before the Tribunal, which was marked as Material Exhibit-I, and also identified his signature thereon, which was marked as Exhibit-12.

The witness thus provided direct evidence regarding the collection and preservation of the specimen voice sample that was subsequently used in the forensic voice comparison examination conducted by the CID Digital Forensic Laboratory.

During cross-examination, PW-5 elaborated upon the circumstances under which the specimen voice sample was collected. He stated that at the relevant time Hasanul Haq Inu was detained in Surma Bhaban of Kashimpur

Central Jail-2 as a classified prisoner. According to him, after receiving the necessary instructions from the prison authorities, he caused a slip to be issued for producing the accused and thereafter personally ensured that the accused was brought from his place of detention.

The witness further clarified that although the accused was initially brought to his office room, the specimen voice sample was not collected there. He explained that another room situated nearby was selected for the recording because it was comparatively free from surrounding noise and therefore more suitable for the collection of an accurate voice sample.

PW-5 testified that the door of the recording room remained closed during the process. He further stated that he remained physically present throughout the collection of the voice sample and that only four persons were present in the room, namely himself, two CID officers and the accused Hasanul Haq Inu.

The witness therefore provided a detailed account of the environment in which the specimen voice sample was collected and the persons present during the process.

The defence suggested that the specimen voice sample had been collected forcibly and not in accordance with applicable procedures. PW-5 categorically denied the suggestion and maintained that the collection was carried out pursuant to the order of the Tribunal and through the official process followed by the concerned authorities. The defence further suggested that the witness had given false testimony, which suggestion was likewise denied.

Upon careful consideration of the testimony of PW-5, the Tribunal finds that he is a formal witness whose evidence is confined to the collection,

identification and preservation of the specimen voice sample of the accused. He is not a witness to the alleged crimes forming the subject matter of the present case, nor does his evidence bear upon the substantive contents of any conversation allegedly involving the accused. His testimony is relevant primarily for establishing an important link in the chain of custody relating to the specimen voice recording subsequently used for forensic comparison.

The Tribunal observes that the testimony of PW-5 is consistent, straightforward and free from material contradiction. During cross-examination, the defence was unable to elicit any inconsistency regarding the fact that a specimen voice sample was collected from the accused within the prison premises in his presence. The witness remained firm in asserting that the collection process was undertaken pursuant to the order of the Tribunal and with the knowledge and approval of the prison authorities.

It is also noteworthy that the witness provided a detailed explanation regarding the place where the sample was collected, the reason for selecting that particular room, the persons present during the recording process, and the subsequent identification of the DVD-R by his signature. These details lend assurance to the credibility of his testimony and support the integrity of the collection process.

The Tribunal further notes that no evidence has been brought on record through this witness to suggest that the specimen voice sample was altered, substituted or tampered with after its collection. Likewise, no material contradiction has emerged that would cast doubt upon the authenticity of the DVD-R identified by the witness as the medium on which the specimen voice sample was preserved.

The evidence of PW-5 assumes particular significance when read together with the testimony of PW-4. Whereas PW-4 establishes the forensic examination and comparative analysis of the disputed and specimen voice recordings, PW-5 establishes the source and collection of the specimen voice sample attributed to the accused. The testimony of PW-5 therefore forms an essential evidentiary link connecting the accused with the specimen voice recording used in the forensic examination.

The Tribunal is conscious that the testimony of PW-5, by itself, does not establish the identity of the speaker in the disputed recordings. That question falls within the domain of expert opinion and must be evaluated primarily through the evidence of the forensic expert and the forensic report. Nevertheless, the evidence of PW-5 provides foundational proof that a specimen voice sample was lawfully collected from the accused and preserved in a manner capable of being subjected to forensic comparison.

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Having considered the entirety of his evidence, the Tribunal finds PW-5 to be a credible and reliable witness. His testimony satisfactorily establishes the circumstances under which the specimen voice sample of the accused Hasanul Haq Inu was collected, preserved and identified. Consequently, his evidence strengthens the chain of custody relating to the specimen voice recording and provides corroborative support to the subsequent forensic examination undertaken by the CID Digital Forensic Laboratory.

Accordingly, the Tribunal accepts the evidence of PW-5 as trustworthy and reliable for the limited but significant purpose of proving the lawful collection, preservation, identification and custodial integrity of the specimen

voice sample of the accused Hasanul Haq Inu used in the forensic voice comparison examination.

PW-6 (Md. Forhad Hossain)

PW-6, Md. Forhad Hossain, is an injured eyewitness of the alleged occurrence of 04.08.2024 and claims to be an active participant in the July 2024 movement. He has deposed both as a fact witness regarding the events of the day and as an injured victim asserting receipt of firearm injuries during the incident. His evidence also touches upon alleged consequential deaths of other protestors and alleged involvement or instigation by certain political leaders.

Nature of Testimony and Broad Narrative

PW-6 states that on 04.08.2024 he participated in a procession which moved through Majampur, Chaudhary intersection, Bora Bazar, and finally reached the Bak Chattar Police Station intersection area. According to him, at about 01.00 p.m., police forces allegedly ambushed the procession at the Bak Chattar area and opened fire, resulting in injuries to him and deaths of six named protestors. He attributes the alleged attack to police personnel and supporters of political organizations, and further alleges that the incident occurred pursuant to instigation by political leaders, including Inu, Hanif, and others.

The witness further asserts that he sustained multiple firearm injuries, including injuries to his eye, chest, hand, leg and back, and underwent prolonged medical treatment including surgery in Dhaka for removal of pellets from his right eye. He also claims continuing impairment of vision.

Injuries and Medical Treatment

A significant aspect of PW-6's testimony relates to his status as an injured witness. He has given a detailed account of medical treatment, including initial treatment at Ad-Din Hospital, subsequent referral from Aga Yusuf Eye Hospital, and eventual surgery at Dhaka Eye Hospital where pellets were allegedly removed from his eye. He states that he continues to suffer from complications and requires further treatment.

The defence has not brought on record any material suggesting that the witness did not sustain injuries, nor has it been suggested that the medical treatment referred to by him is wholly fabricated. However, the exact medico-legal documentation and its evidentiary weight are matters to be assessed independently from his oral assertions.

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Participation in Movement and Sequence of Events

PW-6 has consistently asserted his participation in the procession and has described the route taken by the protestors on 04.08.2024. During cross-examination, he conceded that he could not precisely recall the date of commencement of the movement and also could not specify the leadership of the protest at Majampur. He further stated approximate numbers of participants at different stages of the procession, which varied between 400–500 initially and up to 3000–4000 at the Bak Chattar area.

Importantly, in cross-examination, he admitted that no police attack occurred during the earlier stages of movement between Majampur, Chaudhary intersection and Bora Bazar, and that the alleged firing incident

occurred specifically at the Bak Chattar Police Station area. He also stated that firing was conducted from both the street and from inside the police station.

Allegations of Deaths and Attribution of Responsibility

PW-6 deposed that six protestors were killed during the incident and named the deceased persons. He further attributed responsibility for the alleged attack and killings to police personnel and supporters of political organizations and claimed that such actions were instigated by certain political leaders.

However, these assertions are primarily based on the witness's perception and subsequent information rather than contemporaneous personal knowledge of the chain of command or direct involvement of the named political figures. The witness did not indicate any direct observation of orders being issued by the alleged political leaders at the time of occurrence.

Alleged External Information and Media Influence

PW-6 also stated that after 05.08.2024 he came to know through social media and news channels (including Mirror TV, RTV, and News24) about alleged discussions or statements involving political leaders regarding suppression of the movement. He admitted that his knowledge of such alleged communications was derived from media sources rather than personal knowledge.

This part of his testimony is thus hearsay in nature insofar as it relates to alleged phone conversations or directives, and cannot be treated as direct evidence of such communications.

Defence Version and Cross-Examination Impact

In cross-examination, PW-6 was confronted with suggestions that he did not participate in the procession on 04.08.2024 and that his version of events was false. He denied such suggestions.

He was also confronted with inconsistencies regarding the size of the procession and the absence of police attack in earlier parts of the march, which he acknowledged. He further reiterated that he had received medical treatment and had submitted medical documents to the investigating officer.

The defence further suggested that the witness had falsely implicated the accused at the instance of others, which he denied.



Appreciation of Evidence

Upon careful scrutiny, the Tribunal finds that PW-6 is an injured eyewitness whose testimony is relevant primarily to establish (i) participation of protestors in the procession, (ii) occurrence of firing at the Bak Chattar Police Station area, and (iii) injuries sustained by him during the incident.

His evidence relating to his own injuries is generally consistent and supported by a detailed narrative of medical treatment. As an injured witness, his presence at the scene of occurrence carries evidentiary weight, subject to corroboration from medical and other independent evidence.

However, the Tribunal notes that certain portions of his testimony, particularly those relating to attribution of responsibility to specific political leaders and alleged instructions issued through social media or media reports,

are not based on direct personal knowledge. These aspects are therefore in the nature of inference or hearsay and require independent corroboration.

The witness also exhibited certain uncertainties regarding dates, leadership structure of the protest, and exact numbers of participants. Such inconsistencies, however, do not materially erode his credibility regarding his presence at the scene or the fact of sustaining injuries.

The Tribunal further observes that PW-6's evidence regarding the alleged killing of six protestors is based on his post-event knowledge and does not constitute direct eyewitness account of the deaths or the precise circumstances in which they occurred.

In sum, the Tribunal finds PW-6 to be a partially reliable injured witness insofar as his presence at the place of occurrence and his sustaining of injuries are concerned. His testimony is credible on the core issue of his participation in the protest and receipt of injuries during the alleged incident. However, his statements attributing criminal responsibility to specific political leaders and relying on media reports for alleged communications cannot, by themselves, be treated as substantive proof of such allegations without corroboration from independent and legally admissible evidence.

Accordingly, the evidentiary value of PW-6 is accepted to the extent of establishing his presence at the scene, the occurrence of violence at Bak Chattar area, and his injuries, while his assertions regarding higher-level conspiracy or instructions are to be evaluated in conjunction with the totality of evidence on record.

PW-7 (Sujan Mahmud)

PW-7, Sujan Mahmud, is a post-occurrence witness and a close relative of one of the alleged victims, namely deceased Bablu Farazi, whom he claims to be his father. His testimony is primarily directed towards establishing (i) the death of his father in the alleged incident of 05.08.2024, (ii) the surrounding circumstances in which he came to learn about the occurrence, and (iii) the post-event identification and recovery of the dead body.

Nature of Testimony

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PW-7 deposed that on 05.08.2024 his father participated in the anti-discrimination quota reform movement and that during the course of that day, firing took place allegedly at the instigation and instruction of certain political leaders and law enforcement officials, resulting in the death of six persons, including his father Bablu Farazi.

He further stated that at about 3:45 p.m. on the same day, he received a phone call from an unknown caller using his father's mobile number, who informed him that his father had been shot and was being taken to Kushtia Sadar Hospital. He stated that he immediately went to the hospital, where he saw his father's body bearing bullet injuries, and thereafter took the body to his residence with assistance from local student activists.

The witness also stated that three persons from the same locality were killed in the incident and that the funeral of the deceased was held collectively at Hatash Haripur Central Cemetery.

Evidence Relating to Death and Identification

The principal evidentiary value of PW-7's testimony lies in his assertion that his father Bablu Farazi died as a result of the incident on 05.08.2024 and that he personally saw his father's body at the hospital. This portion of his evidence is relevant as post-occurrence identification and as evidence of immediate aftermath.

However, PW-7 is not an eyewitness to the alleged firing incident itself. He did not claim to have seen the occurrence in which his father was allegedly shot. His knowledge regarding the manner of death is therefore not based on direct observation but on subsequent information received from others and from what he observed at the hospital after arrival.

Allegations of Criminal Responsibility

PW-7 attributed responsibility for the alleged killings to certain political leaders, including Mahbubul Alam Hanif and others, as well as to law enforcement personnel. He further stated that he came to know the names of the accused through social media, newspapers, and media reports after the event.

This part of the testimony is clearly not based on personal knowledge. The witness did not claim to have witnessed any instruction, order, or act of instigation by the accused persons. His attribution of responsibility is therefore derived from hearsay sources, particularly media and social platforms, and lacks direct evidentiary foundation.

Cross-Examination

PW-7 was not cross-examined by the defence. While the absence of cross-examination leaves his testimony formally unchallenged, it does not dispense with the duty of the Tribunal to assess its intrinsic reliability and evidentiary value in accordance with settled principles of criminal jurisprudence.

Appreciation of Evidence

Upon careful consideration, the Tribunal finds that PW-7 is a post-occurrence witness whose evidence is primarily relevant for establishing the death of Bablu Farazi and the immediate aftermath of the incident. His testimony that he saw the dead body of his father at Kushtia Sadar Hospital carries some evidentiary weight as an account of post-event identification, particularly in the absence of any challenge in cross-examination.

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However, PW-7 is not an eyewitness to the alleged occurrence of firing. His testimony does not provide direct evidence of the manner in which the incident occurred, nor does it establish the identity of the perpetrators through firsthand observation.

The Tribunal further notes that the witness's allegations regarding instigation or instruction by named political leaders and law enforcement officials are not based on personal knowledge. Such assertions are admittedly founded on media reports and social media information accessed after the event. Consequently, those portions of his testimony are in the nature of hearsay and cannot, by themselves, constitute substantive proof of conspiracy, instigation, or criminal liability of the accused persons.

The emotional proximity of PW-7 to the deceased, being his son, explains the natural grief and sense of grievance reflected in his deposition. While such testimony may assist in understanding the human consequence of the alleged incident, it cannot substitute the requirement of legally admissible evidence establishing the chain of events leading to the death or the identity of the perpetrators.

In the absence of cross-examination, the factual assertion that Bablu Farazi died and that PW-7 saw his body remains formally unchallenged. However, the legal probative value of his testimony is confined to post-occurrence facts and does not extend to proving the genesis or authorship of the alleged criminal act.

Accordingly, the Tribunal finds PW-7 to be a credible post-occurrence witness to the limited extent that he establishes the death of his father and his immediate knowledge of the aftermath. However, his testimony does not constitute direct evidence of the occurrence itself, nor does it provide admissible proof of the involvement or responsibility of the accused persons in the alleged crime. The evidentiary value of his deposition is therefore limited to corroborative and contextual purposes within the overall body of evidence.

PW-8 (Towkir Ahammed)

PW-8, Towkir Ahammed, is a central coordinating witness of the alleged "anti-discrimination student movement" in Kushtia and claims to have played an organisational role as a district-level coordinator. His testimony is extensive and covers a continuous narrative of events from mid-July 2024 up to 05.08.2024, including both peaceful demonstrations and alleged episodes

of violence. He also attributes alleged instigation and political direction to certain named political leaders, which forms part of the prosecution theory.

Nature and Scope of Testimony

The evidence of PW-8 is predominantly narrative and covers multiple phases of the alleged movement. He describes:

(i) the genesis and expansion of the quota reform movement;

(ii) protest programmes on 14.07.2024, 16.07.2024, 17.07.2024, and 18.07.2024;

(iii) alleged clashes with police and political activists;

(iv) alleged injuries sustained by protestors and

(v) the culmination of events on 05.08.2024 involving large-scale violence and multiple deaths.

The witness also introduces allegations of a broader pattern of suppression, involving political leaders and law enforcement coordination, and relies significantly on media reports and social media content to support such assertions.

Organisational Role and Presence

PW-8 asserts that he was a coordinator of the movement and participated in planning and execution of protest programmes. His presence at multiple protest events between 14.07.2024 and 18.07.2024 is consistently stated. He describes organising meetings, issuing press releases via Facebook, and coordinating protest routes.

This aspect of his testimony indicates sustained involvement in the protest activities and provides contextual background to the evolution of the movement. However, his role as "coordinator" is not supported by independent documentary proof in his deposition and rests on self-attribution and narrative assertion.

Allegations of Violence and Injuries

PW-8 provides a detailed account of alleged incidents of violence on 17.07.2024 and 18.07.2024, including brickbats, alleged firing of rubber bullets, tear gas deployment, and injuries to protestors. He specifically mentions seeing individuals injured, including Raisul and Sabbir, and claims to have assisted in transporting injured persons to hospital.

He further states that female protestors were obstructed from receiving treatment and that police cases were subsequently filed against protestors.

These assertions, while detailed, are largely descriptive and not supported in his testimony by contemporaneous documentary evidence such as medical records, injury reports, or independent corroboration. His evidence in this regard is primarily ocular and narrative in character.

Incident of 05.08.2024 and Alleged Mass Violence

A significant portion of PW-8's deposition relates to the alleged mass incident of 05.08.2024. He describes large-scale mobilisation, involvement of BGB personnel, police firing, explosions of cocktails, and deaths of six named individuals.

The witness attributes responsibility for these events to state actors and political organisations and presents the incident as part of a coordinated suppression campaign. However, his account of the precise chain of command, identification of shooters, and attribution of specific criminal acts remains generalised and inferential in nature.

While PW-8 claims knowledge of deaths and injuries, his testimony does not establish direct personal observation of all alleged killings. His knowledge of deaths appears to be based on post-event information and collective communication within the protest group.



Allegations of Political Instigation and Media Reliance

PW-8 further alleges that certain political leaders, including Hasanul Haq Inu and Mahbubul Alam Hanif, were involved in directing or supporting the suppression of the movement. However, during cross-examination, he admitted that his knowledge of alleged statements and instructions attributed to these persons was derived from social media platforms, YouTube, and television channels such as Mirror Now, News24, and RTV.

He also admitted inability to recall the exact dates of viewing such content.

This portion of his testimony is therefore clearly hearsay in nature insofar as it relates to alleged communications, instructions, or speeches attributed to the accused. It lacks direct evidentiary foundation and is dependent on secondary media sources, the authenticity and context of which are not independently proved through his testimony.

Cross-Examination and Evidentiary Impact

In cross-examination, PW-8 confirmed his educational background, residence, and general involvement in the movement. He denied suggestions that he was falsely implicating the accused or that the movement had concluded prior to 05.08.2024.

However, he conceded uncertainty regarding key factual aspects, including exact dates of media exposure and certain procedural details of investigation. These concessions introduce a degree of vagueness in relation to his reliance on external information sources.

At the same time, his core narrative regarding participation in protest events and general sequence of demonstrations remained largely unshaken in cross-examination.

Appreciation of Evidence

Upon careful scrutiny, the Tribunal finds PW-8 to be a witness of significant contextual importance, particularly in relation to:

(i) the existence and progression of the protest movement in Kushtia;

(ii) organisation of protest activities and public mobilisation; and

(iii) general occurrence of unrest and alleged confrontations during July–August 2024.

However, the evidentiary value of his testimony is mixed and must be carefully segregated.

His evidence relating to participation in protests and organisation of events carries a degree of consistency and internal coherence. This portion of

his testimony is acceptable as contextual and corroborative evidence regarding the existence of the movement.

Conversely, his assertions relating to attribution of criminal responsibility to specific political leaders, alleged directives for violence, and claims based on social media and television content are not founded on direct personal knowledge. Such portions are therefore hearsay and cannot, in law, be treated as substantive proof of conspiracy, instigation, or command responsibility.

Similarly, his account of large-scale violence on 05.08.2024, while indicative of alleged unrest, does not by itself establish the identity of perpetrators or the specific role of the accused persons in the commission of alleged offences.

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In conclusion, PW-8 is a partially reliable witness whose testimony is credible to the extent that it establishes the existence, organisation, and continuity of the protest movement in Kushtia during the relevant period. His evidence also provides a broad narrative of alleged unrest and confrontations.

However, his testimony is not sufficient, in isolation, to establish criminal liability of the accused persons for alleged killings or to prove alleged instructions or instigation attributed to political leadership. Such aspects require corroboration through independent, admissible, and direct evidence.

Accordingly, the evidentiary value of PW-8 is accepted for contextual corroboration of the protest movement and general occurrence of disturbances, but not for proof of conspiracy or attribution of specific criminal acts to the accused.

PW-9 (Constable Md. Masud Rana)

PW-9, Constable No. 8680 Md. Masud Rana, is a formal and procedural witness connected with the custody and transmission of digital and documentary evidence preserved in the Library and Records Branch of the Investigation Agency of the International Crimes Tribunal. His testimony does not relate to the commission of the alleged offences but is confined strictly to the chain of custody and procedural handling of certain seized materials, including audio recordings and video clips.

Nature and Scope of Testimony

PW-9 deposed that on 12.06.2025 at about 10:05 a.m., the Investigating Officer, Mr. Abdullah Al Mamun, collected three categories of evidentiary materials from SI Md. Anisur Rahman, In-charge of the Library and Records Branch. The materials included:

(i) three audio recordings of conversations allegedly between JSD President Hasanul Haq Inu and the former Prime Minister;

(ii) three audio files containing voice samples attributed to Hasanul Haq Inu and

(iii) a short video clip (03 minutes 15 seconds) of a speech by Sheikh Hasina broadcast on BTV.

PW-9 further stated that a seizure list was prepared at the Library, and that he signed the same along with SI Md. Anisur Rahman. He identified his signature on the relevant seizure list (Exhibits 13 and 13(a)) and also identified the signature of SI Md. Anisur Rahman (Exhibit 13(b)).

Role in Chain of Custody

The primary evidentiary value of PW-9's deposition lies in establishing the procedural chain of custody of digital and recorded materials after they were received and handled within the Library and Records Branch. His testimony confirms that:

(i) the materials were formally transferred to the Investigating Officer;

(ii) a seizure list was prepared contemporaneously and

(iii) the procedural documentation bears his signature and that of the responsible officer.

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He also confirmed that the transaction and documentation process took approximately one and a half to two hours, indicating a contemporaneous administrative procedure rather than a delayed or retrospective record creation.

Lack of Knowledge of Content

A significant aspect of PW-9's testimony is his categorical admission during cross-examination that he had no knowledge of the contents or subject matter of the seized materials. This clearly establishes that his role was purely ministerial and custodial in nature, without any involvement in analysis, interpretation, or verification of the authenticity of the materials.

Cross-Examination and Evidentiary Weight

In cross-examination, PW-9 denied suggestions that:

(i) SI Md. Anisur Rahman did not sign the seizure list;

(ii) the seized materials were not produced before the Investigating Officer at the stated time and

(iii) the seizure list was fabricated or prepared improperly within the Library.

These denials, however, are limited to procedural regularity and do not extend to the authenticity, accuracy, or forensic integrity of the contents of the digital materials themselves.

Importantly, the defence did not elicit any admission suggesting manipulation, tampering, or substitution of the recorded materials during custody. At the same time, PW-9's testimony does not extend to independent verification of the originality or integrity of the electronic evidence.

Appreciation of Evidence

Upon careful scrutiny, the Tribunal finds that PW-9 is a formal chain-of-custody witness whose evidence is relevant only for establishing procedural handling and documentation of certain seized audio and video materials within the institutional custody of the Investigation Agency.

His testimony is consistent, straightforward, and uncontroverted in relation to the fact that the materials were transferred and documented through a seizure list signed by relevant officers, including himself. There is no material contradiction elicited in cross-examination that undermines the procedural narrative of custody transfer.

However, the Tribunal notes that PW-9 had no personal knowledge regarding the contents, authenticity, or identification of the voices contained in the audio recordings or video clips. Therefore, his evidence cannot be treated as proof of the truth of the contents of the recordings or the identity of the speakers therein.

His deposition is thus confined to establishing the formal continuity of custody and administrative handling of exhibits, which is a necessary but not sufficient component in the evidentiary chain of electronic evidence.

In conclusion, PW-9's evidence is accepted as credible and reliable for the limited purpose of proving procedural custody, transfer, and documentation of certain electronic exhibits within the Investigation Agency. However, it carries no probative value in determining the authenticity, truthfulness, or evidentiary content of the recorded communications, which must be assessed independently on the basis of expert and substantive evidence already on record.



Accordingly, PW-9's testimony is treated as supporting evidence of chain of custody, without extending to the merits or contents of the electronic materials in question.

PW-10 (Abdullah-Al-Mamun)

Nature and Scope of the Evidence of PW-10; Legality of the Investigation; Seizure of Documentary, Electronic and Forensic Evidence; Evidentiary Value of the Investigation

PW-10, Abdullah-Al-Mamun, served as the Investigating Officer in the present case. At the relevant time he was functioning as Deputy Assistant Director of the Investigation Agency of the International Crimes Tribunal. His evidence, therefore, stands on a fundamentally different footing from that of the occurrence witnesses, injured witnesses or eye-witnesses examined by the Prosecution. His testimony does not principally concern the direct commission of the alleged crimes. Rather, it relates to the manner in which the

investigation was initiated, conducted and concluded; the collection, preservation and forensic examination of documentary and electronic evidence; the seizure of official records and reports; the recording of witness statements; the preparation of seizure lists, sketch maps and other investigative documents; and finally the conclusions reached by him upon an assessment of the totality of the evidence collected during the investigation.

The Tribunal is mindful that the testimony of an Investigating Officer is ordinarily intended to explain the investigative process and to prove the authenticity, source and chain of custody of the materials collected during investigation. Such testimony is not to be treated as substantive proof of every factual allegation merely because the Investigating Officer records it in his report. The conclusions expressed by an Investigating Officer must ultimately derive their evidentiary worth from the admissible evidence independently proved before the Tribunal. At the same time, where the investigation is shown to have been conducted lawfully, systematically and impartially, the evidence of the Investigating Officer assumes considerable importance in establishing the continuity of investigation, the provenance of documentary and electronic exhibits, the integrity of the chain of custody and the circumstances in which different pieces of evidence came to be collected and preserved.

Having carefully considered the examination-in-chief and the extensive cross-examination of PW-10, the Tribunal finds that his evidence substantially falls into five distinct categories. First, he narrated the origin of the investigation and the authority under which he was appointed as Investigating Officer. Secondly, he described the investigative steps undertaken by him, including visits to places of occurrence, recording of witness statements, collection of

documentary materials and obtaining reports from various governmental and non-governmental institutions. Thirdly, he proved numerous seizure lists, surety bonds and documentary exhibits relating to electronic evidence, official records, forensic reports, gazette notifications, media reports and other documentary materials. Fourthly, he explained the forensic examination of intercepted audio recordings and the preparation of transcripts. Finally, he stated the findings which, according to him, emerged from the cumulative assessment of the evidence collected during the investigation.

The Tribunal first proceeds to examine whether the investigation itself suffers from any legal infirmity.

PW-10 categorically testified that he was entrusted with the investigation pursuant to Complaint Register Serial No. 162 dated 25 March 2025 upon the direction of the competent authority of the Investigation Agency. His evidence further demonstrates that the investigation was conducted under the supervision of the Coordinator and Co-Coordinator of the Investigation Agency and that a case diary was maintained throughout the investigation. During cross-examination, although the defence questioned him extensively regarding the administrative functioning of the Investigation Agency, the maintenance of registers and the dates of appointment of senior officers, no material inconsistency or illegality was elicited suggesting that the investigation had been commenced without lawful authority or in violation of any mandatory procedural requirement under the International Crimes (Tribunals) Act, 1973 or the Rules of Procedure.

The defence also questioned the educational qualifications and professional background of the witness. However, PW-10 satisfactorily

explained that he had served in Bangladesh Police since 2004, had undergone basic and specialised investigation training, had worked in several investigative assignments before joining the Investigation Agency of the Tribunal, had subsequently received specialised training relating to investigations under the International Crimes (Tribunals) Act, 1973 and had previously investigated several international crimes cases and testified before this Tribunal. The Tribunal is therefore unable to accept any suggestion that the witness lacked the professional competence necessary to conduct the present investigation.

It is true that the witness acknowledged during cross-examination that prior to joining the Investigation Agency he had not received formal training specifically relating to the International Crimes (Tribunals) Act, 1973. In the opinion of the Tribunal, however, such admission does not detract from either the legality or the reliability of the investigation. The evidence clearly demonstrates that after joining the Investigation Agency he underwent specialised training conducted by experienced investigators and legal experts and thereafter performed the investigation under institutional supervision. Mere absence of prior specialised training cannot invalidate an investigation which is otherwise shown to have been conducted in accordance with law.

The Tribunal next considers the evidence relating to the collection and preservation of documentary and electronic materials.

The evidence of PW-10 establishes that the investigation was not confined merely to recording oral statements. On the contrary, it involved the systematic collection of multiple categories of evidence from diverse and independent sources. These included official government records, media

broadcasts, newspaper reports, electronic communications, forensic materials, gazette notifications, hospital documents, death certificates, call detail records, publications of international organisations, reports of recognised human rights organisations, books relating to the July Uprising, video recordings and digital media preserved by the Investigation Agency.

The Tribunal notes with significance that every category of documentary or electronic evidence was accompanied by corresponding seizure lists, surety bonds and preservation records. PW-10 personally proved the seizure lists, identified his signatures thereon and identified the electronic storage devices before the Tribunal. The evidence further shows that the seized materials were marked as exhibits after following the prescribed procedure before the Tribunal.

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The prosecution has thereby established an uninterrupted documentary chain of custody relating to the seized materials.

Particular importance attaches to the electronic evidence produced during the investigation. PW-10 proved the seizure of the DVDs containing the intercepted telephonic conversations and the televised speech of Sheikh Hasina. He likewise proved the seizure of additional DVDs containing broadcasts aired by Mirror Now, News24 and RTV, as well as the pen drive containing further video recordings relied upon by the prosecution. Each of these electronic storage devices was separately identified, produced before the Tribunal and marked as material exhibits.

The Tribunal is of the considered opinion that in cases involving allegations of crimes against humanity committed through coordinated governmental and organisational policies, electronic evidence frequently constitutes one of the most reliable sources of contemporaneous information.

Audio recordings, televised speeches, media interviews, intercepted communications and digital recordings frequently provide direct insight into the knowledge, intentions, policies and conduct of those occupying positions of political influence. Consequently, the legality of seizure and preservation of such materials assumes considerable evidentiary significance.

The evidence of PW-10 demonstrates that the intercepted telephonic conversations were not casually obtained from social media or anonymous internet sources. Rather, they were obtained through official channels. During cross-examination the witness specifically clarified that the recordings had originated from the National Telecommunication Monitoring Centre (NTMC), had been supplied to the Investigation Agency through official process, and were thereafter forwarded to the Criminal Investigation Department (CID) for forensic examination. The defence was unable to demonstrate any break in the chain of custody after the recordings came into possession of the Investigation Agency.

Similarly, PW-10 explained that authentic voice samples of accused Hasanul Haq Inu had been collected pursuant to an order of Tribunal-1 by officers of the Information Technology Forensic Branch of the Criminal Investigation Department. Those authentic samples were thereafter scientifically compared with the disputed recordings. According to the forensic opinion received by the Investigation Agency, the disputed voice corresponded with the authentic voice sample of the accused. Transcripts were thereafter prepared and placed before the Tribunal.

At this stage the Tribunal is not concerned with the ultimate evidentiary weight of the intercepted conversations themselves. That question shall be

examined separately while appreciating the forensic evidence and the contents of the conversations. At present it is sufficient to observe that PW-10 has satisfactorily proved the manner in which those recordings were obtained, preserved, transmitted for forensic examination and subsequently produced before the Tribunal.

The Tribunal also considers the seizure of official Gazette Notifications issued by the Ministry of Liberation War Affairs recognising martyrs and injured July Fighters.

PW-10 proved the seizure of the gazette notifications relating to the deceased persons as well as injured persons belonging to different categories and divisions of Bangladesh. These official notifications were admitted collectively as documentary exhibits. The Tribunal observes that official gazette notifications issued by competent governmental authorities constitute public documents. Although such notifications do not, by themselves, conclusively establish criminal liability against any accused person, they constitute relevant documentary evidence regarding official governmental recognition of deaths and injuries arising from the July Uprising. Their evidentiary value must therefore be appreciated together with medical evidence, eyewitness testimony and other contemporaneous documentary materials.

The investigation further incorporated reports published by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights Watch, Odhikar, the TechGlobal Institute and the International Truth and Justice Project, together with governmental curfew orders and other official correspondence.

The Tribunal observes that these reports are not treated as conclusive proof of every factual assertion contained therein. Nevertheless, reports prepared by recognised international organisations, independent human rights bodies and competent governmental authorities may legitimately be considered as corroborative material where they are relevant and are supported by independent evidence appearing on the record. The admissibility and ultimate probative value of each report will naturally depend upon its source, methodology, internal consistency and the extent to which its findings are corroborated by other admissible evidence before the Tribunal.

The defence subjected PW-10 to lengthy cross-examination concerning the collection of many of these documentary materials. It was suggested that he had not personally visited certain media organisations, that he had not independently questioned editors or producers of media broadcasts, and that some reports relied upon by the prosecution were incomplete or selective. These suggestions, however, in the opinion of the Tribunal, do not substantially impair the legality of the investigation. Investigating Officers are not invariably required to collect every document directly from its original author, particularly where such materials have already been preserved through official channels or are publicly available records whose authenticity is capable of independent verification. What is material is whether the documents were lawfully seized, properly preserved and duly produced before the Tribunal. On these aspects, the testimony of PW-10 has remained substantially unshaken.

Likewise, although the defence highlighted that PW-10 had not personally visited certain hospitals, recovered every conceivable physical

exhibit or collected CCTV footage from every possible location, such omissions cannot by themselves render the entire investigation unreliable. Criminal investigations, particularly those concerning widespread crimes allegedly committed during a nationwide movement involving numerous incidents, multiple victims and extensive geographical areas, cannot reasonably be expected to recover every conceivable item of physical evidence. The law does not require perfection in investigation. It requires fairness, legality and overall reliability. Unless demonstrated to have occasioned prejudice or resulted in suppression of material evidence, such omissions ordinarily affect only the weight to be attached to particular items of evidence rather than the admissibility or legality of the investigation itself.

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Upon an overall assessment of the evidence of PW-10, the Tribunal is satisfied that the investigation was conducted under lawful authority by a competent Investigating Officer, that a substantial volume of documentary, electronic, forensic and official materials was systematically collected and preserved through duly proved seizure procedures, and that the integrity of the documentary chain of custody has, on the whole, remained intact. The extensive cross-examination undoubtedly disclosed certain investigative omissions and limitations, many of which will require careful consideration while appreciating individual items of evidence. Nevertheless, none of those omissions, whether viewed individually or cumulatively, is of such magnitude as to persuade the Tribunal that the investigation itself was illegal, fundamentally defective or motivated by mala fides.

Accordingly, the Tribunal accepts the evidence of PW-10, to the extent indicated above, as reliable proof of the investigative process, the

seizure and preservation of documentary and electronic materials, the continuity of the chain of custody, and the procedural foundation upon which the prosecution case has been constructed. The substantive evidentiary value of the individual exhibits, however, shall be assessed separately in conjunction with the remaining oral, documentary and forensic evidence appearing on the record.

Appreciation of the Investigation Relating to the Intercepted Telephone Conversations, Forensic Examination, Media Interviews, Speeches, Documentary Reports, Gazette Notifications and Other Documentary Exhibits

Having considered the legality of the investigation and the procedural foundation upon which the documentary and electronic materials were collected, the Tribunal now proceeds to examine the evidentiary value and probative force of the principal exhibits proved through PW-10. These exhibits comprise the intercepted telephone conversations, forensic reports, televised interviews, public speeches, official gazette notifications, reports of national and international organizations, newspaper publications, call detail records and other documentary materials relied upon by the prosecution.

At the threshold of the present discussion, it deserves emphasis that in cases concerning crimes against humanity committed through an alleged State or organizational policy, direct eyewitness testimony alone rarely furnishes a complete picture of the criminal enterprise. Such crimes are ordinarily executed through coordinated political decisions, administrative measures, public declarations, communications among senior political leaders, operational directives and institutional implementation. Consequently,

documentary and electronic evidence frequently assumes exceptional significance in establishing knowledge, intent, policy, participation and the relationship between political leadership and the perpetrators who physically execute the crimes.

The Tribunal is therefore required to evaluate each category of documentary evidence, not in isolation, but in conjunction with the oral evidence, surrounding circumstances and the cumulative evidentiary record.

The first and most significant category of evidence consists of the three intercepted telephone conversations between accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina.



PW-10 proved that these recordings were officially received from the National Telecommunication Monitoring Centre (NTMC), lawfully preserved by the Investigation Agency and thereafter forwarded to the Information Technology Forensic Branch of the Criminal Investigation Department (CID) for scientific examination. He further proved that authentic voice samples of the accused had been obtained pursuant to an order of Tribunal-1 and scientifically compared with the disputed recordings.

The forensic examination concluded that the questioned voice recordings corresponded with the authentic voice samples of accused Hasanul Haq Inu. Similar findings were reached regarding the voice attributed to Sheikh Hasina.

The Tribunal considers the forensic authentication of the recordings to be of considerable evidentiary importance.

Scientific voice comparison does not establish the truthfulness of every statement uttered during a conversation. It does, however, establish, subject to satisfactory proof of chain of custody, that the conversation was indeed held between the identified speakers. Consequently, once the identity of the speakers is established through scientific examination and the chain of custody remains intact, the recorded conversations constitute primary electronic evidence whose contents may legitimately be examined for determining the knowledge, intention, attitude and participation of the persons involved.

The defence did not succeed in demonstrating any material break in the chain of custody between the receipt of the recordings from NTMC, their preservation by the Investigation Agency and their forensic examination by the CID. Nor was any expert evidence produced challenging either the methodology or the conclusions of the forensic examination.

The Tribunal is therefore satisfied, at least for the purpose of admissibility and authenticity, that the intercepted conversations constitute reliable electronic evidence.

The actual contents of those conversations assume even greater significance.

According to PW-10, the conversations disclose discussions relating to immediate firing upon protesters, the use of drones for surveillance, deployment of helicopters, use of armed forces under so-called "umbrella operations", imposition of curfew, employment of helicopters in offensive operations and the use of maximum permissible force to suppress the movement.

These conversations cannot be viewed merely as political rhetoric or speculative discussions detached from surrounding events. Rather, they must be appreciated in their proper factual context.

The evidence on record demonstrates that these conversations allegedly occurred contemporaneously with the nationwide deployment of law enforcement agencies, armed forces and political activists during the suppression of the Anti-Discrimination Student Movement. When contemporaneous communications coincide with subsequent implementation of similar measures, they acquire substantial evidentiary value in determining whether the acts committed on the ground were spontaneous or were undertaken pursuant to an organized policy.



Whether every statement contained in the conversations was actually implemented remains a separate question to be determined from other evidence. Nevertheless, the conversations themselves provide important evidence regarding the state of mind, knowledge, approval and policy considerations of the participants.

The Tribunal further notes that the defence subjected PW-10 to lengthy cross-examination regarding the source of these recordings. The witness consistently maintained that they had not been obtained from social media or unofficial sources but through NTMC and thereafter scientifically examined by the CID. Nothing substantial emerged during cross-examination to discredit this aspect of his testimony.

The Tribunal therefore finds that the intercepted conversations constitute highly relevant electronic evidence capable of being considered together with the remaining evidence on record while determining the

existence of knowledge, encouragement, approval or participation on the part of the accused.

The second category of evidence consists of the televised interviews and media broadcasts.

PW-10 proved the seizure of broadcasts aired by Mirror Now, News24 and RTV. According to the prosecution, these broadcasts contained statements allegedly made by the accused portraying the Anti-Discrimination Student Movement as a movement orchestrated by Jamaat-e-Islami, terrorists, militants and communal forces.

The defence criticized the investigation on the ground that PW-10 did not personally visit the offices of those television channels or question their editors, producers or presenters.

The Tribunal is unable to accept that submission as decisive.

The electronic recordings themselves have been produced before the Tribunal and have been exhibited. Their contents are capable of independent judicial examination. The evidentiary value of the broadcasts therefore does not solely depend upon the oral testimony of the Investigating Officer. Once the electronic recording itself is before the Tribunal and its authenticity is not shown to have been materially compromised, the Tribunal is competent to appreciate its contents independently.

The statements attributed to the accused in those interviews are legally relevant, not because they necessarily prove the commission of the alleged crimes, but because they illuminate his public position concerning the movement and his characterization of the protesters.

Whether describing protesters as terrorists, militants or communal elements amounts merely to political opinion or constitutes incitement encouraging violent suppression depends upon the surrounding factual circumstances and the totality of evidence.

Where such public statements are followed by widespread use of force against the very group so characterized, they may legitimately be considered as part of the surrounding circumstances indicating encouragement or justification of subsequent violence.

The Tribunal shall therefore assess these broadcasts together with the remaining evidence while considering the existence of organizational policy and the accused's contribution thereto.

The Tribunal next considers the televised speech of Sheikh Hasina together with the subsequent press conference held after her return from China.

PW-10 proved both electronic recordings through lawful seizure.

According to the prosecution, these speeches contained expressions referring to protesters as "Rajakarer Baccha" and "Rajakarer Natiputi."

The Tribunal observes that speeches delivered by the Head of Government during periods of widespread civil unrest possess substantial evidentiary relevance.

Such speeches frequently disclose the official attitude of the political leadership towards a civilian population and may assist the Tribunal in determining whether the protesters were being portrayed as legitimate political opponents or as enemies deserving coercive suppression.

The Tribunal does not evaluate these speeches in isolation.

Rather, they must be appreciated together with the subsequent political declarations, media interviews, telephone conversations, curfew orders, deployment of armed forces and the evidence concerning actual violence committed against the demonstrators.

When viewed collectively, these materials may assist the Tribunal in determining whether a common governmental narrative was developed portraying the protesters as hostile elements requiring forceful suppression.

The Tribunal further considers the documentary reports prepared by international organizations.

PW-10 proved the production of the OHCHR Fact-Finding Report, the Human Rights Watch Report, the Odhikar Annual Human Rights Report and the report entitled "Bloodshed in Bangladesh" prepared by the TechGlobal Institute and the International Truth and Justice Project.

The defence argued that these reports were incomplete, selective and failed to implicate the accused.

The Tribunal observes that reports prepared by international organizations do not constitute conclusive proof of the criminal liability of any individual accused.

Neither do they replace judicial findings based upon admissible evidence.

Nevertheless, such reports often possess considerable corroborative value where they are prepared through independent methodology, identify consistent patterns of conduct and substantially correspond with the evidence otherwise proved before the Tribunal.

The OHCHR Report is particularly significant because it examined the broader pattern of events occurring during the relevant period.

The Tribunal notes that PW-10 candidly admitted during cross-examination that portions of the OHCHR Report also referred to attacks upon police stations, violence committed by demonstrators and incidents occurring after 05 August 2024.

Rather than weakening his credibility, this admission strengthens it.

An Investigating Officer who acknowledges portions of a report which may not entirely favour the prosecution demonstrates fairness rather than selective concealment.

The Tribunal is therefore satisfied that PW-10 did not attempt to suppress those portions of the report which recorded violence committed by persons other than State actors.

At the same time, the Tribunal reiterates that none of these reports is being treated as substantive proof of the guilt of the accused.

Their value lies in corroborating broader factual patterns independently established through oral, documentary and forensic evidence.

The Tribunal next considers the Gazette Notifications issued by the Ministry of Liberation War Affairs.

PW-10 proved the seizure of Gazette Notifications recognizing the deceased persons as martyrs and numerous injured persons as July Fighters belonging to Categories A, B and C across different administrative divisions.

The defence questioned the correctness of certain entries appearing in the Gazette.

However, no documentary evidence was produced establishing that the Gazette Notifications had subsequently been cancelled, corrected or declared invalid by any competent authority.

Official Gazette Notifications constitute public documents carrying a statutory presumption of regularity unless rebutted by cogent evidence.

The Tribunal therefore accepts these Gazette Notifications as reliable proof of official governmental recognition of the deaths and injuries recorded therein.

However, such recognition does not itself establish criminal responsibility against the accused.

Their evidentiary significance is confined to proving the occurrence of deaths and injuries and their official recognition, which must thereafter be linked to the evidence establishing criminal conduct and individual responsibility.

The Tribunal further considers the newspaper publications relied upon by the prosecution.

PW-10 proved the seizure of reports published in Manab Zamin, The Daily Star Bangla Online, Prothom Alo Online, Jugantor and Bangladesh Pratidin.

Ordinarily, newspaper reports are not substantive evidence of the truth of every fact narrated therein.

However, where such publications reproduce public statements made by political leaders, report contemporaneous events or corroborate

independently proved circumstances, they become relevant pieces of corroborative evidence.

The Tribunal therefore does not rely upon newspaper reports as primary proof of disputed facts.

Rather, they are considered only to the extent that they corroborate electronic recordings, witness testimony or other admissible documentary evidence.

The Tribunal also attaches considerable importance to the Call Detail Records (CDRs) proved through PW-10.

Unlike oral assertions, telecommunication records constitute objective electronic evidence capable of establishing communication between identified persons at particular times.

Standing alone, CDRs merely prove communication.

They do not establish the contents of conversations.

However, when CDRs correspond with authenticated intercepted conversations and contemporaneous events, they significantly reinforce the reliability of the prosecution narrative regarding communication between the accused and other relevant actors during the material period.

Upon a comprehensive appreciation of the documentary and electronic evidence proved through PW-10, the Tribunal reaches several conclusions.

Firstly, the intercepted telephone conversations stand supported by an unbroken chain of custody and scientific forensic authentication.

Secondly, the televised interviews, speeches and electronic broadcasts constitute important contemporaneous evidence illuminating the public

position, language and conduct of the accused and other political leaders during the relevant period.

Thirdly, the official Gazette Notifications, governmental records, curfew orders, call detail records and death certificates constitute reliable public documents carrying substantial corroborative value.

Fourthly, the reports prepared by international organizations and independent human rights bodies do not constitute conclusive proof of criminal responsibility but provide significant contextual and corroborative evidence consistent with the broader evidentiary record.

Finally, when viewed collectively rather than individually, the documentary, forensic and electronic materials proved through PW-10 disclose a coherent evidentiary framework capable of corroborating the oral testimony of prosecution witnesses regarding the existence of an organized policy, the characterization of the protesters, the communications among political leadership and the measures allegedly adopted for suppressing the Anti-Discrimination Student Movement.

The ultimate evidentiary weight of these materials, however, must necessarily be assessed together with the direct evidence relating to the individual criminal incidents and the role allegedly played therein by the accused, to which the Tribunal shall now proceed.

Appreciation of the Investigation Relating to the Kushtia Incidents, the Killings and Injuries, Linkage of the Accused with the Crimes, the Effect of the Cross-Examination, and the Tribunal's Findings Regarding the Credibility and Probative Value of the Evidence of PW-10

The Tribunal now turns to the final and most significant aspect of the evidence of PW-10, namely, the investigation conducted by him into the incidents occurring in Kushtia District during the Anti-Discrimination Student Movement, the deaths and injuries allegedly resulting therefrom, the linkage of accused Hasanul Haq Inu with those incidents, and the effect of the extensive cross-examination directed against the investigation.

At the very outset, it is necessary to reiterate that an Investigating Officer is ordinarily not an eyewitness to the crimes under investigation. His function is to collect evidence, examine witnesses, recover documents and materials, scientifically analyse the evidence collected and place the entire body of evidence before the Tribunal. Consequently, the conclusions recorded by an Investigating Officer cannot themselves constitute substantive evidence of the commission of the offences. Rather, they represent investigative opinions which must ultimately be tested against the oral, documentary, electronic and forensic evidence independently proved before the Tribunal.

The Tribunal has therefore approached the evidence of PW-10 not as proof of every allegation recorded in the Investigation Report but as evidence explaining how the investigation unfolded, what materials were collected, and how those materials collectively led the Investigation Agency to form its conclusions.

The evidence of PW-10 demonstrates that the investigation into the Kushtia incidents was not confined to a single occurrence or isolated episode. On the contrary, the investigation encompassed multiple incidents occurring on different dates during the nationwide Anti-Discrimination Student Movement, including the events of 18 July 2024, 04 August 2024 and 05 August 2024.

The witness personally visited the relevant places of occurrence. During cross-examination he gave a detailed account of those inspections.

He testified that he visited Bak Chattar, the adjoining roads, the area in front of the Fire Service Office, Burmese Goli, Tula Patti Goli, the vicinity of Aarong, Kushtia Sadar Model Police Station and other relevant locations. Sketch maps and indexes were prepared during those inspections.

The Tribunal attaches significance to this aspect of the investigation.

Personal inspection of places of occurrence enables the Investigating Officer to verify the relative positions of roads, buildings, intersections, police installations, hospitals and other landmarks, thereby assisting the Tribunal in appreciating subsequent eyewitness testimony regarding movements of victims, assailants and security forces.

The defence did not seriously dispute that these inspections were actually conducted.

Rather, the defence criticised the investigation on the ground that the Investigating Officer had not questioned every available resident, shopkeeper or bystander present in the locality.

The Tribunal is unable to accept such criticism as substantially affecting the integrity of the investigation.

An Investigating Officer possesses discretion in selecting persons whom he considers material witnesses. The law does not require every inhabitant of a locality to be examined, nor does failure to examine every available witness necessarily render the investigation defective.

The Tribunal next considers the investigation relating to the injured victims.

PW-10 testified that he examined injured witness Md. Farhad Hossain, collected medical documents relating to his treatment and examined the pellet allegedly recovered from him.

During cross-examination the witness candidly admitted that he had not personally visited the hospitals where Farhad initially received treatment and that the medical documents had been produced by the injured himself.

This admission, in the opinion of the Tribunal, reflects candour rather than concealment.

The defence has not demonstrated that the medical documents themselves were fabricated, nor has any contrary medical evidence been produced.

Accordingly, the omission to personally visit those hospitals affects only the weight to be attached to that particular aspect of the investigation and does not substantially diminish its reliability.

The Tribunal next considers the investigation relating to the deceased victims.

PW-10 proved that he obtained official death certificates, post-mortem reports and other medical records through official correspondence.

He further testified regarding the deaths of Abdullah Al Mostaqin, Yusuf Sheikh, Ashraful Islam, Md. Usama, Bablu Faraji and Suruj Ali Babu.

The defence emphasised that the Investigating Officer did not personally visit certain hospitals, did not recover bloodstained clothing, bullets, CCTV footage or mobile phone recordings and did not visit several graves of the deceased persons.

The Tribunal has carefully considered these omissions.

Undoubtedly, recovery of physical exhibits such as bullets, bloodstained clothing or CCTV recordings would have constituted valuable corroborative evidence.

Nevertheless, criminal investigations, particularly those relating to widespread public disturbances involving multiple simultaneous incidents, are not invariably rendered unreliable merely because every conceivable physical exhibit could not be recovered.

The law distinguishes between defects affecting the root of the prosecution case and omissions affecting only the completeness of the investigation.

The omissions highlighted during cross-examination belong predominantly to the latter category.

The Tribunal further notes that PW-10 never attempted to exaggerate the completeness of his investigation.

On the contrary, whenever confronted with investigative omissions, he frankly admitted them.

He admitted that he had not collected CCTV footage from nearby establishments.

He admitted that he had not recovered video recordings depicting the precise moment when certain victims were shot.

He admitted that some local persons questioned during investigation had not ultimately been cited as prosecution witnesses.

He admitted that he did not know whether separate criminal cases had been instituted relating to certain deaths.

He also admitted that accused Hasanul Haq Inu had not held any constitutional or administrative office during the relevant period.

These admissions, far from undermining his credibility, demonstrate that the witness did not seek to overstate the strength of the prosecution case or suppress matters favourable to the defence.

The Tribunal now turns to the most important question arising from his investigation, namely, the linkage of accused Hasanul Haq Inu with the crimes alleged.

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PW-10 did not assert that he personally witnessed the accused issuing operational commands at the scenes of occurrence.

Nor did he claim to have personally observed the accused participating physically in any attack.

Instead, the linkage established by the investigation rests upon several converging categories of evidence.

First, the investigation disclosed repeated public statements allegedly made by the accused portraying the protesters as terrorists, militants, communal elements and members of Jamaat-e-Islami.

Secondly, the investigation revealed contemporaneous telephonic communications between the accused and the then Prime Minister.

Thirdly, the intercepted conversations allegedly disclosed discussions concerning the suppression of the movement through deployment of armed forces, curfew, firing upon demonstrators and the use of maximum force.

Fourthly, the investigation revealed regular communication between the accused and senior political leadership during the relevant period.

Fifthly, Call Detail Records corroborated the occurrence of those communications.

Sixthly, the investigation disclosed that the accused actively supported the deployment of the Army, imposition of curfew and adoption of coercive measures against the movement.

Finally, according to PW-10, the totality of witness statements, documentary evidence, electronic materials and surrounding circumstances indicated that the accused, as President of the Jatiya Samajtantrik Dal (JSD) and one of the principal leaders of the Awami League-led Fourteen-Party Alliance, knowingly encouraged and facilitated the implementation of the policy allegedly adopted for suppressing the Anti-Discrimination Student Movement.

The Tribunal is conscious that the criminal responsibility of a political leader cannot be inferred merely from political affiliation or membership of an alliance.

Liability under the International Crimes (Tribunals) Act, 1973 must ultimately rest upon proof of participation in, contribution to, instigation of, encouragement of, ordering of, facilitation of or other legally recognised modes of liability established by the evidence.

The significance of PW-10's evidence lies not in his personal conclusions but in the evidentiary foundation upon which those conclusions were reached.

Whether that foundation ultimately establishes criminal responsibility is a matter to be determined by evaluating the entirety of the evidence before the Tribunal.

The Tribunal now considers the effect of the lengthy and searching cross-examination conducted by the defence.

The cross-examination extended over virtually every aspect of the investigation.

The witness was questioned regarding his educational qualifications, professional training, administrative procedure within the Investigation Agency, maintenance of registers, seizure of exhibits, collection of documents, visits to hospitals, recovery of physical exhibits, recording of witness statements, collection of media materials, authenticity of electronic evidence, reports of international organisations, governmental decisions relating to the quota movement, constitutional position of the accused and numerous other matters.

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Such extensive cross-examination provided the defence every reasonable opportunity to expose fabrication, inconsistency, procedural illegality or investigative bias.

The Tribunal has carefully analysed the answers given by PW-10.

No material contradiction affecting the core prosecution case has emerged.

His testimony remained substantially consistent throughout.

He gave direct answers even when those answers disclosed shortcomings in the investigation.

His evidence did not reveal any deliberate attempt to conceal unfavourable facts.

Most importantly, the defence was unable to demonstrate that any document had been fabricated, that any seizure list had been manufactured, that any electronic exhibit had been tampered with, that any forensic report had been falsified or that any official record relied upon by the prosecution had been forged.

The Tribunal is equally unable to accept the defence suggestion that the Investigation Report was politically motivated merely because the witness ultimately reached conclusions adverse to the accused.

An Investigating Officer necessarily forms opinions after evaluating the evidence collected.

Those opinions are not binding upon the Tribunal.

The Tribunal reaches its own independent conclusions based upon the evidence.

Accordingly, the mere fact that the Investigating Officer concluded that a prima facie case existed against the accused does not establish bias or political motivation.

The Tribunal further observes that throughout his evidence PW-10 carefully distinguished between facts personally known to him and conclusions reached during investigation.

Where a matter had been learnt from witness statements or documentary materials, he consistently stated that "the investigation revealed" or **"according to the investigation."**

Such careful distinction between personal knowledge and investigative findings enhances the reliability of his testimony.

Having considered the entirety of the evidence of PW-10, together with the extensive cross-examination directed against him, the Tribunal reaches the following conclusions.

Firstly, PW-10 conducted the investigation under lawful authority as the duly appointed Investigating Officer of the Investigation Agency of the International Crimes Tribunal.

Secondly, the investigation was comprehensive in scope and incorporated oral testimony, documentary evidence, electronic records, forensic examination, official governmental documents, telecommunication records and reports prepared by national and international organisations.

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Thirdly, although certain investigative omissions have been disclosed during cross-examination, those omissions do not affect the legality or overall reliability of the investigation.

Fourthly, the documentary, electronic and forensic materials proved through PW-10 substantially corroborate one another and provide an important evidentiary framework within which the oral testimony of the occurrence witnesses is to be appreciated.

Fifthly, the conclusions recorded in the Investigation Report are not treated by the Tribunal as substantive evidence of guilt. Nevertheless, the factual materials collected during the investigation, having been

independently proved through admissible evidence, constitute important corroborative evidence supporting the prosecution case.

Finally, the Tribunal finds PW-10 to be a competent, candid and reliable Investigating Officer. His testimony remained substantially consistent, withstood prolonged and searching cross-examination and inspires confidence regarding the manner in which the investigation was conducted. While the Tribunal shall independently evaluate every substantive allegation against the accused on the basis of the totality of the evidence on record, it accepts the testimony of PW-10 as credible and reliable in proving the investigative process, the seizure and preservation of documentary and electronic evidence, the forensic examination of relevant materials, the chain of custody of exhibits and the overall evidentiary foundation upon which the prosecution case has been presented.

Accordingly, the Tribunal holds that the evidence of PW-10 possesses substantial probative value and provides significant corroboration to the oral, documentary, forensic and electronic evidence adduced by the Prosecution. His testimony, read together with the evidence of the other prosecution witnesses and the exhibits admitted in evidence, forms an integral component of the cumulative evidentiary matrix upon which the Tribunal shall determine the criminal responsibility of the accused under the International Crimes (Tribunals) Act, 1973.

XXI. Scanning, Marshalling and Appreciation of the Evidence of DW-1 & 2.

89. DW-1, Mr. Shoriful Kobir Shopon

The defence examined **DW-1,** Mr. Shoriful Kobir Shopon, who introduced himself as the Public Relations Secretary of the Central Committee

of Jatiya Samajtantrik Dal (JSD). His evidence was tendered primarily with a view to demonstrating the public position adopted by JSD and its President, accused Hasanul Haq Inu, during the anti-discrimination movement and the July-August 2024 mass uprising. The witness also sought to place before the Tribunal a series of newspaper reports, online publications and video materials which, according to him, reflected the political stance of JSD and the surrounding circumstances of the movement.

Upon scanning the testimony of DW-1, it appears that he was not a witness to any of the material events forming the subject matter of the charges framed against the accused. He did not claim to have been present at any place of occurrence in Kushtia or elsewhere where the alleged crimes were committed. Nor did he claim to have witnessed any of the incidents involving the deaths, injuries or attacks upon protesters. His evidence was largely based upon information gathered from newspapers, online publications, television broadcasts and social media content which he had read, viewed or collected pursuant to a party decision.

The witness sought to produce before the Tribunal twenty-one newspaper and online reports together with two video clips preserved in a pen drive. These materials were marked as Exhibits A to U and Material Exhibit-I(A). According to the witness, the materials reflected statements and positions adopted by JSD President Hasanul Haq Inu during the relevant period and also highlighted incidents of violence and sabotage allegedly committed by persons whom he described as infiltrators or saboteurs among the protesters.

A careful marshalling of his evidence, however, demonstrates that DW-1 possessed no direct personal knowledge regarding the contents of the publications produced by him. During cross-examination he expressly acknowledged that his knowledge concerning the matters narrated in the twenty-one reports was derived solely from what he had read in those publications. He did not claim to have independently verified the information contained therein. Consequently, his testimony regarding the factual contents of those reports remains hearsay in character and cannot be treated as substantive proof of the truth of the matters asserted therein.

The witness further admitted that he had no personal knowledge regarding the alleged telephone conversations between accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina. Although he referred to a newspaper report concerning such conversations, he candidly acknowledged that he did not know the duration of the conversations, the number of times the accused had communicated with Sheikh Hasina during the relevant period, the subjects discussed, or the contents of the portions not reproduced in the report. He admitted that he never attempted to ascertain such matters from the accused himself.

Significantly, the witness repeatedly stated that he did not know whether omitted portions of the conversations contained discussions relating to portraying the movement as terrorist activities, using a terrorist narrative, deploying force against protesters, utilizing helicopters, bombing protesters from helicopters, deploying RAB helicopters or adopting other coercive measures to suppress the movement. He likewise admitted that he did not

know whether the accused had approved, endorsed or supported all measures taken by Sheikh Hasina for suppressing the movement.

The witness also acknowledged his lack of knowledge concerning several matters directly relevant to the defence theory. He did not know whether any decision had been taken at Ganabhaban on 19 July 2024 regarding curfew or shoot-at-sight measures. He had no knowledge regarding conversations allegedly held between Sheikh Hasina and other political figures concerning the burning of public establishments. He was unaware whether unofficial restrictions had been imposed upon the media during the relevant period. He did not know whether a coordinator named Hasib had participated in the movement. He also lacked knowledge regarding various incidents referred to during cross-examination.

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Most importantly, DW-1 admitted that he had seen televised footage, including international broadcasts, showing law enforcement personnel firing at protesters. Although he stated that he had not personally witnessed anyone being killed, his admission confirms that he had observed visual materials depicting the use of force by law enforcement agencies against demonstrators. He further admitted that the question of identifying those responsible for various incidents remained a matter requiring investigation.

The Tribunal further notes that DW-1 was an office-bearer of the political party headed by the accused. His evidence therefore cannot be detached from the political affiliation and loyalty arising from his position within the party structure. While such affiliation does not by itself render his testimony inadmissible or unreliable, it is a relevant factor in assessing the

weight to be attached to his evidence, particularly where the testimony concerns the political position and public image of the party president.

Upon appreciation of the entirety of his evidence, it appears that DW-1 was primarily tendered as a formal witness to produce documents and to advance the defence position that JSD did not oppose the anti-discrimination movement and that saboteurs had infiltrated the protesters. However, the witness was unable to provide direct evidence supporting these assertions. His testimony remained largely derivative, being based upon newspaper reports, social media posts and media broadcasts rather than personal observation.

The Tribunal further observes that none of the exhibits produced through DW-1 substantially dislodges the direct and circumstantial evidence adduced by the prosecution concerning the events occurring in Kushtia on 18 July, 04 August and 05 August 2024. Nor does his evidence effectively rebut the prosecution evidence regarding the deaths, injuries and attacks suffered by the protesters. The witness was unable to controvert the occurrence of firing by law enforcement personnel, and he possessed no personal knowledge capable of contradicting the testimonies of the eyewitnesses and victims examined by the prosecution.

Accordingly, while the evidence of DW-1 may be considered for the limited purpose of showing that certain publications and media reports existed in the public domain and that JSD publicly projected a particular political position during the relevant period, his testimony possesses limited probative value on the central issues requiring determination in the present case. The evidence of DW-1 does not materially undermine the prosecution case nor does it provide a reliable factual basis for discrediting the direct evidence adduced by the

prosecution witnesses. Consequently, the weight to be attached to his testimony remains substantially restricted and must be assessed in that context.

DW-2, Joydeb Kumar Biswas

DW-2, Joydeb Kumar Biswas, is an Advocate practising before the Courts at Kushtia. His evidence was tendered by the defence principally for the purpose of demonstrating that in a number of criminal cases instituted in connection with the deaths of six persons during the anti-discrimination movement in Kushtia on 5 August 2024, the name of accused Hasanul Haq Inu did not appear as an accused person. In support of this proposition, the witness produced copies of First Information Reports, complaint petitions and related documents pertaining to six separate criminal proceedings instituted by relatives or persons closely connected with the deceased victims.



A careful examination of the testimony of DW-2 reveals that he was not an eyewitness to any of the incidents forming the subject matter of the present proceedings. He did not claim to have witnessed the attacks, shootings, killings or any of the alleged criminal acts that constitute the foundation of the charges framed against the accused. Nor did he claim to possess any personal knowledge regarding the participation, conduct, communications, instructions or decisions allegedly undertaken by accused Hasanul Haq Inu during the relevant period. His testimony was confined to proving the existence of certain criminal cases and the contents of the documents produced by him.

The witness referred to six criminal cases instituted following the deaths of Suruj Ali Babu, Abdullah Al Mustaqin, Yusuf Sheikh, Ashraful Islam, Usama and Bablu Faraji. Through the production of copies of the First

Information Reports and complaint petitions, marked as Exhibits V (Series), W (Series), X (Series), Y (Series), Z (Series) and AA (Series), he sought to establish that the accused Hasanul Haq Inu was not named as an accused person in any of those proceedings.

The Tribunal has carefully examined the evidentiary significance of this testimony. The mere fact that a person's name does not appear in an FIR or complaint petition does not, by itself, establish his innocence or exclude the possibility of his subsequent implication on the basis of evidence gathered during investigation. Significantly, during cross-examination, DW-2 himself candidly admitted that if evidence emerges during investigation, a person may lawfully be included as an accused even though his name was not originally mentioned in the complaint or First Information Report. This admission substantially reduces the evidentiary force of the principal proposition sought to be advanced through his testimony.

The Tribunal observes that criminal investigations are dynamic processes. The First Information Report is not an encyclopaedia of the prosecution case, nor is it expected to contain the names of all persons ultimately found to be involved in the commission of offences. It is well settled that an FIR merely sets the criminal law in motion and that the investigative process may subsequently reveal the involvement of persons whose names were not initially disclosed by the informant. Therefore, the absence of the accused's name in the six cases relied upon by DW-2 cannot be treated as substantive evidence exonerating him from criminal responsibility.

Another significant aspect of DW-2's testimony is that he admittedly possessed no knowledge regarding the alleged telephone conversations between accused Hasanul Haq Inu and former Prime Minister Sheikh Hasina

on 20 July 2024 and 4 August 2024. He expressly stated that he did not know what transpired during those conversations. Consequently, his evidence offers no assistance in rebutting the prosecution evidence relating to the intercepted communications, forensic examination reports, transcripts, or other materials relied upon by the prosecution to establish the accused's alleged role in the commission of the charged crimes.

The witness also did not claim any knowledge regarding the meetings, discussions, decisions or policy directions allegedly taken by leaders of the Awami League-led fourteen-party alliance during the relevant period. He did not claim to have attended any meeting, witnessed any communication, or observed any conduct on the part of the accused that could directly support or refute the allegations contained in the charges. His evidence therefore remains confined to a narrow documentary aspect concerning the contents of certain criminal complaints filed by private individuals.

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The Tribunal further notes that the documents produced by DW-2 represent allegations made by individual informants in separate criminal proceedings. Those documents merely reflect the version of the respective complainants at the time the complaints were lodged. They do not constitute findings of fact, judicial determinations, or conclusive proof regarding the identity of all persons who may have been involved in the incidents. Consequently, the evidentiary value of those documents is limited to demonstrating that certain complaints were filed and that certain names were or were not mentioned therein.

It is also noteworthy that DW-2 did not participate in the investigation of those cases, did not conduct any independent inquiry, and

did not claim any personal familiarity with the factual circumstances underlying the allegations contained in the complaints. He merely produced copies of the documents. Accordingly, his testimony cannot be regarded as direct evidence concerning the occurrence of the incidents or the involvement of any particular individual therein.

The Tribunal has also taken note of the fact that the witness denied the prosecution suggestion that he produced the documents with any malicious motive. While there is no reason to doubt that the documents were produced bona fide, the question before the Tribunal is not the motive of the witness but the probative value of the materials relied upon by him. Upon careful evaluation, the Tribunal finds that those materials possess only limited evidentiary significance.

Having scanned, marshalled and analysed the entirety of the testimony of DW-2, the Tribunal finds that his evidence is essentially formal and documentary in nature. It establishes the existence of six criminal cases and demonstrates that accused Hasanul Haq Inu was not named in the original complaints filed in those cases. However, it does not establish that the accused had no involvement in the alleged crimes, nor does it contradict the evidence adduced by the prosecution through witnesses, documentary exhibits, electronic evidence, forensic reports and other materials collected during investigation.

The Tribunal therefore concludes that the testimony of DW-2 carries limited probative value. While it may be relevant in demonstrating that the accused was not initially named in certain complaints, it does not materially weaken the prosecution case, particularly in view of the witness's admission that persons not named in an FIR may subsequently be implicated through

investigation and in view of his lack of personal knowledge regarding the substantive allegations against the accused. Consequently, the evidence of DW-2 does not create any significant dent in the prosecution case and must be assessed within its proper evidentiary limitations.

XXII. The contents of the intercepted telephone conversation between the Accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina, as relied upon by the Prosecution, are reproduced hereinbelow:

হাসানুল হক ইনুঃ হ্যালো জি জি স্লামালাইকুম।

শেখ হাসিনাঃ হ্যাঁ ওয়ালাইকুমস্ত্রাম, কী হইছে?

হাসানুল হক ইনুঃ ইনু বলছিলাম... না একটা কথা... আমি মনে করি যে আপনার পদক্ষেপটা সঠিকই হয়েছে, এখন পর্যন্ত যা রিপোর্ট বাংলাদেশে পাচ্ছি আরকি। খালি ঢাকাতে আপনার রামপুরার দিকে এবং...

শেখ হাসিনাঃ না রামপুরা ক্লিয়ার, শনির আখড়ায় একটু ঝামেলা এখন আছে...

হাসানুল হক ইনুঃ শনির আখড়ায় কিছু মোল্লারাই...

শেখ হাসিনাঃ হ্যাঁ জানি, না, খালি মোল্লা না ওইখানে অনেক মাদ্রাসা।

হাসানুল হক ইনুঃ মাদ্রাসা আছে ওই...

শেখ হাসিনাঃ ...ব্যাবস্থা নেওয়া হচ্ছে... মাইকিং করতে হচ্ছে আরকি... নারায়ণগঞ্জে ঢুকতে দিচ্ছে না আর্মিকে আমরা... নামাচ্ছি।

হাসানুল হক ইনুঃ ও আচ্ছা...

শেখ হাসিনাঃ না আমি বলছি ক্যাজুয়াল্টির দরকার নাই। ওরা ব্যারিকেড দিয়ে আছে তো; ঠিকাছে, আকাশ থেকে নামবে, তখন দুইপাশ দিয়ে ধরবে... মেসেজটা দিয়ে দিতে পারেন যে সেনা পাঠানো হচ্ছে... আর হেলিকপ্টার দিয়ে সোজা বোম্বিং করা হবে র‍্যাব এর হেলিকপ্টার দিয়ে উপর দিয়ে মারবে।

হাসানুল হক ইনুঃ আচ্ছা উপর দিয়ে সাউন্ড বোম যাবে আরকি, ঠিকাছে, আমি একটা পয়েন্ট আপনাকে একটু নজরে আনার জন্য রিকোয়েস্ট করতেছি যে, কারফিউ ধরেন দুই পাঁচ দিন যা চল্লো চল্লো, কিন্তু কারফিউ এর পরে যাতে আর মিছিল না নামতে পারে সেই জন্য একটা হোমওয়ার্ক করতে, করা দরকার যেরকম আমি উত্তরা, বাড্ডা, গুলশান, যাত্রাবাড়িতে যারা মিছিল লিড করছে সেইগুলা চিহ্নিত আরকি, ছাত্রদল, বিএনপির ছেলেমেয়ে ছেলেরা, শিবিরের... মানে ধরেন রিজভীকে এরেস্ট করা বা রুহুলকে এরেস্ট করা ইম্পর্টেন্ট না, ইম্পর্টেন্ট হচ্ছে ওইখানে গ্রাউন্ডে যে মিছিলটা লিড করেছে, আমি কুষ্টিয়া জেলাতে এসপি সেইভাবে অলরেডি তালিকা করে ফেলছে। ওখানে কোন সংঘর্ষ হয়নি, একটা ছররা গুলিতে খালি একজনের পায়ে লাগছে, উনি ম্যানেজ করছে। ম্যানেজ করছে। উনি অলরেডি কম্পিউটারে বসে ছবি দেখে দেখে ছেলেগুলার তালিকা করতেছে। তা আমি বললাম যে ছেলেগুলাকে আজকে রাত্রের ভিতরে পিকআপ করে নাও।

শেখ হাসিনাঃ হ্যাঁ শিউর।

হাসানুল হক ইনুঃ যাতে মিছিলটা লিড না করতে পারে। তা আমি ঢাকা শহরের জন্য বলছি যে আপনার গোয়েন্দারা নিশ্চয়ই তালিকাটা করতে পারবে যে উত্তরায় কারা।

শেখ হাসিনাঃ...খালি গোয়েন্দারটা না, লোকাল লিডারদেরও করা উচিত।

হাসানুল হক ইনুঃ লোকাল লিডার ওইখানে এমপি খসরু আছে এবং হাসান হাবিব আছে, আমার কালকের যে রিপোর্ট হাসান হাবিব নামেনি কিন্তু। ও রাগ করে খসরুর উপরে ছেড়ে দিছে যে এমপি সাহেব মোকাবেলা করুক.....

শেখ হাসিনাঃ খসরু তো পারবে না, খসরু তো লোকাল না, হাসান তো লোকাল, ওদেরতো লোকজন আছে।

হাসানুল হক ইনুঃ লোকাল না তো হা রাইট, হাসান হাবিব নামেনি, আর এইখানে ওয়াকিলও সামলাইতে পারেনি, ও দুই লাইনে পা দিয়ে চলে। তো আমার কথা হচ্ছে যে একটু লোকাল লিডারদের সাহায্যে তালিকাটা করে নিয়ে আজকের রাত্রের ভিতরে সব কাস্টডিতে নিতে পারেন তাহলে কোন জায়গায় আর মোহাম্মদপুরে একটা পায়তারা ছিলো কালকে আপনি রাত বারোটায় যেয়ে খুব ভালো করছেন। আজকে কিন্তু গণভবন ঘেরাও করতো কিন্তু। মোহাম্মদপুরে ওইখান থেকে রেডি হচ্ছিল কালকে, মানে এইটা, সুতরাং...

শেখ হাসিনাঃ হ্যাঁ এইটা কয়েকদিন ধরে করতেছে।

হাসানুল হক ইনুঃ ডিসিশনটা খুবই কারেক্ট হইছে মাননীয় প্রধানমন্ত্রী।

শেখ হাসিনাঃ থ্যাংকউ, থ্যাংকউ... আমরা হলো রণক্ষেত্রের সাথী।

হাসানুল হক ইনুঃ রণক্ষেত্রের সাথী। তা আপনি একটু দয়া করে... এই পিকআপটা করতে বলেন...

শেখ হাসিনাঃ না এইটা বলা আছে, বলতেছি, বলতেছি।

হাসানুল হক ইনুঃ ওইটা একটু হোমওয়ার্ক করতে বলেন, করে এরেস্ট করে ফেলতে বলেন আজকে। মানে সবই এরেস্ট করে ফেললে আর মিছিল করার লোক থাকবে না।

শেখ হাসিনাঃ লিসেন, দাঁড়ান, দাঁড়ান। এরেস্ট করে....

হাসানুল হক ইনুঃ আরেকটা রিকোয়েস্ট আমার যে ইন্টারনেট আমার মনে হয় চালু করতে পারেন, এটা আমাদেরই কাজে লাগবে।

শেখ হাসিনাঃ ভাই কি যে চালু করবো সবতো পোড়াই দিছে। ডাটা সেন্টারও পোড়ায় দিছে ই পোড়ায় দিছে, এখন ওই নতুন তারতুর কিনে জোড়া লাগাতে হবে।

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হাসানুল হক ইনুঃ ...আমি যে কথাটা বলার চেষ্টা... আমি একাত্তরে রাত আটটার সময় যাবো একা কথা বলবো। আমি বলবো যে সরকারের সাথে কোটা আন্দোলনকারীর কোনো বিরোধ নাই। সরকারের সাথে বিরোধ হচ্ছে নাশকতাকারী বিএনপি জামাতের।

শেখ হাসিনাঃ না ওইটা তো বলা হয়েছে। ওইটা আমি-নিজেও বলছি...

হাসানুল হক ইনুঃ ... এই জিনিস্টা প্রোপাগান্ডায় আনতে হবে যদি ইন্টারনেট থাকে, গণমাধ্যম দিয়ে আমরা পুরা নিউজে ফ্লাড করে দিলাম...

শেখ হাসিনাঃ ইন্টারনেট পাবো কোথায়? ইন্টারনেট পোড়ায় দিছে। জীবনে... আমি তো আর আনবো না, যদি অন্য সরকার আসে তাহলে আনবে... আমি দিছি ইন্টারনেট, ওরা পোড়াইতে থাকুক, ওইটা চলতে হবে...

হাসানুল হক ইনুঃ অন্য সরকার, বাংলাদেশে ইনশাআল্লাহ অন্য সরকার আসবে না।

শেখ হাসিনাঃ আসুক, না আমি আর পারবো না... যাচ্ছি- এখন

হাসানুল হক ইনুঃ না না... যাওয়া দরকার নাই

শেখ হাসিনাঃ জামাত শায়েস্তা করে থুয়ে যেতে হবে

হাসানুল হক ইনুঃ.....

শেখ হাসিনাঃ ...আপনার যেখানে যেখানে লোক আছে তালিকাগুলি আপনারা করান, আমরাও করাচ্ছি।

হাসানুল হক ইনুঃ ...আপনি এই... জামাত শিবিরের মেরুদন্ডটা আবার ভেঙে দেন ঢাকা শহরে।

শেখ হাসিনাঃ একেবারে...

হাসানুল হক ইনুঃ... এক্সপোজ হইছে আরকি, একটু দেখেন, আর আমি বাদবাকি আমাকে যেটা বলবেন আমি ইনশাআল্লাহ করবো, কোনো অসুবিধা নাই।

শেখ হাসিনাঃ না ওই তালিকাগুলি একটু করায় ফালান...এই সুতায় যা পারেন, শিবির যে কয়টা আছে, যা আছে সব বের করেন...

হাসানুল হক ইনুঃ বুঝি আমি বুঝি। জি স্লামুয়ালাইকুম

শেখ হাসিনাঃ ঠিকাছে আচ্ছা।

হাসানুল হক ইনুঃ জি স্লামুয়ালাইকুম

শেখ হাসিনাঃ থ্যাংকউ, থ্যাংকউ...

The following is the English translation of the aforementioned intercepted telephone conversation between the Accused, Hasanul Haq Inu, and the then Prime Minister, Sheikh Hasina.

The contents of the intercepted telephone conversation between the Accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina, as relied upon by the Prosecution, are reproduced hereinbelow:

Hasanul Haq Inu: Hello, GG, Assalamualaikum.

Sheikh Hasina: Yes, Walaikumdram, what happened?

Hasanul Haq Inu: Inu, I was saying... No, one thing... I think your move is correct, from the reports we are getting in Bangladesh so far. Just in Dhaka, towards your Rampura and...

Sheikh Hasina: No, Rampura is clear, there is a little trouble in Shani's arena now...

Hasanul Haq Inu: Some mullahs in Saturn's arena...

Sheikh Hasina: Yes, I know, no, there are many madrasas there, not just mullahs.

Hasanul Haq Inu: There is a madrasa there...

Sheikh Hasina: ...arrangements are being made... miking is being done... they are not allowing the army to enter Narayanganj... we are taking it down.

Hasanul Haq Inu: Oh well...

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Sheikh Hasina: No, I'm saying there's no need for casualties. They've put up barricades; okay, they'll come down from the sky, then they'll catch them from both sides... You can give the message that the army is being sent... and they'll bomb them directly with helicopters, and they'll hit them from above with RAB helicopters.

Hasanul Haq Inu: Okay, the sound bomb will go above, okay, I am requesting you to bring one point to your attention, that the curfew will last for two to five days, but after the curfew, we need to do some homework so that no more processions can take place, just like I identified those who are leading the procession in Uttara, Badda, Gulshan, Jatrabari, Chhatra Dal, BNP, Shibir... I mean, it is not important to arrest Rizvi or Ruhul, what is important is the procession that was led on the ground there, I am the SP in Kushtia district who is already making a list. There was no clash there, a bullet hit one person in the leg, he is managing. Managing. He is already sitting on the computer, looking at the pictures and making a list of the boys. I told them to pick up the boys tonight.

Sheikh Hasina: Yes, of course.

Hasanul Haq Inu: So that the procession cannot be led. I am saying this for Dhaka city that your detectives will definitely be able to make a list of who is in Uttara.

Sheikh Hasina:...not just detectives, local leaders should do it too.

Hasanul Haq Inu: Local leader, there is MP Khasru and Hasan Habib there, but Hasan Habib did not appear in my report yesterday. He got angry and left it to Khasru to deal with the MP.....

Sheikh Hasina: Khosru can't do it, Khosru is not local, Hasan is local, they have people.

Hasanul Haq Inu: Local is not right, Hasan Habib did not come down, and here the lawyer could not handle it either, he walked in two lines. So what I'm saying is that with the help of local leaders, you can make a list and take all of them into custody by tonight. Then there was a place in Mohammadpur. You went there at midnight yesterday and did a very good job. But today, Ganabhaban was surrounded. In Mohammadpur, it was getting ready from there yesterday, I mean this, so...

Sheikh Hasina: Yes, this has been going on for a few days.

Hasanul Haq Inu: The decision is very correct, Honorable Prime Minister.

Sheikh Hasina: Thank you, thank you... We are comrades on the battlefield.

Hasanul Haq Inu: A friend of the battlefield. Please... ask him to do this pickup...

Sheikh Hasina: No, this has been said, I am saying it, I am saying it.

Hasanul Haq Inu: They told me to do some homework, and to arrest them today. I mean, if they arrest everyone, there won't be anyone left to march.

Sheikh Hasina: Listen, stop, stop. Arrest....

Hasanul Haq Inu: I have another request, I think you can turn on the internet, it will be useful for us.

Sheikh Hasina: Brother, what should I do? Everything has been burned down. The data center has also been burned down, now we have to buy that new server and install it.

Hasanul Haq Inu: ...What I am trying to say... I will go alone at 8:00 PM on 1971 and speak. I will say that the quota agitators have no conflict with the government. The conflict with the government is with the BNP Jamaat, which is a saboteur.

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Sheikh Hasina: No, that has been said. I am saying that myself...

Hasanul Haq Inu: ... This thing should be brought into propaganda. If there is internet, we flooded the entire news with the media...

Sheikh Hasina: Where can I get internet? The internet is burning. In life... I won't bring it back, if another government comes, they will bring it back... I have given internet, let them keep burning it, it has to continue...

Hasanul Haq Inu: Another government, InshaAllah another government will not come to Bangladesh.

Sheikh Hasina: Come, no, I can't do it anymore... I'm going now Hasanul Haq Inu: No, no... There's no need to go Sheikh Hasina: Jamaat must be disciplined and then go.

Hasanul Haq Inu:.....

Sheikh Hasina: ... You make lists wherever you have people, we are also making them.

Hasanul Haq Inu:... You... broke the backbone of this Jamaat Shibir again in Dhaka city.

Sheikh Hasina: Absolutely...

Hasanul Haq Inu:... What else has been exposed, take a look, and I will do whatever you tell me, God willing, no problem.

Sheikh Hasina: No, just make those lists... Whatever you can in this thread, whatever camps there are, whatever there is...

Hasanul Haq Inu: I understand. I understand. Hello.

Sheikh Hasina: Okay, okay.

Hasanul Haq Inu: Peace be upon you.

Sheikh Hasina: Thank you, thank you...

The intercepted telephone conversation between the Accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina is reproduced below:

শেখ হাসিনাঃ হ্যালো?

হাসানুল হক ইনুঃ হ্যালো জি স্লামালাইকুম। আমি ইনু বলছিলাম। হ্যালো...

শেখ হাসিনাঃ হ্যাঁ বলেন।

হাসানুল হক ইনুঃ জি, না আমি একটু পরিস্থিতি অনুযায়ী একটু উদ্বেগের ভিতরে ছিলাম। তো আমি মনে করি যে সিদ্ধান্তটা খুব সঠিক হয়েছে আরকি। তো আমি যেটা বলতে চাচ্ছিলাম যে কারফিউটা একটু কঠোর কারফিউ আরকি ভাবে, তো সারা ঢাকা শহরে যদি মাইক নামায়ে দিতো প্রশাসন থেকে কারফিউ কি করা উচিত না... তাহলে একটু সুবিধা হতো মনে হয়।

শেখ হাসিনাঃ আমি হোম মিনিস্টারকে বলছি এখনি, সব জায়গায় মাইকিং করার জন্য... চারজন আহত... জেলায় জেলায় ডিসি অফিস..

হাসানুল হক ইনুঃ হ্যাঁ ওইগুলা সব পেয়েছি আমি, ডিসি অফিস, এসপি অফিস, আওয়ামীলীগের বাড়ি, আওয়ামীলীগ অফিস, এইগুলার প্রত্যেকের লিস্ট আমি পেয়েছি...

শেখ হাসিনাঃ আমি এখন ঢাকায় আসবো।



হাসানুল হক ইনুঃ আচ্ছা তো এখন আমার কথা হচ্ছে যে কারফিউটা মানে এমন হবে যে ঘর থেকে বের হলেই এরেস্ট করবে, গুলি হবে না, সেটা আপনার আমার ভিতরে, গুলি নাই কিন্তু সেনাবাহিনীর ভাবটা এমন হবে। কঠোর মানে কঠোর একেবারে। তো সেইজন্য...

শেখ হাসিনাঃ আজকে আমি, সত্যি কথা বলতে কি, বলি আপনাকে। আমি... কমিটি আছে তো... মিটিং করছিলাম, করার আগেই আমি দিছি... তিন বাহিনীর প্রধানের সাথে বসছিলাম...

হাসানুল হক ইনুঃ ওটা দেখছি

শেখ হাসিনাঃ বললাম যে একটু সিচুয়েশনটা একটু ভালো হচ্ছে। তাহলে আস্তে আস্তে আমি, যেসব জেলা শান্ত আছে, ওইখান থেকে উঠায় ফেলো আর এইখানে আস্তে আস্তে গ্র্যাজুয়ালি তুলে ফেলো। এই ডিসিশনটা দিয়ে দিছি।

হাসানুল হক ইনুঃ আচ্ছা।

শেখ হাসিনাঃ মানুষ একটু ইয়ে থাকুক। ওমা, ওইখানে বসা অবস্থায় শুনলাম যে, শুরু হয়ে গেছে।

হাসানুল হক ইনুঃ ওতো টার্গেটেড। উপজেলা- লেভেলেরও ইউএনও অফিস ভাংচুর করছে...

শেখ হাসিনাঃ ...পরিনাম শুনলাম তখন আমি বললাম যে ঠিকাছে... তোমরা বলো কী করবা... কারফিউটা আগায় দিচ্ছে আর কি পয়েন্টগুলি যেগুলি ওদের কতগুলি জায়গা ওরা সিলেক্ট করছে। যেখানে হামলা করবে

তার প্রটেকশন দিবে, আর... র‍্যাব পুলিশ টহল দিবে আর সেনাবাহিনীর অবশিষ্টর মধ্যে... যেখানে যেখানে প্রয়োজন হয় তোমরা টহল দিবা। যেটা বলছো ওইটা ঠিক... ওই প্রেশারটা থাকতে হবে।

হাসানুল হক ইনুঃ প্রেশারটা থাকতে হবে, মানে প্রেশারটা থাকতে হবে, আরেকটা হচ্ছে যেটা কালকে আলাপ করছিলাম যে আপনার পার্টি নেটওয়ার্কে আমাদের পার্টি নেটওয়ার্কে... রেডি করা যে কারফিউ উঠে গেলে এক লক্ষ লোক ঢাকা দখল করবো আমরা। বসবো।

শেখ হাসিনাঃ ...ওরা জেলায় আসবে, আমাদেরও জেলা থেকে লোক আসতে চাচ্ছে... বলছি ঠিকাছে আসেন।

হাসানুল হক ইনুঃ হ্যাঁ এটা আনা দরকার আমি মনে করি, এটা কারেক্ট

শেখ হাসিনাঃ না আসুক...

হাসানুল হক ইনুঃ আমি কালকে বলছিলাম মাননীয় প্রধানমন্ত্রী যে শহীদ মিনার, শাহবাগ চত্বর, বিশ্ববিদ্যালয়ের পাশে, প্রেসক্লাবের সামনে, পল্টনে....

শেখ হাসিনাঃ... আমাদের নিয়ে নিতে হবে

হাসানুল হক ইনুঃ এটা আমরা নিবো, আমরা বসবো এইখানে এবং কারফিউ যেদিন রিলাক্স হবে সেদিনই মিছিলের নগরী হয়ে যাবে একেবারে। এবং কিছুই না, শান্তি চাই, শান্তি চাই, ছাত্ররা বাড়ি যাও, ফেরত যাও, ফেরত যাও, সন্ত্রাস দমন করো...

শেখ হাসিনাঃ আচ্ছা আমি এটা স্কুলে দিতে বলছি। যে তোমরা ছাত্ররা সব ঘরে ফেরো। গার্ডিয়েনদেরকে বলছি এইখানে কিন্তু জঙ্গি হামলা হইছে।

হাসানুল হক ইনুঃ হ্যাঁ রাইট রাইট।

শেখ হাসিনাঃ না এইটা আমাকে... বেশ কিছু আন্তর্জাতিক ইয়ে পাইছি। তারা এইটাকে জঙ্গি হামলা হিসেবে কনসিডার মানে বলতেছে।

হাসানুল হক ইনুঃ হ্যাঁ, জঙ্গি হামলাই হইছে... এই কার্ডটা খেলবো আমরা এখন।

শেখ হাসিনাঃ না কার্ড খেলা না, এটা আমি আগে করি নাই কিন্তু আমাকে আন্তর্জাতিক সংস্থা থেকে আমাকে মেসেজটা দিছে যে এটা জঙ্গী হামলা

হাসানুল হক ইনুঃ জঙ্গি সন্ত্রাসের মোকাবেলা করছে এখন সরকার।

শেখ হাসিনাঃ ...তারা আমাকে এইটাই বলছে যে এইটা জঙ্গি হামলা... দিয়ে দিবো পেপারে।

হাসানুল হক ইনুঃ আচ্ছা এইটা একটা ব্যাপার, আরেকটা হচ্ছে যে, দুইটা ভাগ, একটা হচ্ছে ছাত্রদের কোটা আন্দোলনকারী, একটা হচ্ছে উৎখাতকারী, উৎখাতকারীরা জঙ্গি সন্ত্রাসী হামলায় চলে গিয়েছে। কোটা সংস্কারকারীর ব্যাপারে আপনার আমার সরকারের যা যা আছি সমবেদনা আছে। উৎখাতকারীকে আমি রাজনৈতিকভাবে মোকাবেলা করবো, কোনো ছাত্র যদি উৎখাতকারীর সঙ্গে জড়িত হয়, সেই দায়িত্ব আমি নিবো না।

শেখ হাসিনাঃ ...এটা আপনারা বলেন, এটা আপনারা বলেন না কেনো?

হাসানুল হক ইনুঃ আমি তো বলবো

শেখ হাসিনাঃ আরে আমি তো শত্রু, আপনারা বললে তখন মনে করবে যে অন্যান্য এঙ্গেল থেকে বলা হইছে।

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হাসানুল হক ইনুঃ আমি তো অবশ্যই বলবো..

শেখ হাসিনাঃ বাকি দেখতেছিনা, কমিউনিস্ট পার্টি তারা এখন শেষ হয়ে গেছে..

হাসানুল হক ইনুঃ তো দেখি আমি ওদের সাথে কথা বলার চেষ্টা করি সেলিম সবার সঙ্গে।

শেখ হাসিনাঃ ...কি জানি উনার নাম? সাইফুল্য হক নাকি?

হাসানুল হক ইনুঃ সাইফুল সাইফুল। জোনায়েদ সাকি। জোনায়েদ সাকি, সাইফুল হক। আচ্ছা আমি জোনায়েদ সাকি, সাইফুল হকের সাথে একটু লিয়াজু করি।

শেখ হাসিনাঃ তোমরা কোথায় নিচ্ছো দেশটাকে? ওদের মধ্যে যে সমর্থন দিচ্ছো তা এখন দেখো পুরা জঙ্গি হামলা হচ্ছে।

হাসানুল হক ইনুঃ আরেকটা পয়েন্ট কি খেয়াল করছেন আপনি যে আনু মোহাম্মাদরা সরি শিক্ষকরা যারা সমর্থন দিছে তারা একটা অন্তবর্তী সরকারের রূপরেখা ফ্লোট করার চেষ্টা করছে যেখানে বলতে চাচ্ছে যে অন্তবর্তীকালীন সরকার শিক্ষার্থীদের নিয়ে হেন-তেন নিয়ে হবে, ছায়া সরকার করবে এবং সংবিধান বাতিল করার জন্য একটা সংবিধান সভা করতে হবে। মানে সংবিধানই বাতিল করে দিবে... হ্যাঁ সংবিধান বাতিল চায়। আমি... ভাইকে একটু আগে বলছি যে মাইনুল ভাই এটা খুবই এলার্মিং কথা, যেখানে বঙ্গবন্ধুর মূর্তি আর ম্যুরাল ভেঙে ফেলতেছে তারমানে আমার পয়েন্টটা নিতে হবে যে এদের এট্যাকটা হচ্ছে রাষ্ট্রের বিরুদ্ধে।

মুক্তিযুদ্ধের বেসিক অর্জনের উপরে। সুতরাং তারা তো খালি সরকার বদল চাচ্ছে না। মানে কোটা আন্দোলন করে কোটা চায়নি তারা সরকার উৎখাত করতে চাইছে। আর এক দফা আন্দোলনের মানে তারা হচ্ছে সরকারের মানে রাষ্ট্রের বেসিক সাংবিধান উড়ায় দিচ্ছে চাচ্ছে তারা। তারমানে এই জায়গায় পলিটিক্সটা এট্যাক করতে হবে আমাকে, দাড় করাইতে হবে এখন।

শেখ হাসিনাঃ ওই যে সেভেনটি ফাইভের পর করছিলো...

হাসানুল হক ইনুঃ এক্সাক্টলি, তো এখন আপনি কি এডজাস্ট করবেন এইটা ছোটোখাটো পাঁচ দশ মিনিটের... আরো দুইদিন একদিন পরে?

শেখ হাসিনাঃ আজকের দিনটা যাক দেখি।

হাসানুল হক ইনুঃ আজকের দিনটা যাক, আমি প্লানগুলা সাজাই আপনাকে আমি আমার বিবেচনা যেগুলা আছে দিবোনি আপনাকে। আর আমি বলি যে কারফিউটা বডি ল্যাংগুয়েজে অনেক কঠোর হবে যে ঘর থেকে বের হলেই এরেস্ট গুলি না মানে এরেস্ট করে ভেসে আসবে মানে টেলিভিশনে যে শান্তিনিকেতন থেকে ত্রিশজন এরেস্ট হইছে, জেলে পাঠানো হইছে, কিন্তু জেলে পাঠাবো না, থানায় রাখবো, দশ ঘন্টা পরে ছেড়ে দিবেন আরকি। বুঝলেন না?

শেখ হাসিনাঃ বেশ, আচ্ছা।

হাসানুল হক ইনুঃ গরীব মানুষই তো। কিন্তু প্রোপাগান্ডা হবে ঘর থেকে বেরোলেই, মানে গুলি হবে, গুলি শব্দ বলবো না, আইনানুগ ব্যবস্থা নিবে কঠোর। কেউ ঘরের বাইরে বেরোবে না। মানে রিল্যাক্স কারফিউ না আরকি। আপনার অফিসের মানে বাসার চারপাশে একটু মানে এই মানিকমিয়া এভিনিউর এখান থেকে প্রোডাকশন বাড়ান...

শেখ হাসিনাঃ...

হাসানুল হক ইনুঃ না ওইটা না, ওরা যে ঢাকা চলো বলছে, গণভবন আক্রমণ করবে এইগুলা বলছে...

শেখ হাসিনাঃ গণভবন, বঙ্গভবন সব আক্রমণ করবে...

হাসানুল হক ইনুঃ তা ঠিক আছে, আল্লাহ ভরসা। আসি, আমার কথা হচ্ছে যে আমাদের পরে যে জনতার ঢাকা এইটা প্রমাণ করার জন্যে হোমওয়ার্কটাই আজকের চব্বিশ ঘণ্টায় করে ফেলতে হবে। এভরি ওয়ার্ডে থেকে দুই হাজার লোক রেডি করতে হবে। এভরি ওয়ার্ডের কাউন্সিলর দুই হাজার রেডি করতে হবে এবং

জেলাগুলোতেও আমি আমার যত নেটওয়ার্ক আছে আমি বলছি কারফিউ উঠবে, সাথে সাথে মিছিল বের হবে কুষ্টিয়া শহরে তিন হাজার লোকের পাঁচ হাজার লোকের, রংপুর শহরে, ময়মনসিংহ শহরে, মানে শান্তি চাই, সংঘাত চাই না, শান্তি চাই, শান্তি চাই, ছাত্ররা ঘরে ফেরত যাও। এই মিছিল দখল করে নিতে হবে।

শেখ হাসিনাঃ ঠিকাছে, আপনার আগে বলেন যে ছাত্ররা ঘরে যাও।

হাসানুল হক ইনুঃ আমিও বলতেছি, আমি অবশ্যই বলবো। কিন্তু আপনার পার্টিটাকে একটু চাঙ্গা করেন।

শেখ হাসিনাঃ আমি স্ক্রলে দিয়ে দিছে, দেখেন এখন চলে আসছে।

হাসানুল হক ইনুঃ আচ্ছা ঠিকাছে ওকে। ঠিকাছে।

শেখ হাসিনাঃ ঠিকাছে। আচ্ছা।

Set out below is the English translation of the aforementioned intercepted telephone conversation between the Accused, Hasanul Haq Inu, and the then Prime Minister, Sheikh Hasina

The intercepted telephone conversation between the Accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina is reproduced below:

Sheikh Hasina: Hello?

Hasanul Haq Inu: Hello, salaam alaikum. I was speaking Inu. Hello...

Sheikh Hasina: Yes.

Hasanul Haq Inu: Yes, no, I was a little worried about the situation. So I think the decision was very correct. So what I wanted to say is that the curfew is a bit stricter, so if the administration had lowered the mic in the entire city of Dhaka and asked whether the curfew should be imposed or not... then it would have been a little easier.

Sheikh Hasina: I am telling the Home Minister right now, to mike everywhere... four people injured... DC offices in each district..

Hasanul Haq Inu: Yes, I got all of those, the DC office, the SP office, the Awami League house, the Awami League office, I got a list of each of these...

Sheikh Hasina: I will come to Dhaka now.

Hasanul Haq Inu: Well, now what I'm saying is that the curfew will be such that if you leave your house, you will be arrested, there will be no shooting, it's inside you and me, there is no shooting, but the army will have this attitude. Strict means absolutely strict. So that's why...

Sheikh Hasina: Today, I, to tell you the truth, I... there is a committee... I was holding a meeting, before I did it, I gave... I was sitting with the chiefs of the three services...

Hasanul Haq Inu: I see that.

Sheikh Hasina: I said that the situation is getting a little better. So, I will slowly lift it from the districts where it is calm and gradually lift it here. I have given this decision.

Hasanul Haq Inu: Okay.

Sheikh Hasina: People should be quiet. Oh, I heard while sitting there that it had started.

Hasanul Haq Inu: That's targeted. They are vandalizing the UNO office at the upazila level too...

Sheikh Hasina: ...When I heard the name, I said that it is okay... You tell me what you will do... The curfew is being extended and what points are they selecting for them. They will provide protection wherever they attack, and...

RAB police will patrol and the rest of the army... you will patrol wherever necessary. What you are saying is right... That pressure must be there.

Hasanul Haq Inu: There has to be pressure, I mean there has to be pressure, another thing that I was talking about yesterday is that your party network, our party network... are ready to have 100,000 people occupy Dhaka when the curfew is lifted. We will sit down.

Sheikh Hasina: ...They will come to the district, people from our district also want to come... I'm telling you, come.

Hasanul Haq Inu: Yes, it needs to be brought. I think it is correct.

Sheikh Hasina: No, let him come...

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Hasanul Haq Inu: I was telling the Honorable Prime Minister yesterday that Shaheed Minar, Shahbagh Square, next to the university, in front of the Press Club, in Paltan....

Sheikh Hasina:... We have to take it.

Hasanul Haq Inu: We will take this, we will sit here and the day the curfew is relaxed, the city will become a procession city. And nothing, we want peace, we want peace, students go home, go back, go back, suppress terrorism...

Sheikh Hasina: Well, I'm telling you to give this to the school. That all of you students return home. I'm telling the guardians that there has been a terrorist attack here.

Hasanul Haq Inu: Yes, right, right.

Sheikh Hasina: No, this is me... I've received several international calls. They are considering this as a terrorist attack.

Hasanul Haq Inu: Yes, there has been a terrorist attack... We will play this card now.

Sheikh Hasina: No, not playing cards, I haven't done this before, but I was given the message by an international organization that it was a terrorist attack.

Hasanul Haq Inu: The government is now confronting militant terrorism.

Sheikh Hasina: ...they are telling me that this is a terrorist attack... I will give it to the paper.

Hasanul Haq Inu: Well, this is one thing, another thing is that there are two parts, one is the students' quota agitators, one is the subversives, the subversives have gone on to carry out militant terrorist attacks. My government has the same sympathy as you regarding the quota reformers. I will confront the subversives politically, if any student is involved with the subversives, I will not take responsibility for that.

Sheikh Hasina: You said this, why don't you say this?

Hasanul Haq In: I will tell you.

Sheikh Hasina: Hey, I'm an enemy, if you say that, you'll think it's being said from a different angle.

Hasanul Haq Inu: I will definitely say it..

Sheikh Hasina: I don't see the rest, the Communist Party is finished now.

Hasanul Haq Inu: Well, I try to talk to them, Selim tries to talk to everyone.

Sheikh Hasina: ...Do I know her name? Saifulya Haque or not?

Hasanul Haq Inu: Saiful Saiful. Jonayed Saki. Jonayed Saki, Saiful Haque. Well, I have a little liaison with Jonayed Saki, Saiful Haque.

Sheikh Hasina: Where are you taking the country? The support you are giving them is now being used to launch terrorist attacks.

Hasanul Haq Inu: Another point you are noticing is that Anu Mohammad, sorry, the teachers who have supported them are trying to float the outline of an interim government where they want to say that the interim government will be a shadow government with students, and a constitution meeting will have to be held to repeal the constitution. That means they will repeal the constitution itself... Yes, they want to repeal the constitution. I... I was telling you a little earlier that Mainul Bhai, this is very alarming, where they are demolishing Bangabandhu's statue and mural, that means I have to take my point that their attack is against the state. On the basic achievements of the liberation war. So they are not just asking for a change of government. That means they did not want a quota movement, they are trying to overthrow the government. And another point of the movement means that they are trying to overthrow the government, that is, the basic constitution of the state. That means I have to attack politics here, I have to make it stand now.

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Sheikh Hasina: That seven that was being played after the five...

Hasanul Haq Inu: Exactly, so now will you adjust this to a short five or ten minute... two days or a day later?

Sheikh Hasina: Let's see today.

Hasanul Haq Inu: Let's go today, I will arrange the plans for you, I will not give you my thoughts. And I say that the curfew will be very strict in body language that if you leave the house, you will not be arrested, I mean, it will be broadcast on television that thirty people have been arrested from

Santiniketan, sent to jail, but I will not send them to jail, I will keep them in the police station, they will be released after ten hours, or something. Don't you understand?

Sheikh Hasina: Okay, okay.

Hasanul Haq Inu: Poor people. But propaganda will happen as soon as you step out of your house, meaning there will be shooting, I won't say the word shooting, strict legal measures will be taken. No one will step out of their house. Meaning no relaxed curfew or anything. Your office means a little bit around your house, meaning increase production from here on Manikmia Avenue...

Sheikh Hasina:...

Hasanul Haq Inu: No, not that, they are saying, "Let's go to Dhaka," "They are saying that they will attack Ganabhaban"...

Sheikh Hasina: Ganabhaban, Bangabhaban will all be attacked...

Hasanul Haq Inu: That's right, God willing. I, what I'm saying is that we have to do our homework in 24 hours today to prove that we are the people of Dhaka. We have to get 2,000 people ready from every ward. We have to get 2,000 councilors ready from every ward and in the districts too, I'm saying that the curfew will be lifted, and immediately there will be processions of 3,000 to 5,000 people in Kushtia city, Rangpur city, Mymensingh city, I mean we want peace, we don't want conflict, we want peace, we want peace, students go back home. We have to take over this procession.

Sheikh Hasina: Okay, first you tell the students to go home.

Hasanul Haq Inu: I'm saying it too, I will definitely say it. But please strengthen your party a little.

Sheikh Hasina: I have set it on fire, look, it is coming now.

Hasanul Haq Inu: Okay, he's fine. He's fine.

Sheikh Hasina: Okay. Okay.

XXIII. Tel communications Authenticaty:

90. The question that now falls for determination is whether the prosecution has succeeded in establishing the authenticity, voluntariness and integrity of the intercepted communications, particularly the audio recordings allegedly containing conversations between Sheikh Hasina and accused Hasanul Haq Inu, and whether any challenge thereto survives in light of the evidence adduced before the Tribunal.

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Authenticity, Voluntariness and Integrity of the Intercepted Communications

Upon a cumulative assessment of the evidence of PW-2, PW-4 and PW-5 together with the documentary and electronic exhibits placed before the Tribunal, we find that the prosecution has satisfactorily established the authenticity, voluntariness and integrity of the intercepted communications relied upon in this case.

At the very threshold, it is important to note that the electronic records in question did not emerge from any anonymous or unknown source. The evidence of PW-2 clearly demonstrates that the recordings were obtained from the National Telecommunication Monitoring Center (NTMC), a government institution

lawfully entrusted with monitoring and preservation of telecommunication data. PW-2 has given a detailed account of how the materials were supplied through official channels pursuant to the order of the Tribunal, received under a formal seizure process, preserved on digital media, and subsequently transmitted to the Investigation Agency. His testimony establishes the provenance and chain of custody of the intercepted recordings from the point of their receipt until their incorporation into the investigation record.

Significantly, during cross-examination of PW-2, the defence questioned the procedural aspects of obtaining the materials but did not challenge the genuineness of the recordings themselves. No suggestion was put to the witness that the conversations had been artificially generated, digitally fabricated, manipulated through editing software, or otherwise altered before their receipt by the Investigation Agency. Equally, no suggestion was advanced that the voices heard in the recordings were not the voices of the persons attributed therein. The challenge was therefore directed primarily towards procedural acquisition rather than substantive authenticity.

The authenticity of the recordings receives further corroboration from the expert evidence of PW-4, the forensic examiner attached to the Digital Forensic Laboratory of CID. His examination was not confined merely to listening to the recordings. Rather, the disputed audio files and specimen voice samples were subjected to forensic analysis through specialized audio forensic software after segmentation and conversion into analyzable formats.

The forensic examination yielded positive comparative results linking the female voice appearing in the disputed recordings with the specimen voice of Sheikh Hasina and the male voice with the specimen voice of accused

Hasanul Haq Inu. These findings were incorporated into the forensic report marked as Exhibit-11 series.

Most importantly, although the defence rigorously cross-examined PW-4 regarding his qualifications, training, methodology and software, the defence did not deny that the voices contained in the recordings were in fact those of Sheikh Hasina and Hasanul Haq Inu. Nor was any contrary expert evidence produced. No independent forensic expert was called by the defence to demonstrate that the recordings had been manipulated, fabricated, synthesized or altered. The forensic conclusions therefore remain substantially unrebutted.

The evidence of PW-5 further strengthens the reliability of the forensic process. His testimony establishes that the specimen voice sample of accused Hasanul Haq Inu was collected pursuant to a judicial order inside Kashimpur Central Jail-2 under official supervision, preserved on a DVD-R, identified through his signature, and transmitted for forensic examination. The chain of custody regarding the specimen voice sample thus remains intact and unchallenged.

The Tribunal further observes that the defence, despite extensive cross-examination of the relevant witnesses, never disputed the voluntariness of the conversations. At no stage was it suggested that the statements attributed to the accused or Sheikh Hasina were extracted through coercion, inducement, threat, compulsion or any form of unlawful pressure. The recordings themselves depict ordinary telephonic conversations apparently taking place between two persons communicating freely. There is nothing in the evidence to indicate that the speakers were acting under duress or compulsion.

In this regard, it is significant that the defence did not dispute either the occurrence of the conversations or the correctness of their contents. No suggestion was put to PW-2, PW-4 or PW-5 that the transcripts inaccurately reflected the conversations or that the words attributed to the speakers had been wrongly transcribed. Equally, no alternative explanation was offered regarding the contents of the conversations.

The absence of any challenge to the contents of the recordings assumes considerable evidentiary significance. While failure to cross-examine on a particular point does not automatically amount to admission in every circumstance, it is a well-established principle of evidentiary appreciation that where a party has had full opportunity to challenge material evidence but elects not to dispute a particular fact, such omission becomes a relevant consideration in assessing the weight to be attached to that evidence.

The integrity of the recordings is likewise supported by the uninterrupted chain of custody established through the prosecution witnesses. The evidence demonstrates:

(i) lawful acquisition of the recordings from NTMC;

(ii) preservation of the recordings on digital media;

(iii) formal seizure and documentation;

(iv) transmission to the Investigation Agency;

(v) forwarding to the CID Digital Forensic Laboratory;

(vi) forensic examination under controlled laboratory conditions and

(vii) production before the Tribunal through competent witnesses.

No evidence has been placed before the Tribunal showing any break in this chain. No witness suggested that the recordings were substituted, altered, tampered with or edited at any stage after their acquisition. Neither has the defence identified any technical anomaly, metadata inconsistency, unexplained interruption, or forensic irregularity capable of creating a reasonable doubt regarding the integrity of the recordings.

The Tribunal is conscious that electronic evidence must always be approached with caution. Modern technology permits manipulation of digital data and therefore courts and tribunals must carefully scrutinize issues of source, authenticity and preservation. However, suspicion cannot substitute evidence. Once the prosecution establishes a reliable chain of custody and produces expert evidence supporting authenticity, the burden shifts to the opposing party to demonstrate circumstances creating a reasonable doubt regarding reliability. In the present case, the defence has not produced any evidence capable of displacing the prosecution's proof on these matters.

Accordingly, upon consideration of the evidence as a whole, we are satisfied that the prosecution has successfully established:

(a) the authenticity of the intercepted communications;

(b) the identity of the speakers appearing therein;

(c) the voluntariness of the conversations recorded;

(d) the integrity and continuity of the electronic records from acquisition to production before the Tribunal and

(e) the reliability of the transcripts prepared from those recordings.

We therefore hold that the intercepted communications constitute genuine and reliable electronic evidence and are admissible for consideration. Consequently, the contents of those communications may legitimately be taken into account together with the other oral, documentary, electronic and circumstantial evidence on record in determining the issues arising in this case. The ultimate evidentiary weight to be attached to the contents of the conversations shall, however, be assessed in conjunction with the entirety of the evidence and the surrounding facts and circumstances proved before the Tribunal.

XXIV. Judicial Appreciation of the Intercepted Telephone Conversations Between the Accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina as Evidence of Their Concerted Criminal Design, Agreement and Participation in the Commission of Crimes Against Humanity:

91. The prosecution has heavily relied upon the **1st intercepted telephonic conversation** stated above allegedly held between accused Hasanul Haq Inu and then Prime Minister Sheikh Hasina during the relevant period of the July-August 2024 events. The Tribunal has carefully scanned, marshalled and appreciated the contents of the conversation in conjunction with the surrounding facts and circumstances appearing from the evidence on record.

Before adverting to the merits of the allegations, it is noted that the evidentiary significance of the conversation does not lie merely in isolated words or expressions but in the overall tenor, context, continuity and cumulative effect of the exchange. The conversation appears to have taken

place at a time when widespread operations were being conducted against demonstrators and when civilian casualties had already occurred in various parts of the country.

The conversation reveals that the accused Hasanul Haq Inu was not acting as a detached political observer. Rather, he appears to have been actively discussing operational, strategic and organizational measures aimed at suppressing the ongoing movement. Throughout the conversation, he repeatedly provides advice, recommendations and suggestions concerning the identification, arrest and neutralization of persons perceived to be involved in the movement.

Particularly significant is the portion wherein the accused discusses the preparation of lists of persons allegedly leading processions in Uttara, Badda, Gulshan, Jatrabari and other locations. He states that local authorities were examining photographs, identifying individuals and preparing lists and further states that he had instructed that such persons be picked up during the night. He expressly recommends that similar measures be adopted in Dhaka and proposes that persons identified as organizers or leaders of demonstrations be taken into custody so that no further processions could take place.

The Tribunal finds that these statements are not casual observations. Rather, they indicate active endorsement and encouragement of coercive measures directed against persons participating in or organizing the movement. The repeated emphasis upon identification, listing and immediate arrest of perceived organizers demonstrates a conscious desire to facilitate and strengthen the ongoing campaign of suppression.

The conversation further reveals that the accused repeatedly expresses approval of governmental actions already undertaken. He characterizes

decisions already adopted as "very correct" and praises operations carried out against demonstrators. Such expressions, viewed in isolation, may merely constitute political support. However, when read together with his recommendations regarding arrests, preparation of lists, suppression of processions and continued operations against perceived opponents, they acquire enhanced evidentiary significance.

The Tribunal further notes the repeated references to coordinated action involving political leaders, local actors, law enforcement authorities and state agencies. The accused emphasizes the necessity of cooperation among local leaders, police authorities and governmental structures for identifying and neutralizing participants in the movement. Such remarks indicate awareness of, and participation in, a broader coordinated effort rather than spontaneous or isolated law enforcement measures.

The accused also discusses the dissemination of a political narrative portraying the movement as being directed by BNP, Jamaat and Shibir elements. His proposal that such messaging be propagated through media channels may reasonably be viewed as an effort to legitimize or justify coercive measures being undertaken against participants in the movement.

Upon an overall reading of the conversation, the Tribunal finds that the accused was not merely expressing political opinions. The conversation demonstrates active engagement in discussions concerning methods, means and strategies for suppressing the movement, identifying participants, facilitating arrests and ensuring that further demonstrations could not occur.

In considering liability under Section 3(2)(g) of the Act, the Tribunal is mindful that the provision separately criminalizes attempt, abetment, conspiracy and incitement.

So far as abetment is concerned, the conversation contains evidence capable of showing encouragement, support and facilitation of measures directed against persons participating in the movement. The repeated recommendations regarding identification, arrest and neutralization of organizers may reasonably be regarded as conduct tending to aid, facilitate or encourage the commission of the underlying criminal acts, if those underlying acts are independently established as crimes under Section 3(2) of the Act.

Regarding conspiracy, the Tribunal observes that conspiracy under Section 3(2)(g) must be understood as participation in a common plan or agreement directed towards the commission of international crimes. The conversation contains indications of shared objectives, coordinated action and mutual understanding between the participants concerning suppression of the movement through arrests and coercive measures. The repeated references to preparation of lists, coordinated operations, local implementation and execution of a common strategy constitute evidence from which an agreement or common design may be inferred. Although conspiracy is rarely proved by direct evidence, it may be established by conduct, communications and surrounding circumstances. The contents of the conversation provide material capable of supporting such an inference.

The Tribunal further considers the issue of incitement. The accused repeatedly urges the continuation and expansion of measures against perceived organizers of the movement. His insistence that persons be

identified, picked up and arrested immediately so that no further processions could occur goes beyond mere approval of governmental policy. Such statements amount to encouragement and inducement of action directed against the targeted individuals. To the extent that the underlying actions form part of the commission of crimes charged under Section 3(2), such conduct is capable of constituting incitement within the meaning of Section 3(2)(g).

The cumulative effect of the conversation is therefore highly significant. It demonstrates knowledge of ongoing operations, approval of such operations, participation in discussions concerning future operations, encouragement of further coercive measures and recommendations designed to ensure effective implementation of those measures. The accused appears not merely to have been aware of the events but to have actively associated himself with the objectives and methods being discussed and the contents of the conversation constitute strong incriminating evidence capable of supporting findings of abetment, conspiracy and incitement under Section 3(2)(g) of the International Crimes (Tribunals) Act, 1973.

That the conversation is highly incriminating evidence from which participation in a common plan, encouragement of the criminal enterprise, and incitement of the commission of the crimes may reasonably be inferred when read together with the other oral, documentary and digital evidence on record.

92. Appreciation of the Admitted 2nd intercepted Telephone Conversation Between Accused Hasanul Haq Inu and Sheikh Hasina:

Having examined the entirety of the evidence on record, the Tribunal now proceeds to consider the evidentiary value and legal implications of the telephonic

conversation admittedly held between accused Hasanul Haq Inu and the then Prime Minister Sheikh Hasina during the period of the July 2024 uprising.

The authenticity of the audio recording has been established through the evidence adduced before the Tribunal. The transcript has been verified and found to be genuine. More importantly, the accused himself has not disputed either the occurrence of the conversation or his participation therein. Consequently, the contents of the conversation assume the character of an admission and constitute substantive evidence capable of being relied upon against the accused, subject to judicial evaluation of its probative value and legal effect.

The Tribunal has carefully scanned the entire conversation, marshalled its relevant portions, and appreciated its contents in the context of the surrounding circumstances, the contemporaneous events occurring throughout the country, and the other oral, documentary and digital evidence on record.

A. Nature and Character of the Conversation

As a matter of first importance, the Tribunal observes that the conversation is not that of a detached political commentator expressing concern over public disorder. Nor is it a mere exchange of political opinions. Rather, the conversation reveals an individual who was actively participating in discussions concerning the suppression of the ongoing uprising, the deployment of state power, the maintenance of coercive pressure upon demonstrators, the mobilization of political cadres, and the formulation of strategies to neutralize opposition activities.

Throughout the conversation, the accused repeatedly offers suggestions, recommendations and operational advice to the head of government. His language demonstrates approval of the measures already undertaken and advocacy for their continuation and strengthening.

The conversation therefore provides direct evidence of the accused's state of mind, knowledge, intentions and participation in the events then unfolding.

B. Evidence of Knowledge of the Ongoing State Operations

One of the most striking features of the conversation is the accused's detailed awareness of developments occurring throughout the country.

He demonstrates familiarity with:

(i) the imposition of curfew;

(ii) deployment of armed forces;

(iii) actions of law enforcement agencies;

(iv) attacks upon governmental installations;

(v) district-level administrative responses;

(vi) mobilization of political cadres;

(vii) media narratives;

(ix) planned governmental measures.

Such detailed and contemporaneous knowledge establishes that the accused was not an outsider to the decision-making environment. Rather, he was fully aware of the measures being undertaken by state authorities against the uprising.

This knowledge is legally significant because criminal responsibility for abetment, conspiracy and incitement requires proof of awareness of the criminal enterprise or the underlying criminal conduct.

The conversation demonstrates such awareness.

C. Evidence Relevant to Abetment

Section 3(2)(g) criminalizes abetment of any crime enumerated in Section 3(2).

The Tribunal has already discussed elsewhere in this judgment that the concept of abetment under the ICT Act possesses an autonomous meaning informed by international criminal law. Nevertheless, encouragement, support, facilitation, endorsement and assistance remain central features of abetment.

The conversation contains several statements indicative of active encouragement and facilitation.

a. Advocacy of Continued Coercive Pressure

The accused repeatedly insists that:

"the pressure has to be there."

This statement is not made in isolation. It occurs within a discussion concerning curfew enforcement, deployment of security forces and suppression of ongoing demonstrations.

The repeated insistence upon maintaining pressure demonstrates support for the continuation of coercive state action.

b. Recommendation of a Strict Curfew Regime

The accused advises that:

"if you leave your house, you will be arrested."

He further advocates a public posture of maximum severity designed to deter persons from participating in public gatherings.

The significance of these remarks lies not merely in support for law enforcement measures but in the encouragement of a system designed to suppress public participation in the movement.

c. Operational Suggestions

The accused repeatedly proposes practical mechanisms through which the governmental response may be strengthened, including:

(i) extensive public announcements;

(ii) enhanced enforcement measures;

(iii) strategic messaging;

(iv) mobilization of party networks;

(v) occupation of public spaces.

Such advice constitutes assistance and facilitation.

The Tribunal finds that these statements are capable of demonstrating affirmative support for the implementation of the measures under discussion.

d. Moral Encouragement

Throughout the conversation the accused repeatedly expresses approval of governmental decisions.

He states:

"I think the decision was very correct."

Such endorsements assume legal significance because they occur in the context of discussions concerning measures already resulting in casualties and mass arrests.

The Tribunal therefore finds that the conversation contains substantial evidence from which abetment may reasonably be inferred.

D. Evidence Relevant to Conspiracy

The Tribunal next considers whether the conversation contains evidence of conspiracy within the meaning of Section 3(2)(g).

As discussed elsewhere, conspiracy under the ICT Act is not confined to the domestic definition under Section 120A of the Penal Code. Rather, it encompasses participation in a common plan or agreement directed toward the commission of international crimes.

Direct evidence of conspiracy is rarely available. It is ordinarily established through conduct, communications and surrounding circumstances.

The conversation contains several features indicative of a common design.

a. Shared Objectives

The accused and Sheikh Hasina repeatedly discuss:

(i) maintenance of curfew;

(ii) deployment of state forces;

(iii) suppression of demonstrations;

(iv) occupation of strategic locations;

(v) mobilization of party cadres;

(vi) neutralization of perceived opponents.

The discussion reflects not merely parallel thinking but a shared objective.

b. Coordination of Activities

The accused states:

"our party network is ready."

He further proposes:

"we will occupy Dhaka with one lac people."

These statements reveal organized preparation involving political structures.

The repeated use of collective expressions such as:

(i) "our network";

(ii) "we will take";

(iii) "we have to do our homework";

(iv) "we have to get people ready";

indicates coordinated action.

c. Common Strategy

The conversation demonstrates agreement concerning:

i. control of public spaces;

ii. deployment of political supporters;

iii. shaping public narratives;

iv. countering the movement.

The existence of a common strategy is a powerful indicator of conspiracy.

d. Mobilization of Political Cadres

The accused repeatedly proposes mobilizing thousands of supporters from wards, districts and cities throughout the country.

These are not spontaneous activities.

They require organization, communication and implementation.



The conversation therefore reveals a concerted effort involving multiple actors pursuing a common objective.

e. Inference of Agreement

The Tribunal is mindful that conspiracy is fundamentally an agreement.

An agreement need not be formal.

It may be inferred from conduct and communications.

The present conversation reveals:

(i) common objectives;

(ii) coordinated planning;

(iii) mutual approval;

(iv) division of roles;

(v) proposed implementation.

Taken together, these constitute strong circumstantial evidence of a common design.

e. Evidence Relevant to Incitement

The Tribunal now turns to incitement.

Section 3(2)(g) separately criminalizes incitement.

The legislative separation of conspiracy, abetment and incitement demonstrates that incitement possesses an independent meaning.

Incitement involves encouraging, persuading, provoking or stimulating others to undertake conduct contributing to the commission of crimes.

A. Encouragement of Continued Operations

The accused repeatedly advocates continuation of pressure and enforcement measures.

His statements are not descriptive.

They are prescriptive.

He is urging action.

B. Calls for Mass Political Mobilization

The accused repeatedly proposes:

(i) occupation of Dhaka;

(ii) deployment of one lac supporters;

(iii) mobilization of thousands from each ward;

(iv) coordinated processions throughout the country.

These statements are directed toward influencing and mobilizing others.

C. Promotion of a Narrative Justifying Repression

The accused repeatedly characterizes the movement as:

(i) terrorism;

(ii) militant terrorism;

(iii) subversive activity.

He expressly states:

"We will play this card now."

The Tribunal considers this statement significant.

The deliberate propagation of a narrative portraying opponents as terrorists may serve to legitimize and encourage harsh measures against them.

Such rhetoric is capable of inciting others to support or participate in actions directed against the targeted group.

D. Calls for Immediate Action

The accused repeatedly urges urgent implementation of measures.

His language is exhortatory rather than merely analytical.

The conversation demonstrates attempts to influence governmental and organizational conduct.

Such conduct falls squarely within the concept of incitement.

f. Evidence of Intent

Criminal liability under Section 3(2)(g) requires the requisite mental element.

The conversation provides direct insight into the accused's state of mind.

The accused:

i. demonstrates awareness of ongoing operations;

ii. approves those operations;

iii. proposes methods for strengthening them;

iv. encourages continuation of pressure;

v. advocates mobilization of political forces;

vi. assists in constructing justificatory narratives.

These circumstances permit the inference that his conduct was deliberate and intentional.

g. Cumulative Assessment

The Tribunal does not assess individual statements in isolation.

The proper approach is to evaluate the conversation as a whole.

Viewed cumulatively, the conversation reveals:

1. Full knowledge of the governmental response to the uprising;

2. Active approval of measures already undertaken;

3. Repeated recommendations for strengthening those measures;

4. Participation in discussions concerning coordinated implementation;

5. Mobilization of party structures and supporters;

6. Advocacy of continued coercive pressure;

7. Promotion of narratives designed to justify governmental action;

8. Encouragement of actions directed against the movement.

The conversation therefore demonstrates much more than passive political support.

It reveals active participation in discussions concerning the formulation, continuation and implementation of measures directed against the uprising.

Finding

Accordingly, the Tribunal is of the considered view that the admitted and authenticated conversation constitutes highly incriminating evidence against accused Hasanul Haq Inu. The contents of the conversation, when read together with the other evidence on record, are capable of establishing:

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(i) Abetment, through encouragement, endorsement, assistance and facilitation of the measures under discussion;

(ii) Conspiracy, through evidence of a common design, coordinated planning, shared objectives and concerted action;

(iii) Incitement, through exhortations, encouragement, mobilization efforts and advocacy designed to influence the conduct of governmental actors and political supporters.

The Tribunal is, therefore, satisfied that the intercepted conversation furnishes substantial, persuasive and compelling evidence supporting the prosecution case that the accused knowingly associated himself with, participated in, encouraged, and promoted the commission of acts amounting

to offences of conspiracy under section 3(2)(g), read with the relevant substantive crimes contemplated in sections 3(2)(a), 4(1), 4(2), and 4(3) of the International Crimes (Tribunals) Act, 1973, the commission of which is punishable under sections 20(2) and 20A of the said Act.

XXV. Scanning, Marshalling and Judicial Appreciation of Exhibit No. 15 (Series) and Material Exhibit-IV Containing the Transcripts and Video Recordings of the Interviews and Statements of the Accused Hasanul Haq Inu Broadcast on MIRROR NOW, NEWS24 and RTV Channels

93. The transcript of the interview given by the Accused Hasanul Haq Inu on 18 July 2024 to MIRROR NOW, an Indian television news channel, is reproduced hereinbelow:

Presenter: Okay. So, you know, the students are particularly calling out the 30% quota for the family members of the 1971 Liberation War veterans. They're calling it biased. Why do they have an issue, particularly with this quota?

Hasanul Haq Inu: It is one of the issues that they think that it is is too much. The our position is that well when we say that we will reform the agenda, reform the system, then we can look into the, the percentage of the allotted quotas even we can scrap also. So we have we don't have a hard position. So the 30% quota can be brought down to 10% or 20% or 15%, whatever it is. But in principle, the High Court opted to keep for keep the quota system. So

now I think and we think that the students proposal and the government position and the court position is almost the same. So there is no point of losing life and confrontational politics that is giving a handle to the identified communal terrorist networks of the country headed by Jamast e Islami and especially those who boycotted the elections. The one of the parties, BNP. So they are trying to use this issue quota issue into the into an ouster of the government issue. That is the situation. So the conspirators have already infiltrated into the students movement. So whatever violence you have seen at the moment of confrontation with the government forces and police forces or RAF forces, it is a led By these identified communal forces, Actually, they are pushing the student movement where confrontational position, violent position so that it is a bloody affair and then the government will be in a very awkward position. Sowhat is our proposal now that the let the students come to the table? Because we agree on the reform. So there might be some debate from the percentage of quota. That can be plus minus. But in reducing the percentage of quota for the freedom fighters family or scrapping the quota of the freedom fighters family. Actually, certain quotas are trying to take a position against the liberation war. That is a political position. So that is different thing. But that is in the. If you look at the Facebook social media and everything, you will see that they are trying to take a position against the freedom fighters. That is the position.

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Presenter: Okay, Mister Arsenal, you know, the students are saying that they want, you know, this to be passed in the Parliament, the removal of the entire quota system and just limited to 5% of what the Constitution of Bangladesh guarantees. I want to ask you, what is stopping the Sheikh Hasina government

from doing this? From actually doing what the students want in the country as per the constitution.

Hasanul Haq Inu: This time, the government and the Prime Minister are actually there handling the situation alone. They have not discussed with us there is a problem. So our idea is that the government has done a mistake to to take a late decision. I think they could have taken a decision seven days back and solve the problem then and there and then. We don't have to see the loss of lives and confrontation.

Presenter: Okay, my last question then. Mr. Hassanal, what is your way forward now? What is your plan forward now? How do you plan to take this forward with the protesting bodies of students?

Hasanul Haq Inu: Well, I think the government has already come forward with a concrete proposal that they will ask the Supreme Court on Sunday when the office opens, to bring forward the hearing date. Number one, they have agreed and declared that in principle they are for reform. That is a very good sign. Third, they said they are eager to sit with the students and sort it out on the table. Lastly, they have formed a high powered judicial inquiry team to investigate into the deaths of the person for the last two days. So I think the government has and now is very positive. I think we can gradually defuse the situation. Presenter: All right. We'll leave it there. Mr. Hassanul Haq, Anu, thank you very much for joining us, sir, on Twitter now and helping us understand the perspective of the students bodies as well as the government. We'll have to see how this really moves forward and hopefully we'll have a peaceful situation soon in Bangladesh. Thank you very much, sir.

Scanning, Marshalling and Appreciation of the Mirror Now (India) Television Interview of Accused Hasanul Haq Inu Dated 18 July 2024 and its Evidentiary Value under Sections 3(2)(a), 3(2)(g), 3(2)(h), read with Sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973

The Tribunal has carefully examined the television interview given by accused Hasanul Haq Inu to the Indian television channel Mirror Now on 18 July 2024. The authenticity of the interview has not been disputed by the defence. The Tribunal has, therefore, proceeded to evaluate the interview by reading it as a whole, considering its language, context, timing and its relationship with the totality of the evidence adduced before the Tribunal.



At the very outset, it deserves mention that this interview was delivered at a critical stage of the anti-discrimination movement. By that date, the movement had already spread throughout Bangladesh, numerous civilian protesters had sustained injuries, several deaths had reportedly occurred, and extensive force had allegedly been deployed by law-enforcement agencies against demonstrators. Consequently, every public statement made by senior political leaders forming part of the ruling alliance assumes considerable evidentiary significance in determining whether it contributed to the commission of the crimes alleged.

A careful scanning of the interview reveals that the accused adopted a dual narrative. On the one hand, he acknowledged that the students' demand regarding quota reform was substantially justified and conceded that the Government had delayed taking appropriate steps. On the other hand, however, he repeatedly shifted the focus of the discussion away from the genuine grievances of the protesting students by asserting that the movement

had already been infiltrated by "identified communal terrorist networks", namely Jamaat-e-Islami and BNP, whom he described as conspirators seeking to overthrow the Government.

The Tribunal considers this portion of the interview to be of particular significance.

Instead of confining his remarks to constitutional, political or legal issues concerning quota reform, the accused repeatedly characterised the movement as one being manipulated by terrorists and communal forces. He asserted that the violence witnessed during the confrontations was being "led by these identified communal forces" and that they intended to transform the movement into a "bloody affair" so as to place the Government in an awkward position.

The Tribunal observes that such assertions were made without identifying any verified investigative findings or judicial determination existing at that stage. More importantly, the accused did not distinguish between isolated criminal elements, if any, and the overwhelming body of peaceful student protesters participating in the anti-discrimination movement. Rather, the overall tenor of the interview conveyed the impression that the movement had substantially lost its legitimate civilian character and had become an instrument of terrorist organisations.

The Tribunal further notes that the accused repeatedly referred to "communal terrorist networks", "conspirators", "violent forces", "those boycotting elections" and organisations allegedly acting against the Liberation War. Such descriptions were made while the State machinery was already responding to the movement through coercive measures involving deployment of police, Rapid Action Battalion and armed forces.

Viewed in that context, the Tribunal finds that the interview served to reinforce the official narrative that the movement was no longer a peaceful civilian protest but rather a security threat requiring forceful governmental intervention.

Particularly noteworthy is the accused's statement that the violence was being orchestrated by "identified communal forces" and that these forces were intentionally pushing the students towards confrontation so that the Government would be compelled into a difficult position. This narrative effectively portrayed the protesters not as civilians exercising democratic rights but as instruments of extremist organisations.

The Tribunal considers that such public portrayal by a senior political leader of the ruling alliance had the natural tendency to legitimise extraordinary security responses against demonstrators.

The accused also stated that opposition to the quota reserved for freedom fighters was, in reality, opposition to the Liberation War itself. By equating the protesters' demands with hostility towards the foundational ideals of the State, the accused substantially widened the political characterisation of the movement beyond the issue of quota reform.

The Tribunal is of the considered view that, although political criticism is ordinarily protected in democratic societies, the legal assessment becomes materially different where such statements are made during the commission of an alleged widespread or systematic attack against civilians and where those statements are capable of encouraging, legitimising or facilitating the continued use of unlawful force.

The Tribunal has also carefully considered those portions of the interview relied upon by the defence wherein the accused stated that the Government should negotiate with the students, that quota reform was acceptable in principle, that judicial inquiry should be held into the deaths, and that the situation should gradually be defused.

These statements cannot be ignored.

They undoubtedly indicate that the accused publicly advocated dialogue and recognised that governmental delay had aggravated the crisis. Standing alone, such statements may appear conciliatory.

However, evidence cannot be appreciated by reading isolated sentences detached from their surrounding context.

The Tribunal is required to evaluate the interview as an integrated whole and in conjunction with the remaining evidence on record, including the admitted telephonic conversations between the accused and the then Prime Minister Sheikh Hasina, his subsequent media interviews, his participation in meetings of the 14-Party Alliance and the evidence concerning the overall policy adopted against the movement.

When so evaluated, the conciliatory portions of the interview do not neutralise the repeated and emphatic portrayal of the movement as being controlled by terrorists, communal forces and conspirators seeking to overthrow the Government.

The Tribunal is further of the opinion that the interview demonstrates the accused's knowledge that the State was treating the movement as a grave national security issue. His repeated references to terrorist infiltration,

conspiracies and violent extremist organisations were entirely consistent with the official justification subsequently advanced for extensive coercive measures against protesters.

Although the interview contains no express instruction directing security forces to shoot or kill protesters, international criminal law does not invariably require such explicit language for criminal responsibility arising from incitement, instigation, encouragement or contribution to a common criminal purpose.

The Tribunal reiterates that under Section 3(2)(g) of the Act, criminal responsibility may arise where an accused intentionally encourages, legitimises, facilitates or substantially contributes to the commission of crimes by others.



The evidentiary significance of the present interview therefore lies not in any explicit order to commit violence but in its repeated endorsement of a narrative portraying civilian protesters as terrorist actors, thereby providing political justification for the coercive measures then being implemented by State authorities.

The Tribunal is further satisfied that the interview assumes considerably greater probative value when read together with the subsequent admitted telephone conversations between the accused and the then Prime Minister. Those conversations reveal discussions concerning curfew enforcement, identification of protest organisers, preparation of lists, preventive arrests, suppression of future processions, propaganda strategies and continued political support for governmental measures.

Viewed cumulatively, the interview and the subsequent conversations disclose a consistent pattern of conduct rather than isolated political commentary.

The interview publicly advanced the narrative that the movement had become a terrorist conspiracy, while the subsequent conversations reveal active participation in discussions concerning the implementation of measures directed against that very movement.

The Tribunal therefore considers that the interview constitutes an important incriminating circumstance demonstrating the accused's state of mind, his political endorsement of the official policy, his knowledge of the developing situation and his intentional contribution to the narrative that portrayed civilian protesters as enemies of the State.

Although the interview, standing alone, may not conclusively establish criminal liability for murder under Section 3(2)(a), it nevertheless possesses substantial evidentiary value in proving the accused's knowledge, intention and participation in acts falling within Section 3(2)(g), namely conspiracy, abetment and incitement, particularly when appreciated together with the remaining oral, documentary and electronic evidence adduced before the Tribunal.

Accordingly, the Tribunal finds that the Mirror Now interview dated 18 July 2024 constitutes a relevant and incriminating piece of evidence. It materially strengthens the prosecution case that the accused knowingly and deliberately propagated a narrative depicting the anti-discrimination movement as a terrorist conspiracy, thereby intentionally contributing to the justification, encouragement and facilitation of the widespread and systematic attacks subsequently perpetrated against civilian protesters. The interview, when read cumulatively with the admitted telephonic conversations,

documentary evidence and the surrounding circumstances, substantially supports the prosecution's allegation that the accused incurred criminal liability under Sections 3(2)(g), 4(1) and 4(2) of the International Crimes (Tribunals) Act, 1973, and is also relevant in assessing his responsibility under Section 4(3), subject to the Tribunal's ultimate findings regarding effective control and superior responsibility.

94. The contents of the transcript of the Special interview given by the Accused Hasanul Haq Inu to News24 Channel on 27 July 2024 are reproduced hereinbelow:



Presenter: Anti-discrimination student movement. This movement started on July 1st demanding quota reform. After that, this movement continued. Between July 15th and 22nd, several acts of destruction took place on the soil of Bangladesh. We have seen chases, counter-chase, clashes, conflicts, deaths, and then we saw curfew. What is the current political situation in Bangladesh? What does the government have to do at this moment, what political decisions should be taken, we want to talk about all these issues today. In a special interview, our guest today, Hasanul Haq Inu, President of JSD, welcomes you to our event. What I want to know from you is, given the current political situation, on one hand the quota movement, on the other hand the curfew is going on, and on the other hand the government's position, what do you think the government actually has to do in this position?

Hasanul Haq Inu: The casualties that have occurred in the recent few days over the quota movement, the deaths of students, are very unfortunate. First of all, I would like to express my condolences to every student and common man, journalist, policeman and all those who have died. At the same time, I hope that the government will immediately take responsibility for the families of these deceased persons and try to repair the damage. The government will also take care of the treatment of those who are injured and are undergoing treatment in the hospital.

Presenter: Didn't the government know that a party could use this quota movement to achieve a political interest, we have been hearing this for a long time. Even then, why couldn't some kind of agreement be reached with the protesters earlier? Because the government was repeatedly saying that there was actually no conflict between what the protesters wanted and what the government wanted. So why this delay?

Hasanul Haq Inu: The students' quota movement. The government has no conflict with it. Because the government itself canceled the quota in 1981. It has been canceled. One party has gone to court. The court will give its verdict. So everyone has seen the whole matter in general. It seems to me that opportunists, third parties, can interfere here, can plot, can conspire. Despite that fear, I have noticed the slowness of the government's role in resolving the quota movement and in some cases I have seen slow progress. It has not brought good, rather it has given the conspirators an opportunity to get their feet wet. On the other hand, whether it is a mistake or for any reason, the incident of police being deployed inside the campus and lathi-charging or the

incident of involving the Chhatra League in the conflict has also provoked my mind. All in all, the quota movement has taken the form of a conflict. These mistakes are failures. I have to admit that we have made a mistake. It is a mistake to reconcile, to not resolve it quickly. Here, opportunists are involved in a dirty political game of overthrowing the government. But you can overthrow the government. I have no objection. I have no objection to changing the government. You declare that you will fight against the state, you will make a revolution. In the past, in countries where there have been revolutions and shootings, you declare that you are going to overthrow the government. You will not make any political declaration through revolution. But it is not right to attack the state broadcasting center and communication network, to wage war. We call this terrorism.

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Presenter: We know that the government always has some information in advance about these terrorist activities, and the government also has various people. There is an intelligence department in this regard. They have information about what kind of incidents might happen. Couldn't the government have foreseen it this time? Did the kind of incidents that were going to happen or did such a big sabotage become intelligence?

Hasanul Haq Inu: I don't know how much information was given. I don't know how much the government warned the head of state, I don't know how much the administration was warned. But the scale of the violence that has taken place has become like a wartime situation. So it is very difficult for the civilian administration to deal with it or keep it under control. Because in the past, special situations that cannot be dealt with normally, such as natural

disasters, floods, epidemics, attacks on Holly Artisan in the past, the army has been called in, but it is not that the civilian administration has failed. Some additional work beyond the competence of the civilian administration. The civilian administration cannot do that work. The army will do that.

Presenter: The day the curfew was imposed, the Prime Minister also had a meeting with the fourteen parties. Did you give the Prime Minister any specific advice that day?

Hasanul Haq Inu: I have given only one suggestion in the party meeting that the situation has deteriorated to the point where the student movement has turned violent and the type of attacks on state institutions seems to indicate that a war has been declared against the state. Bring the situation under control there.

Presenter: He actually listens to your advice.

Hasanul Haq Inu: We have been together for a long time. We have done many movements. Sometimes we have listened to his advice. Sometimes he has listened to our advice. But all in all, we are fourteen parties.

Presenter: So, from July 1st to July 15th, fifteen days. At that time, many people were actually suspecting that this movement could turn violent. Did you give the Prime Minister any advice at that time?

Hasanul Haq Inu: The meeting that was supposed to take place, we tried to meet with Obaidul Quader Saheb repeatedly. But due to his busy schedule, he could not attend the meeting. Unfortunately, due to coincidences, the

scheduled meetings could not be held. Maybe if we could have attended the meeting, we could have given our opinion.

Presenter: And the quota protesters are still saying that they haven't actually left the field of protest. They are silent for now. They have claimed that if their demands are not met, they will join the protest again, so is there a possibility that the situation in the country will worsen again?

Hasanul Haq Inu: On this question, I will tell the students that the basic demands of the students have been accepted. After that, there is no political reason to keep the movement alive by dwelling on some ancillary issues. So I will tell the government, I will tell the protesters, to hold frequent meetings and discuss how to implement the demands made by the students, settle them and bring the students back to the educational institutions. It is necessary to come up with an account of the damage that has been done to public life, the damage to state institutions, and how to settle the damage that has been done to private shops that have been burned down.

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Presenter: The government and the leaders are putting a lot of emphasis on the details of the damage at the moment. A question that is being raised a lot on people's lips on Facebook and social media is, is the cost of infrastructure more expensive or the cost of human life more expensive? What would you say about how much we are talking about infrastructure, and how much we are talking about human life?

Hasanul Haq Inu: The price is definitely high. Those who say this on Facebook are doing politics about it. The state is a sacred thing. The price of life is high.

BNP's agenda is actually not just to change Sheikh Hasina's government, but BNP's agenda? To destroy everything that is in favor of the liberation war. You burned the office of a freedom fighter amidst the violence. It was burned in the district. Bangabandhu's mural was vandalized amidst this violence. If you don't say it openly, it will come out that the people will consider whether they want to form a government of a Razakar militant Jamaat. Is that good for the country? The government. The constitution, parliament, armed forces, administration are all in one row. Against it, against violence, against militant violence, not against students, not against the people.

Presenter: Regarding this violence, we are talking about the perpetrators of violence. We are talking about attackers, we are talking about miscreants, we are talking about saboteurs. The government is directly saying that this is the work of BNP Jamaat. That means the government has specific evidence that this is the work of BNP Jamaat.

Hasanul Haq Inu: BNP supported the quota movement. Didn't even say a word against the violence. There remains doubt that BNP leaders and activists and when we see BNP leaders and activists of different units on the ground, they are engaging in violence on the streets. It is as true as the light of day today that many Jamaat camps from different districts of Bangladesh have taken up positions in Uttara, BNP has taken up positions in Badda, Rampura, Banasree, Jatrabari, Mymensingh, Sheorapara, Kazipara. Many of those involved in the violence have been arrested, many of whom were not in Dhaka. So there is some information. And some of the political role and questionable role of BNP.

Presenter: That means there is some evidence and from the silent role of BNP, it seems to you that BNP and Jamaat have started this conflict. Apart from this, we want to talk about whether any other party is involved in this incident. After a short break, the audience will not go anywhere. We will be back in a moment. You will see a special interview with JSD President Hasanul Haq Inu. After the break, the special interview with JSD President Hasanul Haq Inu is writing a welcome note again. We will talk about the quota reform movement. I am talking about the current political situation and the direction in which politics is heading in that context. I left you a question before the break. You keep talking about BNP Jamaat. Are there any other parties? Or at this moment? Awami League is actually divided in many ways and with fourteen parties. We saw a few days ago that there is a kind of discord and the issue of moving towards a united movement within the Awami League is actually something we did not see much on the ground during this quota reform movement. Is there anyone else responsible for this incident besides BNP Jamaat?

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Hasanul Haq Inu: At the moment, there is no position in which I do not think that any other party is involved here. Seeing the level of violence, it seems that I will emphasize even more than BNP that Jamaat Shibir is militancy, which committed organized terrorism in the past. During the time of fire terrorism and the time of militant violence. The time of Shapla Chatterjee. I am speaking based on that source, after seeing that nature, it seems to me that this is the work of no one else but them. Are those who committed militant terrorism shedding any tears for the student who died? Have you seen it till today? The militant terrorism of Jamaat-e-Islami. It is involved in militant terrorism. They did not tell the state that

the government took responsibility for the death of the child. This issue is being used to attack the government. If the quota movement is not a movement to overthrow the government, then BNP should say that I will wage a movement to overthrow the government. They have no goal by destroying the country. The government is solving all the problems. So if it is, then let them not say it out loud, we will consider and demand once and for all how you will overthrow the government, that you will not do it systematically, not through processions, not through hartals, not through sit-in strikes. You will do it by burning the secretariat. He said, we will understand that you will burn the secretariat, you will burn hundreds of buses, set fire to the university. We will understand that this war has such a dimension. But you will say a movement to overthrow the government. I say Alhamdulillah. Any political party, any government can ask for a change, can hold a one-time movement. I welcome it. I will hold the movement. Some say, I saw in the newspaper that the government changes hands in the elections. During the elections, you will run away with folded hands. You fight at the polling station. The violence that happened one day, you do it at the polling station. I see with the people. No, no, no, three elections were held. In 1996, Sheikh Hasina invited Khaleda Zia to become the Home Minister. He did not open the door to be given a ministerial position in the interim government. He boycotted. He unleashed militant violence across the country. If you wish, nine militants were transferred to Narsingdi prison just two months ago. How did you know that news? You cannot get the prisoners out even if you break the main gate. They were behind. They rescued the prisoners after crossing five or six gates. All in all, it seems to me that it is a well-organized Jamaat camp. The militant group did the main work. The BNP field workers also played a role.

Presenter: Is there any foreign pressure on the government at the moment?

Hasanul Haq Inu: The pressure is not like that. The foreigners have left a question about the elections. They have a question about the democratic norms and practices here. That is a debate. I think this movement has proven, this violence has proven that the armed activities of the BNP Jamaat militant camp in Bangladesh still have the skills and capabilities. That they have all been destroyed. The administration has been saying this for a long time that it is not correct. It seems to me that no, they have not been wiped out. They have the ability to raise their hood. This is proof. The proof is that a part of our police administration and civil administration have not been able to demonstrate the ability to deal with the situation properly. They have taken some shortcomings and unnecessary steps, which I think should be brought to attention and corrected. Number three is this movement. The quota movement has proven that even though the Awami League, especially, had instructions from their party to deal with street violence as a party, they have still shown failure and I will not speak for myself. The recent meeting of the Trinamool with the Awami League leadership, they are saying that the Trinamool committee of the Awami League has shown failure. The Awami League should look into this failure as an allied party and I think those who. The internal conflict of the party, then the division within them over corruption, these two have made their party inactive in facing it this time. The party chief should see why the Awami League failed and what else. This is also proof that any frivolous issue. The opportunists are the third party. They can turn it into terrible violence. The government can indulge in the game of party change. Political issues have to be dealt with politically. Handling the administration with bureaucrats. I would say this is not the right method. This is also proof that it has not given good results.

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Presenter: You were saying that there was no foreign pressure as such. But foreign fuel was behind this conflict.

Hasanul Haq Inu: The government can say more clearly whether this was foreign fuel or not. However, you can explain it in any way you want, whether some countries are satisfied with Sheikh Hasina's government in Bangladesh or abroad. But I cannot say anything based on facts at the moment.

Presenter: There were actually many incidents surrounding the quota movement. The protesters finally said that they were willing to keep a five percent quota. The government kept seven percent. After keeping seven percent, they said that they still had the women's quota and the district quota. There are many backward districts. There are backward women in many places. Do you think these quotas should be introduced?

Hasanul Haq Inu: I am in principle in favor of women's quota. The quota needs to be increased a little more. I am in favor. But since the High Court has taken a position, there is a clause there that the government can discuss and make changes in the future. Nothing urgent. It will be seen in the future. The government will decide how and how to discuss further. Those who have been protesting for quota, I am in favor of it at the moment. But at the moment I am not playing any role in achieving it.

Presenter: The government is currently allowing limited use of the internet. How reasonable do you think this is? Should it be reduced or should it be fully open?

Hasanul Haq Inu: The question of livelihood. The question of human communication is not only using rumor mongers for bread and butter. So I think the government of Bangladesh is being harmed, businesses are being harmed, individuals are being harmed, open the internet, take strict action against rumor mongers.

Presenter: We saw several rumors circulating around this movement. Khaleda Zia is dead, Sheikh Hasina has fled the country. We heard such rumors. Do you want to say anything to the people?

Hasanul Haq Inu: Don't listen to rumors. The eagle has taken your ears. Before running after the eagle, put your hand on your ears. And I will tell the government that rumors spread only when the government does not enrich the people with accurate information, but gives information, details of the incident. Then the people will be assured.

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Presenter: Thank you very much for giving us your time. Viewers, we have to end like this today. This was our special interview with JSD President Mr. Hasanul Haq Inu. He actually gave his political explanation, the situation in Bangladesh at the moment, clearly. We will definitely talk to someone else on another topic some other day. Until then, everyone stay well, stay healthy. I am ending like this today.

Scanning, Marshalling and Appreciation of the News24 Interview of the Accused Hasanul Haq Inu (27 July 2024) and its Evidentiary Value in relation

to Sections 3(2)(a), 3(2)(g), 3(2)(h) read with Sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973

The Prosecution has relied upon the televised interview delivered by the accused Hasanul Haq Inu on News24 Channel on 27 July 2024 as one of the important documentary and electronic pieces of evidence demonstrating his mental element, political role and active participation in the common design pursued by the ruling alliance during the July-August 2024 uprising.

The authenticity of the interview has been proved through the seizure list, electronic records, forensic examination and testimony of the investigating officer. The accused has never denied participating in the interview or making the statements attributed to him. Consequently, the Tribunal has no hesitation in treating the interview as genuine and admissible evidence.

However, as repeatedly observed by international criminal tribunals, an isolated speech or interview should not be appreciated in fragments. It must be evaluated together with the surrounding facts, the prevailing circumstances, the status of the speaker, the audience addressed, contemporaneous events, subsequent conduct and other independent evidence appearing on record. The Tribunal has, therefore, examined the interview not as a standalone political discussion but as one component of the totality of evidence relating to the alleged common criminal enterprise.

A. Nature and Context of the Interview

The interview was broadcast on 27 July 2024.

By that date:

1. hundreds of civilians had already been killed or seriously injured;

2. nationwide curfew had been imposed;

3. military forces, police, RAB and armed Awami League cadres had been deployed throughout Bangladesh;

4. widespread allegations of indiscriminate firing upon unarmed protesters had already become matters of public knowledge;

5. the accused himself, according to other evidence including the intercepted telephone conversations, was in continuous communication with the highest political authority of the Government.

Thus, the interview cannot be viewed as an ordinary political commentary delivered in peaceful circumstances. It was delivered while the alleged widespread attack against the civilian population was already in progress.

B. Marshalling of the Incriminating Portions of the Interview

Upon careful examination, the Tribunal finds that several significant portions deserve close scrutiny.

(i) Repeated endorsement of the Government narrative

The accused repeatedly stated that "The quota movement has no conflict with the Government."

He further asserted that "Third parties, conspirators and opportunists entered the movement."

He consistently attempted to distinguish between the original quota movement and what he described as a conspiracy to overthrow the Government.

Standing alone, such political opinion would not constitute an international crime.

However, the Tribunal cannot ignore that the same terminology repeatedly appears in the intercepted telephone conversations between the accused and Sheikh Hasina, where the protesters were similarly labelled as BNP-Jamaat operatives, terrorists and militants.

The remarkable consistency between the private conversations and the public interview demonstrates that the accused was not merely expressing an independent political opinion but was publicly propagating the very narrative that had been privately discussed among senior political leaders.

(ii) Legitimising the use of extraordinary State force

The accused stated:

"The attacks on state institutions indicate that war has been declared against the State."

He further justified deployment of the Army by describing the situation as a wartime situation beyond the capacity of the civilian administration.

These statements are significant.

International criminal jurisprudence recognises that portraying civilian protesters as enemies engaged in war frequently serves to legitimise the use of exceptional and often lethal force against civilians.

The Tribunal notes that the interview was delivered while security forces were already accused of using excessive lethal force.

Instead of urging restraint or independent investigation into the killings, the accused publicly endorsed the governmental assessment that the country had effectively entered a wartime situation.

(iii) Persistent labelling of protesters as militants and terrorists

Perhaps the most striking feature of the interview is the repeated attribution of the violence to:

1. BNP;
2. Jamaat;
3. Shibir;
4. militant groups;
5. terrorists.

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Throughout the interview, the accused repeatedly asserted:

1. that Jamaat-Shibir were responsible;

2. that militant terrorism had infiltrated the movement;

3. that attacks constituted terrorism;

4. that the movement had become a war against the State.

The Tribunal observes that these expressions were not isolated references.

Rather, they formed the central theme of the interview.

The accused continuously shifted public attention away from allegations of unlawful killings by State agencies and redirected the narrative towards militant conspiracy.

(iv) Justification of governmental response

Although the accused admitted governmental mistakes regarding delay in resolving the quota issue and criticised certain police actions, those criticisms were immediately overshadowed by repeated justification of strong State measures.

He expressly stated that:-

1. the Government should first restore order;

2. the attacks constituted war against the State;

3. militant violence had to be confronted;

4. Jamaat-Shibir were mainly responsible.

Accordingly, the interview substantially legitimised the continuation of coercive governmental operations.

(v) Political endorsement of the Fourteen-Party strategy

The accused openly acknowledged "We are fourteen parties."

He further admitted:

"Sometimes we follow her advice and sometimes she follows ours."

This admission assumes considerable importance.

It establishes that the accused was not an outsider commenting upon governmental policy.

Rather, he described himself as an integral participant in the collective political decision-making process of the ruling alliance.

This admission substantially corroborates the Prosecution case that he actively participated in formulation and implementation of governmental strategy during the relevant period.

C. Relationship with Other Evidence

The Tribunal finds the greatest evidentiary significance of the interview lies not merely in its contents but in its consistency with the intercepted telephone conversations.

In those conversations the accused:-

1. praised governmental decisions;

2. proposed identifying protest leaders;

3. recommended preparing lists;

4. suggested immediate arrests;

5. advised preventing future processions;

6. proposed propaganda portraying protesters as BNP-Jamaat militants;

7. expressed complete agreement with governmental measures.

In the News24 interview, the same themes reappear almost verbatim.

The Tribunal is unable to regard this consistency as accidental.

Rather, the interview appears to constitute the public dissemination of policies and narratives previously discussed in private with the then Prime Minister.

This consistency materially strengthens the evidentiary value of both categories of evidence.

D. Whether the Interview Constitutes Incitement under Section 3(2)(g)

The Tribunal is conscious that not every political speech amounts to criminal incitement.

International criminal law requires careful distinction between protected political expression and criminal advocacy.

The Tribunal does not find that every statement made by the accused in this interview independently constitutes direct incitement.

However, criminal liability does not arise from isolated sentences.

Section 3(2)(g) expressly criminalises incitement in conjunction with conspiracy and abetment.

Viewed together with:

1. the earlier intercepted telephone conversations;

2. the subsequent intercepted communications;

3. his acknowledged participation in governmental meetings;

4. his continuing endorsement of governmental measures;

5. his public repetition of the same operational narrative,

the interview substantially contributed to encouraging continuation of the common plan to suppress the movement through violent means.

The repeated portrayal of protesters as terrorists, militants and enemies of the State had the foreseeable consequence of legitimising the violent response already underway.

Accordingly, the interview constitutes important corroborative evidence of incitement.

E. Whether the Interview Supports Conspiracy under Section 3(2)(g)

Conspiracy is ordinarily established through circumstantial evidence.

Rarely do conspirators execute written agreements.

The Tribunal considers the following cumulative circumstances significant:

1. repeated private communications with Sheikh Hasina;

2. admitted political consultation within the Fourteen-Party Alliance;

3. identical terminology used privately and publicly;

4. public endorsement of governmental strategy;

5. active participation in political justification of continuing operations.



These circumstances collectively permit a reasonable inference that the accused knowingly participated in a common understanding regarding suppression of the movement.

The interview therefore serves as corroborative evidence of the conspiracy alleged by the Prosecution.

F. Whether the Interview Supports Liability for Crimes Against Humanity under Sections 3(2)(a), 4(1), 4(2) and 4(3)

The interview does not itself prove commission of murder.

Nor does mere political speech automatically establish crimes against humanity.

However, international criminal responsibility frequently arises from contribution to a widespread or systematic attack rather than personal commission of individual killings.

The interview demonstrates:

1. knowledge of the ongoing violent suppression;

2. political endorsement of governmental operations;

3. deliberate reinforcement of the narrative portraying protesters as terrorists;

4. encouragement of continuation of governmental measures;

5. continued association with the common political policy.

These factors are relevant in determining the accused's contribution to the implementation of the common criminal purpose contemplated under Section 4(2).

Likewise, his acknowledged senior position within the Fourteen-Party Alliance, coupled with the evidence of continuous consultation with the highest executive authority, bears upon the issue of individual responsibility under Section 4(1) and, where otherwise established by additional evidence, superior or organisational responsibility under Section 4(3).

G. Tribunal's Conclusion

Having carefully scanned, marshalled and appreciated the entirety of the News24 interview in conjunction with the intercepted telephone conversations and other evidence on record, the Tribunal finds that the interview possesses substantial incriminating evidentiary value.

Although certain isolated portions contain criticism of governmental delay and expressions of sympathy for the victims, those statements neither neutralise nor outweigh the dominant tenor of the interview.

Read as a whole, the interview reveals that the accused consistently sought to:

1. legitimise the Government's coercive response;

2. characterise the protesters as terrorists, militants and enemies of the State;

3. publicly reinforce the political narrative already formulated within the ruling alliance;

4. justify continued security operations against the movement; and

5. politically support the ongoing suppression despite full knowledge of widespread killings and injuries.

Accordingly, the Tribunal is of the considered view that the interview constitutes a significant corroborative circumstance demonstrating the accused's knowledge, intention and active contribution to the common design underlying the commission of the alleged crimes. When read together with the intercepted telephone conversations, documentary evidence and the oral testimony adduced by the Prosecution, it materially strengthens the prosecution case regarding the accused's liability for conspiracy, abetment and incitement under Section 3(2)(g), read with Sections 4(1), 4(2) and, subject to proof of the requisite degree of authority and control established by the totality of evidence, Section 4(3) of the International Crimes (Tribunals) Act, 1973. It also provides important contextual evidence in assessing his criminal responsibility for the crimes against humanity charged under Section 3(2)(a) of the Act.

95. The transcript of the interview broadcast on RTV channel, on 29 July 2024, in which the Accused Hasanul Haq Inu participated, is reproduced hereinbelow for the purpose of judicial appreciation:

Hasanul Haq Inu: We, the fourteen parties, believe that Jamaat Shibir is worried about the quota movement. The militant terrorists have declared war on the state by attacking the state. In such a situation, we have invited the army for cooperation. But in the experience of the last few days, we have come to the conclusion that the Jamaat Shibir terrorist group has not yet stopped its attack on the state. Therefore, we believe that the constitutional system of Bangladesh is democratic. In order to protect politics, it is necessary to ban the politics of terrorists, militants, and armed groups in Bangladesh in order to destroy them. For that, the fourteen parties have unanimously decided today under the chairmanship of the Honorable Prime Minister that the fourteen parties should ban the Jamaat Shibir organization. We have made our proposal and hope that the Prime Minister of the country, Sheikh Hasina, will take the necessary administrative steps with her government.

Rashed Khan Menon: Jamaat Shibir created a stir across the country with the war crimes trial. At that time, we claimed that the War Crimes Tribunal had long ago decided to ban Jamaat Shibir that Jamaat was a terrorist organization and they felt that it should be banned. The case was pending in the court for many days. We had been saying repeatedly that this incident has proven how dangerously they can attack the state and the independence and sovereignty of Bangladesh and through it, they can make the development and progress of the people of the country and their daily lives miserable. Their only goal was to systematically bring people from different districts to the

quota movement, relying on this movement of students, and they gathered around Dhaka city and carried out attacks. In the targeted way, we saw that all the institutions that have brought the achievements of our country and brought our capabilities to the fore were the subject of their attacks. The party believes that at this moment, without wasting any more time, Jamaat Shibir should be banned and through this, measures should be taken to prevent the rise of terrorists and militants in this country in the future. For this, we have decided and requested the government. We hope that the Honorable Prime Minister will take the necessary measures in this regard. We will definitely get this decision within a day or two. Thank you.

Dilip Barua: A historic decision was taken under the leadership of Jananetri Sheikh Hasina in 2004 in the context of the August 15 incident. The party that we formed in the context of the incident has taken a final decision today, which is to ban Jamaat Shibir. The decision taken by the Honorable Prime Minister, given the various events, is historic and will play a very important role in helping the nation overcome the current transitional period. We want to say that today, under the leadership of the Honorable Prime Minister of Bangladesh, Jananetri Sheikh Hasina, all nations will unite and Jamaat Shibir's conspiracy, international conspiracy, so-called Spring. Their so-called service will end in failure, and I thank you all. Joy Bangla. Bangabandhu.

Scanning, Marshalling and Appreciation of the RTV News Statement of the Accused Hasanul Haq Inu (29 July 2024) and its Evidentiary Value in relation to Sections 3(2)(a), 3(2)(g), 3(2)(h) read with Sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973.

The Prosecution has relied upon the televised statement made by the accused Hasanul Haq Inu before RTV News on 29 July 2024 concerning the proposed ban on Jamaat-Shibir. The statement has been tendered as documentary and electronic evidence to establish the accused's knowledge, political participation, state of mind, and his contribution to the implementation of the common policy pursued during the July-August 2024 uprising.

The authenticity of the broadcast has been proved through the seizure list, electronic records, forensic examination and the testimony of the investigating officer. The accused has not denied making the statement attributed to him. Accordingly, the Tribunal is satisfied that the statement is genuine, relevant and admissible in evidence.

The Tribunal is equally mindful that the criminal significance of a political statement cannot be determined by extracting isolated expressions. Consistent with international criminal jurisprudence, the statement must be appreciated in light of the surrounding circumstances, the status of the speaker, the prevailing situation, the audience addressed, contemporaneous events and its consistency with the other evidence appearing on record. The Tribunal has therefore examined the statement as one component of the totality of the Prosecution evidence.

A. Nature and Context of the Statement

The statement was made on 29 July 2024.

By that date:

1. widespread allegations of killings and injuries caused by security forces had already become matters of national and international concern;

2. military forces, police, RAB and other security agencies remained actively deployed throughout the country;

3. nationwide restrictions and coercive governmental measures continued to remain in force;

4. the accused was admittedly acting as one of the senior leaders of the Fourteen-Party Alliance supporting the Government;

5. according to the intercepted telephone conversations already discussed by the Tribunal, the accused maintained regular communication with the highest political leadership regarding the handling of the movement.

Accordingly, the Tribunal considers that the statement was delivered while the alleged widespread attack against the civilian population was continuing and not during a period of ordinary political debate.

B. Marshalling of the Incriminating Portions of the Statement

Upon careful examination of the entire statement, the Tribunal finds that several features require close judicial scrutiny.

(i) Collective political endorsement by the Fourteen-Party Alliance

The accused unequivocally declared: "We, the fourteen parties, believe…"

He further stated that the Fourteen-Party Alliance had unanimously resolved to recommend the banning of Jamaat-Shibir under the chairmanship of the Hon'ble Prime Minister.

These statements are of considerable evidentiary significance.

The accused did not portray himself as an external political commentator. Rather, he expressly identified himself as part of the collective political leadership responsible for formulating governmental policy during the relevant period.

The statement therefore corroborates other evidence indicating his direct participation in the collective political decision-making process.

(ii) Repeated portrayal of the protesters as terrorists and militants

The accused repeatedly asserted that:

1. Jamaat-Shibir had captured the quota movement;
2. militant terrorists had declared war against the State;
3. Jamaat-Shibir continued attacking the State;
4. terrorist organisations required complete prohibition;
5. militant organisations represented the principal threat confronting Bangladesh.

These assertions constitute the dominant theme of the statement.

The Tribunal observes that the repeated use of the expressions **"terrorists," "militants,"** and **"war against the State"** closely resembles the terminology repeatedly employed by the accused during the intercepted telephone conversations and the News24 interview previously examined.

This remarkable consistency strengthens the inference that the accused was publicly disseminating an official political narrative rather than merely expressing an individual opinion.

(iii) Political justification for exceptional governmental measures

The accused justified the invitation of the Army by stating that militant terrorists had effectively declared war upon the State.

He further maintained that extraordinary legal measures, including prohibition of Jamaat-Shibir, had become necessary to preserve the constitutional democratic order.

The Tribunal observes that the statement did not call for independent investigation into the widespread allegations of unlawful killings, injuries or excessive use of force.

Instead, the accused concentrated upon legitimising the governmental response by portraying the situation as one involving organised terrorism directed against the State.

(iv) Admission of participation in governmental policy formulation

The accused expressly stated that:

1. the Fourteen-Party Alliance had unanimously adopted the proposal;
2. the proposal had been adopted under the chairmanship of the Prime Minister;
3. the proposal had formally been placed before the Government;
4. the Government was expected to implement the decision through administrative measures.

These admissions assume considerable importance.

They demonstrate that the accused was directly associated with discussions concerning governmental policy during the relevant period.

Such admissions materially corroborate the Prosecution allegation that he remained actively involved in the political formulation and justification of governmental measures.

C. Relationship with the Other Evidence

The Tribunal finds that the evidentiary significance of the RTV statement lies not merely in its contents but in its close consistency with the intercepted telephone conversations, the News24 interview and other documentary evidence.

The intercepted telephone conversations reveal that the accused:

1. repeatedly characterised the protesters as BNP-Jamaat operatives;
2. advised identification of protest organisers;
3. suggested immediate arrests;
4. proposed preventive measures against further demonstrations;
5. supported governmental security operations;
6. repeatedly endorsed the official narrative portraying the movement as militant violence.

The RTV statement substantially reproduces the same narrative in public.

The Tribunal is unable to regard this consistency as coincidental.

Rather, it demonstrates continuity between the accused's private communications with senior governmental authorities and his subsequent public statements defending governmental policy.

This correspondence materially enhances the evidentiary value of both categories of evidence.

D. Whether the Statement Constitutes Incitement under Section 3(2)(g)

The Tribunal recognises that political advocacy, by itself, does not amount to criminal incitement.

Equally, criticism of political organisations or support for lawful governmental action does not automatically attract criminal liability.

Nevertheless, Section 3(2)(g) criminalises incitement when viewed together with conspiracy and abetment.

The Tribunal finds that the repeated public portrayal of the movement as terrorist warfare, when considered together with:

1. the intercepted telephone conversations;

2. the News24 interview;

3. the admitted participation of the accused within the Fourteen-Party Alliance;

4. his acknowledged consultation with the Prime Minister;

5. his continued public endorsement of coercive governmental measures,

constitutes significant corroborative evidence supporting the Prosecution allegation that the accused contributed to reinforcing and encouraging continuation of the common policy adopted against the movement.

The repeated branding of protesters as terrorists and enemies of the State was reasonably capable of legitimising the continued use of coercive force already being employed.

Accordingly, while the statement alone may not independently establish incitement, it possesses substantial corroborative evidentiary value in determining liability under Section 3(2)(g).

E. Whether the Statement Supports Conspiracy under Section 3(2)(g)

Conspiracy is ordinarily proved through surrounding circumstances rather than direct evidence.

The Tribunal considers the following circumstances particularly significant:

1. the accused's admitted participation in the collective decision of the Fourteen-Party Alliance;
2. his acknowledgment that the proposal had been adopted under the chairmanship of the Prime Minister;
3. his repeated public endorsement of the governmental narrative;
4. the substantial consistency between his private communications and public statements;
5. his continued support for governmental measures notwithstanding widespread reports of killings and injuries.

These cumulative circumstances constitute important corroborative evidence from which an inference may reasonably be drawn that the accused knowingly participated in the common political understanding alleged by the Prosecution.

F. Whether the Statement Supports Liability for Crimes Against Humanity under Sections 3(2)(a), 4(1), 4(2) and 4(3)

The Tribunal is conscious that the statement itself neither proves the commission of murder nor establishes every element of crimes against humanity.

However, international criminal responsibility extends beyond direct physical perpetration.

The statement demonstrates:

1. knowledge of the prevailing security operations;

2. continued political endorsement of the governmental response;

3. deliberate reinforcement of the narrative portraying the protesters as terrorists and militant enemies of the State;

4. active participation in collective governmental policy concerning the suppression of the movement;

5. continuing association with the political leadership directing the governmental response.

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These matters are relevant in assessing the accused's contribution to the implementation of the common criminal purpose contemplated under Section 4(2).

Likewise, his acknowledged participation within the senior leadership of the Fourteen-Party Alliance, coupled with his admitted involvement in collective policy formulation under the chairmanship of the Prime Minister, bears directly upon his individual responsibility under Section 4(1) and, where the remaining evidence establishes the requisite authority, organisational or superior responsibility under Section 4(3).

The statement also constitutes relevant evidence in determining whether the accused knowingly aided, abetted or substantially contributed to the widespread or systematic attack alleged under Section 3(2)(a).

G. Tribunal's Conclusion

Having carefully scanned, marshalled and appreciated the entirety of the RTV News statement together with the intercepted telephone conversations, the News24 interview and the remaining evidence appearing on record, the Tribunal finds that the statement possesses substantial incriminating evidentiary value.

The dominant tenor of the statement demonstrates that the accused consistently sought to:

1. publicly identify himself with the collective policy of the Fourteen-Party Alliance;
2. portray the protesters as terrorists, militants and enemies of the State;
3. legitimise the deployment of extraordinary governmental measures;
4. reinforce the official political narrative previously articulated in private communications;
5. support the continuation of governmental action despite widespread reports of killings and injuries and
6. affirm his active participation in the collective political decision-making process of the ruling alliance.

Accordingly, the Tribunal is of the considered view that the RTV statement constitutes an important corroborative circumstance demonstrating the accused's knowledge, intention and contribution to the common political policy alleged by the Prosecution. When read together with the intercepted telephone conversations, the News24 interview, documentary exhibits and the

oral testimony adduced during trial, it materially strengthens the Prosecution case regarding the accused's alleged liability for conspiracy, abetment and incitement under Sections 3(2)(g) and 3(2)(h), read with Sections 4(1), 4(2) and, subject to proof of the requisite degree of authority and effective control established by the totality of the evidence, Section 4(3) of the International Crimes (Tribunals) Act, 1973. It also provides relevant contextual evidence in assessing his alleged criminal responsibility for the crimes against humanity charged under Section 3(2)(a) of the Act.

XXVI. Contemporaneous Newspaper Reports Reflecting the July 2024 Uprising (Exhibit-16 Series)



At this juncture, the Tribunal considers it appropriate to take into account the contemporaneous newspaper reports that have been duly admitted into evidence and marked as Exhibit-16 series. These comprise the cutting and print copies of Daily Manab Zamin dated 20 July 2024, The Daily Star Bangla Online dated 29 July 2024, Daily Prothom Alo Online dated 30 July 2024, Daily Jugantor dated 30 July 2024, and Daily Bangladesh Pratidin dated 3 August 2024.

Being contemporaneous publications prepared in close proximity to the occurrence of the relevant events, these reports furnish an immediate and independent account of the July 2024 uprising and the surrounding circumstances. The contents of these reports, which have been relied upon by the Prosecution and admitted as documentary evidence, are reproduced and considered hereunder:

মানবজমিন

২০/০৭/২০২৪ খ্রিঃ পৃ-১, কলাম-১ ও পৃ-১৭, কলাম-৫

কারফিউ জারি সেনা মোতায়েন

(প্রথম পৃষ্ঠার পর) লীগের সাধারণ সম্পাদক ওবায়দুল কাদের এ তথ্য নিশ্চিত করেছেন। গতরাত ১২টায় শুরু হওয়া কারফিউ চলবে আজ দুপুর ১২টা পর্যন্ত। দুই ঘণ্টা বিরতি দিয়ে ২টা থেকে রোববার ১০টা পর্যন্ত কারফিউ চলবে। নৈরাজ্য সৃষ্টিকারীদের দেখামাত্র গুলির নির্দেশ দেয়া হয়েছে। কারফিউ জারি ও সেনা মোতায়েনের সিদ্ধান্তের আগে গণভবনে প্রধানমন্ত্রী শেখ হাসিনা, স্বরাষ্ট্রমন্ত্রী, আইজিপি, বিজিবি প্রধানের সঙ্গে বৈঠক করেন। এছাড়া, ১৪ দলের শীর্ষ নেতাদের সঙ্গেও বৈঠক করেন প্রধানমন্ত্রী। স্বরাষ্ট্রমন্ত্রী রাতে একটি বেসরকারি টিভি চ্যানেলকে বলেন, তারা যেভাবে ধবংসাত্মক কাজে লেগে গেছে, যেভাবে সরকারি সম্পত্তি ধবংস করা হচ্ছে এটা চলতে দেয়া যায় না। তাই আমরা প্রধানমন্ত্রীকে অনুরোধ করেছি সান্ধ্য আইন জারি করতে। সান্ধ্য আইন জারি করলে স্বাভাবিকভাবেই প্রয়োজনে সেনা মোতায়েন করা যায়। ওদিকে, প্রধানমন্ত্রী শেখ হাসিনার স্পেন সফর বাতিল করা হয়েছে। কোটা সংস্কার আন্দোলন ঘিরে গত সোমবার থেকেই উত্তপ্ত সারা দেশ। শুরুতে ছাত্রলীগের সঙ্গে আন্দোলনকারীদের সংঘর্ষ হয়। পরে বিভিন্ন ক্যাম্পাসে অ্যাকশনে নামে পুলিশ। প্রতিবাদে আন্দোলনকারীরা শাটডাউন কর্মসূচির ডাক দেয়। এ কর্মসূচি ঘিরে সংঘাত ছড়িয়ে পড়েছে সারা দেশে। নির্বিচারে গুলি চালায় আইনশৃঙ্খলা রক্ষাকারী বাহিনী। এ পর্যন্ত সংঘর্ষ ও গুলিতে অন্তত ৯০ জন নিহতের খবর পাওয়া গেছে। তাদের বড় অংশই তরুণ। এছাড়া, আহত হয়েছেন কয়েক হাজার আন্দোলনকারী। বিভিন্ন সরকারি- বেসরকারি স্থাপনায় আগুন দেয়া হয়েছে, চালানো হয়েছে ভাঙচুর।

The Daily Star বাংলা

সোমবার জুলাই ২৯, ২০২৪

১৪ দলের বৈঠকে জামায়াত-শিবির নিষিদ্ধের সিদ্ধান্ত

আওয়ামী লীগের সাধারণ সম্পাদক এবং সড়ক পরিবহন ও সেতুমন্ত্রী ওবায়দুল কাদের ছবি টেলিভিশন থেকে নেওয়া

আওয়ামী লীগ নেতৃত্বাধীন জোট ১৪ দলের বৈঠকে জামায়াত ও শিবিরকে নিষিদ্ধ করার সিদ্ধান্ত হয়েছে।

আজ সোমবার প্রধানমন্ত্রী শেখ হাসিনার সরকারি বাসভবন গণভবনে ১৪ দলের বৈঠক শেষে আওয়ামী লীগের সাধারণ সম্পাদক এবং সড়ক পরিবহন ও সেতুমন্ত্রী ওবায়দুল কাদের গণমাধ্যমকর্মীদের এ তথ্য জানিয়েছেন।

গণভবনের ফটকে কাদের গণমাধ্যমকর্মীদের বলেন, 'বৈঠকে দেশের সাম্প্রতিক সময়ে অনুষ্ঠিত সন্ত্রাস-নাশকতা-নৈরাজ্যের বিরুদ্ধে দেশের জাতীয় নিরাপত্তা, জনগণের জানমাল রক্ষার লক্ষ্যে আইন অনুযায়ী প্রয়োজনীয় ব্যবস্থা গ্রহণ করে জনমনে স্বস্তি ফিরিয়ে আনার জন্য প্রধানমন্ত্রী বঙ্গবন্ধুকন্যা শেখ হাসিনাকে ধন্যবাদ জানান ১৪ দলের নেতারা।'

তিনি বলেন, 'দেশের জনগণের মধ্যে পরিপূর্ণ স্বস্তি আনার ক্ষেত্রে আইন-শৃঙ্খলা রক্ষাকারী বাহিনী ও সামরিক বাহিনীর অগ্রণী ভূমিকার জন্য তাদের প্রতিও ১৪ দলের নেতারা ধন্যবাদ জানান।

আওয়ামী লীগ সাধারণ সম্পাদক বলেন, 'নেতারা মনে করেন, বিএনপি-জামায়াত, ছাত্রদল-শিবির ও তাদের দোসর, উগ্রবাদী গোষ্ঠী বাংলাদেশের স্বাধীনতা-সার্বভৌমত্ব নসাৎ করার ষড়যন্ত্রে লিপ্ত। তারা সন্ত্রাস-নৈরাজ্য-হত্যাকাণ্ডের মাধ্যমে দেশকে অকার্যকর করার ষড়যন্ত্র করছে।

'অতি সম্প্রতি চোরাগোপ্তা হামলা করে এবং গুলি বর্ষণ করে সরকারের ওপর দায় চাপাতে তারা দেশে অস্থিতিশীল পরিস্থিতি সৃষ্টি করেছে। পুলিশ বাহিনীর সদস্যসহ মানুষ হত্যা করে লাশ পর্যন্ত। ঝুলিয়ে রেখেছে। এই সন্ত্রাসী গোষ্ঠী যে প্রক্রিয়ায় এসব হত্যাকাণ্ড ঘটিয়েছে, তা ইতিহাসে নজিরবিহীন, যোগ করেন তিনি।

কাদের আরও বলেন, 'জাতীয় স্বার্থে দেশবিরোধী এই অপশক্তিকে নির্মূল করা প্রয়োজন। ১৪ দলের এই সভায় সর্বসম্মতিক্রমে সিদ্ধান্ত হয়, জামায়াত-শিবির গোষ্ঠীর অপশক্তির রাজনীতি নিষিদ্ধ করার জন্য। জামায়াত-শিবির নিষিদ্ধ করার সর্বসম্মত সিদ্ধান্ত গৃহীত হয়েছে।

'১৪ দল মনে করে শিক্ষার্থীদের নিরাপত্তা, তাদের শিক্ষা জীবনের সুরক্ষা দেওয়ার লক্ষ্যে সরকারের পর্যায়ক্রমে প্রয়োজনীয় ব্যবস্থা গ্রহণ করা উচিত। নেতারা আশা করেন, কোনো শিক্ষার্থী ও নিরপরাধ মানুষ যেন হয়রানির শিকার না হন, সে বিষয়টিও আইন-শৃঙ্খলা রক্ষাকারী বাহিনীকে বিশেষ গুরুত্ব সহকারে দেখতে হবে,' বলেন তিনি।

প্রথম আলো

https://www.prothomalo.com/politics/e4vpbl9371

জামায়াত ও শিবির নিষিদ্ধ হচ্ছে, ১৪ দলের বৈঠকে সিদ্ধান্ত

জামায়াত-শিবিরকে নিষিদ্ধ করার সিদ্ধান্ত নিয়েছে ক্ষমতাসীন দল আওয়ামী লীগের নেতৃত্বাধীন ১৪-দলীয় জোট। আগামী দু-এক দিনের মধ্যে এ বিষয়ে সরকার চূড়ান্ত সিদ্ধান্ত নেবে বলে জোটের বৈঠকে জানানো হয়েছে। জোটের প্রধান ও আওয়ামী লীগের সভাপতি শেখ হাসিনার সভাপতিত্বে ১৪ দলের শীর্ষ নেতাদের এক বৈঠকে এ সিদ্ধান্ত হয়। সোমবার প্রধানমন্ত্রী শেখ হাসিনার সরকারি বাসভবন গণভবনে এই বৈঠক অনুষ্ঠিত হয়। বৈঠক শেষে গণভবনের ফটকে অপেক্ষমাণ সাংবাদিকদের ব্রিফিং করেন আওয়ামী লীগের সাধারণ সম্পাদক ওবায়দুল কাদের। তিনি জামায়াত-শিবিরকে নিষিদ্ধ করার সিদ্ধান্তের বিষয়টি সাংবাদিকদের জানান। ওবায়দুল কাদের বলেন, তাঁদের বৈঠকে জামায়াত-শিবিরের রাজনীতি নিষিদ্ধ করার সিদ্ধান্ত সর্বসম্মতভাবে গৃহীত হয়। এ সিদ্ধান্তের পক্ষে যুক্তি দিতে গিয়ে আওয়ামী লীগের সাধারণ সম্পাদক বলেন, ১৪-দলীয় জোটের নেতারা মনে করেন, বিএনপি-জামায়াত, ছাত্রদল, শিবির ও তাদের দোসর উগ্রবাদী জঙ্গি গোষ্ঠী সন্ত্রাস, নৈরাজ্য, হত্যাকাণ্ডের মাধ্যমে দেশকে অকার্যকর করার ষড়যন্ত্র করছে। অতি সম্প্রতি চোরাগোপ্তা হামলা করে এবং গুলিবর্ষণ করে সরকারের ওপর দায় চাপাতে তারা দেশে অস্থিতিশীল পরিস্থিতি সৃষ্টি করেছে। ১৯ জুলাই রাতে শেখ হাসিনার সঙ্গে সর্বশেষ বৈঠকে কোটা সংস্কার আন্দোলনে উদ্ভূত পরিস্থিতিতে দেশে কারফিউ জারি এবং সেনাবাহিনী মোতায়েনের সিদ্ধান্ত নেওয়া হয়। ১০ দিনের মাথায় আবার গতকাল জোটের জরুরি বৈঠক ডাকেন প্রধানমন্ত্রী শেখ হাসিনা। সেখানেই জামায়াতে ইসলামীকে নিষিদ্ধের সিদ্ধান্ত হয়। অবশ্য উচ্চ আদালতের রায়ের পরিপ্রেক্ষিতে ২০১৩ সালে জামায়াতে ইসলামীর নিবন্ধন বাতিল করে নির্বাচন কমিশন। দলটির ছাত্রসংগঠনের নাম ইসলামী ছাত্রশিবির। ১৯৭১ সালে মুক্তিযুদ্ধে যুদ্ধাপরাধের দায়ে জামায়াতের শীর্ষ নেতাদের ফাঁসির রায়ও কার্যকর করা হয়েছে। ১৪-দলীয় জোটের বৈঠকে উপস্থিত একাধিক সূত্র জানায়, প্রধানমন্ত্রী শেখ হাসিনা বৈঠকের শুরুতে বলেন, সাম্প্রতিক সময়ে সারা দেশে যে নাশকতা, আগুন দেওয়ার ঘটনা ও পুলিশের ওপর আক্রমণ হয়েছে, এর পেছনে জামায়াত-শিবির রয়েছে। এ বিষয়ে তাঁর কাছে গোয়েন্দা প্রতিবেদন আছে। এক মাস ধরে দেশের বিভিন্ন জেলা থেকে জামায়াত-শিবিরের প্রশিক্ষিত লোকজনকে ঢাকায় জড়ো করা হয়। তারাই এসব অপকর্ম করেছে। মুক্তিযুদ্ধের চেতনা সমুন্নত রাখতে হলে তাদের বিষয়ে সিদ্ধান্ত নিতে হবে। এরপর শরিক দলের নেতারা একে একে বক্তৃতা করেন। প্রথমেই ওয়ার্কার্স পার্টির সভাপতি রাশেদ খান মেনন তাঁর বক্তৃতায় বলেন, বর্তমান রাজনৈতিক অবস্থার বিশ্লেষণ দরকার আছে। জামায়াত-শিবিরকে নিষিদ্ধের বিষয়টি

যুদ্ধাপরাধীদের বিচারের সময়ই এসেছিল। তখন করা হয়নি। এখন বিবেচনায় নেওয়া যায়। জাতীয় সমাজতান্ত্রিক দলের (জাসদ) সভাপতি হাসানুল হক ইনু তাঁর বলেব্যে সরাসরি জামায়াত-শিবিরকে নিষিদ্ধ করার প্রস্তাব দেন তিনি বলেন, জামায়াত-শিবিরকে নিষিদ্ধ করার এখনই সময়। তাদের নিষিদ্ধ করার পাশাপাশি এ বিষয়ে জনমত গঠনে রাজপথে মিছিল-সমাবেশ করারও প্রস্তাব দেন। সাম্যবাদী দলের সাধারণ সম্পাদক দিলীপ বড়ুয়া বলেন, জামায়াত-শিবিরকে নিষিদ্ধ করার পাশাপাশি বিকল্প রাজনৈতিক শক্তিগুলোকেও এগিয়ে নেওয়ার চেষ্টা করতে হবে। জামায়াত-শিবিরকে নিষিদ করা হলে তারা আত্মগোপনে গিয়ে অন্য কোনো শক্তির ওপর ভর করতে পারে, এমন আশঙ্কার কথাও জোটের বৈঠকে আলোচনায় এসেছে। তবে সেটা ক্ষতিকর হবে না বলে মনে করেন ১৪ দলের নেতারা। বৈঠকে জাতীয় পার্টির (জেপি) মহাসচিব শেখ শহিদুল ইসলাম জামায়াত-শিবিরকে নিষিদ্ধ করার পক্ষে জোরালো বক্তব্য তুলে ধরেন। তিনি বলেন, জামায়াত-শিবিরকে নিষিদ্ধ করলে তারা আত্মগোপনে (আন্ডারগ্রাউন্ড) চলে যাবে-এই ভয় পাচ্ছে সরকার। তারা আত্মগোপনে গেলেও কিছুই হবে না। ভয় পাওয়ার কিছু নেই। এ বিষয়ে যুক্তরাষ্ট্রসহ পশ্চিমাদের কথা না শোনার পরামর্শ দেন।

INTERNATIONAL CRIMES TRIBUNAL
Dhaka, Bangladesh

ফুগান্তর

তারিখঃ ৩০.০৭.২০২৪ খ্রিঃ, পৃ-১ ক-২ ও পৃ-১০ ক-৬

প্রধানমন্ত্রীর সঙ্গে ১৪ দলের বৈঠক

জামায়াত-শিবির নিষিদ্ধের সর্বসম্মত সিদ্ধান্ত

কোটা সংস্কার আন্দোলনকে কেন্দ্র করে সাম্প্রতিক ঘটনাগুলোকে জঙ্গিবাদী কাজ হিসাবে উল্লেখ করেছেন আওয়ামী লীগ সভাপতি প্রধানমন্ত্রী শেখ হাসিনা। তিনি বলেছেন, জামায়াত-শিবির, বিএনপির জঙ্গিরা আজকে আমাদের উপর থাবা দিয়েছে। তিনি আরও বলেন, বাংলাদেশে যে ঘটনাগুলো ঘটছে, আসলে এটা কোনো রাজনৈতিক কিছু নয়। এটা সম্পূর্ণ জঙ্গিবাদী কাজ। বৈঠক শেষে আওয়ামী লীগের সাধারণ সম্পাদক ওবায়দুল কাদের বলেন, ১৪ দলের বৈঠকে সর্বসম্মতভাবে জামায়াত-শিবিরের ■ পৃষ্ঠা ১০: কলাম ৬

জামায়াত-শিবির নিষিদ্ধের সর্বসম্মত সিদ্ধান্ত

(১ম পৃষ্ঠার পর) রাজনীতি নিষিদ্ধ করার সিদ্ধান্ত হয়েছে। সোমবার সন্ধ্যায় প্রধানমন্ত্রীর সরকারি বাসভবন গণভবনে অনুষ্ঠিত ১৪ দলের কেন্দ্রীয় নেতাদের সঙ্গে বৈঠকে সূচনা বক্তব্য রাখতে গিয়ে প্রধানমন্ত্রী এসব

কথা বলেন। বৈঠক শেষে গণভবনের বাইরে সাংবাদিকদের ব্রিফ করতে গিয়ে আওয়ামী লীগের সাধারণ সম্পাদক এবং সড়ক পরিবহণ ও সেতুমন্ত্রী ওবায়দুল কাদের বলেন, ১৪ দলের বৈঠকে সর্বসম্মতভাবে উগ্র সাম্প্রদায়িক সন্ত্রাসী সংগঠন জামায়াত-শিবিরের রাজনীতি নিষিদ্ধ করার সিদ্ধান্ত হয়েছে। প্রধানমন্ত্রী শেখ হাসিনার সভাপতিত্বে গণভবনে অনুষ্ঠিত বৈঠকে ১৪ দলের কেন্দ্রীয় সমন্বয়ক ও মুখপাত্র আমির হোসেন আমু, আওয়ামী লীগ সাধারণ সম্পাদক ওবায়দুল কাদের ছাড়াও ওয়ার্কার্স পার্টির সভাপতি রাশেদ খান মেনন, জাসদ সভাপতি হাসানুল হক ইনু, সাম্যবাদী দলের দিলীপ বড়ুয়া ছাড়াও ১৪ দলের ফজলে হোসেন বাদশা, শিরীন আখতার, সৈয়দ নজিবুল বশর মাইজভাণ্ডারী, ডা. শাহাদাত হোসেন, ডা. অসীত বরণ রায়, আওয়ামী লীগের ড. আবদুর রাজ্জাক, মোফাজ্জল হোসেন চৌধুরী মায়া বীরবিক্রম, অ্যাডভোকেট কামরুল ইসলান, অ্যাডভোকেট জাহাঙ্গীর কবির নানক, আবদুর রহমান, মাহবুবউল আলম হানিফ, আ ফ ম বাহাউদ্দিন নাছিম প্রমুখ উপস্থিত ছিলেন। কোটা সংস্কারের দাবিতে বৈষম্যবিরোধী ছাত্র আন্দোলন প্রসঙ্গে শেখ হাসিনা বলেন, এদের উদ্দেশ্যটা এখন বোঝা যাচ্ছে যে, কোটা কোনো ইস্যু নয়। একে একে যে কয়টা প্রতিষ্ঠান বাংলাদেশের সেবা দেয়, যে কয়টা প্রতিষ্ঠান বাংলাদেশের মানুষের জীবনমান উন্নত করে, সেটাই ধ্বংস করা।

তিনি বলেন, আজকে বাংলাদেশের উন্নয়ন হয়েছে, উন্নয়নের ফলে বাংলাদেশ আজকে বিশ্বব্যাপী একটা মর্যাদার আসন পেয়ে গেছে বাংলাদেশের নাম শুনলে সবাই সমীহ করে চলে। সাবাই সম্মানের চোখে দেখে এবং একটা আন্তর্জাতিক পর্যায়ে বাংলাদেশকে আমরা তুলে আনতে সক্ষম হয়েছি, আর্থ-সামাজিক উন্নয়নের মধ্য দিয়ে, অবকাঠামোগত উন্নয়নের মধ্য দিয়ে।

বৈঠকে কোটা আন্দোলনের আড়ালে বিএনপি-জামায়াত জোটের ভয়াল ধ্বংসযজ্ঞ-সহিংসতা, রাষ্ট্রীয় সম্পদ ধ্বংস এবং হতাহতের ঘটনা নিয়ে আলোচনার পাশাপাশি অপশক্তিদের রাজনৈতিকভাবে মোকাবিলার কৌশল নিয়েও আলোচনা হয়।

এর আগে গত ১৯ জুলাই ১৪ দলের নেতাদের সঙ্গে বৈঠক করেন প্রধসামন্ত্রী শেখ হাসিনা। সেদিন প্রধানমন্ত্রীর সরকারি বাসভবনে অনুষ্ঠিত ঐ সভায় উদ্ভুত পরিস্থিতি নিয়ে আলোচনা হয়। এদিকে কোটা সংস্কার আন্দোলন চলাকালে দুষ্কৃতকারীদের আগুনে পুড়ে যাওয়া বনানীর সেতুভবন ও মহাখালীর দুর্যোগ ভবন সোমবার দুপুরে পরিদর্শন করেছেন ক্ষমতাসীন দল আওয়ামী লীগের জোট সঙ্গী ১৪ দলের নেতারা। নিজেদের দেখা সেই ভয়াল ধ্বংসযজ্ঞ ও আলোচনায় স্থান পায়। এদিকে বৈঠক শেষে ব্রিফিংয়ে ওবায়দুল কাদের বলেন, আজ আওয়ামী লীগ সভাপতি প্রধানমন্ত্রী শেখ হাসিনার সঙ্গে ১৪ দলের নেতাদের এক জরুরি, বৈঠকে দেশের

সাম্প্রতিক সময়ে অনুষ্ঠিত সন্ত্রাস নাশকতা, নৈরাজ্যের বিরুদ্ধে দেশের জাতীয় নিরাপত্তা, জনগণের জানমাল রক্ষার লক্ষ্যে আইন অনুযায়ী প্রয়োজনীয় ব্যবস্থা গ্রহণ করে জনমনের স্বস্তি ফিরিয়ে আনার জন্য প্রধানমন্ত্রী শেখ হাসিনাকে ধন্যবাদ জানান ১৪ দলের নেতারা পরিপূর্ণ স্বস্তি আনার ক্ষেত্রে আইনশৃঙ্খলা বাহিনী ও সামরিক বাহিনীর অগ্রণী ভূমিকা রাখার জন্য তাদের প্রতিও নেতারা ধন্যবাদ জানান।

তিনি আরও বলেন, নেতারা মনে করে বিএনপি-জামায়াত, ছাত্রদল-শিবির এবং তাদের দোসর উগ্রবাদী জঙ্গিগোষ্ঠী বাংলাদেশের স্বাধীনতা ও সার্বভৌমত্ব নস্মাৎ করার ষড়যন্ত্রে লিপ্ত। তারা সন্ত্রাস, নৈরাজ্য ও হত্যাকাণ্ডের মাধ্যমে দেশকে অকার্যকর করার ষড়যন্ত্র করছে। অতি সম্প্রতি চোরাগোপ্তা হামলা করে এবং গুলিবর্ষণ করে সরকারের ওপর দায় চাপাতে তারা দেশে অস্থিতিশীল পরিস্থিতি সৃষ্টি করেছে। পুলিশ বাহিনীর সদস্যসহ মানুষ হত্যা করে লাশ পর্যন্ত ঝুলিয়ে রেখেছে। এই। সন্ত্রাসী গোষ্ঠী যে প্রক্রিয়ায় এসব হত্যাকাণ্ড ঘটিয়েছে তা ইতিহাসে নজিরবিহীন। জাতীয় স্বার্থ দেশবিরোধী এ অপশক্তিকে নির্মূল করা প্রয়োজান।



এবায়দুল কাদের আরও বলেন, ১৪ দলের এ সভায় সর্বসম্মতিক্রমে সিদ্ধান্ত হয়-জামায়াত-শিবির গোষ্ঠীর অপশক্তির রাজনীতি নিষিদ্ধ করার জন্য। তিনি আরও বলেন, ১৪ দল মনে করে শিক্ষার্থীদের নিরাপরা, তাদের শিক্ষাজীবনের সুরক্ষা দেওয়ার লক্ষ্যে সরকারকে পর্যায়ক্রমে প্রয়োজনীয় ব্যবস্থা গ্রহণ করা উচিত। নেতারা মনে করেন কোনো শিক্ষার্থী এবং নিরপরাধ মানুষ যেন হয়রানির শিকার না হয় সে বিষয়টিকেও আইনশৃঙ্খলা রক্ষাকারী বাহিনীকে বিশেষ গুরুত্ব সহকারে দেখতে হবে। বিএনপি-জামায়াত নৈরাজ্যের মাধ্যমে দেশকে অকার্যকর করার ষড়যন্ত্রে লিপ্ত জাতীয় স্বার্থে দেশবিরোধী অপশক্তি নির্মূল করার জন্য ১৪ দলের বৈঠকে সর্বসম্মতভাবে জামায়াত-শিবিরের রাজনীতি নিষিদ্ধ করার সিদ্ধান্ত নেওয়া হয়েছে। ওয়াটার্স পার্টির সভাপতি রাশেদ খান মেনন বলেন, জামায়াত-শিবির নিষিদ্ধের সিদ্ধান্ত সরকার দ্রুত বাস্তবায়ন করবে। তরিকত ফেডারেশনের সভাপতি সৈয়দ নজিবুল বশর মাইজভাণ্ডারী বলেন, জামায়াত-শিবির নিষিদ্ধ হলে তারা আর সংবাদ সম্মেলন কিংবা অন্য কোনো রাজনৈতিক কর্মসূচি করতে পারবে না।

বাংলাদেশ প্রতিদিন

তারিখ: ০৩.০৮.২০২৪ খ্রিঃ পৃ-১, ক-৪ ও পৃ-২, ক-৬

গণভবনে জরুরি বৈঠক

ছাত্রদের সঙ্গে সমন্বয়ের দায়িত্বে তিন নেতা

কোটা সংস্কার আন্দোলনসহ চলমান পরিস্থিতিতে গণভবনে দলের সিনিয়র নেতাদের নিয়ে জরুরি বৈঠক করলেন আওয়ামী লীগ সভানেত্রী প্রধানমন্ত্রী শেখ হাসিনা। চলমান আন্দোলনে সাধারণ ছাত্রদের প্রতি যত্নবান ও সহনশীল থাকার নির্দেশনা দিয়েছেন প্রধানমন্ত্রী। একই সঙ্গে কোটা আন্দোলনের সমন্বয়কদের সঙ্গে মতবিনিময় ও সমন্বয় করার জলা আওয়ামী লীগের পক্ষ থেকে তিন সদস্যের টিম গঠন করে দেওয়া হয়েছে। দায়িত্বপ্রাপ্ত নেতারা হলেন-আওয়ামী লীগের প্রেসিডিয়াম সদসা, বস্ত্র ও পাটমন্ত্রী জাহাঙ্গীর কবির নানক, যুগ্ম সাধারণ সম্পাদক মাহবুব-উল-আলম হানিফ ও কৃষিবিদ আ ফ ম বাহাউদ্দিন নাছিম। তারা আওয়ামী লীগ নেতৃত্বাধীন ১৪ দলীয় জোটের সিনিয়র নেতাদের নিয়ে একটি টিম গঠন করে ছাত্র আন্দোলন সমন্বয়কদের সঙ্গে আলাপ করবেন। গতকাল এরপর পৃষ্ঠা ২ কলাম ৬

(প্রথম পৃষ্ঠার পর) রাতে অনির্ধারিত এই জরুরি বৈঠকে দলীয় সভানেত্রী এ সিদ্ধান্ত নিয়েছেন। একই সঙ্গে আজ (শনিবার) বিকালে শাহবাগে আওয়ামী লীগের শোক মিছিলের কর্মসূচি বাতিল করা হয়েছে। বৈঠকে উপস্থিত একাধিক নেতা বাংলাদেশ প্রতিদিনকে তথ্যটি নিশ্চিত করেছেন। অনির্ধারিত এই বৈঠকে উপস্থিত ছিলেন আওয়ামী লীগের সাধারণ সম্পাদক, সড়ক পরিবহন ও সেতুমন্ত্রী ওবায়দুল কাদের, প্রেসিডিয়াম সদস্য ডা. মোস্তফা জালাল মহিউদ্দিন, অ্যাডভোকেট কামরুল ইসলাম, বস্ত্র ও পাটমন্ত্রী অ্যাডভোকেট জাহাঙ্গীর কবির নানক, আইনমন্ত্রী আনিসুল হক, দলের যুগ্ম সাধারণ সম্পাদক মাহবুব-উল আলম হানিফ, আ ফ ম বাহাউদ্দিন নাছিম, ডা. দীপু মনি, সাংগঠনিক সম্পাদক মির্জা আজম, শিক্ষামন্ত্রী ব্যারিস্টার মহিবুল হাসান চৌধুরী নওফেল, শিক্ষা প্রতিমন্ত্রী শামসুন্নাহার চাঁপা, তথ্য প্রতিমন্ত্রী মোহাম্মদ আলী আরাফাত, দপ্তর সম্পাদক ব্যারিস্টার বিপ্লব বড়ুয়া প্রমুখ। পরবর্তীতে রাতে স্বরাষ্ট্রমন্ত্রী আসাদুজ্জামান খানও গণভবনে প্রধানমন্ত্রীর সঙ্গে সাক্ষাৎ করেন। । বৈঠক সূত্র জানিয়েছে, অনির্ধারিত এই বৈঠকে চলমান কোটা আন্দোলন নিয়ে কথা হয়। এ সময় : প্রধানমন্ত্রী বলেন, ছাত্রসের কোটার। দাবি মেনে নেওয়া হয়েছে, হতাহতের ঘটনায় বিচার বিভাগীয় তদন্ত কমিটিও করে দিয়েছি। আমরা ছাত্রদের দাবির সঙ্গে একমত। তারপরও তারা আন্দোলনে করছে, করুক। এই আন্দোলনে তৃতীয় পক্ষ ছাত্রদের ব্যবহার করে সুবিধা আদায় করার চেষ্টা করবে। কিন্তু আমাদের সবাইকে ধৈর্য ধারতে হবে। দলের কেউ যেন ছাত্রদের প্রতি অন্যায় না করে সেজন্য সতর্ক থাকার নির্দেশ দেন আওয়ামী লীগ সভানেত্রী। একই সঙ্গে পাড়া মহল্লায় সতর্ক থাকার পরামর্শও দেন তিনি। নাম প্রকাশ না করার শর্তে একাদিক নেতা জানিয়েছেন, সর্বজনীন পেনশন স্কীম নিয়ে শিক্ষকদের সঙ্গে সংকট চলছিল, তাও আজ শনিবার দূর হবে। বৈঠকে উপস্থিত নেতারা বলেন আমাদের দলের নেতাকর্মীদের প্রতি দলীয় সভানেত্রী নির্দেশ দিয়েছেন কোনো শিক্ষার্থীর সঙ্গে যেন খারাপ আচরণ না করা

হয়। একই সঙ্গে কোনো শিক্ষার্থী যেন হয়রানির শিকার না হয়, সেজন্য লক্ষ্য রাখার নির্দেশনা প্রদান করেছেন প্রধানমন্ত্রী।

Appreciation of the Newspaper Reports and Online News Relating to the Conduct of the Accused Hasanul Haq Inu and Their Evidentiary Value under Sections 3(2)(a), 3(2)(g), 3(2)(h) read with Sections 4(1), 4(2) and 4(3) of the International Crimes (Tribunals) Act, 1973

The Prosecution has relied upon a series of contemporaneous newspaper reports and online publications appearing between 20 July and 3 August 2024, including reports published in Manabzamin, The Daily Star Bangla, Prothom Alo, Jugantor, and Bangladesh Pratidin. These reports have been tendered not as proof of the truth of every journalistic assertion contained therein, but as contemporaneous documentary evidence demonstrating the occurrence of political meetings, the participation of the accused therein, the decisions taken at those meetings, the public statements made by senior political leaders and the surrounding factual context in which the alleged crimes were committed.

The Tribunal is mindful that newspaper reports ordinarily constitute secondary evidence and cannot by themselves establish criminal liability. However, where their contents are corroborated by independent evidence already accepted by the Tribunal including admitted telephone conversations, authenticated electronic records, televised interviews, official documents and witness testimony they become relevant circumstances capable of strengthening the chain of circumstantial evidence.

Having carefully examined the reports collectively, the Tribunal proceeds to appreciate their evidentiary significance.

I. The Report Published on 20 July 2024 (Manabzamin)

The report published immediately after the imposition of nationwide curfew records that, prior to declaration of the curfew, the Prime Minister held meetings with senior security officials as well as leaders of the Fourteen-Party Alliance.

The report further records that:

1. nationwide curfew was imposed;

2. the Army was deployed;

3. an order to shoot at sight those creating disorder had been issued;

4. widespread firing by law enforcement agencies had already resulted in numerous deaths and injuries.

This report assumes significance because it independently corroborates the timing referred to in the intercepted telephone conversations between Sheikh Hasina and the accused.

In those conversations, the accused expressly congratulated the Prime Minister for imposing curfew, approved the governmental measures and suggested further operational steps including preparation of lists of protest leaders, preventive arrests and suppression of future demonstrations.

The newspaper report therefore provides contemporaneous corroboration that such governmental decisions were in fact taken immediately before the intercepted conversations.

II. The 29 July 2024 Meeting of the Fourteen-Party Alliance

The reports published by The Daily Star Bangla, Prothom Alo and Jugantor unanimously establish the following undisputed facts:

1. an emergency meeting of the Fourteen-Party Alliance was held at Ganabhaban under the chairmanship of Sheikh Hasina;
2. the accused Hasanul Haq Inu was personally present;
3. the meeting unanimously approved banning Jamaat-Shibir;
4. the participants endorsed the actions already taken by law enforcement agencies and the armed forces;
5. the participants collectively attributed the nationwide movement to BNP-Jamaat, terrorists and militants.

Most significantly, the Prothom Alo report states that Hasanul Haq Inu himself directly proposed banning Jamaat-Shibir and further proposed organising political processions and public mobilisation in support of that decision.

The Tribunal finds this report particularly important.

The proposal attributed to the accused substantially corresponds with:

1. his earlier televised interviews,
2. his admitted intercepted conversations,
3. his repeated public characterisation of the protesters as Jamaat-BNP militants,
4. his suggestion that propaganda should consistently portray the movement as terrorist activity.

Thus, the newspaper report independently corroborates a pattern already established by other evidence.

III. Consistency Between Private Communications and Public Conduct

One of the striking features noticed by the Tribunal is the remarkable consistency running through all categories of evidence.

In the intercepted telephone conversations the accused repeatedly suggested:

1. identifying protest organisers;

2. preparing lists;

3. arresting local organisers;

4. preventing future processions;

5. portraying the movement as BNP-Jamaat terrorism;

6. undertaking coordinated political propaganda.

In the News24 interview he repeated substantially the same narrative.

In the Mirror Now interview he again attributed the violence to communal terrorist networks.

The newspaper reports relating to the Fourteen-Party meetings reveal the same terminology, identical political narrative and similar proposals.

Such consistency cannot reasonably be regarded as coincidence.

Rather, it indicates that the accused was actively participating in the formulation, dissemination and implementation of a common political strategy.

IV. Participation in Collective Decision-Making

The reports consistently demonstrate that the accused was not merely an observer.

Rather, he actively participated in:

1. deliberations concerning governmental response;

2. discussions concerning banning Jamaat-Shibir;

3. formulation of political strategy;

4. endorsement of security measures;

5. public justification of governmental policy.

Particularly significant is the report that the accused himself proposed banning Jamaat-Shibir and advocated political mobilisation in support thereof.

This demonstrates active participation rather than passive presence.

V. Endorsement of Security Operations

The reports uniformly record that the Fourteen-Party leaders thanked:



1. the Government,

2. law enforcement agencies,

3. and the Armed Forces

for restoring peace and protecting national security.

The accused neither publicly dissociated himself from those collective resolutions nor expressed opposition to the ongoing security operations despite the widespread allegations of civilian deaths already existing by that date.

Instead, the reports indicate his complete political endorsement of the governmental policy.

Such conduct becomes highly relevant in determining whether the accused intentionally contributed to continuation of the alleged widespread attack.

VI. The Narrative of "Militant Terrorism"

Throughout the newspaper reports the Tribunal notices repeated use of expressions such as:

1. terrorism;
2. militant violence;
3. Jamaat-Shibir conspiracy;
4. war against the State;
5. extremist organisations;
6. anti-national forces.

The same expressions appear:

1. in the accused's interviews;
2. in his intercepted telephone conversations;
3. in the resolutions adopted by the Fourteen-Party Alliance.

The repetition of identical terminology across independent sources strongly supports the Prosecution case that a coordinated political narrative had been formulated and systematically disseminated.

The Tribunal considers such evidence relevant in determining whether the accused intentionally assisted in creating an atmosphere that justified continued violent suppression of the movement.

VII. The Meeting of 3 August 2024

The Bangladesh Pratidin report records that the Prime Minister instructed party leaders to remain patient, avoid harassment of ordinary students and establish communication with student coordinators.

The Defence may rely upon this report to argue that the Government intended peaceful resolution.

The Tribunal is unable to accept such submission in isolation.

This report merely demonstrates that, after widespread international criticism and mounting casualties, certain conciliatory political measures were simultaneously considered.

It neither erases nor neutralises the earlier evidence demonstrating:

1. endorsement of curfew,

2. support for security operations,

3. preparation of arrest lists,

4. political propaganda,

5. continued portrayal of protesters as militants,

6. approval of banning Jamaat-Shibir.

Rather, the Tribunal considers this report to represent an attempt at political damage control while security operations were still continuing.

VIII. Evidentiary Assessment under Section 3(2)(g)

These reports do not independently establish conspiracy.

Nevertheless, when read together with the admitted telephone conversations and electronic evidence, they substantially corroborate:

1. continuous communication between the accused and the highest executive authority;

2. participation in collective political deliberations;

3. agreement upon common governmental strategy;

4. active endorsement of measures already adopted;

5. political encouragement for continuation of suppression.

Accordingly, they materially strengthen the allegation of conspiracy, abetment and incitement under Section 3(2)(g).

IX. Relevance under Sections 4(1), 4(2) and 4(3)

The reports are likewise relevant in determining:

First, whether the accused intentionally contributed to the implementation of a common criminal purpose within the meaning of Section 4(2).

Secondly, whether his repeated participation in high-level political meetings demonstrates conscious involvement in collective decision-making.

Thirdly, whether his public endorsement of governmental measures, viewed together with the intercepted conversations and interviews, evidences approval and encouragement of the implementation of those policies.

Although these newspaper reports alone cannot establish superior responsibility under Section 4(3), they provide important corroborative evidence regarding the accused's position, influence, proximity to governmental decision-making and continuous participation in policy discussions.

X. Tribunal's Conclusion

Upon scanning, marshalling and appreciating the newspaper reports and online publications in conjunction with the entire body of evidence on record, the Tribunal finds that they possess substantial corroborative evidentiary value. They independently establish the accused's presence at

critical meetings of the Fourteen-Party Alliance, his active participation in deliberations concerning the political response to the July 2024 uprising, his proposal to ban Jamaat-Shibir, his endorsement of governmental security measures, and his alignment with the official narrative portraying the protesters as terrorists and militants.

When these reports are read together with the authenticated intercepted telephone conversations, the accused's televised interviews, forensic evidence and oral testimony, they reveal a consistent and uninterrupted course of conduct demonstrating knowledge of the ongoing events, approval of the strategy adopted by the ruling alliance, active participation in shaping and disseminating the governmental narrative, and intentional contribution to the common political design. Accordingly, while the newspaper reports are not sufficient by themselves to establish guilt, they constitute strong corroborative evidence which materially reinforces the Prosecution case regarding the accused's criminal responsibility under Sections 3(2)(g), 4(1) and 4(2) of the International Crimes (Tribunals) Act, 1973 and, subject to proof of the additional elements required by law, are also relevant to the assessment of liability under Sections 3(2)(a), 3(2)(h) and 4(3) of the Act.

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XXVII. Findings on the Contextual Elements of Crimes Against Humanity

96. The submissions advanced by the learned Senior Counsel for the defence on the alleged absence of the contextual elements of crimes against humanity are, with respect, misconceived both on facts and on law.

At the preliminary stage of consideration, it is necessary to note that section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, after its amendment, substantially reflects the contemporary definition of crimes against humanity embodied in Article 7 of the Rome Statute. The explanation appended to section 3(2)(a) expressly adopts the concept of an "attack directed against any civilian population", namely a course of conduct involving the multiple commission of prohibited acts pursuant to or in furtherance of a State or organizational policy. Thus, the statutory framework itself requires examination of the broader pattern of conduct and not merely isolated incidents.

The Tribunal has already discussed the oral, documentary, electronic and expert evidence adduced by the Prosecution, together with the defence evidence and submissions. Before examining the individual criminal responsibility of accused Hasanul Haq Inu, it is necessary to determine whether the acts alleged by the Prosecution occurred within the contextual framework required for crimes against humanity under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973 (as amended).

It is now well settled in international criminal jurisprudence that crimes against humanity are distinguishable from ordinary domestic crimes because they are committed as part of a widespread or systematic attack directed against any civilian population, pursuant to or in furtherance of a State or organizational policy. The contextual elements constitute jurisdictional prerequisites which must first be established before individual criminal responsibility may arise.

The Appeals Chamber of the ICTY in Prosecutor v. Kunarac et al. (IT-96-23 & IT-96-23/1-A, Judgment, 12 June 2002) held that the essential contextual elements consist of:

(i) an attack directed against a civilian population;

(ii) the attack being widespread or systematic;

(iii) the acts of the accused forming part of that attack; and

(iv) knowledge by the accused that his acts formed part of the attack.

Similarly, Article 7 of the Rome Statute embodies substantially the same requirements, and these principles have consistently been reaffirmed by the ICTY, ICTR, ICC and other international criminal tribunals.



The Tribunal therefore proceeds to determine whether these contextual requirements have been established by the evidence.

A. Existence of an "Attack"

The term "attack" under international criminal law does not necessarily denote military hostilities or armed combat. Rather, it refers to a course of conduct involving the multiple commission of prohibited acts against a civilian population.

In Prosecutor v. Katanga (ICC-01/04-01/07), the ICC observed that an attack consists of a campaign or operation involving repeated acts of violence committed against civilians pursuant to a policy.

Likewise, in Kunarac, the ICTY held that the attack means a course of conduct involving the multiple commission of acts referred to in crimes against humanity.

Having carefully examined the evidence of PW-1 to PW-10, the intercepted telephone conversations, official documents, Gazettes, newspaper reports, digital evidence, media interviews, forensic materials and the investigation reports, this Tribunal is satisfied that from the early part of July 2024 until 5 August 2024 there existed a coordinated course of conduct directed against persons participating in or associated with the anti-discrimination student-public movement throughout Bangladesh.

The evidence demonstrates repeated use of lethal weapons, indiscriminate firing, mass arrests, enforced disappearances, torture, persecution and other coercive measures carried out in numerous districts including Dhaka, Kushtia, Chattogram, Rangpur, Bogura, Narayanganj, Gazipur and other parts of the country.

The attack therefore consisted not of isolated criminal incidents but of repeated and coordinated acts committed over several weeks.

Accordingly, the Tribunal finds that the first contextual element has been established.

B. Attack Directed Against a Civilian Population

The Defence has argued that the July-August 2024 events constituted a Non-International Armed Conflict (NIAC), that many protesters had become belligerents, and that the movement therefore lost civilian character.

The Tribunal is unable to accept this submission.

International criminal law draws an important distinction between the existence of sporadic violence, riots or disturbances on the one hand, and the legal threshold required for a NIAC on the other.

Under Common Article 3 of the Geneva Conventions and the jurisprudence of the ICTY in Prosecutor v. Tadić (IT-94-1), a NIAC exists only where there is both:

a. sufficient intensity of violence;

b. organization of the non-State armed group.

The evidence before this Tribunal falls considerably short of establishing that the anti-discrimination movement constituted an organized armed group exercising command responsibility comparable to an armed force.

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While there undoubtedly occurred incidents of violence, attacks upon public property, looting of firearms and assaults upon police establishments by certain individuals or groups, such incidents cannot transform the entire civilian population participating in nationwide demonstrations into combatants.

International humanitarian law has consistently recognized that civilians retain protection unless and for such time as they directly participate in hostilities.

The overwhelming evidence demonstrates that the vast majority of victims identified in the prosecution case were students, teachers, ordinary pedestrians, workers, shopkeepers and members of the general public who were unarmed at the time they sustained fatal or serious gunshot injuries.

The Bangladesh Gazette notifications produced before the Tribunal identify hundreds of deceased and thousands of injured civilians throughout

the country. Although the Prosecution initially referred to approximately 1,400 deaths and 25,000 injuries, the presently published Gazette records approximately 846 deceased persons and around 13,800 injured persons. The Tribunal considers that the Gazetted figures may not yet be exhaustive, as the Prosecution has explained that the official process of verification remains continuing. More importantly, whether the total number ultimately proves to be 846, 1,400 or another figure does not alter the legal conclusion that the attack was massive in scale and nationwide in character.

International jurisprudence has repeatedly held that no minimum numerical threshold exists for crimes against humanity. What is required is that the attack be directed against a civilian population on a widespread or systematic basis.

The Tribunal therefore finds that the victims constituted a civilian population within the meaning of section 3(2)(a) of the Act.

C. Widespread Nature of the Attack

The evidence overwhelmingly establishes that the attack was widespread.

"Widespread" refers to the large-scale nature of the attack and the number of victims.

The ICTR in Akayesu and the ICTY in Blaškić explained that widespread denotes massive, frequent, large-scale action carried out collectively against numerous victims.

The materials before this Tribunal reveal:

(i) Killings occurring in numerous districts across Bangladesh;

(ii) Thousands of persons suffering firearm injuries;

(iii) Extensive use of military-grade weapons;

(iv) Repeated enforcement of curfew;

(v) Mass arrests;

(vi) Coordinated deployment of the Police, RAB, BGB and the Armed Forces and

(vii) Repeated security operations extending over several weeks.

The evidence further demonstrates that similar methods were repeatedly employed across different geographical regions.

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Such uniformity strongly supports the conclusion that the attack was widespread.

D. Systematic Nature of the Attack

The evidence equally establishes that the attack was systematic.

Systematic refers to organized conduct following a regular pattern and unlikely to be accidental.

The ICTY in Kordić and Čerkez observed that systematic denotes organized acts pursuant to a preconceived policy.

The intercepted communications, meeting records, official directives, digital evidence and witness testimony reveal:

(i) Coordinated decision-making;

(ii) Centralized planning;

(iii) Repeated implementation of curfew;

(iv) Deployment of security forces;

(v) Identification of protest organizers;

(vi) Preparation of arrest lists;

(vii) Coordinated political messaging; and

(viii) Suppression of demonstrations through lethal force.

The intercepted conversations involving senior political leadership further demonstrate continuity of planning rather than isolated operational decisions.

The evidence therefore establishes an organized pattern pursued over time.

E. State or Organizational Policy

Although the Defence disputes the existence of any State or organizational policy underlying the attack upon the civilian population, this contention, upon a cumulative and contextual assessment of the evidence adduced before the Tribunal, cannot be sustained. The evidence, both direct and circumstantial, demonstrates that the widespread and systematic attack was carried out pursuant to, and in furtherance of, a policy attributable to State institutions and/or an organized political structure acting in concert with State authorities.

Article 7(2)(a) of the Rome Statute expressly recognizes that, for the purposes of crimes against humanity, the attack directed against a civilian population must be committed pursuant to or in furtherance of a State or organizational policy. The existence of such a policy, however, does not depend upon the production of a formal written document, executive order or

other instrument expressly declaring the policy. International criminal jurisprudence has consistently recognized that the existence of a policy may be established through the totality of the circumstances and may be inferred from a consistent pattern of conduct, the coordinated deployment of resources, the repetition of criminal acts, the involvement of organized structures and the manner in which the perpetrators operated.

In Prosecutor v. Laurent Gbagbo, the ICC Pre-Trial Chamber, in its Decision on the Confirmation of Charges of 12 June 2014, recognized that the existence of a policy may be inferred from the circumstances surrounding the commission of the crimes, including the recurrent pattern of violence, the mobilization of public resources and the coordinated nature of the acts. Similarly, the jurisprudence of the ICC, including Prosecutor v. Jean-Pierre Bemba Gombo, demonstrates that an organizational policy need not necessarily be proved by a single formal decision or written directive; it may be established through circumstantial evidence, including coordinated actions, repeated criminal conduct, the existence of organized structures and the manner in which those structures operated.



The requirement of a State or organizational policy must therefore be assessed in its proper evidentiary and factual context. A policy may be manifested through conduct. Where governmental authorities, political leadership, security agencies and organized political structures repeatedly act in a coordinated manner, deploy State resources, employ similar methods against a civilian population and maintain a consistent course of conduct over a material period, the existence of the underlying policy may reasonably and lawfully be inferred from the cumulative effect of those circumstances.

In the present case, the evidence adduced before the Tribunal establishes a number of circumstances which, when considered together rather than in isolation, are highly probative of the existence of such a policy. Among others, the evidence demonstrates:

(a) repeated meetings and interactions among senior political and governmental leaders during the relevant period;

(b) coordinated communication and exchanges of instructions between political leadership, executive authorities and relevant administrative and security structures;

(c) the deployment and utilization of State security forces in different parts of the country in response to the demonstrations;

(d) the repeated use of lethal weapons and excessive force against demonstrators and other members of the civilian population;

(e) the participation, in various places, of armed cadres or activists belonging to the Awami League and allied political organizations alongside, or in coordination with, State security personnel;

(f) the suppression, obstruction or restriction of medical assistance and treatment to injured protesters at various locations;

(g) the recurrence of substantially similar methods of repression and violence at different locations and against different groups of protesters;

(h) the existence of coordinated public communications and political instructions concerning the manner in which the protesters were to be perceived and dealt with and

(i) systematic attempts to characterize the protesters collectively as terrorists, militants, enemies of the State or anti-State elements, thereby creating and reinforcing a narrative intended to justify the use of coercive and lethal measures against them.

These circumstances cannot reasonably be regarded as a series of unrelated or spontaneous incidents occurring independently of one another. Their temporal proximity, geographical spread, recurring character, similarity of methods, involvement of State resources and participation of organized political actors disclose a degree of coordination and continuity which is inconsistent with the suggestion that the violence was merely the result of isolated acts of individual law-enforcement personnel or unauthorized conduct by particular political activists. Taken cumulatively, these facts unmistakenly established the existance of both state and organizational policy.

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The Defence nevertheless seeks to characterize the protesters as participants in an armed attack upon the State and, on that basis, suggests that the measures taken by State authorities constituted the legitimate exercise of a right of self-defence or lawful law enforcement. This contention, however, cannot be accepted merely on the basis that isolated acts of violence, vandalism or destruction may have occurred during the demonstrations. The legal character of the population against whom an attack is directed must be determined on the basis of the population as a whole and the circumstances in which the attack was conducted, rather than by identifying isolated individuals who may have engaged in unlawful or violent conduct.

International humanitarian law and international criminal jurisprudence make clear that the presence of persons who are not civilians within a civilian

population does not, by itself, deprive the population of its civilian character. In Prosecutor v. Galić, the ICTY Appeals Chamber recognized that the presence within a civilian population of individuals who do not themselves fall within the definition of civilians does not deprive the population as a whole of its civilian character. Likewise, in Prosecutor v. Blaškić, the Tribunal recognized the continued civilian character of a population notwithstanding the presence among it of a limited number of combatants or persons engaged in violent activities.

This principle is of particular significance in the circumstances of the present case. The evidentiary record demonstrates that the overwhelming majority of persons participating in, or affected by, the July Uprising were students, workers, ordinary citizens, professionals, rickshaw-pullers, shopkeepers, passers-by and other members of the civilian population. Their participation in demonstrations, assemblies or protests did not transform them into combatants. Nor could the presence of a limited number of individuals who may have committed acts of vandalism, arson or other unlawful acts lawfully convert the entire protesting population into an armed or military force.

The Defence cannot, therefore, rely upon isolated incidents of violence to justify the characterization of hundreds of thousands of demonstrators as combatants or as an armed force engaged in an attack upon the State. Such an approach would disregard the fundamental distinction between the civilian population as a whole and individual persons who may, on particular occasions, have committed unlawful acts.

Moreover, the existence of isolated unlawful conduct by some protesters does not provide an unlimited licence to State authorities or

organized political actors to employ lethal force indiscriminately against the broader civilian population. Any lawful law-enforcement response must remain directed towards identifiable unlawful conduct and must comply with the applicable legal limitations governing the use of force. It cannot be transformed into a generalized campaign of violence against a population merely because some individuals within that population have engaged in violent or destructive acts.

The evidence concerning the scale, geographical extent, repetition and coordinated character of the violence is therefore of central importance. The relevant question is not whether every individual act of violence committed during the relevant period was directly ordered by a single identifiable person or contained in a written governmental directive. Rather, the Tribunal must determine whether the totality of the circumstances demonstrates that the attack against the civilian population was undertaken pursuant to or in furtherance of a State or organizational policy. In determining that question, the Tribunal is entitled to draw reasonable inferences from the conduct of the relevant institutions, the repeated deployment of State resources, the participation of organized political actors, the recurrence of similar methods and the coordination manifested in communications and decision-making.

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97. Organizational Character of the Fourteen-Party Alliance

The Defence may further contend that the Fourteen-Party Alliance cannot constitute an "organization" within the meaning of Article 7(2)(a) of

the Rome Statute. Such a contention would adopt an unduly restrictive conception of the term **"organization".**

Contemporary international criminal jurisprudence does not confine an organization, for the purpose of crimes against humanity, exclusively to a conventional military, paramilitary or armed formation. Depending upon the circumstances, an organization may be identified by reference to factors such as structured leadership, continuity, internal coordination, collective decision-making, organized activities, common objectives and the capacity to mobilize or implement a course of conduct. The decisive consideration is the factual capacity of the entity to carry out, facilitate or advance the relevant policy, rather than the formal legal label attached to it.

In the present case, the Fourteen-Party Alliance possessed identifiable political leadership, organizational continuity, coordinated activities and collective political objectives. The evidence placed before the Tribunal indicates the existence of regular meetings, coordinated decision-making, common political positions and organizational structures extending across the country. It further indicates that the Alliance and its constituent political organizations had the capacity to mobilize political cadres, communicate decisions and influence governmental and administrative action.

The fact that the Fourteen-Party Alliance was a political alliance rather than a conventional military organization does not, by itself, exclude it from consideration as an "organization" for the purposes of Article 7(2)(a). International criminal law does not require every organization capable of formulating or advancing a policy amounting to an attack against a civilian population to possess military characteristics. What is material is whether the

entity had sufficient structure, organization and capacity to formulate, coordinate or facilitate the implementation of the relevant course of conduct.

The evidence in the present case, when viewed cumulatively, prima facie establishes and upon the Tribunal's full appreciation of the evidence, establishes beyond reasonable doubt that the Fourteen-Party Alliance functioned as an organized political entity with identifiable leadership, institutional continuity, coordinated decision-making and nationwide organizational structures. The evidence further demonstrates its interaction and concerted activity with State institutions and political and administrative authorities during the relevant period.



Cumulative Assessment of the Evidence

It is important to emphasize that the existence of State or organizational policy is not to be determined by examining each item of evidence in isolation. A meeting, a communication, the deployment of security forces, a public statement, the participation of political cadres or an individual act of violence may, considered separately, admit of more than one interpretation. The evidentiary picture changes, however, when these circumstances are viewed collectively and in their proper temporal, geographical and institutional context.

Here, the evidence reveals a recurring pattern: senior political and governmental actors were engaged in meetings and communications; State security forces were deployed on a nationwide scale; lethal force was repeatedly employed against demonstrators; organized political cadres participated in the repression at various locations; injured protesters encountered obstruction or suppression of medical assistance; and political

and public narratives consistently portrayed the protesters as enemies of the State, terrorists, militants or anti-State elements. These circumstances, taken together, provide mutually reinforcing evidence of coordination, continuity and common purpose.

The cumulative evidence therefore goes substantially beyond proof of spontaneous excesses by individual members of the security forces or isolated misconduct by political activists. It demonstrates an organized and coordinated course of conduct directed against a civilian population and implemented through the use of governmental resources and organized political structures.

Nor does the absence of a single written document expressly declaring such a policy undermine this conclusion. Criminal policies, particularly those underlying widespread or systematic attacks, may be implemented through decisions made at different levels, oral instructions, coordinated practices, institutional conduct and repeated actions. The Tribunal is therefore entitled to infer the existence and content of the policy from the objective circumstances proved before it.

In the final analysis, the evidence establishes the convergence of three important features: first, the existence of organized political and governmental structures possessing the capacity to coordinate action; second, a repeated and coordinated course of conduct involving State resources and organized political actors; and third, a consistent pattern of violence and repression directed against a predominantly civilian population. These features, considered together, establish the necessary connection between the attack and the underlying State and/or organizational policy.

Accordingly, the Defence contention that no State or organizational policy has been established is not supported by the evidence. The existence of isolated incidents of violence by some protesters does not alter the civilian character of the population as a whole, nor does it transform the widespread demonstrations into an armed attack upon the State. Equally, it cannot retrospectively provide a blanket justification for the repeated use of lethal force against civilians.

The Tribunal therefore finds that the evidence, assessed in its entirety and in its proper context, establishes that the attack upon the civilian population was not a collection of unrelated or spontaneous incidents. Rather, it formed part of a coordinated course of conduct carried out pursuant to or in furtherance of a State and/or organizational policy, within the meaning of Article 7(2)(a) of the Rome Statute and the applicable principles of international criminal law.

Upon an exhaustive evaluation of the oral testimony of PW-1 to PW-10, the intercepted telephone conversations, authenticated audio recordings, media interviews, digital evidence, newspaper reports, Gazette notifications, documentary exhibits and all surrounding circumstances, this Tribunal is satisfied beyond reasonable doubt that, during the period between 1 July 2024 and 5 August 2024, there existed throughout Bangladesh a widespread and systematic attack directed against a civilian population, carried out pursuant to a State and organizational policy to suppress the anti-discrimination student-public movement through unlawful and excessive force. The attack was characterized by repeated killings, shootings, persecution, arbitrary

arrests, torture and other inhumane acts committed in a coordinated and organized manner across multiple districts.

Accordingly, the Tribunal holds that all the contextual elements required for crimes against humanity under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973 stand fully established. The Tribunal shall later on proceed to determine whether the Prosecution has further proved, beyond reasonable doubt, the individual criminal responsibility of accused Hasanul Haq Inu under sections 3(2), 4(1), 4(2) and 4(3) of the Act.

98. The defence contends that the events of July–August 2024 were isolated incidents of civil disorder and that law enforcement agencies merely exercised legitimate force in response to attacks on public infrastructure.

This submission is contrary to the overwhelming body of evidence adduced before the Tribunal. The evidence demonstrates that from 16 July 2024 until 5 August 2024 there occurred throughout Bangladesh a coordinated campaign of lethal violence against participants of the Anti-Discrimination Student Movement and the broader July Uprising. The attacks were not confined to a single locality but occurred simultaneously in Dhaka, Chattogram, Narayanganj, Gazipur, Rangpur, Bogura, Kushtia, Narsingdi, Sylhet, Comilla, Khulna, Jessore, Rajshahi and numerous other districts.

The evidence further demonstrates that live ammunition, lethal weapons, armoured vehicles, helicopters, curfews, communication blackouts, mass arrests and coordinated operations involving Police, RAB, BGB, Ansar forces and armed Awami League, Chhatra League, Jubo League and affiliated cadres were employed throughout the country. Such

coordinated deployment of State machinery and ruling-party armed groups cannot reasonably be characterized as spontaneous or random reactions to isolated disturbances.

The jurisprudence of international tribunals has consistently held that an attack is **"widespread"** when it is massive, frequent, large-scale and directed against a multiplicity of victims.

In Prosecutor v. Akayesu (ICTR Trial Chamber Judgment, 2 September 1998), the Tribunal held that **crimes against humanity arise from A massive, frequent, large scale action carried out collectively with considerable seriousness and directed against a multiplicity of victims.**



Similarly, in Prosecutor v. Kunarac et al. (ICTY Trial Chamber Judgment, para. 428), the ICTY held that "widespread" refers to the large-scale nature of the attack and the number of targeted victims.

The evidence before this Tribunal establishes that the July Uprising resulted in the deaths of hundreds of civilians and injuries to thousands more throughout Bangladesh. The violence persisted for weeks and extended across virtually the entire territory of the State. Therefore, by any accepted international standard, the attack was unquestionably widespread.

The defence also argues that the Prosecution failed to establish a **"systematic"** attack. This submission is equally untenable.

The ICTY in Prosecutor v. Blaškić (Judgment, para. 203) held that a systematic attack is one that is organized and follows a regular pattern

based on a common policy involving substantial public or private resources.

Likewise, in Prosecutor v. Katanga (ICC Trial Chamber II, Judgment, para. 1123), the International Criminal Court held that systematic attacks are characterized by: **"organized nature of the acts of violence and the improbability of their random occurrence."**

The evidence adduced in the present case demonstrates:

First, repeated use of identical methods of suppression throughout the country.

Secondly, coordinated deployment of armed law enforcement agencies alongside armed cadres of the ruling alliance.

Thirdly, issuance of curfews and communication shutdowns.

Fourthly, repeated resort to lethal weapons against unarmed protesters.

Fifthly, coordinated political instructions emanating from the highest levels of government and the leadership of the ruling alliance.

Sixthly, continued attacks despite mounting civilian casualties.

The existence of these common patterns excludes any possibility that the violence occurred randomly or accidentally. Rather, the evidence reveals a deliberate and organized campaign directed at suppressing the anti-government movement through lethal weapons.

99. ANALYSIS AND FINDINGS ON THE DEFENCE CONTENTION REGARDING THE ALLEGED EXISTENCE OF A NON-INTERNATIONAL ARMED CONFLICT (NIAC)

The learned Senior Counsel appearing for the defence has advanced extensive submissions seeking to characterize the events surrounding the July-August 2024 Anti-Discrimination Student Movement and the subsequent July Uprising as a Non-International Armed Conflict (NIAC). It has been argued that the protesters constituted an "Organized Armed Group"; that widespread attacks on police stations, prisons and public infrastructure transformed the situation into an armed conflict; that many protesters directly participated in hostilities; that civilians were allegedly used as human shields; and that the State was entitled to employ force under principles of military necessity and self-defence. On that basis, the defence contends that the victims lost their civilian character and that the contextual elements required for crimes against humanity under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973 stand excluded.

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Having carefully considered the evidence on record, the submissions of the parties, the provisions of the International Crimes (Tribunals) Act, 1973, the findings of the OHCHR Fact-Finding Mission, and the relevant jurisprudence of the ICTY, ICTR, ICC and other international criminal tribunals, we are unable to accept the aforesaid contention.

As a matter of first importance, it is necessary to reiterate that the Prosecution case is not predicated upon isolated incidents occurring at individual locations. The allegation before this Tribunal is that between July and August 2024 a widespread and systematic attack was launched against

civilian protesters throughout Bangladesh pursuant to a common policy designed to suppress the quota reform movement and the broader anti-discrimination movement through the deployment of lethal force by state agencies and armed political cadres affiliated with the ruling alliance.

Therefore, the principal question before this Tribunal is not whether isolated incidents of vandalism, arson, attacks upon police stations, destruction of public property, confrontations with law enforcement authorities or sporadic acts of violence occurred at particular locations. Rather, the decisive inquiry is whether the overwhelming object of the coordinated campaign was a civilian population and whether the legal requirements for crimes against humanity have been established.

The defence argument, though elaborately structured around the concepts of NIAC, Direct Participation in Hostilities (DPH), human shields, organized armed groups and military necessity, fundamentally rests upon a mischaracterisation of the factual matrix of the July–August 2024 events and a misapplication of the principles of International Humanitarian Law governing armed conflicts.

The existence of a Non-International Armed Conflict is a question of law and fact requiring strict satisfaction of internationally recognised criteria. The authoritative formulation remains that of the ICTY Appeals Chamber in Prosecutor v. Tadić (Decision on Jurisdiction, 2 October 1995, para. 70), wherein it was held that:

"An armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State."

Subsequent decisions of the ICTY, including Haradinaj, Limaj, Boškoski and Tarčulovski, consistently clarified that two cumulative requirements must be satisfied before a situation may be classified as a NIAC:

(i) the existence of protracted armed violence of sufficient intensity and

(ii) the existence of organized armed groups possessing a sufficient degree of organization.

The jurisprudence further makes clear that riots, demonstrations, internal disturbances, civil unrest, isolated acts of violence and sporadic confrontations with state authorities do not, without more, attain the threshold of an armed conflict.



Applying these principles to the facts before us, we find that neither requirement is satisfied.

The evidence adduced before the Tribunal demonstrates that the Anti-Discrimination Student Movement originated as a nationwide student-led protest movement demanding reform of the quota system in public employment. Following repeated incidents involving the use of force against demonstrators, the movement expanded into a broader democratic protest movement involving students, workers, professionals, teachers, journalists, businessmen, ordinary citizens and members of the public.

The evidence of prosecution witnesses, documentary exhibits, video recordings, contemporaneous media materials, medical records, forensic evidence and the findings of the OHCHR Fact-Finding Mission consistently establish that the overwhelming majority of participants were civilians exercising their rights of assembly, association and expression.

The defence seeks to rely upon incidents of vandalism, attacks upon police stations, attacks upon public infrastructure, arson, looting and other unlawful acts occurring during the relevant period as evidence of a nationwide armed conflict. However, international jurisprudence has consistently distinguished civil unrest from armed conflict.

In Prosecutor v. Boškoski and Tarčulovski, the ICTY Trial Chamber observed that:

"Internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, are not armed conflicts."

Similarly, in Prosecutor v. Limaj, the ICTY emphasised that even serious incidents of violence do not satisfy the NIAC threshold unless accompanied by organized military structures and sustained combat operations.

The defence repeatedly argues that the protesters constituted an organized armed group. We are unable to accept this proposition.

The ICTY in Haradinaj identified several indicators of organization, including the existence of a command hierarchy, disciplinary mechanisms, military training, recruitment systems, operational headquarters, logistical structures, communication systems capable of directing military operations, the ability to negotiate and implement agreements, and the capacity to conduct sustained military operations.

No evidence has been presented before this Tribunal demonstrating that the Anti-Discrimination Student Movement possessed such characteristics.

There is no evidence of military command structures.

There is no evidence of military ranks.

There is no evidence of disciplinary mechanisms.

There is no evidence of military training camps.

There is no evidence of organized military recruitment.

There is no evidence of territorial control.

There is no evidence of sustained combat capability.

There is no evidence of military logistics.

There is no evidence of any operational headquarters directing armed operations throughout Bangladesh.

The defence places considerable reliance upon the use of social media platforms such as WhatsApp, Telegram and Facebook Messenger. Such reliance is misplaced.

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In contemporary society, virtually every political, social, educational, civic and religious movement utilises digital communication platforms. The use of social media, messaging applications or online communication networks for mobilisation and coordination cannot by itself satisfy the stringent legal criteria required for classification as an organized armed group under international humanitarian law.

Acceptance of the defence proposition would produce the absurd consequence that virtually every organized protest movement in the modern world could be transformed into a belligerent military organization.

The defence also relies upon statements attributed to Dr. Muhammad Yunus describing the July Uprising as having been "meticulously designed." Even assuming arguendo that such statements were made, political planning,

strategic mobilisation and coordinated protest activities do not constitute evidence of armed conflict.

Virtually every successful political movement in modern history has involved planning, organization and leadership. Such characteristics do not transform civilians into combatants nor convert a civilian protest movement into a military force.

100. The defence further argues that attacks upon police stations, prisons, BTV, Metro Rail, Setu Bhaban and other state installations establish the existence of an armed insurgency.

This argument overlooks a fundamental distinction recognised in international law.

The legal classification of a conflict depends upon the nature of the parties and the overall organization and intensity of the violence, not upon isolated attacks upon property or infrastructure.

International jurisprudence consistently recognises that riots, civil disturbances and mass uprisings frequently involve attacks upon public property and government installations. Such conduct may constitute offences under domestic law. However, destruction of property does not automatically transform a civilian movement into an organized armed force.

The OHCHR Fact-Finding Report itself, heavily relied upon by the defence, repeatedly characterises the July–August events primarily as a mass protest movement. While acknowledging incidents involving violent actors, criminal elements, vandalism and attacks upon police stations, the report

simultaneously concludes that the overwhelming majority of casualties resulted from disproportionate and unlawful use of force by state authorities against protesters and civilians.

The defence selectively extracts references to violence while disregarding the report's central findings concerning the civilian nature of the movement and the pattern of force employed by state authorities.

The defence also places reliance upon alleged looting of firearms and ammunition from police stations and armouries.

This submission likewise fails to establish the existence of a NIAC.

Firstly, much of the looting if any, occurred after the collapse of governmental authority on or around 5 August 2024.

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Secondly, possession or acquisition of weapons by unidentified individuals does not establish the existence of a nationwide organized armed group capable of sustained military operations.

Thirdly, the relevant inquiry before this Tribunal is whether the victims named in the charges were members of an organized armed group or were directly participating in hostilities at the time they were attacked.

The evidence overwhelmingly demonstrates that they were not.

The victims referred to in the present proceedings including students, workers, businessmen, pedestrians and ordinary demonstrators have not been shown to possess firearms, exercise command functions, participate in military operations or engage in combat activities at the time they were shot, injured or killed.

101. The defence further argues that because some police officers were killed and some state infrastructure was attacked, the entire movement ceased to be civilian in character.

This submission is contrary to settled international jurisprudence.

In Akayesu, Kunarac, Katanga, Gbagbo and other authorities, international tribunals consistently held that a population remains civilian if it is predominantly civilian in nature.

The presence of violent actors, armed individuals or criminal elements within that population does not negate its civilian character.

The evidence before this Tribunal leaves no doubt that the July Uprising of 2024 was overwhelmingly civilian in composition. Students constituted its initial nucleus. Workers, professionals, teachers, journalists, businessmen and ordinary citizens subsequently joined. The presence of isolated violent actors, opportunistic criminals or political elements does not alter the essential civilian character of the movement.

The Tribunal also finds significant that throughout the relevant period the authorities themselves repeatedly described the events as protests, demonstrations, unrest, disturbances, sabotage and public disorder.

No formal declaration was ever made that Bangladesh was engaged in a Non-International Armed Conflict.

No evidence exists that the legal framework governing armed conflict was invoked.

No evidence exists that protesters were treated as enemy combatants under the law of armed conflict.

The conduct and characterization adopted by the authorities themselves therefore stand in direct contradiction to the defence theory.

Finally, even assuming arguendo that certain localized incidents might arguably satisfy some indicators of organized violence, the existence of an armed conflict would not exclude the simultaneous commission of crimes against humanity.

International jurisprudence is settled that crimes against humanity may occur during peace, internal disturbances, international armed conflicts and non-international armed conflicts alike.

This principle was firmly established by the ICTY Appeals Chamber in Tadić and subsequently reaffirmed by the ICTR, ICC and numerous other international tribunals.

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Consequently, even if a NIAC had existed which this Tribunal does not find the existence of such a conflict would not preclude the application of section 3(2)(a) of the International Crimes (Tribunals) Act, 1973.

For all the reasons stated above, we find that the defence has failed to establish that the July Uprising of 2024 constituted a Non-International Armed Conflict within the meaning of international humanitarian law. The evidence falls far short of establishing the sustained, organized, military-level hostilities required by Tadić, Haradinaj, Limaj and Boškoski. There was no organized armed group possessing the requisite command structure, military capacity, disciplinary system, logistical apparatus or territorial control necessary to qualify as a party to a NIAC.

Conversely, the evidence demonstrates that the events originated as and remained predominantly a civilian mass movement involving students and

ordinary citizens throughout Bangladesh. The presence of isolated acts of violence, sporadic attacks upon public property, unlawful conduct by certain individuals or opportunistic criminal activity did not transform the movement into an organized armed group nor deprive the civilian population of its protected status under international criminal law.

The evidence further establishes that the victims named in the charges remained civilians, that the attacks alleged by the Prosecution formed part of a broader pattern occurring throughout the country, and that the contextual elements required for crimes against humanity remain fully applicable to the facts of the present case.

Accordingly, the Tribunal rejects the defence contention that the July–August 2024 events constituted a Non-International Armed Conflict or that the victims thereby lost their civilian status through alleged participation in hostilities. The authorities cited by the defence, when properly understood, support rather than undermine the conclusion that the victims remained civilians and that the conduct alleged by the Prosecution falls squarely within the legal framework of crimes against humanity under section 3(2)(a) of the International Crimes (Tribunals) Act, 1973.

102. The defence further invokes the doctrine of Direct Participation in Hostilities.

The argument reflects a fundamental misunderstanding of the concept.

Article 13(3) of Additional Protocol II provides that civilians lose protection only "for such time" as they directly participate in hostilities.

The loss of protection is therefore individual, temporary and activity-specific.

The doctrine does not permit an entire civilian population comprising hundreds of thousands or millions of persons to be collectively reclassified as combatants because some individuals engaged in violent conduct.

The ICRC Interpretive Guidance on Direct Participation in Hostilities expressly rejects such collective attribution.

Likewise, the ICTY Appeals Chamber in Galić unequivocally held that the presence of combatants among civilians does not deprive a population of its civilian character.

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The same principle was reiterated in Blaškić, Katanga, Ntaganda, Kunarac and numerous other international decisions.

Accordingly, even assuming that some individuals participated in unlawful violence, looting or attacks upon police installations, such conduct cannot transform the broader protest movement into a military force nor deprive the civilian population of its protected status.

103. The defence further invokes the doctrine of human shields.

No merit is found in this contention.

International jurisprudence consistently recognises that even where civilians are unlawfully used as shields, the attacking party remains bound by the principles of distinction, proportionality and precaution.

The ICTY in Blaškić and Galić made it clear that the presence of civilians near a military objective does not authorise indiscriminate attacks.

More importantly, no credible evidence has been produced establishing any policy by protest organizers or student leaders to use civilians as human shields. The assertion remains entirely speculative.

104. The defence also relies upon principles of military necessity and Article 51 of the Charter of the United Nations.

Such reliance is wholly misconceived.

Article 51 concerns the inherent right of states to defend themselves against armed attacks in the sphere of international relations. It does not provide a legal basis for the use of lethal weapons against a state's own civilian population during internal law-enforcement operations.

The applicable standards governing such situations derive from international human rights law, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require that lethal force be employed only when strictly unavoidable to protect life and only as a measure of last resort.

The evidence before this Tribunal demonstrates repeated instances in which lethal force was allegedly used against unarmed demonstrators, fleeing protesters, bystanders, injured persons and individuals seeking medical assistance. Such conduct is fundamentally inconsistent with the standards governing legitimate law-enforcement operations.

105. Defence Arguments on the Doctrine of "Responsibility to Protect (R2P)", Self-Defence and State Security:

The defence has sought to justify the conduct of the accused and the actions of the then Government during the July–August 2024 Uprising by invoking the doctrines of Responsibility to Protect (R2P), individual and collective self-defence, military necessity, constitutional obligation, and protection of State sovereignty. Having carefully considered the submissions, this Tribunal finds the arguments to be legally misconceived, factually unsupported, and fundamentally inconsistent with both international criminal jurisprudence and the evidence on record.

As a matter of importance, it requires to be stated that the doctrine of Responsibility to Protect (R2P) has no application whatsoever as a defence to crimes against humanity committed by State actors against their own population. The doctrine emerged from the Report of the International Commission on Intervention and State Sovereignty (ICISS, 2001) and was subsequently endorsed by the United Nations General Assembly in the 2005 World Summit Outcome Document (paras. 138–139). The essence of R2P is that a State bears the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. It is therefore a doctrine designed to protect civilians from atrocity crimes and not to justify atrocity crimes committed by the State itself.

The defence argument effectively seeks to transform a doctrine intended to prevent crimes against humanity into a legal justification for crimes against humanity. Such a proposition is self-contradictory and finds no support in international law.

The United Nations Secretary-General in his report "Implementing the Responsibility to Protect" (A/63/677, 2009) expressly emphasized that R2P is founded upon the protection of populations from mass atrocity crimes and cannot be invoked by States to justify violence directed against their own civilians.

Therefore, even assuming that the State possessed a duty to maintain law and order, such duty could never authorize murder, extermination, persecution, enforced disappearance, torture or other inhumane acts directed against civilians.

The Tribunal further observes that international criminal law has consistently rejected claims that State security, national emergency, counter-insurgency operations, anti-terrorism measures, or preservation of public order can excuse crimes against humanity.

In Prosecutor v. Blaškić (ICTY Trial Judgment, 3 March 2000, para. 206), the ICTY held that military necessity can never justify crimes against humanity.

Similarly, in Prosecutor v. Kordić and Čerkez (ICTY Appeals Judgment, 17 December 2004, para. 54), it was held that political or military objectives cannot excuse attacks directed against civilians.

The same principle was reaffirmed by the International Criminal Court in Prosecutor v. Bemba (ICC Trial Judgment, 2016) where the Court held that the existence of military operations does not absolve perpetrators from responsibility for crimes committed against civilians.

The defence next relies upon the Constitution of Bangladesh, the Penal Code,1860 and the Police Regulations of Bengal (PRB). This Tribunal finds the argument wholly untenable.

No domestic law can authorize crimes prohibited under international criminal law.

Article 27 of the Vienna Convention on the Law of Treaties (VCLT) embodies the settled principle that a State cannot invoke provisions of its internal domestic laws or constitution as justification for failure to perform its international obligations. This critical rule ensures the supremacy of international law over conflicting national legislation.

Likewise, Principle III of the Nuremberg Principles provides that a person who commits an act constituting a crime under international law remains responsible therefor even if domestic law purports to authorize such conduct.

The exact text of Principle III, as codified by the UN International Law Commission in 1950, states:

"The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law."

The International Military Tribunal at Nuremberg rejected identical arguments advanced by senior Nazi officials who attempted to justify their conduct on grounds of State necessity and domestic law.

The Tribunal further notes that Articles 31 and 32 of the Constitution of Bangladesh guarantee protection of law and the right to life and personal

liberty. The Constitution therefore imposes limits upon State power rather than granting unrestricted authority to employ lethal force against citizens.

The right of private defence under sections 96–106 of the Penal Code,1860 is equally inapplicable.

Those provisions confer limited rights of self-defence upon individuals facing imminent unlawful aggression. They do not authorize the State to undertake a widespread or systematic attack against a civilian population.

More importantly, the evidence in the present case demonstrates that many victims were unarmed students, bystanders, pedestrians, journalists and ordinary civilians who posed no imminent threat to the lives of law enforcement personnel.

Consequently, the statutory conditions necessary for invoking self-defence were absent.

The defence has further relied upon Article 51 of the United Nations Charter.

This submission is fundamentally misconceived.

Article 51 governs the right of self-defence available to States against armed attacks originating from another State or, in exceptional circumstances, organized armed groups operating across international borders.

The International Court of Justice in Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States), ICJ Reports 1986, para. 195, held that Article 51 concerns armed attacks in the international sphere.

Likewise, in Oil Platforms (Iran v. United States), ICJ Reports 2003, the Court emphasized that invocation of Article 51 requires proof of an armed attack and strict compliance with necessity and proportionality.

The events of July-August 2024 constituted an internal political uprising occurring within the territory of Bangladesh. Consequently, Article 51 has no application.

Even if Article 51 were hypothetically relevant, it could never justify deliberate attacks against civilians.

The defence further seeks to rely upon the concept of anticipatory or pre-emptive self-defence derived from the Caroline incident of 1837.

The Tribunal finds the argument entirely misplaced.

The Caroline principle applies, if at all, to relations between States in the sphere of international law. It has never been accepted as a justification for a government using lethal force against its own civilian population.

Moreover, the defence has failed to establish any imminent threat satisfying the stringent Caroline test of necessity being "instant, overwhelming, leaving no choice of means and no moment for deliberation."

The evidence instead reveals a progressive escalation of force by State authorities against demonstrators over several weeks.

106. The defence also relies upon alleged attacks upon police stations, public infrastructure and government buildings

However, the existence of violence by some participants does not convert the entire civilian population into lawful targets.

International jurisprudence is unequivocal on this point.

In Prosecutor v. Galić (ICTY Trial Judgment, para. 50) the Tribunal held that the presence of combatants among civilians does not deprive the population of its civilian character.

Likewise, in Prosecutor v. Kunarac (ICTY Appeals Judgment, para. 90) it was held that a population remains civilian notwithstanding the presence of non-civilians within it.

The Rome Statute adopts the same principle.

Accordingly, even if certain individuals committed acts of violence, the millions of students, protesters and ordinary citizens participating in the July Uprising remained civilians under international law.

The defence has repeatedly invoked the alleged deaths of police officers and destruction of public infrastructure.

These incidents, although serious, do not furnish a legal licence for indiscriminate or systematic violence against civilians.

The jurisprudence of the ICTY, ICTR and ICC uniformly establishes that the lawfulness of State objectives does not excuse unlawful means.

In Prosecutor v. Delalić et al. (Čelebići Case), ICTY Appeals Judgment, para. 590, it was held that even legitimate security concerns cannot justify violations of fundamental humanitarian norms.

The Tribunal further notes that the evidence on record, including documentary evidence, video evidence, eyewitness testimony and the findings contained in the reports placed before the Tribunal, demonstrates

repeated use of lethal force against demonstrators, including instances involving unarmed civilians.

107. The defence has attempted to characterize such deaths as "incidental casualties."

The argument cannot be accepted.

The scale of the killings, their geographic spread, their repetitive nature, the use of military-grade force against demonstrators, and the coordinated actions of State agencies collectively demonstrate far more than isolated or accidental casualties.

Rather, these facts are capable of establishing the contextual elements of crimes against humanity, namely a widespread and systematic attack directed against a civilian population.

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The defence has also relied upon UN Security Council Resolution 1373 (2001) concerning counter-terrorism obligations.

That Resolution obliges States to combat terrorism in accordance with international law.

It does not authorize violations of international human rights law or international criminal law.

Indeed, the Security Council has repeatedly emphasized that counter-terrorism measures must comply with international human rights obligations.

Similarly, the reports of UN Special Rapporteurs cited by the defence recognize a State's duty to protect security while simultaneously stressing compliance with legality, necessity, proportionality and accountability.

They do not create immunity for State officials who commit crimes against humanity.

108. The Tribunal further observes that the defence argument ultimately rests upon a false dichotomy namely, that because certain unlawful acts occurred during the July Uprising, all subsequent State violence became lawful.

International criminal law recognizes no such proposition.

Even where genuine security threats exist, the State remains bound by law.

The rule of law does not disappear during political crises.

As stated by the ICTY Appeals Chamber in Prosecutor v. Tadić (Appeals Judgment, para. 128), international humanitarian norms exist precisely to regulate situations of violence and unrest.

Accordingly, the existence of disturbances, riots, sabotage or attacks upon public property cannot absolve State actors from criminal responsibility for atrocities committed against civilians.

For all the foregoing reasons, this Tribunal is unable to accept the defence contention that the doctrines of Responsibility to Protect, self-defence, military necessity, constitutional duty, counter-terrorism, or State security provide any legal justification for the acts alleged in the present case. On the contrary, international law is settled that where State power is deliberately employed against a civilian population in a widespread or systematic manner, the invocation of security concerns cannot negate criminal

responsibility. The doctrine of Responsibility to Protect exists to prevent crimes against humanity, not to excuse them. Consequently, the defence submissions on this aspect are devoid of merit and stand rejected.

109. The Defence Reliance Upon "Fog of War"

The Defence argues that uncertainty created by so-called "third-force" actors and alleged snipers prevented the accused from obtaining reliable information.

The Tribunal is unable to accept this submission.

First, the evidence demonstrates that by the dates of the conversations extensive casualties had already occurred throughout the country.

Secondly, the accused's own statements reveal confidence rather than uncertainty. He repeatedly advocated stronger action, wider arrests and more extensive suppression.

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Thirdly, the existence of isolated uncertainty regarding particular incidents cannot negate knowledge of a broader campaign of repression.

The jurisprudence of the ICTY consistently recognizes that knowledge of the general criminal campaign is sufficient where the accused knowingly contributes to that campaign (Prosecutor v. Krnojelac (Appeals Judgment, 17 September 2003).

110. Civilian Population and Crimes Against Humanity

The Defence further argues that the victims ceased to be civilians.

The Tribunal cannot accept this submission.

Crimes against humanity are directed against a "civilian population."

International jurisprudence has consistently held that the presence of some non-civilians within a population does not deprive the population of its civilian character.

The ICTY Appeals Chamber in Prosecutor v. Kunarac (Judgment, 12 June 2002, para. 90) expressly held that the term "civilian population" must be interpreted broadly and that the existence of some combatants among civilians does not alter the civilian nature of the population as a whole.

Likewise, the ICTY in Prosecutor v. Blaškić held that the civilian character of a population is not destroyed because some individuals engage in hostile acts.

The ICC in Prosecutor v. Katanga similarly recognized that crimes against humanity focus upon the overall character of the targeted population.

The evidence before this Tribunal demonstrates that the overwhelming majority of victims during the July Uprising were students, civilians, passers-by, ordinary demonstrators and unarmed members of the public.

Even assuming that some individuals engaged in violence, that circumstance cannot transform the entire population into lawful military targets.

111. Direct Participation in Hostilities

The Defence reliance upon Direct Participation in Hostilities is likewise misplaced.

Under Article 13(3) of Additional Protocol II and customary international law, loss of civilian protection applies only "for such time" as an individual directly participates in hostilities.

The loss of protection is temporary, individual and conduct-specific.

International humanitarian law does not authorize the collective treatment of all demonstrators, all students or all participants in a mass movement as belligerents.

The ICRC Interpretive Guidance on Direct Participation in Hostilities makes this principle abundantly clear.

Accordingly, even if isolated individuals directly participated in violence, the overwhelming civilian population retained its protected status.

112. The Scale of the Attack

The Defence has attempted to challenge the scale of the attack by referring to the Bangladesh Gazette.

The Tribunal notes that the Prosecution initially referred to approximately 1,400 deaths and 25,000 injuries. The Gazette presently records approximately 846 deaths and about 13,800 injuries.

The Tribunal agrees with the learned Chief Prosecutor that the Gazette list is not necessarily exhaustive or final.

More importantly, the precise numerical figure is not determinative.

International jurisprudence has consistently held that no minimum numerical threshold exists for crimes against humanity. (Kunarac, Tadić, Katanga and Bemba.)

The decisive question is whether the attack was widespread or systematic.

Even on the basis of the Gazette figures alone, the evidence reveals hundreds of deaths and many thousands of injuries occurring throughout the country over a relatively short period.

Such figures are more than capable of satisfying the "widespread" requirement recognized in international criminal jurisprudence.

Upon a comprehensive assessment of the evidence, the Tribunal finds that the Defence argument regarding absence of knowledge, lack of effective control and loss of civilian status is devoid of merit.

The evidence, particularly the authenticated telephonic conversations, demonstrates that the accused possessed detailed contemporaneous knowledge of the ongoing crackdown, actively encouraged coercive measures, advocated arrests and suppression of demonstrators, endorsed governmental actions and participated in discussions concerning the continuation and strengthening of those measures.

The Prosecution case against the accused is not dependent solely upon superior responsibility under section 4(3) of the Act. Rather, the evidence is capable of establishing liability through abetment, conspiracy, incitement, encouragement and participation under section 3(2)(g) of the International Crimes (Tribunals) Act, 1973.

The Tribunal therefore rejects the Defence contention that accused Hasanul Haq Inu was merely a peripheral political observer lacking knowledge of, or connection with, the crimes alleged. On the contrary, the evidence presently on record demonstrates conscious association with,

endorsement of, and contribution to the common course of conduct directed against the civilian population during the July Uprising of 2024.

113. Consideration of the Defence Argument Relating to Alleged Absence of Incitement, Failure of the Proximity Test and Lack of Mens Rea

The learned Senior Counsel for the Defence has argued that the statements made by accused Hasanul Haq Inu describing the July-August 2024 movement as "sectarian", "terrorist" and an organized threat to the State cannot constitute incitement; that the Prosecution has failed to establish the requisite "proximity" between the accused's conduct and the crimes committed; that the accused neither exercised effective control over the perpetrators nor made any substantial contribution to the commission of crimes; and that the mens rea standard embodied in Article 30 of the Rome Statute has not been satisfied. The Tribunal has carefully considered these submissions in light of the evidence on record, the International Crimes (Tribunals) Act, 1973, international criminal law, international human rights law and comparative international jurisprudence.

At the outset, the Tribunal observes that the Defence argument rests upon an unduly narrow understanding of incitement, abetment and participation in international crimes. International criminal law has never confined criminal responsibility solely to those who physically perpetrate crimes or who occupy formal command positions. The jurisprudence of international tribunals consistently recognizes that political actors, propagandists, influential civilians and public figures may incur criminal responsibility when their words, conduct,

encouragement, support or participation substantially contribute to the commission of international crimes.

114. Whether Characterising Protesters as "Terrorists" Constitutes Mere Political Opinion

The Defence submits that the accused merely described factual realities and therefore cannot be said to have incited crimes.

The Tribunal is unable to accept such a broad proposition.

Whether a statement constitutes lawful political expression or criminal incitement cannot be determined merely from the literal meaning of individual words. International criminal jurisprudence requires examination of the entire context, surrounding circumstances, audience, timing, purpose and probable consequences of the statement.

The ICTR in Prosecutor v. Nahimana, Barayagwiza and Ngeze (Media Case), Judgment of 3 December 2003, emphasized that speech cannot be divorced from its social and political context. Words which may appear innocuous in isolation may acquire criminal significance when uttered during a period of mass violence and directed against an identifiable civilian population.

Similarly, in Prosecutor v. Bikindi (ICTR Appeals Judgment, 18 March 2010), the Tribunal held that repeated public characterization of a targeted group as enemies or threats may contribute to an environment facilitating criminal conduct.

The Tribunal observes that the present case does not concern a single isolated statement. Rather, the evidence demonstrates a sustained effort to portray

participants in the July Uprising as terrorists, extremists, conspirators and enemies of the State at a time when security forces were simultaneously conducting lethal operations, mass arrests and widespread repression against those very persons.

The significance of such rhetoric lies not merely in the labels employed but in the function which those labels served.

The evidence demonstrates that the accused repeatedly advocated the narrative that protesters were terrorists; repeatedly supported coercive measures against them; repeatedly endorsed arrests and suppression; and repeatedly urged continuation of pressure against the movement.

When such statements are read together with the admitted telephonic conversations and the surrounding circumstances, they transcend the boundaries of ordinary political commentary and become part of a broader campaign designed to justify and facilitate coercive action against a civilian population.

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115. Incitement Does Not Require Express Orders to Kill

The Defence appears to suggest that unless the accused explicitly instructed security forces to commit killings, no incitement can be established.

Such a proposition is contrary to settled principles of international criminal law.

The jurisprudence of the ICTR, ICTY and Special Court for Sierra Leone establishes that incitement encompasses encouragement, persuasion, stimulation, legitimization and promotion of criminal conduct.

In Nahimana, the accused did not personally order killings. Nevertheless, the Tribunal found that repeated broadcasts portraying the

targeted population as enemies and calling for action against them constituted criminal incitement.

Likewise, in Akayesu (ICTR Judgment, 2 September 1998), the Tribunal emphasized that incitement may occur through indirect language and contextual encouragement.

The accused's statements must therefore be evaluated in light of:

(i) the surrounding nationwide repression;

(ii) his contemporaneous communications with the Head of Government;

(iii) his advocacy of arrests and suppression;

(iv) his repeated endorsement of coercive measures;

(v) his efforts to portray protesters as terrorists deserving state action.

Viewed cumulatively, these factors provide a substantial basis for concluding that the accused's conduct was capable of encouraging, legitimizing and facilitating the commission of crimes.

116. The Defence Reliance Upon the "Proximity Test"

The Defence further contends that liability cannot arise because the Prosecution has failed to satisfy the so-called "proximity test."

The Tribunal finds that this submission misconceives both the factual and legal foundations of the Prosecution case.

The authorities relied upon by the Defence primarily concern superior responsibility or aiding and abetting in specific factual settings.

The Prosecution case against the accused is not confined to superior responsibility under section 4(3) of the Act.

Rather, the allegations involve conspiracy, abetment, incitement and participation under section 3(2)(g).

International criminal jurisprudence has repeatedly recognized that criminal participation may occur through contribution to a common criminal purpose without physical proximity to the crime scene.

The ICTY Appeals Chamber in Tadić (15 July 1999) expressly held that participation in a common criminal enterprise may attract liability even where the accused neither physically commits the crime nor remains geographically proximate to its commission.



Likewise, in Brđanin and Krajišnik, senior political leaders were held criminally responsible despite not being physically present at the locations where crimes occurred.

The Special Court for Sierra Leone reached the same conclusion in Charles Taylor, where the accused operated from outside the territory in which crimes were committed.

Therefore, physical distance and absence from the crime scene do not negate criminal responsibility.

117. The Actual Nexus Demonstrated by the Evidence

In any event, the Tribunal finds that the evidence establishes a nexus far stronger than that suggested by the Defence.

The admitted and authenticated conversations reveal:

a. direct communication with the Prime Minister during the commission of the alleged crimes;

b. active discussion of suppression strategies;

c. recommendations concerning arrests;

d. identification of protest leaders;

e. preparation of lists of participants;

f. mobilization of political structures;

g. encouragement of continued coercive pressure.

These matters establish a close functional and operational connection between the accused's conduct and the broader campaign under consideration.

The accused was not a passive commentator observing events from afar.

The evidence demonstrates conscious engagement with the methods by which the movement was being suppressed.

118. Effective Control Is Not the Sole Basis of Liability

The Defence repeatedly emphasizes the absence of ministerial office, parliamentary status and formal command authority.

This argument overlooks the distinction between superior responsibility and other recognized modes of liability.

The Tribunal accepts that effective control is a central requirement for superior responsibility under Article 28 of the Rome Statute and section 4(3) of the Act.

However, conspiracy, abetment and incitement require no such showing.

In Nahimana, Akayesu, Taylor, Krajišnik and Šainović, criminal responsibility arose not from command authority but from contribution, encouragement and participation.

Consequently, even if the accused lacked effective control over the security forces, such absence would not exonerate him from liability arising from incitement, abetment or conspiracy if those offences are otherwise established.

119. Mens Rea Under Article 30 of the Rome Statute

The Defence has placed considerable reliance upon Article 30 of the Rome Statute and has urged the Tribunal to adopt the mental element embodied therein as the governing standard for determining criminal responsibility in the present case. According to the learned Senior Counsel for the Defence, even assuming that the accused participated in the telephonic conversations relied upon by the Prosecution, there is no evidence establishing that he intended the commission of crimes against humanity or possessed the requisite knowledge that such crimes would occur in the ordinary course of events. It has further been argued that there is no evidence demonstrating that the accused desired, intended or approved the killing of civilians and that, in the absence of proof of such specific intent, criminal liability cannot be fastened upon him.

The Tribunal has given anxious consideration to these submissions. However, we are unable to accept the proposition advanced by the Defence.

At the outset, it is appropriate to observe that even if this Tribunal were to apply the principles embodied in Article 30 of the Rome Statute as

persuasive guidance, rather than as binding law, the Defence argument would remain legally and factually unsustainable.

Article 30 provides that, unless otherwise specified, criminal responsibility requires that the material elements of the crime be committed with intent and knowledge. A person has intent where he means to engage in the conduct and, in relation to consequences, either means to cause that consequence or is aware that it will occur in the ordinary course of events. Knowledge, in turn, signifies awareness that a circumstance exists or that a consequence will occur in the ordinary course of events.

The Tribunal observes that Article 30 does not require direct proof of an accused person's subjective state of mind through express declarations or admissions. Indeed, international criminal jurisprudence has consistently recognised that intention and knowledge, being internal mental states, are seldom susceptible of direct proof and must ordinarily be inferred from the totality of the evidence, including the accused's conduct, words, communications, surrounding circumstances and the natural consequences of his acts.

This principle has been consistently reaffirmed in the jurisprudence of international criminal tribunals. In Prosecutor v. Bemba, the International Criminal Court observed that the mental element required under Article 30 may be established through reasonable inferences drawn from the evidence as a whole. Likewise, in Katanga, the Trial Chamber held that intent and knowledge are ordinarily inferred from objective circumstances rather than from direct admissions by the accused. Similar observations appear in Ntaganda, Kordić and Čerkez, Krstić and numerous other authorities in which

international tribunals have recognised that criminal intent is commonly established by evaluating the accused's conduct within its factual context.

The Defence submission appears to proceed upon the assumption that unless the Prosecution proves that the accused expressly desired the death of each individual victim or personally ordered each unlawful act, the requisite mens rea cannot be established. Such an approach does not accurately reflect the principles governing individual criminal responsibility for international crimes.

Where liability is alleged through participation, abetment, conspiracy, incitement or contribution to a common criminal purpose, the relevant inquiry is whether the accused knowingly associated himself with, encouraged, facilitated or contributed to the commission of the crimes with awareness of the broader criminal context in which his conduct occurred. The law does not require proof that the accused personally conceived every criminal act, physically participated in every offence or specifically desired the death of every victim subsequently affected by the criminal enterprise.

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In the considered opinion of the Tribunal, the evidence presently before it is capable of establishing a state of mind which extends considerably beyond passive political observation or detached commentary upon public events.

The authenticated telephonic conversations, viewed together with the surrounding circumstances established by the oral, documentary and digital evidence, disclose repeated instances in which the accused demonstrated detailed awareness of the nationwide suppression of the movement, endorsed the measures already undertaken by the authorities, recommended additional coercive action, encouraged wider arrests, advocated the continuation of

pressure upon demonstrators and participated in discussions concerning strategies designed to prevent the continuation of the movement.

The Tribunal has already observed that the accused discussed the preparation of lists identifying participants in demonstrations, recommended that such persons be apprehended during the night in order to prevent their participation in subsequent processions and expressed approval of measures already adopted by the authorities. The conversations further reveal his participation in discussions concerning the portrayal of protesters as terrorists or violent elements, thereby promoting narratives capable of legitimising increasingly coercive measures against the movement.

These circumstances cannot reasonably be characterised as neutral political commentary or detached expressions of opinion.

Rather, they disclose a conscious and deliberate alignment with the governmental strategy then being implemented against the movement and reveal active encouragement of measures intended to strengthen that strategy.

The Tribunal is therefore satisfied that the accused's state of mind may properly be inferred from a combination of objective and contemporaneous circumstances, including:

(i) his detailed contemporaneous knowledge of the nationwide crackdown against the Anti-Discrimination Student Movement;

(ii) his repeated approval of the actions already undertaken by state authorities;

(iii) his recommendations concerning wider arrests and more effective identification of demonstrators;

(iv) his advocacy of maintaining and intensifying pressure upon the movement;

(v) his participation in discussions directed towards the suppression of demonstrations and processions;

(vi) his endorsement and promotion of narratives portraying protesters as terrorists or enemies of the State and

(vii) his participation in discussions concerning coordinated governmental responses designed to neutralise the movement.

Each of these circumstances, considered individually, possesses evidentiary significance. Considered cumulatively, however, they reveal a consistent pattern of conduct from which knowledge and intent may reasonably and safely be inferred.

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The Tribunal is unable to accept the Defence contention that these communications merely reflected ordinary political discourse.

Political consultation ordinarily involves discussion, advice or policy formulation concerning matters of governance. What distinguishes the present case is not merely the existence of political discussions but their substance, their timing, their operational content and their close relationship with the contemporaneous implementation of coercive measures directed against protesters throughout the country.

The Defence has further argued that there exists no evidence establishing that the accused specifically intended the deaths of civilians allegedly killed during the relevant period.

Once again, the Tribunal finds that the submission proceeds upon an erroneous understanding of the applicable law.

The offences and modes of liability alleged against the accused do not invariably require proof that he personally desired the death of every individual victim or specifically intended each particular killing subsequently committed by the direct perpetrators.

International criminal law has consistently recognised that where liability arises through abetment, conspiracy, incitement or participation in a common criminal purpose, responsibility may attach where the accused knowingly encourages, promotes or substantially contributes to the criminal conduct forming part of the broader attack directed against a civilian population.

The ICTY Appeals Chamber in Prosecutor v. Tadić made it clear that participation in a common criminal purpose may render an accused responsible for crimes which constitute the natural and foreseeable consequences of that common enterprise. Likewise, the ICTR Appeals Chamber in Nahimana et al. recognised that those whose encouragement, propaganda or incitement substantially contributes to the commission of international crimes may incur criminal responsibility notwithstanding that they neither physically perpetrated the offences nor specifically intended each individual criminal act subsequently committed.

The same principle finds expression in Article 25(3)(d) of the Rome Statute, which recognises criminal responsibility where a person intentionally contributes to the commission or attempted commission of crimes by a group acting with a common criminal purpose, provided that the contribution is made either with the aim of furthering the group's criminal activity or with knowledge of the group's intention to commit the crimes.

(Although the Rome Statute is not directly applicable to proceedings before this Tribunal, the principle reflected therein is consistent with the broader development of international criminal law concerning group criminality and participation in collective criminal conduct.)?

Accordingly, the Tribunal rejects the Defence submission that the Prosecution was required, at this stage, to establish that the accused personally desired or intended every individual death alleged in the charges.

The proper inquiry is whether the evidence demonstrates that the accused knowingly associated himself with, encouraged, promoted or contributed to the implementation of measures forming part of the broader attack alleged by the Prosecution and whether he acted with awareness of the factual circumstances constituting that attack.



For the reasons already discussed, we are satisfied that the evidence presently before the Tribunal is capable of establishing such awareness. The accused's repeated recommendations, expressions of approval, operational suggestions and participation in discussions concerning the suppression of the movement are wholly inconsistent with the suggestion that he remained a passive political observer lacking any appreciation of the consequences of the measures being advocated.

The Tribunal therefore finds that, even applying the standards embodied in Article 30 of the Rome Statute, the evidence is capable of establishing the requisite mental element for the modes of liability alleged under section 3(2)(g) of the International Crimes (Tribunals) Act, 1973. The Defence submissions to the contrary are accordingly rejected.

120. Whether Specific Intent to Kill Must Be Proved

The Defence further argues that there is no evidence that the accused desired the death of civilians.

The Tribunal observes that this submission again misstates the applicable law.

For abetment, conspiracy and incitement, the Prosecution is not necessarily required to prove that the accused personally desired each individual killing that subsequently occurred.

International criminal law requires proof that the accused knowingly contributed to, encouraged or promoted the criminal conduct forming part of the broader attack.

The ICTY Appeals Chamber in Tadić and the ICTR Appeals Chamber in Nahimana made it clear that participation in a common criminal purpose may give rise to responsibility for foreseeable consequences of that enterprise.

Similarly, Article 25(3)(d) of the Rome Statute recognizes liability for contribution to group criminality where the contribution is intentional and made with knowledge of the group's criminal purpose.

121. Cumulative Assessment

When the evidence is viewed as a whole, the Tribunal finds that the Defence attempt to portray the accused as a distant political observer is irreconcilable with the evidentiary record.

The admitted telephonic conversations demonstrate:

(i) detailed contemporaneous knowledge of events;

(ii) approval of ongoing coercive measures;

(iii) advocacy of stronger suppression;

(iv) recommendations concerning arrests and neutralization of protest leaders;

(v) encouragement of continued pressure;

(vi) promotion of narratives portraying protesters as terrorists;

(vii) participation in discussions directed toward implementation of those measures.

The accused's conduct cannot therefore be reduced to mere political opinion or ordinary partisan rhetoric.

Rather, the evidence discloses active and knowing participation in discussions and activities directed toward the continuation and strengthening of a campaign being carried out against the civilian population during the July Uprising of 2024.

Accordingly, the Tribunal rejects the Defence contention that there existed no nexus between the accused's conduct and the crimes alleged.

The Tribunal further rejects the argument that the Prosecution has failed to establish proximity, contribution or the requisite mens rea.

The evidence, particularly the authenticated telephonic conversations considered together with the surrounding circumstances and the totality of the oral, documentary and digital evidence on record, demonstrates that the accused possessed actual knowledge of the ongoing campaign, actively endorsed and encouraged coercive measures, promoted narratives designed to

legitimize such measures, and participated in discussions concerning their implementation.

The Tribunal therefore finds that the accused's conduct is capable of attracting criminal responsibility under Section 3(2)(g) of the International Crimes (Tribunals) Act, 1973 through the modes of liability of abetment, conspiracy and incitement, irrespective of whether he exercised formal command authority over the direct perpetrators.

122. ANALYSIS AND FINDINGS ON THE DEFENCE CONTENTION REGARDING THE ABSENCE OF KNOWLEDGE, EFFECTIVE CONTROL AND CRIMINAL RESPONSIBILITY

The learned Senior Counsel appearing for the Defence has advanced elaborate submissions seeking to demonstrate that accused Hasanul Haq Inu cannot, either in fact or in law, be held criminally responsible for the crimes alleged by the Prosecution. The principal thrust of the Defence argument is that the accused neither possessed actual nor constructive knowledge of the commission of the alleged crimes against humanity nor exercised any effective control over the police, the Rapid Action Battalion (RAB), the Armed Forces or any other state agency said to have participated in the suppression of the Anti-Discrimination Student Movement and the subsequent July Uprising of 2024. It has further been argued that the accused merely participated in legitimate political consultations with the then Prime Minister in his capacity as a senior political leader, that his communications disclose nothing more than political advice rendered during a period of national crisis, and that the intercepted telephonic conversations relied

upon by the Prosecution fail to establish either the requisite mens rea or any legally cognizable nexus between his conduct and the crimes charged.

The Defence has additionally contended that the participants in the movement ceased to constitute a civilian population because, according to the Defence, substantial sections of the protesters allegedly took direct part in hostilities, attacked police stations and government installations, looted firearms, destroyed public property and thereby transformed themselves into an organized armed group. Proceeding upon that premise, it has been argued that the contextual elements of crimes against humanity are absent, that the alleged victims were not civilians within the meaning of international criminal law and that the accused cannot incur criminal liability for supporting legitimate governmental measures undertaken to restore law and order.

The Defence has further relied extensively upon the jurisprudence of the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and other international tribunals concerning superior responsibility, effective control and mens rea. Particular reliance has been placed upon decisions such as Bemba, Čelebići and other authorities to contend that criminal responsibility requires proof that the accused exercised effective command and control over the direct perpetrators, possessed actual knowledge of the crimes or consciously disregarded information clearly indicating that crimes were being committed. The Defence has also urged this Tribunal to adopt the standard embodied in Article 30 of the Rome Statute as governing the requisite mental element, arguing that there is no evidence demonstrating that the accused

intended the commission of crimes against humanity or desired the death or injury of any civilian.

The Tribunal has carefully considered each of these submissions in the light of the evidence on record, the provisions of the International Crimes (Tribunals) Act, 1973, the applicable principles of international criminal law, international humanitarian law, international human rights law and the persuasive jurisprudence developed by international criminal tribunals. Having undertaken a comprehensive examination of the oral testimony, documentary materials, digital evidence, authenticated telephonic conversations, contemporaneous records and the legal authorities relied upon by both parties, we are unable to accept the submissions advanced by the Defence.

At the outset, it is necessary to identify the true legal foundation of the Prosecution case, for a significant portion of the Defence argument appears to proceed upon a misconception regarding the modes of liability alleged against the accused.

The Tribunal observes that the Prosecution case is not founded exclusively, or even principally, upon the doctrine of superior responsibility embodied in section 4(3) of the International Crimes (Tribunals) Act, 1973. Rather, the gravamen of the allegations against accused Hasanul Haq Inu concerns his own conduct in knowingly participating in, encouraging, facilitating, promoting, abetting and conspiring in the commission of crimes against humanity punishable under section 3(2)(g), read together with the substantive offences charged under section 3(2) of the Act.

This distinction is of fundamental importance.

Superior responsibility and individual criminal responsibility through participation, abetment, conspiracy or incitement constitute distinct and independent modes of liability under international criminal law. Although both may arise from the same factual circumstances, the constituent legal elements governing each mode of liability differ materially.

Under the doctrine of superior responsibility, the Prosecution is ordinarily required to establish the existence of a superior-subordinate relationship, the superior's effective control over the perpetrators, the superior's knowledge or reason to know that crimes were being or were about to be committed, and the failure to prevent or punish those crimes.

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Conversely, where liability is alleged through participation, abetment, conspiracy, incitement or encouragement, the inquiry is directed not to formal command authority but to the accused's own conduct, knowledge, intention and contribution to the commission of the crimes.

Accordingly, the repeated emphasis placed by the Defence upon the alleged absence of formal command over the police, military formations or field commanders does not, by itself, answer the allegations actually levelled against the accused. The absence of military rank, ministerial authority over operational forces or direct command responsibility cannot, without more, exonerate a person alleged to have knowingly encouraged, facilitated or contributed to the commission of international crimes.

International criminal law has, since the post-Second World War jurisprudence and consistently through the decisions of the ICTY, ICTR, the Special Court for Sierra Leone and the International Criminal Court, recognised that responsibility for international crimes extends beyond those

who physically perpetrate offences or exercise formal military command. Political leaders, civilian officials, influential advisers and other persons occupying positions of authority may incur criminal responsibility where, with the requisite knowledge and intent, they knowingly contribute to, facilitate, encourage, promote or participate in a common criminal purpose culminating in the commission of international crimes.

The jurisprudence of the international criminal tribunals is entirely consistent on this principle.

In Prosecutor v. Tadić (Appeals Judgment, 15 July 1999), the ICTY Appeals Chamber made it abundantly clear that participation in a common criminal enterprise may attract individual criminal responsibility notwithstanding the absence of direct physical perpetration or formal command over those who committed the underlying offences. Criminal liability arises not merely from the physical execution of criminal acts but also from knowing participation in a common purpose directed towards their commission.

Likewise, in Prosecutor v. Brđanin (Appeals Judgment, 3 April 2007), the ICTY recognised that political leaders and civilian authorities who substantially contribute to the implementation of a criminal campaign may incur responsibility notwithstanding the absence of operational military command. The Appeals Chamber emphasised that influence, coordination, planning and contribution to a common criminal endeavour may suffice where the accused knowingly advances the criminal objective.

The same approach has been consistently adopted by other international tribunals.

In Prosecutor v. Nahimana et al. (Media Case), the ICTR did not convict the accused because they commanded armed forces or exercised military authority over the direct perpetrators. Rather, they were held criminally responsible because their speeches, broadcasts, publications, propaganda and public encouragement substantially contributed to the commission of genocide and other international crimes by creating, sustaining and promoting the criminal campaign.

Similarly, the Special Court for Sierra Leone in Prosecutor v. Charles Taylor (Appeals Judgment, 26 September 2013) affirmed the conviction of a former Head of State, not because he exercised direct command over every armed group involved in the atrocities, but because his assistance, encouragement, support, planning and facilitation substantially contributed to the commission of crimes by those carrying out the campaign.

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These authorities demonstrate an established principle of international criminal law, namely that criminal responsibility is not confined to those who personally fire weapons, issue battlefield orders or command military formations. Persons occupying influential political positions who knowingly encourage, facilitate or contribute to the implementation of criminal policies may equally incur responsibility where the requisite mental element and causal contribution are established.

The Tribunal therefore considers that the Defence has placed disproportionate emphasis upon the absence of formal command authority while paying insufficient attention to the actual allegations advanced by the Prosecution. The question before this Tribunal is not whether accused Hasanul Haq Inu exercised operational command over every police officer, member of the Rapid

Action Battalion, military officer or political activist who allegedly committed offences during the July Uprising of 2024. Rather, the principal inquiry is whether the evidence establishes that the accused knowingly associated himself with, encouraged, facilitated, promoted or contributed to the implementation of the broader course of conduct alleged by the Prosecution.

The Tribunal further observes that the legal framework of section 3(2)(g) of the International Crimes (Tribunals) Act, 1973 reflects the long-established principle that those who aid, abet, incite, conspire in or otherwise participate in the commission of international crimes incur individual criminal responsibility independently of the doctrine of superior responsibility. The legislative object underlying section 3(2)(g) is to ensure that criminal accountability extends not merely to direct perpetrators but also to those whose words, influence, encouragement, planning, coordination or assistance materially contribute to the commission of such crimes.

Accordingly, before considering the Defence submissions concerning knowledge, mens rea and effective control, it is first necessary to examine whether the evidence adduced by the Prosecution is capable of demonstrating that the accused knowingly participated in, encouraged, facilitated or promoted the commission of the alleged crimes through the modes of liability recognised under section 3(2)(g) of the Act. It is to that evidence, and particularly to the authenticated telephonic conversations viewed together with the surrounding circumstances and the totality of the oral, documentary and digital evidence on record, that the Tribunal now turns.

123. Knowledge of the Crimes Established by the Evidence on Record

Having clarified the true legal foundation of the Prosecution case and the applicable principles governing individual criminal responsibility under section 3(2)(g) of the International Crimes (Tribunals) Act, 1973, the Tribunal now proceeds to examine whether the evidence adduced before it is capable of establishing the requisite knowledge and mental element on the part of accused Hasanul Haq Inu.

The Defence has repeatedly contended that the accused possessed neither actual nor constructive knowledge of the crimes alleged by the Prosecution and that his participation in telephonic conversations with the then Prime Minister merely reflected legitimate political consultation during a period of serious public disorder. According to the Defence, the conversations disclose nothing beyond ordinary exchanges between senior political leaders concerning law and order, and they are incapable of establishing criminal intent, participation or encouragement.

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Having carefully examined the entirety of the evidence, we are unable to accept this submission.

The Tribunal has already undertaken a detailed appreciation of the intercepted telephonic conversations exchanged between the accused and the then Prime Minister. Those conversations stand admitted and authenticated. Their evidentiary significance does not lie merely in isolated words or expressions viewed in abstraction, but in their cumulative effect when read as a whole, in conjunction with the surrounding circumstances and the contemporaneous events unfolding throughout the country.

Unlike cases in which knowledge must be inferred solely from circumstantial evidence, the present case contains direct contemporaneous communications emanating from the accused himself. These communications provide an unusually clear insight into his awareness of the prevailing situation, his perception of the protest movement, his understanding of the governmental response and, more importantly, his own recommendations concerning the measures to be adopted against the protesters.

A careful examination of the conversations demonstrates that the accused possessed detailed and real-time knowledge regarding the nationwide suppression of the Anti-Discrimination Student Movement. His discussions reveal awareness concerning, inter alia:

(i) the imposition and enforcement of curfew;

(ii) the deployment and activities of police, security forces and other state agencies;

(iii) the arrest of demonstrators and organizers;

(iv) the suppression of public processions and assemblies;

(v) the identification of leaders and participants of the movement;

(vi) the preparation of lists based upon photographs and other identifying materials;

(vii) the mobilization and deployment of political activists and cadres;

(viii) governmental strategies intended to neutralize and suppress the movement and

(ix) coordinated media narratives portraying protesters as terrorists, extremists or enemies of the State.

These were not matters of speculative political discussion or generalized commentary upon public events. Rather, they concerned specific

operational measures being implemented contemporaneously throughout Bangladesh in response to the movement.

Particularly significant is the accused's discussion concerning the identification of demonstrators through photographs, the preparation of arrest lists and the recommendation that identified individuals be apprehended during the night so that they would be unable to participate in further demonstrations or processions. Such statements cannot reasonably be characterized as detached political observations. They disclose an active engagement with the operational methods adopted for suppressing the movement and demonstrate a conscious endorsement of coercive measures directed against those participating therein.

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Equally significant is the accused's repeated approval of governmental actions already undertaken. Throughout the conversations, the accused did not express concern regarding the reported deployment of force, the arrests of protesters or the escalating measures being employed by the authorities. On the contrary, the tenor of the discussions demonstrates approval, encouragement and recommendations designed to strengthen the ongoing response.

The Defence has argued that political leaders are entitled to advise governments during periods of crisis and that such communications are protected expressions of political opinion.

The Tribunal readily accepts that political consultation, even during periods of civil unrest, is neither unlawful nor inherently indicative of criminal liability. Democratic governance necessarily requires consultation among political leaders concerning matters affecting public order and national

security. The mere fact that a political leader communicates with the Head of Government cannot, without more, attract criminal responsibility.

However, that is not the issue before this Tribunal.

The question is whether the particular contents of the communications, viewed in their factual context and in conjunction with the surrounding evidence, disclose knowing encouragement, facilitation or participation in measures forming part of the broader attack alleged by the Prosecution.

In the considered opinion of the Tribunal, the conversations extend well beyond the limits of neutral political consultation.

They reveal repeated operational suggestions, strategic recommendations, approval of coercive measures and encouragement directed towards strengthening the suppression of the movement. Such conduct cannot be divorced from the broader factual context established by the evidence, namely that during the relevant period state agencies were allegedly employing lethal force against civilian demonstrators throughout Bangladesh.

The Defence has further submitted that there exists no direct evidence establishing that the accused knew crimes against humanity were being committed.

The Tribunal is unable to accept such a restrictive approach to the concept of knowledge under international criminal law.

International criminal jurisprudence has consistently recognized that knowledge is rarely established through express admissions by an accused person. Those who knowingly participate in the commission of international crimes seldom declare their criminal intentions in explicit language.

Consequently, international tribunals have repeatedly held that knowledge may properly be inferred from the totality of the evidence, including the accused's conduct, communications, position, surrounding circumstances and the objective facts known to him at the relevant time.

The ICTY Appeals Chamber in Prosecutor v. Blaškić observed that knowledge may be inferred from circumstantial evidence, including the accused's awareness of events occurring within his sphere of activity and the information available to him. Likewise, in Prosecutor v. Kordić and Čerkez, the Appeals Chamber recognised that participation in meetings, discussions, planning and coordination may furnish compelling evidence of awareness regarding the criminal enterprise.



The jurisprudence of the International Criminal Court proceeds upon the same principle. In Bemba, Katanga and Ntaganda, the Court repeatedly emphasised that the requisite mental element is ordinarily established by drawing reasonable inferences from the entirety of the evidentiary record rather than from isolated statements or direct confessions.

Indeed, it would be contrary to both experience and common sense to require direct admissions of criminal intent before international criminal responsibility could arise. Such an approach would render accountability for collective criminality virtually impossible, particularly where sophisticated political actors deliberately avoid explicit language while nevertheless promoting or facilitating unlawful conduct.

The present case is, in the Tribunal's view, materially stronger than many of the authorities relied upon by the parties.

In numerous international cases, tribunals were required to infer knowledge exclusively from surrounding circumstances, patterns of conduct or documentary materials. Here, however, the Tribunal possesses authenticated contemporaneous communications in which the accused himself discusses, evaluates and recommends measures directed against the ongoing protest movement. Those communications are corroborated by oral testimony, documentary evidence, digital materials and the surrounding factual matrix established throughout the trial.

The Defence has placed considerable reliance upon the distinction between actual knowledge and constructive knowledge, contending that at most the evidence establishes constructive awareness of general political developments.

The Tribunal finds this submission equally unpersuasive.

In Čelebići, the ICTY explained that possession of sufficiently alarming information may place a superior on notice of crimes, thereby establishing constructive knowledge for the purposes of command responsibility. Likewise, in Bemba, the ICC recognised that knowledge may be established where information available to the accused would have alerted a reasonable person to the commission of crimes.

Those authorities address situations in which the accused's awareness must be inferred from the information available to him.

The present case, however, goes considerably further.

The evidence does not merely establish that the accused occupied a senior political position from which he might have become aware of events. Nor does it merely establish that alarming information was available to him.

Rather, the authenticated telephonic conversations demonstrate that the accused was himself discussing those events contemporaneously with the Head of Government, expressing approval of governmental measures, recommending further arrests, advocating continued pressure upon the movement, discussing methods for identifying demonstrators and participating in conversations concerning strategies for suppressing further protests.

Such evidence transcends the concept of constructive knowledge.

It demonstrates actual knowledge.

The Tribunal is therefore satisfied that the evidence presently before it establishes, at least prima facie, that the accused possessed detailed contemporaneous awareness of the ongoing nationwide campaign directed against the protest movement. His knowledge was neither speculative nor derivative. It arose directly from his own participation in discussions concerning the measures being adopted by the authorities and from his own recommendations as to how those measures should be continued and strengthened.

Having reached that conclusion, it becomes necessary to consider whether such knowledge, viewed together with the accused's conduct and communications, satisfies the mental element required for the modes of liability alleged under section 3(2)(g) of the Act. It is to that issue, and in particular to the Defence reliance upon Article 30 of the Rome Statute and the alleged absence of criminal intent, that the Tribunal now turns.

124. Cumulative Assessment of the Evidence and Findings of the Tribunal

Having carefully considered the Defence submissions in their entirety, the oral, documentary and digital evidence adduced before the Tribunal, the authenticated telephonic conversations, the surrounding factual circumstances, and the applicable principles of domestic and international criminal law, the Tribunal now proceeds to evaluate the evidence cumulatively rather than in isolated compartments.

It is a well-established principle of international criminal jurisprudence that the evidentiary record must be appreciated as a whole. Individual items of evidence are seldom determinative when viewed in isolation. Rather, the Tribunal must examine whether the totality of the evidence, considered in its proper factual and legal context, establishes the constituent elements of the offences and the applicable modes of liability. This approach has consistently been adopted by the ICTY, ICTR, the Special Court for Sierra Leone and the International Criminal Court, all of which have emphasized that criminal responsibility may properly be inferred from the cumulative effect of mutually corroborative evidence, even though no single piece of evidence may, standing alone, establish every element of the crime.

Applying that principle to the present case, the Tribunal is satisfied that the Defence attempt to portray accused Hasanul Haq Inu as a distant political observer, disconnected from the events unfolding during the July Uprising of 2024, is wholly irreconcilable with the evidentiary record.

The authenticated telephonic conversations constitute direct and contemporaneous evidence of the accused's knowledge, attitude and

participation during the relevant period. They reveal not merely awareness of the nationwide crackdown but repeated engagement with the measures being adopted by the authorities in response to the Anti-Discrimination Student Movement. The conversations demonstrate that the accused possessed detailed knowledge of the evolving situation throughout the country, discussed operational measures being undertaken by the Government, approved the continuation of those measures and repeatedly offered suggestions designed to render those measures more effective.

When these communications are examined together with the oral testimony of the prosecution witnesses, the documentary evidence, the digital materials, the contemporaneous reports, and the surrounding circumstances established during trial, a consistent evidentiary picture emerges.

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The cumulative evidence demonstrates that the accused possessed detailed contemporaneous knowledge of the ongoing suppression of the movement; repeatedly expressed approval of coercive measures already undertaken by the authorities; advocated the continuation and strengthening of those measures; recommended wider arrests and more effective identification of demonstrators; encouraged the neutralisation of protest leaders; promoted narratives portraying protesters as terrorists or violent elements; and actively participated in discussions directed towards implementing and reinforcing governmental strategies for suppressing the movement.

The Tribunal is unable to accept the Defence submission that these communications amounted to nothing more than legitimate political advice or ordinary partisan rhetoric.

Political discourse, however robust, remains protected so long as it does not knowingly encourage, facilitate or contribute to the commission of criminal acts. The distinction between lawful political consultation and criminal participation must therefore be drawn not from the mere existence of communications but from their substance, their context and their relationship to the criminal conduct alleged.

In the present case, the discussions cannot be viewed in isolation from the surrounding factual circumstances. They occurred during a period when, according to the evidence before the Tribunal, lethal force was allegedly being deployed against civilian demonstrators across numerous districts of Bangladesh. The accused was not discussing hypothetical political scenarios or abstract questions of governance. Rather, he was addressing ongoing operational responses to a nationwide movement, expressing approval of those responses and recommending measures intended to enhance their effectiveness.

The Tribunal therefore considers that the accused's conduct, viewed in its entirety, transcends the limits of passive political observation. The evidence is capable of demonstrating conscious association with, and deliberate support for, a course of conduct alleged by the Prosecution to have formed part of a widespread and systematic attack directed against a civilian population.

The Defence has further argued that there exists no sufficient nexus between the accused's conduct and the crimes alleged in the Formal Charge.

The Tribunal is unable to agree.

International criminal responsibility is not confined to those who personally commit every underlying offence. Modern international criminal law recognises that large-scale atrocities are frequently implemented through the coordinated actions of numerous political, civilian and military actors performing different but complementary functions. Those who knowingly contribute to the implementation of a criminal campaign through planning, encouragement, assistance, facilitation, coordination, incitement or other substantial contributions may incur individual criminal responsibility notwithstanding that they neither physically perpetrate the crimes nor exercise direct operational control over every perpetrator.



The jurisprudence of the ICTY in Tadić, Brđanin, Kordić and Čerkez, the ICTR in Nahimana et al., the SCSL in Charles Taylor, and the ICC in Katanga and Ntaganda consistently affirms that criminal responsibility may arise where an accused knowingly contributes to the commission of crimes through words, influence, encouragement, assistance or participation in a common criminal purpose. These authorities make clear that proximity to the physical commission of crimes, though often evidentially relevant, is not a legal prerequisite for responsibility under every recognised mode of liability.

The Tribunal therefore rejects the Defence contention that criminal responsibility necessarily depends upon proof that the accused personally issued operational orders to police officers, members of the Armed Forces or other direct perpetrators. Nor is it necessary, for the purposes of the modes of liability alleged under section 3(2)(g) of the International Crimes (Tribunals) Act, 1973, to establish that the accused exercised formal command authority over those who physically committed the underlying acts.

The material inquiry is whether the evidence establishes that the accused knowingly encouraged, facilitated, promoted, incited, conspired in or otherwise contributed to the commission of the alleged crimes with the requisite knowledge of the broader factual context.

For the reasons already discussed, the Tribunal is satisfied that the evidence presently before it is capable of establishing such contribution.

XXVIII. Now, the question, arises as to whether an aider or abettor can be prosecuted without the prosecution of the principal perpetrator or accomplices?

125. The legal issue

The question is whether a person charged with aiding and abetting an international crime can lawfully be prosecuted and convicted when the principal perpetrator or other accomplices have not themselves been prosecuted, identified, convicted, or brought before the Tribunal.

The answer, in principle, is in the affirmative. International criminal jurisprudence recognises that the criminal responsibility of an aider or abettor is personal and independent. The prosecution is not required, as a condition precedent to the trial of the aider and abettor, to prosecute or secure the conviction of the principal perpetrator. What must be established is: first, that the underlying crime was committed; secondly, that the accused intentionally provided practical assistance, encouragement or moral support having a substantial effect upon the commission of that crime; and thirdly, that the accused possessed the requisite knowledge or mental element prescribed by the applicable law.

126. The principle in Akayesu

The proposition is expressly recognised by the ICTR Trial Chamber in The Prosecutor v. Jean-Paul Akayesu, ICTR-96-4-T, Judgment, 2 September 1998.

In paragraph 531, the Trial Chamber stated, in substance, that a person may be tried for complicity in genocide even where the principal perpetrator of the crime has not been identified, or where, for any other reason, the guilt of the principal perpetrator could not be proven. This is a particularly important pronouncement because it makes clear that the criminal responsibility of the accomplice does not depend upon a prior or simultaneous conviction of the principal perpetrator.

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The rationale is apparent. Complicity is an independent mode of individual criminal responsibility. The criminality of the accessory lies in his or her own knowing and intentional contribution to the commission of the underlying crime. Therefore, failure to identify or prosecute the physical perpetrator does not, by itself, extinguish the criminal responsibility of the person who intentionally assisted or facilitated the crime.

The Akayesu jurisprudence further distinguishes aiding from abetting. Aiding involves the giving of assistance, whereas abetting involves facilitating the commission of an act through encouragement or moral support. Either form of participation may be sufficient to attract individual criminal responsibility; the accused need not necessarily have been physically present when the crime was committed.

127. The principle reaffirmed in Musema

The same principle was reaffirmed by the ICTR Trial Chamber in The Prosecutor v. Alfred Musema, ICTR-96-13-T, Judgment and Sentence, 27 January 2000, paragraph 174.

Musema is significant because the Trial Chamber reiterated the proposition that an accused may be prosecuted for complicity in genocide notwithstanding the absence of a prosecution or conviction of the principal perpetrator. The liability of the accomplice does not become dependent upon the procedural fate of the person who physically perpetrated the crime.

Thus, Akayesu and Musema establish the settled principle of international criminal law that an aider or abettor may be prosecuted even where the principal perpetrator is not before the Tribunal as a co-accused and has neither been prosecuted nor previously convicted.

The importance of this principle is especially evident in international crimes, where crimes are frequently committed collectively, through organised structures, and where the identity of every physical perpetrator may not be ascertainable. To make prosecution of an accessory conditional upon prosecution and conviction of the physical perpetrator would, in many cases, frustrate the very purpose of international criminal justice.

128. Charles Taylor Special Court for Sierra Leone

The jurisprudence concerning Charles Taylor provides further and compelling support for the proposition.

In Prosecutor v. Charles Ghankay Taylor, SCSL-03-01-T, the Trial Chamber convicted Taylor on the basis of aiding and abetting responsibility for crimes committed by the RUF/AFRC. Taylor was not prosecuted jointly with the physical perpetrators of those crimes. The Trial Chamber found that he provided assistance, encouragement and moral support to the RUF/AFRC, knowing that his acts and conduct would assist the commission of the crimes.

The Taylor Appeals Chamber subsequently gave particularly important guidance on the nature of Article 6(1) responsibility. It held that Article 6(1) establishes individual criminal liability in relation to the crime, rather than liability dependent upon the prosecution of a particular physical actor. The forms of participation enumerated in Article 6(1)—including planning, instigating, ordering, committing and otherwise aiding and abetting—are independent bases of criminal responsibility.



The Appeals Chamber rejected the argument that an aider and abettor must necessarily be shown to have assisted the particular physical actor who actually committed the crime. It observed that the statutory language establishes liability in relation to the crime itself and does not make the criminal responsibility of the aider and abettor contingent upon the prosecution of a particular principal, perpetrator or physical actor.

This is an important distinction. The accessory is not being convicted merely because another person committed a crime. Rather, the accused is being convicted because of his or her own intentional contribution to the commission of that crime.

129. The principal need not be convicted

It is therefore necessary to distinguish two propositions.

First, it is necessary for the prosecution to prove that the underlying crime actually occurred. An aider or abettor cannot ordinarily be convicted in a vacuum; there must be a crime to which his or her assistance, encouragement or moral support was directed.

Second, however, it is not necessary to prove that the principal perpetrator has himself been convicted or even prosecuted.

130. The distinction is fundamental:

Proof of the underlying crime is necessary; prosecution or conviction of the principal perpetrator is not.

The prosecution must prove the constituent elements of the underlying crime to the requisite standard and must separately establish the accused's own contribution and mental element. The failure to prosecute the principal perpetrator is therefore not a legal bar to the prosecution of the accessory.

131. Independence of accessory liability

Aiding and abetting is a mode of individual criminal responsibility. The accessory's liability arises from his own conduct.

The Taylor Appeals Chamber explained that the inquiry under Article 6(1) concerns the accused's relationship to the crime and not necessarily his relationship to a particular physical actor. It further recognised that aiding and

abetting may concern assistance provided during the planning, preparation or execution of a crime.

Consequently, the prosecution is not required to establish any procedural sequence whereby the principal perpetrator must first be prosecuted and convicted before the aider or abettor can be prosecuted. Rather, the Tribunal may independently determine whether the crime was committed and whether the accused knowingly and intentionally assisted, facilitated, or encouraged its commission, thereby incurring individual criminal responsibility.

132. The requirement of proof of the underlying crime

The above principle should not, however, be misunderstood as dispensing with proof of the underlying offence.

The fact that the principal perpetrator has not been prosecuted does not mean that the prosecution is relieved from proving the crime itself. The prosecution must establish beyond reasonable doubt that the underlying crime occurred and that the accused's conduct amounted to aiding or abetting that crime.

For example, if the charge is aiding and abetting murder as a crime against humanity, the prosecution must establish the relevant elements of the crime against humanity and the accused's contribution to it. What is unnecessary is a separate conviction of the person who physically fired the weapon.

This distinction safeguards both effective prosecution of international crimes and the fundamental requirement of proof beyond reasonable doubt.

133. Practical assistance, encouragement and moral support

International criminal jurisprudence also recognises that assistance need not necessarily be physical or tangible.

In Taylor, the Trial Chamber identified practical assistance, encouragement and moral support as forms of conduct capable of constituting aiding and abetting where they have a substantial effect upon the commission of the crime. The assistance may occur before, during or after the crime, depending upon the circumstances.

Likewise, the jurisprudence distinguishes between the actus reus and mens rea of aiding and abetting. The accused must intentionally provide the assistance, encouragement or moral support and must possess the requisite knowledge concerning the crime to which the assistance relates.

134. Application to prosecution before the Bangladesh International Crimes Tribunal

The principle has also been expressly relied upon by the Bangladesh International Crimes Tribunal.

In Chief Prosecutor v. Abdul Quader Molla, the Tribunal considered the very issue and referred to the jurisprudence of Charles Taylor, Akayesu and Musema. It observed that Taylor had been prosecuted and convicted for aiding and abetting although he had not been tried together with the other perpetrators. The Tribunal then relied upon the principle from Akayesu and Musema that a person may be tried for complicity in genocide even where the

principal perpetrator has not been identified or where, for other reasons, the guilt of the principal perpetrator could not be proved.

The Bangladesh Tribunal thus recognised that aiding, abetting and conspiracy constitute independent bases of criminal responsibility under the International Crimes (Tribunals) Act, 1973, and that prosecution of an aider or abettor does not necessarily depend upon prosecution of the principal offender. The same jurisprudential approach has been reiterated in subsequent ICT-BD jurisprudence.

Upon consideration of Akayesu, para. 531; Musema, para. 174; and the Charles Taylor jurisprudence, the legal position may safely be stated as follows:



An accused may lawfully be prosecuted and convicted as an aider or abettor of an international crime even though the principal perpetrator or other accomplices have not been prosecuted, identified, convicted, or brought before the Tribunal.

In other words, it is by now well settled in international criminal jurisprudence that prosecution and conviction of the principal perpetrator is not a condition precedent to prosecution of an accused for aiding or abetting the commission of an international crime. What is required is proof of the underlying crime and proof, beyond reasonable doubt, of the accused's own intentional contribution thereto with the requisite knowledge. Thus, in Akayesu, para. 531, and Musema, para. 174, the ICTR Trial Chamber recognised that a person may be tried for complicity in genocide even where the principal perpetrator has not been identified or where, for other reasons, his guilt could not be proved. The jurisprudence in Charles Taylor further

demonstrates that aiding and abetting under Article 6(1) of the SCSL Statute constitutes an independent basis of individual criminal responsibility, directed to the crime rather than being procedurally dependent upon the prosecution of the particular physical perpetrator.

However, the prosecution must nevertheless establish beyond reasonable doubt:

1. that the underlying crime was committed;
2. that the accused provided practical assistance, encouragement or moral support, or otherwise substantially facilitated the commission of the crime;
3. that such assistance was intentional and
4. that the accused possessed the requisite knowledge or mental element in respect of the crime.

The absence, non-prosecution, acquittal, or inability to identify the principal perpetrator does not, by itself, constitute a legal impediment to the prosecution of the aider or abettor.

The controlling principle may therefore be succinctly expressed:

The criminal responsibility of an aider or abettor is founded upon his or her own contribution to the crime and is not contingent upon the prosecution or conviction of the principal perpetrator.

XXIX. Findings on Conviction and Acquittal of the Accused

135. Having meticulously considered the entire body of oral, documentary and electronic evidence, the submissions advanced by both the Prosecution and the Defence, the applicable provisions of the International Crimes

(Tribunals) Act, 1973, and the settled principles of international criminal jurisprudence, this Tribunal now proceeds to record its final findings on the individual criminal responsibility of the accused, Hasanul Haq Inu.

At the very outset, it requires to be reiterated that every charge framed against an accused must independently satisfy the standard of proof beyond reasonable doubt. The Tribunal is under a solemn legal obligation to assess each charge separately on the basis of the evidence adduced in relation thereto. Conviction cannot be founded upon suspicion, conjecture, political association, or ideological disagreement. Equally, acquittal cannot follow merely because the accused occupied a political office or advanced political explanations regarding the events. The determining consideration is whether the Prosecution has established, through credible, cogent and reliable evidence, every essential element of the offences charged.

Upon a careful, objective and comprehensive evaluation of the entire body of oral, documentary and electronic evidence placed before this Tribunal, including the testimony of the prosecution witnesses, the intercepted telephone conversations, the media interviews given by the accused, contemporaneous newspaper reports, audio-visual exhibits, forensic materials and the surrounding facts and circumstances established by the evidence on record, this Tribunal is satisfied that the prosecution has succeeded in proving, beyond reasonable doubt, the participation and criminal responsibility of the accused, Hasanul Haq Inu, in the commission of crimes against humanity as alleged.

The evidence unmistakably demonstrates that the accused was not a passive political observer or an uninvolved coalition partner. On the contrary,

he actively participated in the formulation, approval, encouragement and dissemination of a common political narrative which deliberately portrayed the anti-discrimination student-public movement as a militant conspiracy orchestrated by **"BNP-Jamaat", "terrorists", "militants"** and enemies of the State. Such repeated public characterisation, viewed in the prevailing context of widespread and systematic attacks upon the civilian population, served to delegitimise the peaceful movement, dehumanise the protesters, justify the use of lethal weapons against them, and create an atmosphere in which unlawful killings, persecution, torture and other inhumane acts could be perpetrated under the guise of restoring law and order.

The intercepted telephone conversations further establish that the accused was not merely expressing political opinions. Rather, he actively advised, encouraged and approved measures designed to suppress the movement by identifying organisers, preparing lists of participants, effecting their immediate arrest, preventing further processions, and supporting the continuation of coercive State action. His statements reveal conscious knowledge of the ongoing attacks against the civilian population and an affirmative intention to facilitate the continuation of those attacks. Instead of urging restraint, accountability or protection of civilians, he consistently endorsed measures calculated to ensure that the movement would be crushed through coordinated action by State agencies and political operatives.

The Tribunal is further satisfied that the accused knowingly associated himself with the common design adopted by the political leadership during the relevant period. His speeches, media interviews, participation in high-level political meetings and communications with the highest executive authority

disclose a deliberate and conscious contribution to the implementation of a common plan directed against the civilian population participating in the anti-discrimination movement. His contribution was neither accidental nor peripheral; rather, it formed an integral part of the political and ideological framework through which the widespread and systematic attack was facilitated and justified.

The defence has sought to portray the impugned statements as mere political commentary or legitimate expressions of opinion. This submission cannot be accepted. International criminal law requires that statements be examined not in isolation but in their full factual, political and temporal context. Where public declarations, private communications and contemporaneous conduct collectively demonstrate an intention to encourage, facilitate or legitimise the commission of international crimes, such conduct transcends protected political expression and assumes criminal significance. The totality of the evidence leaves no reasonable doubt that the accused intentionally contributed to the commission of the crimes charged.

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Accordingly, this Tribunal finds that the prosecution has proved beyond reasonable doubt that the accused knowingly and intentionally participated in the widespread and systematic attack directed against the civilian population and, by his acts, conduct, speeches, communications and deliberate omissions, substantially contributed to the commission of crimes against humanity.

The Tribunal therefore holds that the accused, Hasanul Haq Inu, is criminally liable for the offences of conspiracy, instigation, and aiding and abetting the commission of crimes against humanity within the meaning of Sections 3(2)(a), (g) read together with Sections 4(1), 4(2) of the International

Crimes (Tribunals) Act, 1973. His criminal responsibility has been established beyond reasonable doubt, rendering him liable to punishment under Sections 20(2) and 20A of the said Act.

Upon careful scrutiny of the evidence relating to Charge No. 1, Charge No. 2, Charge No. 4, Charge No. 5 and Charge No. 8, this Tribunal finds that the Prosecution has failed to establish beyond reasonable doubt all the constituent elements necessary to attract criminal liability under the International Crimes (Tribunals) Act, 1973. Although the surrounding circumstances demonstrate the existence of widespread violence and grave violations committed during the relevant period, the evidence placed before the Tribunal falls short of proving the direct and individual criminal responsibility of the accused in respect of those specific charges.

In particular, the evidence does not satisfactorily establish that the accused personally ordered, directed, or exercised effective control over the perpetrators of the crimes alleged in Charges Nos. 1, 2, 4 and 8, nor has the Prosecution proved beyond reasonable doubt the requisite causal nexus and individual criminal responsibility necessary for conviction under those charges. Likewise, with regard to Charge No. 5, the evidence does not establish beyond reasonable doubt that the impugned statements of the accused, viewed independently and in isolation from the broader factual context, satisfy the stringent legal threshold required to constitute direct and punishable incitement as charged. In criminal proceedings of this nature, any reasonable doubt must invariably enure to the benefit of the accused.

Accordingly, the accused is entitled to the benefit of doubt in respect of Charge Nos. 1, 2, 4, 5 and 8, and is therefore acquitted of those charges.

The position, however, is materially different with regard to Charge No. 3 (in part), Charge No. 6 and Charge No. 7.

The evidence adduced before the Tribunal, particularly the intercepted telephone conversations, the authenticated audio and video recordings, the contemporaneous media interviews voluntarily given by the accused, documentary exhibits, the proceedings and decisions of the meetings of the 14-Party Alliance, the surrounding contemporaneous circumstances, together with the credible testimony of the prosecution witnesses, when appreciated cumulatively and in their proper factual context, establishes beyond reasonable doubt that the accused knowingly and intentionally participated in the common design aimed at suppressing the student-public movement through unlawful means.

The Tribunal is satisfied that the accused was not merely a passive political observer. Rather, he consciously endorsed and promoted the narrative portraying the protesters as militants, communal forces and terrorists; participated in the formulation and approval of measures directed against the movement; supported the decision to ban Jamaat-Shibir as part of the wider strategy of criminalising and delegitimising the movement; and, through his public statements, interviews and communications with the highest executive authority of the State, intentionally encouraged and facilitated the implementation of the common criminal design.

The evidence further demonstrates that these acts were neither isolated political opinions nor innocent expressions of ideological disagreement. They constituted deliberate contributions to a coordinated policy whereby the student-public movement was portrayed as an existential threat requiring

violent suppression. Such conduct substantially assisted, encouraged and facilitated the commission of persecution and other crimes against humanity carried out throughout the country during the relevant period.

The Tribunal is also satisfied that the accused's conduct satisfies the legal ingredients of conspiracy, instigation, aiding and abetting, and participation in the commission of crimes against humanity within the meaning of Sections 3(2)(a), 3(2)(g) read with Sections 4(1) and 4(2) of the International Crimes (Tribunals) Act, 1973. His criminal responsibility does not arise merely from political affiliation or attendance at meetings but from his intentional and significant contribution to the implementation of the criminal enterprise, with full knowledge of the foreseeable consequences flowing from the unlawful policy that was being pursued.

The Tribunal is equally satisfied that the evidence establishes beyond reasonable doubt that the accused shared the common criminal purpose with other participants in the unlawful enterprise and intentionally made a substantial contribution towards the commission of the crimes proved under Charge No. 3 (in part), Charge No. 6 and Charge No. 7.

In reaching this conclusion, the Tribunal has applied the well-established principles governing individual criminal responsibility recognised in international criminal jurisprudence, including those articulated in Prosecutor v. Tadić, Prosecutor v. Kunarac, Prosecutor v. Nahimana et al., Prosecutor v. Akayesu, Prosecutor v. Lubanga, and Prosecutor v. Katanga, as well as the requirements embodied in the International Crimes (Tribunals) Act, 1973. These authorities consistently recognise that an accused who knowingly contributes to a common criminal purpose by encouraging,

facilitating, instigating or otherwise assisting the commission of crimes against humanity incurs individual criminal responsibility, even though he may not personally execute the physical acts constituting the crimes.

Accordingly, this Tribunal holds that the Prosecution has successfully proved Charge No. 3 (in part), Charge No. 6 and Charge No. 7 against the accused Hasanul Haq Inu beyond reasonable doubt.

Consequently, the accused Hasanul Haq Inu is found guilty and convicted under Sections 3(2)(a), 3(2)(g) read with Sections 4(1) and 4(2) of the International Crimes (Tribunals) Act, 1973, for his criminal participation through conspiracy, instigation, aiding and abetting, and persecution as crimes against humanity, as established under Charge No. 3 (in part), Charge No. 6 and Charge No. 7.

Conversely, the accused is found not guilty of the offences alleged in Charge Nos. 1, 2, 4, 5 and 8, the Prosecution having failed to establish those charges beyond reasonable doubt. He is therefore acquitted of those charges and shall stand discharged therefrom.

Accordingly, the conviction of the accused shall stand confined exclusively to Charge No. 3 (in part), Charge No. 6 and Charge No. 7, while the remaining charges shall stand dismissed by way of acquittal.

XXX. Sentence and Reasons for Imposition of Sentence

Having returned findings of guilt against the accused Hasanul Haq Inu in respect of Charge Nos. 3, 6 and 7, this Tribunal is now required to determine the appropriate sentence in accordance with Sections 20(2) and 20A of the International Crimes (Tribunals) Act, 1973.

The determination of sentence in cases involving crimes against humanity is not a mechanical exercise. Rather, it requires a careful judicial balancing of the gravity of the crimes committed, the degree of participation of the convicted person, the nature and extent of his criminal conduct, the circumstances in which the offences were perpetrated, the suffering inflicted upon the victims, the interests of justice, the need for accountability, and the objectives of international criminal law.

The Tribunal is guided by the well-established principle that the primary purpose of sentencing for crimes against humanity is not retribution alone but also denunciation of international crimes, deterrence, accountability, protection of society, affirmation of the rule of law, and recognition of the dignity and suffering of the victims. These principles have consistently been recognised by international criminal tribunals, including the ICTY, ICTR and the International Criminal Court.

The offences for which the accused stands convicted were committed during a widespread and systematic attack directed against the civilian population during the July-August 2024 student-public uprising. The evidence demonstrates that hundreds of unarmed civilians lost their lives, thousands sustained grievous injuries, numerous victims were subjected to arbitrary arrest, torture and persecution, and the ordinary civilian population was deliberately deprived of their fundamental rights through the unlawful use of State power.

Although the Tribunal has acquitted the accused of direct responsibility for several individual murder charges, the evidence conclusively establishes that he knowingly and intentionally participated in the common design by

encouraging, facilitating and legitimising the unlawful suppression of the civilian population. His criminal responsibility does not arise from personally firing a weapon or physically participating in every incident of violence. Rather, it arises from his deliberate contribution to the implementation of the criminal enterprise through conspiracy, instigation, aiding and abetting, and persecution, all of which substantially facilitated the commission of crimes against humanity by the principal perpetrators.

The Tribunal has found that the accused occupied an influential political position as President of the Jatiya Samajtantrik Dal (JSD) and was a senior leader of the ruling Fourteen-Party Alliance. His political influence extended well beyond that of an ordinary party member. He participated in policy discussions at the highest level of government, maintained direct communication with the then Prime Minister, attended meetings where decisions concerning the suppression of the movement were discussed, and actively contributed to the political narrative portraying peaceful protesters as militants, terrorists, conspirators and enemies of the State.

The intercepted telephone conversations, the accused's televised interviews, and the contemporaneous documentary evidence reveal that the accused repeatedly endorsed coercive measures designed to suppress the movement. He recommended identifying organisers, preparing lists of participants, arresting them before they could organise further demonstrations, and ensuring that protest leadership was dismantled. Such conduct substantially strengthened and encouraged the unlawful campaign that resulted in widespread violations of fundamental human rights.

The Tribunal is satisfied that the accused's conduct was neither casual nor incidental. His repeated public statements, political advocacy and private communications demonstrate conscious and voluntary participation in furthering the criminal objectives pursued by the principal perpetrators. The evidence establishes that the accused acted with full knowledge that widespread attacks against civilians were already taking place and nevertheless continued to encourage measures intended to ensure the continuation of those attacks.

The Tribunal has carefully considered the degree of the accused's participation. Although he did not exercise operational command over the armed forces, police, Rapid Action Battalion or other law-enforcement agencies, he consciously lent political legitimacy and moral support to the campaign of violent suppression. International criminal jurisprudence has long recognised that those who instigate, encourage, facilitate or substantially contribute to the commission of international crimes may incur criminal responsibility even though they neither personally execute the crimes nor exercise direct command over the perpetrators.

At the same time, the Tribunal has also taken into consideration the mitigating circumstances appearing from the record. The accused was not shown to have personally killed any identified victim. He has been acquitted of several charges where the prosecution failed to establish his criminal responsibility beyond reasonable doubt. The Tribunal has also considered his advanced age, his long political career, and the fact that his liability arises primarily from his intentional contribution to the criminal enterprise rather than direct physical perpetration of every underlying offence.

Nevertheless, none of these mitigating considerations diminish the exceptional gravity of the offences for which the accused has been convicted. Crimes against humanity constitute offences against the whole of humanity. Those occupying influential political positions bear a heightened responsibility to protect civilian populations rather than encourage their persecution. Instead of exercising his influence to restrain violence, promote dialogue or protect innocent civilians, the accused consciously chose to support measures that facilitated the continuation of widespread attacks against unarmed protesters.

The Tribunal is also mindful that sentencing in international criminal law must remain proportionate both to the gravity of the offences and to the degree of individual culpability. The punishment imposed must neither trivialise the immense suffering endured by the victims nor exceed the criminal responsibility established by the evidence. Having carefully weighed the aggravating and mitigating circumstances, the Tribunal is satisfied that a sentence of imprisonment for ten (10) years appropriately reflects the accused's individual criminal responsibility while remaining proportionate to the nature of his participation.

The Tribunal further considers that the award of compensation is justified in recognition of the harm suffered by the victims. Although no monetary compensation can adequately redress the immense physical, psychological and emotional suffering inflicted upon the victims and their families, the payment of compensation constitutes a symbolic acknowledgment of the injury caused by the criminal conduct established before the Tribunal. Accordingly, the direction to pay compensation in the sum

of Tk. 1,00,000/- (Taka One Lac) in respect of each count of conviction is considered just, equitable and consistent with the objectives of restorative justice embodied in Section 20A of the Act.

Accordingly, after considering the entirety of the evidence, the gravity of the crimes proved, the degree of participation of the accused, the aggravating and mitigating circumstances, and the objectives of punishment recognised under both domestic and international criminal law, this Tribunal is firmly of the view that the ends of justice shall be adequately met by sentencing the accused Hasanul Haq Inu to suffer rigorous imprisonment for a period of ten (10) years for each of Charge Nos. 3, 6 and 7, together with payment of compensation of Tk. 1,00,000/- (Taka One Lac) in respect of each count of conviction. In the circumstances of the case, the Tribunal considers this sentence to be fair, proportionate, just and commensurate with the gravity of the crimes proved against the accused beyond reasonable doubt.

XXXI. Sentence on Conviction and Acquittal of the Accused

Charge No. 1 Murder as Crime Against Humanity

The Tribunal hereby **acquitted**

Accused Hasanul Haq Inu, father- late AHM Kamrul Haq mother- late Begum Hasna Hena, Address: Village:Golap Nagar, Thana- Bheramara, District-Kushtia. Current address: Stan House Project-01, House No.-137, South Kalyanpur, Thana- Darus Salam, Dhaka, under Section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A of the said Act for committing Crimes Against Humanity-Murder (as described in Charge No. 1)

Charge No. 2 – Order [to commit murder] as a Crime Against Humanity

The Tribunal hereby **acquitted**

Accused Hasanul Haq Inu

under Section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A of the said Act for committing Crimes Against Humanity-Order to commit Murder (as described in Charge No. 2)

Charge No. 3 (Murder as a Crime Against Humanity- Section 3(2)(a) read with Section 4(1) of the Act)

The Tribunal hereby **convicts and sentences**

Accused Hasanul Haq Inu **to imprisonment for 10 (ten) years** [with a compensation of Tk. 1,00,000/- (one lac taka)] under Sections 3(2)(a)(g), 4(1),4(2) read with Sections 20(2), 20A of the International Crimes (Tribunals) Act, 1973, for crimes against humanity- causing severe injuries to numerous unnamed victims including Raisul Haque, persecution, conspiracy, instigation, aiding and abetting (as described in Charge No.3).

Charge No. 4 (Murder as a Crime Against Humanity-Section 3(2)(a) read with Sections 4(1) and 4(3) of the Act)

The Tribunal hereby **acquitted**

Accused Hasanul Haq Inu, under Section 3(2)(a) read with sections 4(1),4(3) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A of the said Act for committing Crimes Against Humanity- Murder (as described in Charge No. 4).

Charge No. 5 (Incitement to Murder as a Crime Against Humanity- Sections 3(2)(a), (g), (h), read with Sections 4(1) and 4(3) of the Act)

The Tribunal hereby **acquitted**

Accused Hasanul Haq Inu, under Section 3(2)(a)(g) (h) read with sections 4(1),4(3) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A of the said Act for committing Crimes Against Humanity- incitement to Murder (as described in Charge No. 5)

Charge No. 6-Conspiracy, Instigation and Complicity in Crimes Against Humanity

The Tribunal hereby **convicts and sentences**

Accused Hasanul Haq Inu **to imprisonment for 10 (ten) years with a compensation of Tk. 1,00,000/- (one lac taka)** under Sections 3(2)(a)(g), 4(1),4(2) read with Sections 20(2), 20A of the International Crimes (Tribunals) Act, 1973, for crimes against humanity- murder, persecution, conspiracy, instigation, aiding and abetting (as described in Charge No.6).

Charge No. 7 Conspiracy and Agreement to Commit Crimes Against Humanity

The Tribunal hereby **convicts and sentences**

Accused Hasanul Haq Inu **to imprisonment for 10 (ten) years with a compensation of Tk. 1,00,000/- (one lac taka)** under Sections 3(2)(a)(g), 4(1),4(2) read with Sections 20(2), 20A of the International Crimes (Tribunals) Act, 1973, for crimes against humanity- murder, persecution, conspiracy, instigation, aiding and abetting (as described in Charge No.7).

Charge No. 8 - MURDER AS CRIME AGAINST HUMANITY

The Tribunal hereby acquitted

Accused Hasanul Haq Inu, under Section 3(2)(a) of the International Crimes (Tribunals) Act, 1973, punishable under Sections 20(2) and 20A of the said Act for committing Crimes Against Humanity-Murder (as described in Charge No. 8 all counts.

XXXII. Directions Regarding Sentence

1. All sentences of imprisonment shall run concurrently. Convicted being remained in custody, the period of imprisonment shall be reckoned from the date of his shown arrested on 17 August 2025 in the case.

2. All sentences shall be carried out in accordance with Section 20(3) of the International Crimes (Tribunals) Act, 1973.

3. The convicted accused is at liberty to prefer an appeal to the Honorable Appellate Division of the Supreme Court of Bangladesh against this conviction and sentence within thirty (30) days from the date of this judgment, in accordance with Section 21 of the Act.

Operative Orders

Let warrants for execution of the sentence of imprisonment and compensation in respect of convicted Accused be issued and transmitted to the concerned Jail Authority together with the operative portion of this judgment for compliance in accordance with law.

Let copies of this judgment be transmitted to:

1. The Secretary, Ministry of Law, Justice and Parliamentary Affairs;

2. The Secretary, Ministry of Home Affairs.

3. The Chief Metropolitan Magistrate, Dhaka.

4. The Chief Judicial Magistrate, Kushtia.

5. The District Magistrate, Dhaka;

Let a copy of this judgment be supplied to the Prosecution and to the convicted accused persons free of cost.

Registrar of the Tribunal is directed to do the needful in connection with this judgment and order.

Sd/- Justice Nozrul Islam Chowdhury, Chairman

Sd/- Judge Md. Manjurul Basit, Member

Sd/- Judge Nur Mohammad Shahriar Kabir, Member

Certified to be true copy

Registrar 14/09/16
International Crimes Tribunal-1
Old High Court Building, Dhaka.